

MINUTES OF A REGULAR MEETING OF THE MAYOR
AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, FEBRUARY 25, 1985, 7:30 P.M.

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

Jonathan Howes
Beverly Kawalec
David Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe

Council Member Marilyn Myers Boulton was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Acting Town Attorney Michael Patrick.

Public Hearing on Proposed Paving of Emily Road

George Small, Town Engineer, gave a brief introduction on the planned paving of Emily Road, Farrington Drive, Martha Lane and Partin Street.

Mr. Lee House, resident of Piney Mountain Road, thanked the Council and staff for their positive response to the paving petitions. He expressed concern about the utility installation and paying the assessment to OWASA for these services as well as the assessment to the Town for the paving of the streets. He said the residents would like to avoid paying both OWASA and the Town and felt that the sewer and water improvements were not needed at this time. He expressed concern over the planned curb and guttering, stating that he did not feel they were necessary for the entire length of the roads. Mr. House went on to say that he hoped that Council would use the option of paving the section of roads now unpaved, but which were not petitioned to be paved, at the Town's expense.

Mr. C. A. Jefferson, resident of Piney Mountain Road, also questioned the need for the curb and guttering on Partin Street, especially since Piney Mountain Road doesn't have curb and guttering. He felt the added cost was not necessary.

Council Member Smith asked why Riggsbee Road was not completely paved. Manager Taylor replied that he didn't know. Council Member Smith then asked if Kingston Drive had curb and guttering and the Manager replied no. Mayor Nassif said he thought those streets were paved under County standards and then taken over by the Town.

Mayor Nassif stated that in prior cases when no curb and guttering had been requested, the Town had asked the Contractors to develop a design which would accomplish the technical work of curb and guttering but without the curb and guttering.

Council Member Smith asked the Manager to look into this issue. Manager Taylor stated that the curb and guttering were part of the official petition and that the legal requirements might necessitate that curb and guttering be installed but that he would further investigate this issue.

Council Member Smith also wanted to let the residents know the schedule for completion of their request for paving. Manager Taylor replied that once Council adopted the resolution to pave, which would probably occur in March, the engineering work would follow, with construction to begin around July 1 with the new budget and with completion before the end of 1985.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

Public Hearing on Proposed Paving of Farrington Drive

Mr. Robert Brooks, resident of Farrington Drive, spoke in support of the paving but would prefer no curb and guttering.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

Public Hearing on Proposed Hearing of Martha Lane

Mr. William Perry, resident of Martha Lane, spoke in support of the paving but against the curb and guttering, and also would like for street addresses to be included. They now have rural numbers for that area but would prefer to have street addresses.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REFER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY, (7-0).

Public Hearing on Proposed Paving of Partin Street

Mr. C. A. Jefferson, resident of Piney Mountain Road, would like the unpaved sections of Kingston Drive and Partin Street to be paved at the expense of the Town.

Mrs. Cleo Boykins, resident of Partin Street spoke in favor of the paving of Partin Street but against the curb and guttering.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

Public Hearing for Citizens' Comments and Proposals on Using 1985 Community Development Entitlement Grant

Roger Waldon, Planning Director, stated that this was the first of two hearings to solicit ideas from citizens on appropriate projects for the Town's next Community Development Program (CD).

He said the expected amount of CD funds the Town would receive would be approximately \$350,000.

Mr. Curtis Harper, President of the Inter Church Council Housing Corporation (INCHUCO) distributed an application for use of part of the Community Development grant funds for rehabilitation programs for Chapel Hill's Housing Development, specifically targeted for tenants of low and moderate income. (For application, see Clerk's file).

Mr. Harper stated that on page 20 of the application, there was a list of priority items with exterior siding the most expensive of these items. He indicated that INCHUCO planned to review the figures for the exterior siding and seek out other possible sources for less expensive products.

Mayor Nassif asked if there was any documentation on what the group has spent on maintenance. He said the amount estimated for maintenance in the proposal seemed to indicate a major overhaul was needed, which would lead one to believe that little or no maintenance had previously occurred. Mayor Nassif also expressed concern about the Town's granting this kind of money with no guarantee of any kind of continual upkeep of the premises. Mr. Harper stated that routine maintenance had occurred and that the amount budgeted for routine and extraordinary repair for the upcoming years were indicative of what had been previously budgeted. He said that the idea was to build up a reserve account which would cover any unexpected repairs.

Council Member Thorpe stated that the group, INCHUCO, needed to get their application into Council prior to the night of the public hearing if they wanted the Council to be able to discuss the issue.

Council Member Howes asked if there was an organization state-wide that operated like INCHUCO. Mr. Harper replied no. Council Member Howes then asked if the group was exploring other possibilities for financing. Mr. Harper replied that they had a HUD grant last year and expected to get the same this year, and that these grants represented a major part of the total rehabilitation program.

Council Member Howes asked if the Town couldn't fund the project, and the group had to sell to private investors, what would be the result. Mr. Harper replied that the group would not sell to private investors but rather would use a replacement account for as much funds as possible. Council Member Howes stated that it appeared INCHUCO would use every possible angle to keep their supply of housing in the domain of low income housing, because if economics required the selling of these units, they would no longer be available for low or moderate income families. He further said if Council wanted to preserve this low income housing, it would have to come up with some way of helping INCHUCO.

Council Member Smith asked who provided the construction management listed in the budget and what type of exterior siding was on the houses now. Mr. Harper replied that this item would be implemented only in the event that the group got a large enough grant to allow the majority of the work to be done all at once, and that the siding now on the houses was made of wood. Council Member Smith then expressed concern over the amount spent on contractors when not needed. He felt that the group needed to search around for people to perform the work and to find the best deal for the money. Mr. Harper stated that the group planned to shop around some more. Council Member Smith was also concerned about all the repair costs and the size of the reserve account.

Council Member Preston asked why vinyl siding was chosen. Mr. Harper stated that last year the cheapest estimate that was given was for vinyl siding but that they planned to get more estimates.

Mr. William Perry, speaking as a citizen, said that McMasters Street had been planned to be paved in the past with CD funds but that the funds had run out. He said that paving was done to the end of Sykes Street and he would like to see the paving of McMasters Street done this year.

Mr. Ed Caldwell, speaking as a citizen, spoke in support of the Community Development Block grant and the Rental Rehabilitation programs. He stated that the program was geared toward rehabilitating property of homes of individuals, many who had inherited property, and which was now being rented, to bring it back up to standards. He further commented on the INCHUCO application, stating that HUD often gives money for building but not for upkeep and that Council needed to keep an eye on this. He hoped that Council would research the topic before giving out the money.

Mr. James Wilson Caldwell Pendergraft, speaking as a citizen, said that there were units on Sykes Street, owned by the Chapel Hill Housing Authority, which was in drastic need of repair.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

Petitions

Council Member Howes distributed the Triangle J Council of Government elected officials priority questionnaire to the Council and asked them to complete and return to the Triangle J Council of Government.

Council Member Pasquini asked the Council to postpone consideration of agenda item 9 (second reading of Development Ordinance amendments) to the next meeting or until there was a full complement of Council Members present. Mayor Nassif said that the item was on the agenda and that if it failed to pass it

would still have to come up before them again, so he favored not removing it from the agenda.

Mayor Nassif introduced Mr. Michael Patrick, Acting Town Attorney, to the Council.

Minutes

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO ADOPT THE MINUTES OF JANUARY 30, 1985 AS AMENDED. THE MOTION PASSED UNANIMOUSLY, (7-0).

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT THE MINUTES OF FEBRUARY 11, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (7-0).

Council Member Thorpe complimented the staff on the Minute preparation.

Phosphate Detergent Legislation

Mayor Nassif stated that this item was a resolution supporting state-wide legislation to restrict the sale of phosphate laundry detergents.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 85-R-36.

Council Member Howes said that the League of Municipalities was supporting this legislation but that Dr. Ernest Carl, Deputy Secretary of Natural Resources and Community Development was opposed to it. Council Member Kawalec said that part of Dr. Carl's opposition was that taking the phosphates out of the detergent was just the first step in solving a major problem of cleaning up the water in the state, and that Council appreciated the Mayor's efforts to keep the real issue before the minds of the policy makers around the state. Council Member Howes said that it appeared to him that Dr. Carl was not willing to take the first step.

THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION SUPPORTING STATEWIDE LEGISLATION TO RESTRICT THE SALE OF PHOSPHATE LAUNDRY DETERGENTS (85-R-36)

WHEREAS, many rivers, lakes, and estuaries of North Carolina are increasingly threatened by nuisance algae growths stimulated by excessive nutrients; and

WHEREAS, the State of North Carolina, in cooperation with local governments, initiated an aggressive and comprehensive program for protecting the water of Jordan and Falls Reservoirs in 1984; and

WHEREAS, important elements of that strategy have already been achieved, including a two million dollar a year State-funded cost-share program for agricultural conservation practices; numerous local ordinances and zoning changes to control the type, location, and density of new development; plus special safeguards against hazardous spills and leaks in water supply watersheds; and

WHEREAS, these accomplishments indicate a broad based and serious commitment to protecting our water, which can be further supplemented by a "Clean Detergent Act;" and

WHEREAS, earlier estimates of additional costs to North Carolina consumers were shown to be based on obsolete, biased, or unsubstantiated data; and

WHEREAS, a Clean Detergent Act has the widespread support of city and county officials and environmental leaders across North Carolina; was passed overwhelmingly by the 1984 Session of the North Carolina House of Representatives; and is currently being recommended by two separate Study Committees of the Legislative Research Commission;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Chapel Hill hereby reaffirms its position of 1984 and urges the North Carolina General Assembly to enact statewide legislation restricting the sale of phosphate-containing laundry detergents.

This the 25th day of February, 1985.

Second Reading of Amendments to the Development Ordinance (To Reduce Height Limits to 60 Feet)

Mayor Nassif said that although he was against the ordinance, he wanted to go ahead with the meeting and would vote for it because the majority of the Board appeared in favor.

Ordinance 85-0-6b was on the floor for a second reading.

THE MOTION PASSED, (6-1), WITH COUNCIL MEMBER THORPE VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (85-0-6b)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Development Ordinance be amended as follows:

SECTION I

SUBSTITUTE the numeral "60" for the numerals listed as the secondary maximum height for the Community Commercial (CC), Office/Institutional-2 (O-2), Residential-5 (R-5), and Residential-4 (R-4) zoning districts in Section 5.11, Schedule of Intensity Regulations, Subsections 5.11.1 (Use Group A), 5.11.2 (Use Group BB), and 5.11.3 (Use Group C).

SECTION II

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

This the 25th day of February, 1985.

Second Reading: February 25, 1985.

Second Reading of Amendment to the Development Ordinance To Require 5 Acre Minimum Size for Residential Planned Development

Ordinance 85-0-7b was on the floor for a second reading.

THE MOTION PASSED, (5-2), WITH COUNCIL MEMBERS SMITH AND THORPE VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (85-0-7b)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Development Ordinance be amended as follows:

SECTION I

AMEND Subsection 8.8.6.2, Minimum Land Area, to read as follows:

8.8.6.2 Minimum Land Area

Except as provided for Subsection 8.8.2 the minimum gross land area required for a zoning lot containing a PD-H shall be five (5) acres.

SECTION II

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

This the 11th day of February, 1985.

Second Reading: February 25, 1985.

Scheduling of a Public Hearing on Sexually Oriented Cable TV Programming

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT RESOLUTION 85-R-37A. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING (85-R-37A)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 pm, Monday, April 1, 1985 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, for public comments on matters of sexually-oriented programming on cable television; provided, that film clips, photographs or similar items of a sexual nature shall not be displayed at the hearing.

This the 25th day of February, 1985.

Housing and Community Development, Home Ownership Opportunity at 309 Caldwell Street Extension

COUNCIL MEMBER PRESTON MOVED, SECONDE BY COUNCIL MEMBER SMITH, TO ADOPT RESOLUTION 85-R-38. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE SALE OF PROPERTY AT 309 CALDWELL STREET (85-R- 38)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it authorizes the Chapel Hill Housing Authority to sell Community Development Property at 309 Caldwell Street Extension (Tax Map #84-J-23) at an interest rate of four percent to Vance and Lewella Riggsbee, a buyer identified and chosen by the Chapel Hill Housing Authority by private sale in accord with CD Homeownership Opportunity Program guidelines as authorized by Council on March 22, 1982 (84-R-56) and with the Contract for Services between the Town and Housing Authority as authorized by Council on February 27, 1984 (84-R-31).

This the 25th day of February, 1985.

Housing and Community Development, Rental Rehabilitation Grant Funding Authorization

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT RESOLUTION 85-R-39. THE MOTION CARRIED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING SUBMISSION OF APPLICATIONS FOR 1984 AND 1985 FEDERAL RENTAL REHABILITATION PROGRAM GRANTS TO THE NORTH CAROLINA HOUSING FINANCE AGENCY (85-R-39)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to submit applications for fiscal year 1984 and 1985 federal Rental Rehabilitation Program grants to the North Carolina Housing Finance Agency (NC HFA), with a Program Design, as generally described in the Manager's memorandum to Council dated February 11 and February 25, 1985, including all understandings, assurances, and certifications required therein, for a grant of \$75,000 in fiscal year 1984, and \$75,000 in fiscal year 1985, and 15 Section 8 rental assistance certificates or vouchers per fiscal year; and

BE IT FURTHER RESOLVED that the Council adopts for the implementation of the federal Rental Rehabilitation Program procedures contained in the Affirmative Marketing Plan as described in Appendix B of the Manager's memorandum to Council dated February 11, 1985, and a local written policy contained in the Tenant Assistance and Displacement Policy as described in Appendix E of the Manager's memorandum to Council dated February 11, 1985; and

BE IT FURTHER RESOLVED that the Town Manager is hereby directed and designated as the authorized representative of the Town to act in connection with the implementation of this grant program, to execute agreements required by the N. C. Housing Finance Agency to implement this program, and to provide such additional information, assurances and certifications as may be required by the N. C. Housing Finance Agency, except that, where specifically required by State law or regulations of the N. C. Housing Finance Agency, the Mayor is hereby designated as the Town's authorized representative in lieu of the Town Manager.

This the 25th day of February, 1985.

Report on Town Policy on Sexual Harassment

Manager Taylor made a brief presentation on the Town's sexual harassment policy and stated that the staff would be conducting training in the spring, with all supervisors, to educate them on recognizing signs of potential sexual harassment so that the harassment will be prevented or halted.

Council Member Smith asked if an employee could bypass department heads and go to either Personnel or the Manager if a serious incident or behavior pattern occurred. Manager Taylor replied that an employee could bypass normal grievance procedures and go directly to Personnel or to the Manager.

Council Member Smith asked the Mayor if Judson Barrett could comment on the complaint by Mr. Pendergraft that the Housing Authority unit on Sykes Street was in need of repair. Mr. Barrett, Executive Director of the Chapel Hill Housing Authority, replied that he had not heard Mr. Pendergraft's statement, but that he denied the charge, stating that the Housing Authority maintained safe and sanitary housing and provided repairs as needed and as the budget permitted. He stated that the Housing Authority did have plans for a major improvement project to upgrade all the Housing Authority units.

Consent Agenda

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 85-R-40. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING VARIOUS ORDINANCES AND A RESOLUTION (85-R-40)

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

- a. Resolution re charter bus agreements (85-R-41).
- b. Ordinance amending Community Development project ordinance (85-O-11).
- c. Ordinance amending the budget ordinance (85-O-12).

This the 25th day of February, 1985.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CHARTER BUS AGREEMENT WITH THE URBAN MASS TRANSPORTATION ADMINISTRATION (85-R- 41)

WHEREAS, the Town of Chapel Hill is a recipient of Urban Mass Transportation Section 5 and 9 funds; and

WHEREAS, it is required that recipients of Urban Mass Transportation Administration funds comply with 40 CFR 604, "Charter Bus Operations";

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

That the Town Manager is authorized to execute and file a charter bus agreement in compliance with 40 CFR 604 with the Urban Mass Transportation Administration.

This the 25th day of February, 1985.

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE" (85-O-11)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Entitlement Grant Project Ordinance" as duly adopted on September 10, 1984, be and the same is hereby amended as follows:

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

<u>Activity</u>	<u>Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year Revised</u>
Housing Rehabilitation Program	80,000	6,000		86,000
Homeownership Opportunity Program	152,000			152,000
Capital Improvements -- Pine Knolls Area	70,000			70,000
Playgrounds at Subsidized Housing Projects	31,000			31,000
Barclay Road Sewer Lines	56,000	3,000		59,000
General Administration	27,500			27,500
Contingency	<u>20,500</u>	<u> </u>	<u>9,000</u>	<u>11,500</u>
TOTAL	437,000	9,000	9,000	437,000

This is the 25th day of February, 1985.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1984 (85-O- 12)

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, 1984" as duly adopted on May 29, 1984, 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>
Solid Waste Disposal				
Non-Departmental (Contingency)	\$ 12,556		\$12,000	\$ 556
Operations	\$117,479	\$12,000		\$129,479

This the 25th day of February, 1985.

Proposed Charter Changes to Reduce the Size of Council

Council Member Kawalec gave a brief presentation explaining why the resolution was brought to Council. She stated that this issue had been generally discussed both before and after Council Member Broadfoot's death. Council Member Kawalec said she felt it was time to put the issue to the citizens. She said that there was no correct number for the Council Members, but she felt the issue should be discussed.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 85-R-42.

Council Member Howes said that he was opposed to the reduction and had expected the options in the resolution to include no change as well as possible changes. He felt there was no compelling reason to change the charter to amend the number of Council Members. He felt that Council should go on with the more important matters of filling the Council vacancy and filling the Town Attorney position.

Council Member Kawalec stated that the intent of the public hearing was to take the citizens' comments into consideration. She said there was no point in calling a public hearing if Council did not want to at least consider reducing the numbers. She also stated that the wording was not a statement that a decision had been made, rather what was necessary to call a public hearing.

Council Member Preston agreed with Council Member Kawalec and further stated that her seconding of the motion was not indicative of her vote, but rather that she would like to get citizen input on this issue.

Council Member Thorpe agreed with Council Member Howes, stating that if the Council did not intend to change the number of members, then why even look at the issue. He said that he had talked with several citizens and gotten the impression that they were not really interested in how many people were on the Council, rather that it was the Council Members themselves who were concerned with the numbers. He felt that the issue should be put to rest and that Council should get on with the business of filling the vacancy on the Council and Town Attorney.

Council Member Pasquini also agreed with Council Members Thorpe and Howes and asked that Council get on with business.

THE RESOLUTION FAILED TO PASS, (4-3), WITH COUNCIL MEMBERS THORPE, PASQUINI, AND HOWES VOTING AGAINST. THE RESOLUTION WILL RETURN ON THE NEXT REGULAR MEETING FOR A SECOND READING.

Mayor Nassif asked the Council to consider the replacement of the Town Attorney and then asked Council Members Thorpe, Howes and Preston to form a committee to review and report back to Council with recommendations.

THE MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (7-0).

The meeting adjourned at 9:00.

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Mayor Joseph L. Nassif

Nancy J. Wells, Information Services