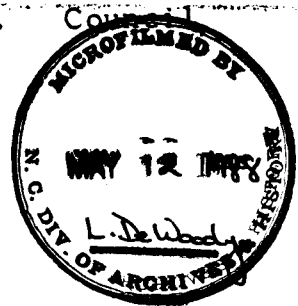


MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, SEPTEMBER 9, 1985, 7:30 P.M.

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

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



Council Members Marilyn Myers Boulton and Jonathan Howes were absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Certificates of Appointment

Mayor Nassif welcomed and introduced new appointees to Council Advisory Boards. He presented Certificates to the following:

Robert Peck - Orange Water and Sewer Authority
Charles Antle - Transportation Board
Patricia Wallace - Transportation Board
Alice Ingram - Planning Board
Alan Rimer - Planning Board
David Brower - Planning Board
Allen Irvine - Historic District Commission
- James Ellis - Board of Adjustment
Charles House - Board of Adjustment
Boyd Spiller - Board of Adjustment
Gay Eddy - Board of Adjustment

Those also receiving Certificates of Appointment, but were not present at the meeting were:

Robert Moorhead - Transportation Board
John Thomas - Transportation Board
Richard Palmer - Transportation Board
Ann Hamby - Community Appearance Commission
Jamescina DeGraffenreidt - Community Appearance Commission
Roy Lindahl - Community Appearance Commission
Judith Eastman - Personnel Appeals Committee
Nicholas Holland - Personnel Appeals Committee
John Hickey - Orange Water and Sewer Authority

Petitions

Ms. Patricia Wallace, speaking as the Student Body President of UNC, petitioned Council to appoint a UNC student to the Planning Board. She introduced a resolution from the UNC Student Government which stated that UNC students represented moderate income and renters of the community and that effective planning could not be accomplished without considering all the elements of the community. Therefore she asked that Council take this under consideration when filling the vacant seat on the Planning Board. (For copy of petition, see Clerk's file.)

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

Mr. Colind Hall, speaking as a resident, introduced a petition to Council to deny development of the steepest slopes on the property in the Franklin Hills project because of the potential for further erosion and land disturbance. He also introduced a petition to Council to deny access to this project by the extension of Lone Pine Road because it was felt by residents that such extension would create severe and dangerous traffic conditions.

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

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Michael McVaugh, Thomas Kniesner, David Rudolf, John Hand, and Alan Julich asked to speak to item 4, Franklin Hills.

Phil Post, Jon Condoret, and Larry Miesner asked to speak to item 4, Franklin Hills.

Minutes

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF AUGUST 23, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (7-0).

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT THE MINUTES OF AUGUST 26, 1985 REGULAR AND RECONVENED MEETINGS AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (7-0).

Franklin Hills - Preliminary Plat

Roger Waldon, Planning Director, gave a brief presentation on this application. He said the site was located on the southeast side of Bolin Creek and northwest side of E. Franklin Street, between Elizabeth Street, Tenney Circle and Lone Pine Hill subdivision, and contained 61.5 acres of which 46.6 acres was zoned R-2 and 15 acres as R-1. He said with regard to access and circulation the proposed looping of Deepwood Road to E. Franklin provided safe and convenient access. Mr. Waldon stated that the applicant proposed to widen E. Franklin Street from 4 to 5 lanes just downhill from the projected intersection of Deepwood with E. Franklin and to reshape the downhill slope to improve sight distance. He said the staff also recommended the uninterrupted extension of Lone Pine Road into the site.

Mr. Waldon said that the applicant would have to replace the sewer line running through the center of the site and dedicate drainage easements along drainageways to ensure that the drainageways were able to continue to accomodate stormwater runoff without increased erosion.

Mayor Nassif asked about the elevation of the connection of Deepwood Road and Franklin Street. He was worried that the connection would be too steep to allow for good site distance. Mayor Nassif also wanted to know what would be needed in the way of excavation or fill to connect Lone Pine Road with the proposed development.

Council Member Pasquini asked what would widening E. Franklin Street entail, especially with regard to clearing to allow for better site distance. He was concerned with the proximity of a widened Franklin Street to the lots abutting Franklin Street and the location of homes on these lots. He was also concerned that the steepness and location of some of these proposed lots would leave very little room on which a home could be built.

Council Member Godschalk stated he felt the numbers used on the project application regarding lot size were incorrect.

Council Member Smith asked if there would be an increased potential for flooding with this development.

Roger Waldon, Planning Director, replied to these questions saying that the elevation of the connection between Deepwood Road and Franklin Street did not appear to present concerns, nor did the connection with Lone Pine Road but that he was not sure of the exact alignments at this stage of planning. He said the same applied to the proposed changes to Franklin Street. Mr. Waldon said the staff did not anticipate any increased flooding due to the development of this proposal.

Mr. Philip Post, Engineer representing the applicant, gave a presentation in which he stated that the connection of Deepwood Road and Franklin Street was basically level, and that the drawings showing the proposed changes to Franklin Street were from NCDOT. He said the connection with Lone Pine Road would entail cut and fill. With regard to the Resource Conservation District (RCD) he said there was a spring which flowed through the site that was not now prone to flooding and he did not expect the proposed development to increase the potential for flooding. Mr. Post indicated that erosion control of the entire site would be handled by an erosion control plan which would include methods of slowing down storm water runoff and channeling it into drainage areas, but that erosion control for individual lots would be the responsibility of the individual lot owners.

Mr. Post said the average sized lot proposed was 30,000 square feet and the numbers on the application were outdated and referred to requirements relating to a cluster development. He reviewed all the tracts making up the proposed subdivision and indicated there was no second phase to this proposal.

Mr. Jon Condoret, an architect speaking for the applicant, said he had reviewed the site with regard to potential development and in his opinion there would be little trouble in building single family homes on these lots.

Council Member Pasquini said he still had concerns about the ability to build on the lots in the RCD, along Franklin Street, and the overall contour of the lots in the proposed site.

Council Member Smith expressed concern about the traffic impact with Franklin Street and the proposed connection of Lone Pine Road, especially since the residents along Lone Pine Road were against any connection.

Mr. Larry Miesner, a consultant from Kimley-Horn Associates and representing the applicant, discussed the traffic impact of the proposed project. He said by having Deepwood Road connect to Franklin Street it would limit driveway access onto Franklin Street. He estimated that the project would generate 320 trips into and out of the project onto Franklin Street. He also recommended that Deepwood Road have a left and right turn lane to prevent traffic from building up while waiting to get onto Franklin Street.

Mr. Post concluded the presentation by saying that the project included 6.88 acres of open space and that the model and supplemental information booklet be entered into the record.

Alice Ingram, representing the Planning Board, said that the Planning Board had not reviewed this particular plat and that the recommendation from the Planning Board probably was not valid.

Mayor Nassif suggested that since there was some question as to whether or not the Planning Board had reviewed this plat, as well as some confusion over the size of the project and the area in each zone that it would be better to delay action and have the Planning Board and Manager report back.

Mayor Nassif asked that the report show where the 60' public access open space goes; does it exist as indicated on the plat. He also said the portion of land adjacent to this site designated as future development should be shown in relation to this project. He said the point of ingress and egress of this future development should be decided at this point in order to avoid any direct access onto Franklin Street.

Council Member Pasquini asked that the amount of cut and fill along Franklin Street be established for Council review. He also said he would like to see a fifty foot buffer along Franklin Street; a plan showing the surrounding areas and their designated uses; a plan for negating the connection with Lone Pine Road, and show the access road (driveway) to lots six and seven.

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Council Member Thorpe expressed concern that the Planning Board which had received their agenda packet on Friday had not notified the Council or staff prior this meeting of their disagreement with the recommendation attributed to them and stated in the memorandum.

Council Member Preston was concerned about the traffic along Franklin Street and Lone Pine Road and she asked what it would entail to improve Lone Pine Road and whether or not such improvements would have to be paid for by the residents of that road. She also said the Council in January of 1984 adopted a resolution renaming Louise Street to Deming Street and asked that the name Deepwood Road be deleted and have it called Deming Street as well.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO DELAY COUNCIL ACTION UNTIL THE NEXT REGULAR MEETING AND FOR THE MANAGER TO BRING BACK A REPORT CLARIFYING THE PLANNING BOARD'S REVIEW. THE MOTION PASSED UNANIMOUSLY, (7-0).

Mayor Nassif asked that the citizens and applicants be kept informed of what was happening with this project.

Lacy Burch Subdivision

Roger Waldon, Planning Director, gave a brief presentation on this application. He said this project was in the joint planning area. He said the site was 3 lots on 3.17 acres north of Link Road. He said the staff recommended requiring the extension of waterlines to the public and paving the street with curb and gutter.

Mr. Greg Shepard, representing the applicant, said that since the site was under Orange County jurisdiction the applicant should have to only abide by Orange County requirements. He said Orange County allows for paving without curb and gutter and for wells and septic tanks. Mr. Shepard said that meeting Chapel Hill requirements would cost the applicant \$85,500 in additional costs to subdivide the site into 2 additional lots.

Council Member Smith asked if the project should meet County standards and not Town standards should the Town review it? Manager Taylor replied that pursuant to the Joint Planning Agreement between the Town and Orange County the proposed project was in the 10-year transition area and would become urban. Therefore the project should meet urban standards.

Mayor Nassif stated he felt there were other viable alternatives to requiring curb and gutter on the streets.

COUNCIL MEMBER PRESTON MOVED TO ADOPT RESOLUTION 85-R-159A. THE MOTION FAILED FOR LACK OF A SECOND.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 85-R-159B. THE MOTION PASSED, (5-2), WITH MAYOR NASSIF AND COUNCIL MEMBER SMITH VOTING AGAINST.

The resolution, as adopted, reads as follows:

RESOLUTION RECOMMENDING COUNTY APPROVAL OF THE PRELIMINARY PLAN FOR PHASE TWO OF THE LACY BURCH ESTATE SUBDIVISION (85-R-159B)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby recommends, in accord with the Joint Planning Agreement, that the Orange County Board of Commissioners approve the preliminary plan dated May 12, 1985 for Phase Two of the Lacy Burch Estate Subdivision, located on property identified as Chapel Hill Township Tax Map 24, part of Lot 45, subject to the following conditions:

1. That Link Road be improved as a public street to Town Class C Local Street standards from its intersection with Seawell School Road to the eastern boundary of the subdivision, with a temporary T-turnaround at its eastern end. Plans for the Link Road improvements shall be approved by the Chapel Hill Town Manager.
2. That a public water line be extended from the existing line in Seawell School Road to serve the subdivision lots. Plans for the extension shall be approved by OWAsA before final plat approval.

3. That utility easements be dedicated within the subdivision as necessary to allow the future provision of public sewer service to the subdivision and adjacent properties. Easement documents shall be approved by OWASA before final plat approval.

This the 9th day of September, 1985.

Glen Lennox Expansion

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 85-R-160B. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION EXTENDING THE TIME LIMIT FOR SUBMITTAL OF THE MANAGER'S FINAL REPORT ON THE GLEN LENNOX EXPANSION PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT APPLICATION (85-R-160b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that, in accord with Subsection 8.4.7 of the Development Ordinance, Council hereby extends the time limit for submittal of the Town Manager's final report on the Glen Lennox Expansion application for a Planned Development-Housing Special Use Permit to the first regular Council meeting following the 20th day after the applicant submits revised plans, or notifies the Town that the applicant will not submit revised plans.

This the 9th day of September, 1985.

Shelter on Graham Street Report

Manager Taylor gave a brief presentation saying that no application for approval of a shelter had been submitted to the Town, although one was expected from the Inter-Faith Council for Social Services (IFC). The site being considered by IFC is in a zone that permits shelters as a permitted use. He said that when an application was received the review and approval/denial process would be handled by the Planning Board. Manager Taylor said citizens should attend and speak either for or against the proposal at the Planning Board meeting. If they disagreed with any action the Planning Board or staff took they could appeal to the Board of Adjustment and then to the Superior Court.

Council Member Smith asked what was the lot size of the site being considered. Manager Taylor replied that he did not know since no application had been made.

Council Member Pasquini said that he supported the citizen group.

Mayor Nassif said that the Town had identified the need to get people off the streets as an important community need. He said Council had approved shelters in the Town Center zones and therefore the Town should be able to make room for the shelters.

Council Procedures Manual

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 85-R-161.

Council Member Thorpe said that salary changes should not be included at the same time an evaluation occurs. He asked to delete the term "agree" in section 3 item 3, and the phrase "and recommend salaries" in section 3 item 4.

Council Member Smith suggested using the term "decide" rather than "agree".

COUNCIL MEMBER PASQUINI AND GODSCHALK AGREED TO CHANGE THE WORDING IN SECTION 3, ITEM 3 TO "DECIDE" RATHER THAN "AGREE" AND TO DELETE THE PHRASE "AND RECOMMENDED SALARIES" FROM SECTION 3, ITEM 3.

THE MOTION PASSED UNANIMOUSLY, (7-0).

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The resolution, as adopted, reads as follows:

**A RESOLUTION AMENDING THE TOWN COUNCIL PROCEDURES MANUAL
(85-R-161)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby amends the Town Council Procedures Manual as follows:

Add a new Section: III(c) - Procedure for Evaluation of Town Manager and Attorney.

1. PURPOSE

The purpose of this procedure is to establish a regular annual process for evaluating the Town Manager and Attorney, for communicating the evaluation results, and for following up on the outcomes of the evaluation.

2. EVALUATION GOALS

Goals of the annual evaluation are:

- to ensure a regular review of the Manager's and Attorney's performance,
- to provide an opportunity for constructive discussion of Council/Manager and Council/Attorney relationships.
- to set priorities for the Manager's and Attorney's agenda during the coming year,
- to establish the Manager's and Attorney's salary for the coming year, to be effective at the October pay period.

3. EVALUATION SCHEDULE

Evaluation will be conducted each year at or before the time of the first regular Council meeting in September.

Steps in the process will be:

- 1) Individual Council Member completion of evaluation forms.
- 2) Data gathering by Mayor's Assistant on comparable salaries.
- 3) Executive Session of Council to discuss evaluation results and to decide on matters for discussion with Manager and Attorney.
- 4) Executive Sessions of Council and Manager and Attorney to discuss evaluations, relationships, and priorities.
- 5) If desired, written response to Council by Manager and/or Attorney on evaluation matters and priorities.

4. TOWN MANAGER EVALUATION FORM

This form should be completed by each Council member as a starting point for the Manager Evaluation process.

PERFORMANCE AREA	EXCELLENT	GOOD	ADEQUATE	POOR
1) Budgeting	----	----	----	----
2) Reporting	----	----	----	----
3) Communication with Council	----	----	----	----
4) Policy execution	----	----	----	----
5) Planning	----	----	----	----
6) Staff supervision	----	----	----	----
7) Leadership	----	----	----	----
8) Community relations	----	----	----	----
9) Intergovernmental relations	----	----	----	----
10) Objectivity	----	----	----	----
11) Energy	----	----	----	----
12) Cooperativeness	----	----	----	----
13) Firmness	----	----	----	----
14) Other: (list)	----	----	----	----

MANAGEMENT PRIORITIES FOR COMING FISCAL YEAR (List in order.)

- 1)-----
- 2)-----
- 3)-----
- 4)-----
- 5)-----

COMMENTS (including problems from past year)

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5. TOWN ATTORNEY EVALUATION FORM

This form should be completed by each Council member as a starting point for the Town Attorney evaluation process.

PERFORMANCE AREA	EXCELLENT	GOOD	ADEQUATE	POOR
1) Quality of legal advice	----	----	----	----
2) Clarity of legal advice	----	----	----	----
3) Explanation of legal options	----	----	----	----
4) Informing Council on lawsuits	----	----	----	----
5) Answering Council's legal questions	----	----	----	----
6) Council meeting procedural advice	----	----	----	----
7) Handling property matters	----	----	----	----
8) Handling police matters	----	----	----	----
9) Handling lawsuits	----	----	----	----
10) Advising Personnel Appeals Committee	----	----	----	----
11) Advising Planning Board	----	----	----	----
12) Advising Board of Adjustment,	----	----	----	----

PRIORITIES FOR COMING FISCAL YEAR (List in order.)

- 1)-----
- 2)-----
- 3)-----
- 4)-----
- 5)-----

COMMENTS (including problems from past fiscal year)

This the 9th day of September, 1985.

Personnel Ordinance Revisions

Manager Taylor made a brief presentation saying that the proposed changes were primarily needed to comply with the Fair Labor Standards Act. The main issues involve the manner in which employees are designated as eligible for overtime compensation, revising the hours of the police communications specialists from 42 to 38½ hours per week to bring it in line with what the people are working, and deleting paid leave from the overtime calculations. Manager Taylor said the way to compensate for those employees who have to work on holidays would be to pay the employee time and a half for that day (premium pay) as well as giving the employee a future day off.

Council Members Pasquini, Kawalec and Mayor Nassif all felt that paying an employee time and a half, plus giving him a day off for working on a holiday was excessive.

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Council Member Kawalec said she felt the Town should only do what was necessary to comply with the Fair Labor Standards at this time because indications were that there might be further changes in the law.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT ORDINANCES 85-O-56.1 and 85-O-56.2.

Council Member Smith expressed concern about the Town's ability to remain competitive in the labor market if those in the Town's market were paying premium pay for holiday work and the Town does not.

THE MOTION PASSED, 6-1, WITH COUNCIL MEMBER SMITH VOTING AGAINST.

The ordinances, as adopted, read as follows:

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (85-O-56.1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Establishing a Position Classification and Pay Plan and Longevity Plan for Employees of the Town of Chapel Hill and Bonds of Officials beginning July 1, 1985 (85-O-26)" as follows:

In SECTION III, DELETE the asterisks beside classification titles, and delete the footnote "*Eligible for overtime compensation".

In SECTION IV, C, DELETE the line:

	Full-Time		Part-Time		Grade
	No.	Hrs.	No.	Hrs.	
Police Communications and Information Specialists	4	42	-	-	14

and ADD the following line:

Police Communications and Information Specialist	4	38½	-	-	14
--	---	-----	---	---	----

In SECTION IV, D, DELETE the lines:

Parks and Recreation	No.	Hrs.	Salary
Game Official	varies	varies	\$4.00-\$12.50 per game
Scorer-Timer	varies	varies	\$4.00-\$5.25 per game

and ADD the following lines:

Game Official	varies	varies	\$3.35-\$8.00 per hour
Scorer-Timer	varies	varies	\$3.35-\$7.00 per hour

In SECTION VI, DELETE the section, and replace it with the following:

SECTION VI

OVERTIME COMPENSATION

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA).

The Manager, following FLSA regulations, shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions. Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period); hours worked beyond the FLSA established limit will be paid at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered.

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Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the Fair Labor Standards Act.

Employees in positions determined to be "exempt" from the Fair Labor Standards Act (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their department heads where the convenience of the department allows.

This the 9th day of September, 1985.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 85-R-162. THE MOTION PASSED, 6-1, WITH COUNCIL MEMBER SMITH VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING IMPLEMENTATION OF FAIR LABOR STANDARDS (85-R-162)

BE IT HEREBY RESOLVED by the Council of the Town of Chapel Hill that the Town intends, to the extent that local government jurisdictions are so required, to fully comply with the Fair Labor Standards Act, and will make any retroactive payments necessary to comply with the Act. In determining liability for necessary retroactive pay adjustments, the policies and amendments to the Ordinance Establishing a Position Classification and Pay Plan adopted September 9, 1985 shall apply.

This the 9th day of September, 1985.

Unsatisfactory Job Performance

Manager Taylor gave a brief presentation saying that the proposed changes would clarify the communications and warnings employees may expect when their performance has been unsatisfactory, and would further clarify the procedures supervisors must follow prior to disciplinary action for unsatisfactory job performance or termination for two consecutive Below Expected Level ratings.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 85-O-58.

Council Member Thorpe spoke in support of the motion.

Council Member Smith expressed concern about employees who are injured on the job and as a result are unable to continue with that same job. He said the Town should have a system whereby employees who are faced with this situation are able to find employment in other areas of the Town.

THE MOTION PASSED UNANIMOUSLY, (7-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 14 OF THE CHAPEL HILL TOWN CODE (85-O-58)

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

Chapter 14 is amended as follows:

DELETE Sections 14-103, 104, and 105, and insert in lieu thereof:

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ARTICLE XI. UNSATISFACTORY JOB PERFORMANCE AND
DETRIMENTAL PERSONAL CONDUCT

Sec. 14-103 Unsatisfactory Job Performance Defined.

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the department head and the manager. A permanent employee may be suspended, demoted, or terminated for unsatisfactory job performance by the Manager or by a department head if after following the procedures outlined in Section 14-104 and/or Section 14-105, the employee's job performance is still deemed to be unsatisfactory.

All cases of demotion or termination must be approved by the Manager prior to giving final notice to the employee.

Unsatisfactory job performance may be handled through the performance evaluation process and/or through the disciplinary process.

Examples of unsatisfactory job performance which may be handled through the performance evaluation process are generally those involving Below Expected Level performance and include but are not limited to:

- a. inability to adequately perform critical tasks;
- b. physical or mental incapacity to perform duties, as certified a physician;
- c. inability to meet work standards over a period of time;
- d. failure to complete work within timeframes established in workplans or work standards;
- e. demonstrated inefficiency, negligence, or incompetence in the performance of duties.

Examples of unsatisfactory job performance which may be handled through the disciplinary process include but are not limited to:

- a. careless, negligent, or improper use of Town property or equipment;
- b. discourteous treatment of the public or other employees;
- c. insubordination;
- d. absence without approved leave;
- e. habitual improper use of leave privileges;
- f. habitual pattern of failure to report for duty at the assigned time and place;
- g. reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary.

Sec. 14-104 Communication and Warning Procedures Preceding Termination for Unsatisfactory Job Performance Where Performance is Rated Below Expected Level.

Where an employee's job performance has been unsatisfactory over a period of time and has been rated Below Expected Level, notification is through the Town's performance evaluation process, as specified in policies established by the Manager, according to the following procedure:

- a. Standards or expectations for the established evaluation period should be clearly explained.
- b. When job performance has been unsatisfactory, the employee should have at least one documented counseling session, as early in the established evaluation period as possible, which provides detailed feedback on performance deficiencies and outlines improvements necessary for satisfactory performance.
- c. When adequate improvement does not take place, the employee should have a Below Expected Level Rating and evaluation conference. The rating should include written notice to the employee that performance must be corrected to avoid termination, and should specify the improvements which are needed to reach At Expected Level in the next 90 days*.
- d. At least one documented follow-up counseling session should take place during the 90 day* evaluation period, again clearly communicating remaining areas of deficiency and needed corrections.

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- e. When adequate improvement has not taken place, the employee should have a Second Below Expected Level Rating and an evaluation conference. The employee should be given the chance to tell his/her side of the story; if the rating remains Below Expected Level, and it is the second consecutive Below Expected Level rating, the employee will be recommended for termination.

*In some cases, evaluation period may be slightly less.

Sec. 14-105 Communications and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

Where an employee's performance has been unsatisfactory because of incidents or inappropriate actions warranting disciplinary action, one or more counseling discussions between the employee and the supervisor to discuss specific performance problems should be held. If performance continues to be unsatisfactory, disciplinary action may occur after appropriate notification, according to the following procedures:

- a. A written warning from the supervisor which explains the nature of the unsatisfactory job performance.
- b. A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid demotion or termination.
- c. Recommendation to the Manager for disciplinary action, such as suspension, demotion or discharge. Employees must be given the chance to explain or defend their actions before termination is recommended.

In each case the supervisor shall record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set.

When serious incidents of unsatisfactory job performance occur, suspension, termination or other disciplinary action may occur without prior warning.

In cases where the discipline and the performance evaluation processes overlap, the following principles apply:

- a. An employee may be terminated for cause at any point in the evaluation period, if proper communication and disciplinary procedures have been followed.
- b. The first Below Expected Level rating may serve as a final written warning, if conditions and expectations are clearly specified and the employee is so notified.

This the 9th day of September, 1985.

Reclassification of Parks and Building and Grounds Superintendent Positions

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 85-0-59.

Council Member Godschalk left the meeting at this point - 10:45 p.m..

Council Member Smith said he was not sure there was a viable comparison between the Parks Superintendent and Building and Grounds Superintendent.

Council Member Thorpe spoke against using judgement calls by the Personnel Department to determine job classifications. He pointed to the recent number of personnel grievances as an indication that this system was not working.

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

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (85-O- 59)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Establishing a Position Classification and Pay Plan and Longevity Plan for Employees of the Town of Chapel Hill and Bonds of Officials Beginning October 1, 1985 (85-O-27)" as follows:

In Section III, grade 23, DELETE the titles "Buildings and Grounds Superintendent" and "Parks Superintendent"; and, in grade 24, ADD the titles "Buildings and Grounds Superintendent" and "Parks Superintendent."

In Section IV, C, DELETE the lines:

	Full-Time No.	Part-Time Hrs.	Grade No.	Hrs.
PUBLIC WORKS (PUBLIC BUILDINGS AND GROUNDS) Buildings and Grounds Superintendent	1	40	23	
PARKS AND RECREATION Parks Superintendent	1	40	23	

and ADD the lines:

PUBLIC WORKS (PUBLIC BUILDINGS AND GROUNDS) Buildings and Grounds Superintendent	1	40	24	
PARKS AND RECREATION Parks Superintendent	1	40	24	

This the 9th day of September, 1985.

Meeting Calendar

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 85-R-163. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION RE PUBLIC HEARING DATES IN 1986 (85-R-163)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council amends the schedule for 1986 public hearings on proposed special uses and Development Ordinance text amendments as follows:

January 21, 1986 rescheduled to January 22, 1986
October 20, 1986 rescheduled to October 22, 1986

This the 9th day of September, 1985.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER KAWALEC TO ADOPT ORDINANCE 85-O-60. THE MOTION PASSED UNANIMOUSLY, (7-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE RE MEETING DATES IN 1986 (85-O-60)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the normal meeting schedule for 1986 as follows:

March 10, 1986 rescheduled to March 3, 1986
May 26, 1986 rescheduled to May 27, 1986

This the 9th day of September, 1985.

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COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER KAWALEC TO ADOPT RESOLUTION 85-R-164.

Council Member Thorpe asked when there would be discussions on the Transportation study. Manager Taylor replied that no schedule had yet been proposed for these meetings.

THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING THE PROCESS FOR DEVELOPING THE 1986-87 BUDGET, 1986-1991 CAPITAL IMPROVEMENTS PLAN, AND 1986-87 COMMUNITY DEVELOPMENT BUDGET (85-R-164)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts the following timetable for developing the 1986-87 budget, 1986-91 Capital Improvements Plan, and 1986-87 Community Development grant budget.

<u>DATE</u>	<u>OPERATING BUDGET</u>	<u>CIP PLAN</u>	<u>CD BUDGET</u>
September 30		Public Forum held by Council for citizen's requests, suggestions, comments on Capital Improvement Plan for 1986-87 - 1991-92	
November 11	Human Services Advisory Board holds Needs Forum		
November 12	Public Forum for comments/requests regarding the 1986-87 Operating Budget		
December 2		Manager's Preliminary CIP submitted to Council and referred to Advisory Boards	
January 6	Council Work Session on goals and objectives for 1986-87 Budget	Public Forum for citizen's comments and Advisory Board Recommendations on Preliminary CIP; and Work Session regarding Council priorities	Public Hearing on Community Development (CD) needs and objectives
February 10	Human Services Advisory Board presents report on Human Services Needs to Council		
March 3	Interim Budget Report on 1986-87 Operating Budget submitted to Council	Manager's Recommended CIP submitted to Council	Public Hearing on Manager's Recommended CD grant application
March 24	Public Forum for Comments on Interim Report re 1986-87 Operating Budget	Council approval of CIP for 1986-87 - 1991-92	
April 28	Manager's Recommended 1986-87 Operating Budget submitted to Council		Council approval of CD application
May 12	Public Hearing on Recommended 1986-87 Budget; use of General Revenue Sharing Funds; Transportation services and pass/fare prices. Human Services Advisory Board makes recommendations on contracting for services		

<u>DATE</u>	<u>OPERATING BUDGET</u>	<u>CIP PLAN</u>	<u>CD BUDGET</u>
May 27	Adoption of 1986-87 Operating Budget	Adoption of CIP Project Ordinances	Adoption of Community Development Project Ordinances
June 23	Copies of Adopted Budget distributed to Council	Copies of Adopted CIP document distributed to Council	

This the 9th day of September, 1985.

Consent Agenda

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 85-R-165. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolutions and ordinances, as adopted, read as follows:

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (85-R-165)

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

- a. Second reading of taxicab and limousine franchise ordinances (85-O-46, 47, 48 and 49).
- b. Authorizing Sale of Surplus Property (85-R-166.1 and 85-R-166.2).
- c. Approving Infrastructure Report (85-R-167).

This the 9th day of September, 1985.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A LIMOUSINE FRANCHISE TO WILLIAM G. LINDSAY (85-O-46)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council finds that William G. Lindsay has met all criteria as set out in Chapter 20, Article II, Section 18 of the Town of Chapel Hill Code of Ordinances and hereby authorizes the Town Manager to issue a limousine franchise for one limousine to William G. Lindsay, 204 McCauley Street, Chapel Hill, N.C.

BE IT FURTHER ORDAINED that said franchise shall be subject to the conditions of Chapter 20 of the Town Code of Ordinances regulating taxicabs, limousines and other for-hire vehicles operating within the corporate limits of the Town of Chapel Hill.

This the 26th day of August, 1985.

This the 9th day of September, 1985. SECOND READING

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A LIMOUSINE FRANCHISE TO JOSEPH POSILLIPO (85-O-47)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council finds that Joseph Posillipo has met all criteria as set out in Chapter 20, Article II, Section 18 of the Town of Chapel Hill Code of Ordinances and hereby authorizes the Town Manager to issue a limousine franchise for up to two limousines to Joseph Posillipo, Berkshire Apartments, Carrboro, N.C.

BE IT FURTHER ORDAINED that said franchise shall be subject to the conditions of Chapter 20 of the Town Code of Ordinances regulating taxicabs, limousines and other for-hire vehicles within the corporate limits of the Town of Chapel Hill.

This the 26th day of August, 1985.

This the 9th day of September, 1985. SECOND READING

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AN ORDINANCE AUTHORIZING THE ISSUANCE OF A TAXICAB FRANCHISE TO SARAH E. CARTER (85-O-48)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council finds that Sarah E. Carter has met all criteria in Chapter 20, Article II, Section 18 of the Town of Chapel Hill Code of Ordinances and hereby authorizes the Town Manager to issue a taxicab franchise for up to eight taxicabs to Sarah E. Carter, 104 N. Graham Street, Chapel Hill, N.C.

BE IT FURTHER ORDAINED that said franchise shall be valid through August 31, 1987 subject to the conditions of Chapter 20 of the Town Code of Ordinances regulating taxicabs operating within the corporate limits of the Town of Chapel Hill.

This the 26th day of August, 1985.

This the 9th day of September, 1985. SECOND READING

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A TAXICAB FRANCHISE TO L.C. EDWARDS (85-O-49)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council finds that L.C. Edwards has met all criteria in Chapter 20, Article II, Section 18 of the Town of Chapel Hill Code of Ordinances and hereby authorizes the Town Manager to issue a taxicab franchise for up to two taxicabs to L.C. Edwards, 613 Chateau Apartments, Carrboro, N.C.

BE IT FURTHER ORDAINED that said franchise shall be valid through August 31, 1987 subject to the conditions of Chapter 20 of the Town Code of Ordinances regulating taxicabs operating within the corporate limits of the Town of Chapel Hill.

This the 26th day of August, 1985.

This the 9th day of September, 1985. SECOND READING

A RESOLUTION DECLARING 199 ITEMS OF PERSONAL PROPERTY TO BE SURPLUS AND AUTHORIZING AND DIRECTING THE DISPOSAL OF SAID PROPERTY BY PUBLIC AUCTION OR PRIVATE NEGOTIATED SALE (85-R-166.1)

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

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

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

1. That the following items of personal property are hereby declared surplus, and where indicated, the minimum bids listed shall apply.

	<u>Item</u>	<u>Minimum Bid</u>
One	Chevrolet/Malibu (1980)	\$200
One	Dodge/Dart (1974)	\$100
One	Plymouth/Volare (1978)	\$350
One	Plymouth/Volare (1978)	\$200
Two	Mercury/Zephyrs (1981)	Each \$200
One	Toyota/Corolla (1980)	
Five	Chevrolet/Impallas (1982)	Each \$200
Two	International sideload garbage trucks (1976)	Each \$600
One	Chevrolet 2-ton truck w/bed (1970)	\$400
One	Dodge 2-ton truck w/bed (1974)	\$1,000
One	Chevrolet 2-ton cab and chasis (1970)	\$200
One	Dodge 1/2-ton pick-up truck (1979)	\$100
One	Gallion 4-6 ton asphalt roller (1966)	\$500
One	Jenny 5 g.p.m. steam cleaner	\$600
One	Bosch pneumatic tamp	
One	Bench type drill press	
Two	Chain saws	

Item

Minimum Bid

- One 7 h.p. garden tractor w/mower deck
- One Yazoo type lawn mower
- Two Calculators
- Three File cabinets
- One Two-way radio base station VHF
- Three Base station remote units VHF
- Seven Two-way mobile radios VHF
- One Two-way portable radio UHF
- Nine Portable radio holders-belt
- Two Air conditioning units-window
- One Check writing machine
- Two Electronic sirens
- One Siren speaker unit
- One Sun tune-up machine
- 59 Window screens
- Four Wire-mesh doors
- One Metal door frame
- 21 Wooden doors
- Five Office chairs
- Two Office stools
- One 3 cubic foot refrigerator
- One Record Player
- One Hide-a-bed sofa
- Four Boxes assorted auto parts
- One A.B.Dick photo copier w/toner
- One Air compressor w/2 h.p. electric motor and 60 gal. receiver
- One Aerial tar kettle
- One Olympic electric typewriter
- One IBM electric typewriter
- 35 Uniform shirts (bus driver)
- 26 Uniform pants (bus driver)

2. That the Purchasing Agent of the Town of Chapel Hill shall be and is hereby authorized to dispose of this surplus personal property at public auction in accordance with statutory requirements.
3. That the public auction is to take place on Saturday, September 21, 1985 at 10:00 a.m. at the Municipal Operations Facility, 1099 Airport Road, Chapel Hill, N. C. (Rain date: October 5, 1985 at the same time and place.)
4. That the terms of sale shall be to the highest bidder for cash or other form of cash equivalent acceptable to the Purchasing Agent (items specifying a minimum bid price shall be sold to the highest bidder equalling or exceeding the established minimum). All sales shall be designated final on the day of the auction.
5. That all items shall be sold on an "as is" and "where is" basis and the Town makes no guarantee of and assumes no responsibility for any of the items.
6. That it shall be a condition of sale that all items purchased shall be picked up and removed from the premises of the Municipal Operations Facility by 3:30 p.m. on the day of the auction. Purchasers shall bear sole risk for loss of any items remaining on said premises past such time.

BE IT FURTHER RESOLVED that if any of the surplus property is not sold at the public auction, the Purchasing Agent is hereby authorized to sell said surplus property by private negotiated sale in conformity with General Statute 160A-267.

This the 9th day of September, 1985.

A RESOLUTION DECLARING 266 ITEMS OF PERSONAL PROPERTY TO BE SURPLUS AND AUTHORIZING AND DIRECTING THE SALE OF SAID PROPERTY BY ADVERTISED SEALED BID OR PRIVATE NEGOTIATED SALE (85-R-166.2)

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

WHEREAS, the Town desires to dispose of surplus personal property;

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

1. That the following items of personal property are hereby declared surplus and, where indicated, the minimum bids across from items shall apply.

<u>Item</u>	<u>Minimum Bid</u>
One Mercury/Zephyr (1980)	\$400.00
One Twin Coach Bus (1974)	\$1,200.00
Two GMC Buses (1959)	Each \$375.00
One Detroit Diesel V6-71 Engine	\$150.00
One Detroit Diesel 6-71 Engine	\$150.00
260 Scrap Car/Bus Batteries	

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

BE IT FURTHER RESOLVED that if any of the surplus property is not disposed of by sealed bid, the Purchasing Agent is hereby authorized to sell said surplus property by private negotiated sale in conformity with General Statute 160A-267.

This the 9th day of September, 1985.

A RESOLUTION REGARDING AN INFRASTRUCTURE SURVEY BY THE TRIANGLE J COUNCIL OF GOVERNMENTS (85-R-167)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council endorses the efforts of the Triangle J Council of Government to prepare an infrastructure survey for Wake and Orange Counties, and approves the inclusion of information on Chapel Hill in the survey report as shown on the attached corrected pages for the final draft report.

This the 9th day of September, 1985.

Boards

Council Member Smith nominated Council Member Thorpe for the vacancy on the Firemen's Relief Fund Board of Trustees.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC TO APPOINT COUNCIL MEMBER THORPE TO THE SEAT ON THE FIREMEN'S RELIEF FUND BOARD OF TRUSTEES. THE MOTION PASSED UNANIMOUSLY, (7-0).

Council Member Thorpe was appointed.

Planning Board

Council Member Kawalec nominated Roberta Black.
Council Member Preston nominated Berry Credle.

Transportation Board

Council Member Preston nominated Edward Blocher and Edie Elterich.
Council Member Pasquini nominated Mario Pieroni.

Greenways Commission

Council Member Preston nominated Hazel Craige, Michael Gleason, Kathryn Harris, Thomas Jerdee, Eva Metzger, Elizabeth Myers, Betsy Pringle and Philip Sloane.

Council Member Kawalec nominated Marion Baker, Ruth Eddy, Dorothy Talbot, Vincent Kopp, Anne Loeb, and Sandra Yaggy.

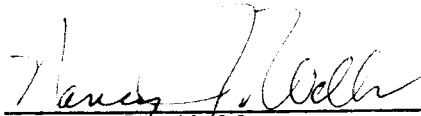
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Work Session on Goals and Objectives

Council agreed to hold a work session on Goals and Objectives on September 19, 1985 at 7:30 p.m. at the Municipal Building Meeting Room.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADJOURN. THE MOTION PASSED UNANIMOUSLY, (7-0).

The meeting adjourned at 11:10 p.m.

Mayor Joseph L. Nassif



Nancy J. Wells
Town Clerk

