

MINUTES OF A SPECIAL MEETING OF  
THE MAYOR AND BOARD OF ALDERMAN  
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING  
WEDNESDAY, MAY 31, 1978, 7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

Marilyn Boulton  
Gerald Cohen  
Robert Epting  
Jonathan Howes  
Beverly Kawalec  
R. D. Smith  
Bill Thorpe  
Edward Vickery

Also present were Town Manager K. Jenne and Deputy Clerk, M. Harkins.

Mayor Wallace announced that the special meeting had been called for the purpose of considering the Public Safety Officer Program. At the end of the meeting, Alderman Cohen also wished to discuss an item, after which the Board would meet for a worksession.

Alderman Epting stated the matter had been before the Board for some time. HE MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION.

WHEREAS, the Board of Aldermen of the Town of Chapel Hill endorsed and adopted the Public Safety Officer Program by actions dated July 14, 1975 and June 6, 1977, and

WHEREAS, town administrators have followed this policy directive and moved toward a fully implemented public safety program by converting available police and fire positions to public safety officer positions, and by encouraging cross training among present police and fire personnel, and

WHEREAS, the Board of Aldermen has recently had the benefit of a lengthy study and full report on a request that the fire department personnel be returned to 24 hour shifts, and

WHEREAS, the Board of Aldermen has heard and given full consideration to the fully expressed views of the firemen petitioners supporting the 24 hour shift proposal and given full consideration to the Town Manager's recommendation that the 8 hour shift pattern be retained for all police, public safety and fire personnel,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Alderman of the Town of Chapel Hill that the Board hereby affirms and again endorses the public safety officer program, with a direction that the Manager continue toward full implementation of the program by filling vacant police and fire positions with public safety officers and modify position classifications accordingly, and two, that the present system of rotating 8 hour shifts for all fire, police and public safety officer employees be continued.

This the 31st day of May, 1978.

Alderman Epting stated the Board had endorsed the public safety officer program and was moving toward a fully implemented program at a humane pace. No current fireman would be required to become a policeman. The resolution directed the Manager to continue toward a system of full implementation.

Alderman Cohen disagreed that the town had converted fire positions to public safety officer positions, nor had this been the town's policy to his knowledge. The Board had never agreed to replace over a period of time, the fire positions with public safety officer positions. Alderman Cohen pointed out that until 1975, all departments had personnel problems except the fire department. The large annexations by the town in 1975 plus the federal legislation requiring the town to pay the firemen for 64 hours of work while working 56 hours resulted in the town's adopting the public safety officer

program to reduce the firemen's hours of work and increase the number of firemen and policemen. In 1977, the Supreme Court struck down the Fair Labor Standards Act leaving the town free to go back to the old system. The firemen's proposal would increase personnel on duty at any one time by one-third. A fourth man on duty would allow for a more flexible inspections policy. The 24 hour shift would satisfy the goal of fire protection at no extra cost to the town.

Alderman Cohen thought that with no clear reason for changing the 24 hour shift, the town should consider the men's wishes. The town had not committed itself to go to a full PSO program. To do so would be a major policy change. And, he added the firemen had agreed to give up their pay parity for the change to a 24 hour shift. Alderman Cohen did not believe there was public sentiment for a full PSO program. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, TO SUBSTITUTE THE FOLLOWING RESOLUTION.

RESOLVED, by the Board of Aldermen of the Town of Chapel Hill, that the Town Manager is requested to submit, for consideration amendments to the 1978-79 budget, to change to a 24-hour shift, 56-hour workweek for firemen.

This the 31st day of May, 1978.

Alderman Smith stated the Board had made a mistake in 1975 when it changed to the PSO program. At that time, the Board was of the opinion that the firemen approved of the change. It would take 15 to 20 years to go to a full PSO program unless the town fired some of its present firemen. He stated that all of the information given to the Board showed that PSO programs in other places have not worked. The town was upsetting people's lives with the program. The morale of the fire department was very low.

Alderman Vickery supported Alderman Smith and Cohen. He said the consensus of the report by the Mayor's Committee was to return to the 24 hour shift. The committee had not agreed that compatability was the main issue. The 24 hour shift is as efficient as the 8 hour shift insofar as response to fires is concerned. The change to a 24 hour shift would increase morale and would cost less. The loss of pay parity would recognize that there might be some loss of efficiency or convenience in scheduling for the 24 hour shift. The Mayor's committee and Alderman Vickery thought the firemen's moonlighting irrelevant. Alderman Vickery stated there was no consensus among the police that there would be a rebellion if there was a change to 24 hours.

Alderman Boulton agreed with much of Alderman Vickery's statement but disagreed with the main issue. She believed that if the Board was going to a full PSO program, they should stay with the 8 hour shift.

Alderman Howes agreed that the main issue was whether the town was committed to the PSO program. If they were, they should stay with the 8 hour shift. Although the public safety officer program was perhaps the more difficult course, Alderman Howes felt it was also the more efficient and modern one.

Alderman Thorpe agreed with Alderman Cohen and Alderman Vickery that returning to a 24 hour shift would not disrupt the town.

Alderman Cohen stated the town should reexamine the PSO system as one of its major foundations had changed, that of the federal law dealing with wage and hour regulations.

Alderman Epting asked if Alderman Cohen's motion contemplated diminishing current salaries for the firemen. Alderman Cohen responded that Manager's proposed budget had included a 5.5% pay increase. If the increase was approved and the fire personnel reclassified one step down, the result would be that the police received 5.5% increase and the fire personnel received a .5% increase. However, if the Board decided not to give a cost-of-living increase, Alderman Cohen thought the fire salary should be set at 5% below that of the police salary decided upon.

THE SUBSTITUTE MOTION WAS DEFEATED BY A VOTE OF FIVE TO FOUR WITH ALDERMEN COHEN, SMITH, THORPE, AND VICKERY SUPPORTING AND ALDERMEN BOULTON, EPTING, HOWES, KAWALEC AND MAYOR WALLACE OPPOSING.

Alderman Cohen felt the Board was making a major change in policy without discussion. He said that no firemen's positions had been changed to public safety officer. Mr. Jenne responded that there had been only one vacancy which had not been changed because of the uncertainty about the program within the last year. ALDERMAN EPTING CALLED THE QUESTION, SECONDED BY ALDERMAN HOWES.

THE MOTION WAS DEFEATED BY A VOTE OF FIVE TO THREE WITH ALDERMEN EPTING, HOWES AND MAYOR WALLACE SUPPORTING AND ALDERMEN BOULTON, COHEN, KAWALEC, SMITH, THORPE AND VICKERY OPPOSING.

Alderman Smith stated adopting the resolution would increase the morale problem. It would take at least twenty years to convert all positions to PSO. The department would lose its leadership. It would then cost the town to retain men. In response to Alderman Boulton, Mr. Jenne said there had not been any proposal to change the positions of captain or lieutenant, only to convert basic positions. Any experience lost would be in the basic positions. Alderman Smith asked what was wrong with a modified PSO program and shifting to a 24 hour shift. Mr. Jenne answered that it would limit the PSO program potential and flexibility, as well as productivity.

Lt. Merle Smith stated the firemen supported a modified PSO program. By adopting this resolution, the Board would not be recognizing professional firemen or policemen. Captain Matthew Maynor asked if the Board was going to vote without any public input. Mayor Wallace answered that there had been public input over the past year. Alderman Vickery asked that a public hearing with full discussion be held to consider moving toward a total PSO program.

THE MOTION WAS CARRIED BY A VOTE OF FIVE TO FOUR WITH ALDERMEN BOULTON, EPTING, HOWES, KAWALEC, AND MAYOR WALLACE SUPPORTING AND ALDERMEN COHEN, SMITH, THORPE AND VICKERY OPPOSING.

Legislation

Alderman Cohen stated the legislature would be considering local bills of a non-controversial nature during the week. He asked other Board members if they had any suggestions. He had one proposal. The Board of Aldermen in April 1977 had gone on record as endorsing a proposal that would allow the Board of Aldermen to assign the duties of the Board of Adjustment to the Planning Board. There had been discussion at that time of giving the Planning Board special use permit approval under some conditions. However, the law had been interpreted as meaning that all powers of the Board of Adjustment must be granted to the Planning Board or none of them. This proposal would write into the charter the provision which would allow special use permits to be approved by the Planning Board. The zoning ordinance would have to be amended.

ALDERMAN COHEN MOVED THAT THE BOARD OF ALDERMEN ENDORSE THE PROPOSED BILL AND REQUEST CHAPEL HILL'S LEGISLATIVE DELEGATION TO SPONSOR IT. ALDERMAN HOWES SECONDED THE MOTION.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

There being no further business to come before the Board, the meeting was adjourned.

Mayor James C. Wallace \_\_\_\_\_

Town Clerk, David B. Roberts \_\_\_\_\_