

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 07, 1993 at 7:30 P.M. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	Frances Shetley
	Jacquelyn Gist
	Jay Bryan
Town Manager	Robert W. Morgan
Town Attorney	Michael B. Brough
Deputy Town Clerk	James E. Spivey

APPROVAL OF MINUTES

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE MINUTES OF AUGUST 24, 1993 BE APPROVED. VOTE: AFFIRMATIVE ALL.

CHARGE

Marobeth Ruegg received her charge as a member of the Appearance Commission/ Neighborhood Preservation District Commission.

AMENDMENT TO HOME INVESTMENT PARTNERSHIP PROGRAM CONSORTIUM AGREEMENT

The administration removed this item from the agenda and it is to be re-scheduled for a later date.

RESOLUTION AUTHORIZING THE SALE OF ITEMS OF TOWN SURPLUS PERSONAL PROPERTY BY PRIVATE SALE

As part of the purchase agreement for new weapons for the Police Department, it was agreed that current weapons used by the Police Department would be sold to the vendor to offset a portion of the purchase price. Pursuant to Article 12, Chapter 160A of the NC General Statutes, the Board of Aldermen must declare the property to be surplus prior to disposal.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Frances Shetley.

A RESOLUTION AUTHORIZING BY PRIVATE SALE AT A NEGOTIATED
PRICE SURPLUS PROPERTY IN THE POSSESSION OF THE POLICE
DEPARTMENT
Resolution No. 9/93-94

WHEREAS, Article 12 of the General Statutes, Chapter 160A, authorizes the Town to dispose of personal property; and

WHEREAS, the Town desires to dispose of certain items of surplus property in the possession of the Police Department.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO HEREBY RESOLVES:

Section 1. The following items of town property are hereby declared surplus:

<u>Quantity</u>	<u>Description</u>	<u>Sale #</u>
15	Revolvers - S&W .357, Model 686	
	Serial #'s (as follows)	
	BHY-8000	1
	AEJ-7949	2
	AFF-3657	3
	AEJ-4381	4
	AEZ-1860	5

AFR-2880	6
AEK-3508	7
AFR-4019	8
AFP-9892	9
BJC-7763	10
AFS-8043	11
AFR-2827	12
BJA-0556	13
AYT-6741	14
AFE-9182	15

Section 2. The Town Manager shall be and is hereby authorized to dispose of the surplus personal property listed in Section 1 in accordance with statutory requirements.

Section 3. The proceeds of the sale shall be applied as trade-in towards the purchase of the replacement weapons.

Section 4. The weapons are to be sold on an "as is" and "where is" basis and the town makes no guarantee of and assumes no responsibility for the weapons.

Section 5. It shall be a condition of sale that the weapons shall be picked up and removed from Police Department premises by the purchaser. Purchaser shall bear sole expense of removal, although Police Department personnel will be made available if needed to facilitate removal.

Section 6. This resolution shall become effective upon adoption.

The forgoing resolution having been submitted to a vote, received the following vote and was duly adopted this 7th day of September, 1993:

- Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jay Bryan
- Noes: Jacquelyn Gist
- Absent or Excused:

CABLE T.V. COVERAGE OF BOARD MEETINGS

Robert Morgan, Town Manager, stated that the Town of Carrboro has requested that CVI improve the quality of cable casting of the Board of Aldermen meetings by specifically recommending improvements to the audio and video equipment used by CVI. In making this request, it has been determined that CVI is in noncompliance with Section 5(a) and Section 5(d) of the cable franchise agreement. Mr. Morgan requested that the Board approve the administration sending a letter to CVI notifying it of its noncompliance with the cable franchise.

Clark Lohse, Chairman of the Cable T.V. Committee, stated that the Committee supports the contents of the letter and urged the Board to approve the administration's request to send the letter.

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE TOWN MANAGER SEND A LETTER TO CVI NOTIFYING IT OF ITS NONCOMPLIANCE WITH THE CABLE FRANCHISE. VOTE: AFFIRMATIVE ALL.

DISCUSSION OF CABLE T.V. RATES

Robert Morgan, Town Manager, informed the Board that with Cable TV legislation passed October 05, 1992, local jurisdictions can now request to be certified to regulate certain aspects of cable franchises. Local governments who certify with the FCC will be able to regulate rates for cable for the basic service tier, rates for equipment and installation used to receive basic cable service, and will have authority over customer service standards. Mr. Morgan requested that the Board adopt a resolution authorizing him to execute and submit all forms necessary to certify the Town to administer a local cable TV franchise.

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO APPLY
TO THE FEDERAL COMMUNICATIONS COMMISSION ON BEHALF
OF THE TOWN FOR CERTIFICATION TO ENABLE THE TOWN
TO ENFORCE FEDERAL RULES REGULATING CABLE TELEVISION
RATES FOR CERTAIN CHANNELS
Resolution No. 10/93-94

WHEREAS, on April 1, 1993, the Federal Communications Commission (FCC) adopted a Report and Order and Further Notice of Proposed Rulemaking, in MM Docket 92-266, implementation of sections of the Cable Television Consumer Protection and Competition Act of 1992, Rate Regulation, FCC No. 93-177, released May 3, 1993, effective September 1, 1993, ("FCC regulations") which describes a comprehensive process whereby franchising authorities may regulate the rates charged by existing cable television operators for the basic service tier; and

WHEREAS, the FCC procedure allows franchising authorities to seek certification from the FCC and thereafter regulate the rates charged by cable operators for the basic service tier; and

WHEREAS, the Town, as franchising authority, has reviewed the FCC certification process and applicable FCC forms and determined that it has the legal authority and financial capability to exercise rate regulation under the FCC's regulations; and

WHEREAS, the Town has determined that it is in the best interests of the Town, its residents, and cable television subscribers to exercise the regulatory authority afforded franchising authorities under the FCC's regulations; and

WHEREAS, the Town has determined that its best interests are served by moving forward in an expeditious manner seeking certification from the FCC to regulate the basic cable service tier to avoid potential rate increases which may result in higher overall rates charged to cable television subscribers within the Town.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Town Manager is hereby authorized to submit all applicable forms to the FCC to seek certification for regulation of the basic service tier.

Section 2. No further action or approval by the Board of Aldermen shall be required for execution of any and all appropriate forms to be submitted to the FCC for regulation of the basic service tier.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 7th day of September, 1993:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

The Board recommended that the administration contact the League of Municipalities and the COG in reference to receiving technical and legal assistance regarding this matter.

REPORT ON "NO SMOKING" ORDINANCE

Michael Brough, Town Attorney, reviewed two draft ordinances in reference to regulating smoking. Mr. Brough explained that legislation passed by the 1993 General Assembly does not require the Board to take any action, but if the Board wishes to take action it has to be done by October 15, 1993.

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY JAY BRYAN THAT A PUBLIC HEARING BE SET FOR OCTOBER 05, 1993 ON THE TWO "NO SMOKING" ORDINANCES. VOTE: AFFIRMATIVE ALL.

The Board stated that no action would be taken regarding this matter on October 05, 1993 after the public hearing.

The Board requested that the town attorney prepare a summary of the two proposed ordinances that would succinctly explain what each ordinance states. This summary is to be placed on Noteboard and be part of the public hearing notice.

The Board requested that a notice of the public hearing be sent to all Carrboro restaurants/eateries, given to the Downtown Development Commission, and the Downtown Business Association-if it is still active.

The Board requested that if smoking is to be banned, the administration might utilize the Employee Assistance Program to help employees who wish to stop smoking.

REPORT ON ORDINANCE REGULATING BEGGING

Michael Brough, Town Attorney, reviewed three alternative drafts of ordinances to regulate begging.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT A PUBLIC HEARING BE HELD ON OCTOBER 12, 1993 REGARDING THE THREE PROPOSED ORDINANCES TO REGULATE BEGGING. VOTE: AFFIRMATIVE ALL.

The Board stated that no action would be taken regarding this matter after the public hearing on October 12, 1993.

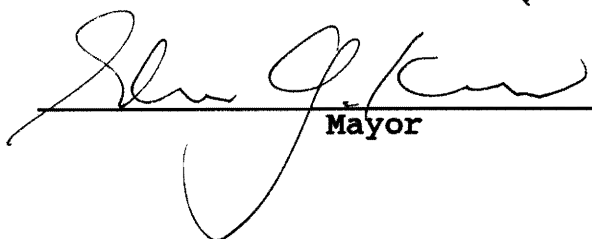
The Board requested that the Agenda Planning Committee schedule, for discussion, the proposed Board policy procedure regarding taking no action the night of public hearings.

CANCELLATION OF SEPTEMBER 14, 1993 BOARD MEETING

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY RANDY MARSHALL THAT THE SEPTEMBER 14, 1993 MEETING OF THE BOARD OF ALDERMEN BE CANCELLED. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY HILLIARD CALDWELL THAT THE MEETING BE ADJOURNED AT 8:45 P.M. VOTE: AFFIRMATIVE ALL.

Deputy Town Clerk



Mayor