A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 3, 2002 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Michael Nelson Aldermen Joal Hall Broun

Mark Dorosin
Jacquelyn Gist
John Herrera
Diana McDuffee
Alex Zaffron

Town Manager Robert W. Morgan
Deputy Town Clerk
Town Attorney Michael B. Brough

USE OF TOWN SEAL

Elizabeth Ryan stated that she is writing a book about Orange County in celebration of the 250th anniversary of the county. She requested authorization to use the town seal on the title page for the Carrboro section of her book.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO AUTHORIZE THE USE OF THE TOWN SEAL IN MS. RYAN'S BOOK. VOTE: AFFIRMATIVE ALL

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE NOVEMBER 19, 2002 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO ADOPT A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE 2002 FIRE DEPARTMENT ROSTER CERTIFICATION

To satisfy N.C. General Statute 58-86-25 which requires that all certified fire departments certify a complete roster of its qualified firefighters annually to the Firemen's Pension Fund, it was requested that the Mayor be authorized to sign the fire department roster certification.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE BOARD OF ALDERMEN, TO EXECUTE THE FIRE DEPARTMENT ROSTER CERTIFICATION

Resolution No. 54/2002-03

WHEREAS, N.C. General Statute 58-86-25 requires that all certified fire departments certify a complete roster of its qualified firefighters annually to the Firemen's pension Fund; and

WHEREAS, it is the responsibility of the Fire Chief and the Board of Aldermen to certify the personnel listed on the roster have received a minimum of 36 hours of training for the year; and

WHEREAS, the roster for the period July 1, 2001 through June 30, 2002 has been prepared by the Fire Chief.

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

Section 1. The Mayor, on behalf of the Board of Aldermen, is hereby authorized to execute the 2001-2002 roster certification.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 3rd day of December, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex

Zaffron

Noes: None

Absent or Excused: None

<u>A RESOLUTION APPROVING THE 2003 TIME WARNER CABLE TOLLING AND ACCOUNTING</u> ORDER TO EXTEND THE REVIEW PERIOD

Time Warner Cable submitted an FCC-1240 Updating Maximum Permitted Rates filing, FCC-1205 Determining Regulated Equipment and Installation costs filing, and FCC-1235 cost of Service Filing for Cable Network Upgrades for Regulated Cable Service with the Town. The Federal Communications Commission has transmitted rate filing procedures that allow cable operators to estimate future external costs, costs associated with system upgrades, and to recover those projected costs utilizing the FCC-1240 filing process which is performed annually. The purpose of this item was to request that the Board of Aldermen approve the 2003 Time Warner Cable Tolling and Accounting Order to extend the review period.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun

A RESOLUTION APPROVING THE 2003 TIME WARNER CABLE TOLLING AND ACCOUNTING ORDER TO EXTEND THE REVIEW PERIOD Resolution No. 58/2002-3

BE IT RESOLVED by the Carrboro Mayor and Board of Aldermen that the Aldermen approve the 2003 Time Warner Cable Tolling and Accounting Order to Extend the Review Period.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 3rd day of December, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex

Zaffron

Noes: None

Absent or Excused: None

MID-OCTOBER TO MID-NOVEMBER ACTIVE PROJECTS REPORT

The Zoning Division of the Town of Carrboro is responsible for preparing a monthly report outlining the construction activities of various projects of interest within the Town of Carrboro's jurisdiction. The report for the period of October 16, 2002 through November 15, 2002 was accepted.

<u>PUBLIC HEARING: A REQUEST TO ADOPT A RESOLUTION AUTHORIZING ACCEPTANCE OF</u> THE 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT

The Bureau of Justice Assistance (BJA) has notified the Carrboro Police Department of approval of a Year 2002 Local Law Enforcement Block Grant (LLEBG). This grant is for \$18,179 and requires a match of \$2,020 from the Town of Carrboro. The administration recommended that the Board of Aldermen receive public comment on the use of these grant funds and adopt a resolution accepting the grant and authorizing the payment of the town's match from the Police Department's operational budget (lapsed salaries).

MOTION WAS MADE BY ALEX ZAFFRON AND SECONED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION ACCEPTING THE LOCAL LAW ENFORCEMENT BLOCK GRANT FOR YEAR 2002 AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE TOWN'S MATCH Resolution No. 55/2002-03

WHEREAS, the Carrboro Board of Aldermen has accepted the Local Law Enforcement Block Grant every year since 1997; and

WHEREAS, these grants have been very beneficial to the Carrboro Police Department by providing funds to purchase video cameras, radar equipment, radios, and other essential equipment; and

WHEREAS, the Bureau of Justice Assistance has awarded a Year 2002 Local Law Enforcement Block grant to the Carrboro Police Department; and

WHEREAS, the Board of Aldermen held a public hearing on December 3, 2002;

NOW, THEREFORE BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro:

Section 1. The Board of Aldermen hereby accepts the Local Law Enforcement Block Grant in the amount of \$18,179.

Section 2. The Board of Aldermen hereby authorizes the expenditure of \$2,020 from the Police Department's operational budget for use as matching funds for the local Law Enforcement Block Grant.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 3rd day of December, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

<u>A REQUEST TO APPROVE THE 2002 TIME WARNER CABLE FCC-1240 AND FCC-1205 RATE</u> ORDER

Time Warner Cable of Raleigh-Durham (Time Warner) has submitted FCC1240 Updating Annual Maximum Permitted Rates filings for Regulated Cable Services with the Town. The Cable Television Consumer Protection and Competition Act of 1992, the Federal Telecommunications Act of 1996, the Town Code, and regulations adopted pursuant to that Code, permit the Board of Aldermen to regulate rates for basic cable services and associated equipment. Bob Sepe, a consultant with Action Audits, has reviewed Time Warner Cable's 2002 cable television rate filing. The purposes of this item were to request that the Board 1) receive Mr. Sepe's report; and 2) approve the basic tier rate adjustment and deny the increased hourly service charge.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPROVING THE TIME WARNER CABLE FCC-1240 & FCC-1205 RATE FILING FOR 2002 Resolution No. 57/2002-03

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board of Aldermen has received the report on the Time Warner Cable FCC1240 & FCC1205 Rate Filing for 2002;

Section 2. The Board of Aldermen hereby approves the basic tier rate adjustment and denies the increased hourly service charge.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 3rd day of December, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex

Zaffron

Noes: None

Absent or Excused: None

REQUEST TO SET A PUBLIC HEARING: DOWNTOWN BUILDING HEIGHTS ORDINANCE

An ordinance amending the provisions related to building heights, active recreational facilities, and sidewalk widths in the downtown has been prepared and amended in accordance with the Board of Aldermen's request on October 8, 2002. The Administration recommended that the Board of Aldermen set a public hearing for January 14, 2002 and refer the draft ordinance to the Planning Board and Orange County.

For the public hearing, Alderman Gist requested the names of the building height subcommittee, their professional affiliations; charrette notes showing the number attending, which ones were residents; and the number who voted for which heights.

Alderman Broun requested information on how the height requirements will be determined for the lots that resplit by different zoning districts.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION SETTING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT RELATING TO BUILDING HEIGHTS, ACTIVE RECREATIONAL FACILITIES AND SIDEWALK WIDTHS IN DOWNTOWN ZONING DISTRICTS Resolution No. 59/2002-03

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on existing and proposed policies and regulations;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen set a public hearing for January 14, 2003 on "An Ordinance Amending the Carrboro Land Use Ordinance Relating to Building Heights, Active Recreational Facilities Requirements, and Sidewalk Width Requirements in Downtown Commercial Zoning Districts" and;

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Aldermen refer the draft ordinance to the Planning Board, Appearance Commission, Downtown Development Commission, Environmental Advisory Board, Transportation Advisory Board, and Orange County for review.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 3rd day of December, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: Jacquelyn Gist

Absent or Excused: None

2025 REGIONAL TRANSPORTATION PLAN UPDATE

The Durham-Chapel Hill-Carrboro Transportation Advisory Committee (DCHC TAC) has released a Draft Recommended 2025 Long-Range Transportation Plan (LRTP) for public comment.

Dale McKeel, the town's Transportation Planner, answered the Board's questions.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee

A RESOLUTION PROVIDING THE DURHAM-CHAPEL HILL-CARRBORO TRANSPORTATION ADVISORY COMMITTEE WITH A RECOMMENDATION ON THE 2025 REGIONAL TRANSPORTATION PLAN Resolution No. 61/2002-03

WHEREAS, the Town of Carrboro has participated in regional transportation planning as a member of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization since the mid-1980s; and,

WHEREAS, the Durham-Chapel Hill-Carrboro Transportation Advisory Committee has released a Draft Recommended 2025 Regional Transportation Plan; and,

WHEREAS, the Carrboro Board of Aldermen seeks ample opportunities to review and comment on regional transportation plans and policies; and

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen recommend to the Transportation Advisory Committee that the 2025 Regional Transportation Plan should include the following:

- 1. Transit improvements should be implemented prior to pursuing roadway expansions.
- 2. Projects from the Town of Carrboro's connector roads plan should be referenced in the text as having a "two-lane" cross-section rather than "two-lane divided" and should be shown on the regional highway network map.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 3rd day of December, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex

Zaffron

Noes: None

Absent or Excused: None

USE OF ADDITIONAL REVENUE ESTIMATED FOR CURRENT BUDGET YEAR

At the time the budget was adopted, there was uncertainty around receiving state-collected local revenues. Instead of budgeting these revenues, a list of needs were prepared for consideration should the Town receive any of these revenues. Based on the final FY02-03 state budget and other legislation recently adopted by the N.C. General Assembly, the Town estimates that additional revenues will be received in the current year. The purpose of this agenda item was to discuss recommended uses of the additional revenue for needs identified by the town staff.

It was the consensus of the Board to fund implementation of the market study for the remainder of town employees, completing its commitment to market adjustments recommended in the FY 2001 market study.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO APPROVE A 2% ACROSS THE BOARD INCREASE FOR TOWN EMPLOYEES EFFECTIVE JANUAY 1, 2003. MOTION WITHDRAWN.

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY JOHN HERRERA TO USE \$62,000 TO IMPLEMENT A FLAT AMOUNT INCREASE FOR TOWN EMPLOYEES. THIS FLAT AMOUNT INCREASE WOULD BE ADDED TO BASE SALARIES, EFFECTIVE THE FIRST FULL PAY PERIOD IN JANUARY 2003. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (ZAFFRON)

The Board requested that the town staff come back to the Board if this flat amount increase cannot be implemented. The Board stressed that this is not a policy change--it is a one-time approach.

Desiree White, the town's Personnel Director, explained the pay structure.

It was the consensus of the Board to authorize the town staff to prepare a request for proposals for the downtown circulation study and provide ways to move ahead on the Weaver Street improvement project independent of the downtown circulation study.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE MARKET PAY STUDY. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY ALEX ZAFFRON TO APPROPRIATE \$50,000 FOR THE STREET RESURFACING FUND. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCDUFFEE TO AUTHORIZE THE CLOSING OF TOWN HALL DURING THE WEEK OF CHRISTMAS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL TO APPROVE THE ACTIONS ON THE BUDGET. VOTE: AFFIRMATIVE ALL

DISCUSSION OF SEARCH FIRMS FOR THE TOWN MANAGER'S POSITION

The Mayor and Board of Aldermen requested that staff provide information on search firms that could assist in the Town Manager recruitment and selection process. The town staff presented this information for the Board's consideration

It was the consensus of the Board that Board members forward job descriptions and questions for the search firms to the Town Manager Search Steering Committee within two weeks.

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY JOAL HALL BROUN THAT THE TOWN MANAGER SEARCH STEERING COMMITTEE CONTACT THE THREE SEARCH FIRMS PROVIDED BY THE TOWN STAFF IN ADDITION TO TWO ADDITIONAL FIRMS TO SCHEDULE INTERVIEWS. VOTE: AFFIRMATIVE ALL

WATER FOUNTAIN AT THE CENTURY CENTER

Mayor Nelson requested that the water be restored in the water fountain at the Century Center.

Mr. Morgan stated that he would investigate whether water could be restored at this time due to freezing temperatures.

ADAMS PROPERTY

Mayor Nelson requested that the town staff draft a greenway policy, i.e., paved or natural, for the Board's discussion and public input.

MURAL ISSUE

Alderman Gist requested that the Appearance Commission tweak the sign ordinance to avoid future clashes with murals.

REGIONAL TRANSIT DISCUSSIONS

Alderman Zaffron reported that the Mayors of Raleigh, Durham and Cary are having discussions of forming a committee to discuss the idea of merging the Triangle transit systems.

Alderman McDuffee suggested that Mayor Nelson forward a letter to these Mayors reminding them of the transit memorandum of understanding.

CHAPEL HILL TOWNSHIP PARK COMMITTEE

Alderman McDuffee requested that the Board have a discussion in late December or early January of what Carrboro wants to see at the park.

CLOSED SESSION

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADJOURN TO CLOSED SESSION AT 10:15 P.M. TO DISCUSS SELECTION OF AN INTERIM TOWN MANAGER. VOTE: AFFIRMATIVE ALL

APPOINTMENT OF INTERIM TOWN MANAGER AND DEPUTY TOWN MANAGER

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPOINT MIKE BROUGH AS INTERIM TOWN MANAGER. HE WILL HAVE RESPONSIBILITIES FOR SUPERVISING PLANNING, ECONOMIC DEVELOPMENT, PERSONNEL, RUNNING BOARD MEETINGS AND INTERGOVERNMENTAL RELATIONS. IN ADDITION, THAT BING ROENIGK BE APPOINTED AS DEPUTY TOWN MANAGER WITH THE RESPONSIBILITY FOR OVERSEEING THE POLICE DEPARTMENT, PUBLIC WORKS DEPARTMENT, FIRE DEPARTMENT AND RECREATION AND PARKS DEPARTMENT. THESE APPOINTMENTS WILL BECOME EFFECTIVE AT 5:00 P.M. ON DECEMBER 30, 2002. VOTE: AFFIRMATIVE ALL

		 Mayor
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Deputy Town Clerk		