

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 2, 2003 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
Interim Town Manager/	Michael B. Brough
Town Attorney	
Town Clerk	Sarah C. Williamson

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO APPROVE THE AUGUST 26, 2003 MINUTES. VOTE: AFFIRMATIVE ALL

A REQUEST TO ADOPT A RESOLUTION AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH ICMA-RC FOR DEFERRED COMPENSATION PROGRAM

The purpose of this item was for the Board of Aldermen to adopt a resolution to enter into an agreement with the International City Managers' Association Retirement Corporation as agreed upon in the employment contract of Steven Stewart, Town Manager.

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

A RESOLUTION AUTHORIZING THE TOWN OF CARRBORO TO ENTER INTO AN
AGREEMENT WITH ICMA-RC FOR
DEFERRED COMPENSATION PROGRAM
Resolution No. 18/2003-04

ACCOUNT NUMBER: 10 8443

WHEREAS, the Town of Carrboro "Employer" has employees rendering valuable services; and

WHEREAS, the establishment of a money purchase retirement plan benefits employees by providing funds for retirement and funds for their beneficiaries in the event of death; and

WHEREAS, the Employer desires that its money purchase retirement plan be administered by the ICMA Retirement Corporation and that the funds held under such plan be invested in the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans:

NOW THEREFORE BE IT RESOLVED that the Employer hereby establishes or has established a money purchase retirement plan (the "Plan") in the form of:

The ICMA Retirement Corporation Governmental Money Purchase Plan & Trust, pursuant to the specific provisions of the Adoption Agreement (executed copy attached hereto).

The Plan shall be maintained for the exclusive benefit of eligible employees and their beneficiaries; and

BE IT FURTHER RESOLVED that the Employer hereby executes the Declaration of Trust of the ICMA Retirement Trust, attached hereto, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in the ICMA Retirement Trust.

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in the ICMA Retirement Trust; and

BE IT FURTHER RESOLVED that the Town Manager shall be the coordinator for the Plan; shall receive reports, notices, etc., from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the Employer, any required votes under the ICMA Retirement Trust; may delegate any administrative duties relating to the Plan to appropriate departments; and is authorized to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the Plan.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 2nd day of September, 2003:

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

Noes: None

Absent or Excused: None

REQUEST TO SCHEDULE AN ASSEMBLY OF GOVERNMENTS MEETING AND JOINT PLANNING PUBLIC HEARING

The Mayor and Board of Aldermen were requested to schedule an Assembly of Governments meeting for September 30, 2003 and a Joint Planning Public Hearing for October 15, 2003. The Board was requested to adopt a resolution setting those meeting dates.

The Board delayed action on setting these meeting dates until the town staff determines the agenda for those meetings.

A PUBLIC HEARING ON THE ADOPTION OF THE BOND ORDER FOR SIDEWALKS AND GREENWAYS

The Board of Aldermen, on August 19, 2003, adopted a resolution setting a public hearing for September 2, 2003 on the advisability of issuing bonds for sidewalks and greenways. The purpose of this item is to conduct the required public hearing and to decide whether to go forward with the steps necessary to finance sidewalks and greenways with bond financing. If the Board desires to go forward with a bond referendum, the following actions are required:

1. Adopting the Bond Order at a specified maximum amount. The maximum amount is currently set at \$4,600,000 and may be revised.

2. Approving a resolution that sets the referendum date for November 4th, establishes the ballot question to be voted upon by town residents, and authorizes the Town Clerk to conduct certain additional actions to complete the process of authorizing the bonds and the bond referendum.

In addition, the Board was requested to approve a resolution directing staff to prepare a brochure providing information on the proposed bond referendum and to prepare a strategy for disseminating this information to the community.

Dale McKeel, the Town's Transportation Planner, explained the proposed sidewalk improvements and greenway trails if the bonds are authorized.

Bob Jessup, the Town's bond attorney, answered the Board's questions.

Bing Roenigk, the Town's Assistant Manager, explained the fiscal impact of issuing the \$4.6 million in bonds.

Dale McKeel gave a status report on the Autumn Drive connection.

Stephanie Padilla spoke in favor of the greenways. She stated that Autumn Drive does not need sidewalks. The connector road will render her neighborhood non-walkable. She suggested that the sidewalks and greenways be separated on the ballot.

Mark Chilton suggested that the amount of the bond issue be reduced.

Marty Mandell suggested that the town have a very specific goal before proceeding with a bond issue.

Matt Koch stated that if the Autumn Drive connection were made, it would destroy his neighborhood. He stated that his neighborhood was not designed for sidewalks.

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY JOHN HERRERA TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK DOROSIN TO ADOPT THE FOLLOWING BOND ORDER:

BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR SIDEWALKS AND GREENWAY TRAILS IN THE MAXIMUM AMOUNT OF \$4,600,000

WHEREAS --

The Board of Aldermen of the Town of Carrboro, North Carolina, by resolution adopted on June 17, 2003, has stated its proposal to issue general obligation bonds to pay capital costs of providing sidewalks and greenway trails.

The Town has applied to the North Carolina Local Government Commission for its approval of such bonds, and the Commission has accepted the Town's application.

BE IT ORDERED by the Board of Aldermen of the Town of Carrboro, North Carolina, as follows:

1. There are hereby ordered to be issued Town general obligation bonds to pay capital costs of providing sidewalks and greenway trails, together with related financing and other necessary or incidental costs.

2. The maximum aggregate principal amount of the bonds issued for such purpose will be \$4,600,000.

3. Taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds so issued.
4. A sworn statement of debt prepared by the Town's Finance Officer has been filed with the Town Clerk and is open to public inspection.
5. This Bond Order will take effect when approved by the Town's voters in the manner provided by law.

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

Noes: Jacquelyn Gist

Absent or Excused: None

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Mark Dorosin.

A RESOLUTION REGARDING PUBLICATION OF BOND ORDER
AND DETAILS FOR BOND REFERENDUM
Resolution No. 15/2003-04

WHEREAS, there has been adopted at this meeting a bond order entitled as follows:

BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR SIDEWALKS AND GREENWAY TRAILS IN THE MAXIMUM AMOUNT OF \$4,600,000

AND WHEREAS, such bond order is to take effect when approved by the voters;

AND WHEREAS, the General Statutes require certain additional actions to complete the process of authorizing the bonds and the bond referendum;

BE IT THEREFORE RESOLVED by the Board of Aldermen of the Town of Carrboro, North Carolina, as follows:

1. The Town Clerk is authorized and directed to publish a notice of the adoption of such Bond Order, in the form provided for in Section 159-58 of the General Statutes, one time in a newspaper having general circulation in the Town.
2. The Bond Order will be subject to a bond referendum to be held within the Town on November 4, 2003.
3. The Town Clerk is authorized and directed to transmit a certified copy of this resolution to the Orange County Board of Elections within three days after today. The Orange County Board of Elections is requested to conduct the referendum in the manner provided for by law.
4. The Town Clerk is authorized and directed to publish notice of the bond referendum as required by Section 159-61 of the General Statutes.
5. The ballot question will be in the following form:

TOWN OF CARRBORO - BONDS FOR SIDEWALKS AND GREENWAYS

Shall the order authorizing up to \$4,600,000 of general obligation bonds of the Town of Carrboro, to pay capital costs of providing sidewalks and greenway trails and paying related costs, as adopted by the Town's Board of Aldermen on September 2, 2003, be approved?

Yes ___

No ___

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 2nd day of September, 2003:

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

Noes: Jacquelyn Gist

Absent or Excused: None

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Mark Dorosin.

A RESOLUTION DIRECTING STAFF TO PREPARE AN
INFORMATIONAL BROCHURE AND STRATEGY FOR DISSEMINATING INFORMATION ON BOND
REFERENDUM

Resolution No. 16/2003-04

WHEREAS, the Board of Aldermen has adopted the Sidewalk and Greenways Bond Order; and

WHEREAS, the Board has adopted a resolution setting the referendum date for November 4 when town residents will vote on the ballot question; and

WHEREAS, this brochure will provide the Town with the opportunity to present objective information about the purpose, scope, and effect (fiscal and otherwise) of the bond issue without engaging in advocacy as to which way voters should vote on the referendum.

NOW THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN THAT THE BOARD HEREBY DIRECTS STAFF TO:

Section 1. Prepare a brochure providing information on the proposed bond referendum.

Section 2. Prepare a strategy for disseminating this information to the community, including use of the Town's website and any other electronic means available.

Section 3. Present a draft brochure and strategy to the Board on September 16th for approval.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 2nd day of September, 2003:

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

Noes: Jacquelyn Gist

Absent or Excused: None

WORKSESSION ON CABLE CASTING EQUIPMENT UPGRADES

Over the past four years, there has been concern about the sound quality of Board of Aldermen meetings. In May 2003, staff issued an RFP to solicit bids to upgrade boardroom equipment including audio improvements, adding rebroadcast equipment, and resolving other technical concerns. The purpose of this agenda item was to provide staff with an opportunity to report on needed cable casting equipment upgrades and enhancements and to provide the Board with an opportunity to discuss how it would like to proceed.

Dave Guthrie stated that he maintains the current boardroom equipment. He also briefly explained the proposed equipment upgrades.

The following resolution was introduced by Alderman Mark Dorosin and duly seconded by Alderman Alex Zaffron.

A RESOLUTION PROVIDING DIRECTION TO STAFF ON CABLECASTING EQUIPMENT
UPGRADES FOR THE TOWN
Resolution No. 14/2003-04

WHEREAS, the Board of Aldermen has received a staff report on needed cable casting equipment upgrades and enhancements for the Town; and

WHEREAS, the staff needs further Board direction on how to proceed.

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

Section 1. That Alderman Zaffron meet with Dave Guthrie to prepare options for improvements for the Board's consideration.

Section 2. That the Interim Town Manager be directed to give Time Warner Cable sixty (60) days written notice of its decision to require Time Warner Cable to begin billing and collecting the PEG Capital Charge.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 2nd day of September, 2003:

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

Noes: None

Absent or Excused: None

PERSONNEL ORDINANCE AMENDMENT

The Town Personnel Ordinance now provides that an employee who is subject to a disciplinary action is entitled to a hearing before the town manager, and that, upon request of the employee the hearing shall be open to the public. The purpose of this item is to consider an ordinance amendment that deletes the provision giving the employee the right to insist that the hearing be open to the public.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 4 OF THE CARRBORO TOWN CODE TO DELETE THE REQUIREMENT THAT, UPON REQUEST OF AN EMPLOYEE, DISCIPLINARY APPEAL HEARINGS SHALL BE OPEN TO THE PUBLIC." VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (ZAFFRON, DOROSIN, BROUN, HERRERA)

The Board asked that the Manager contact other jurisdictions to determine whether they have open personnel hearings.

CANCELLATION OF SEPTEMBER 23RD BOARD MEETING

Mayor Nelson requested that the Board consider canceling the September 23rd meeting and move the items on that agenda to later meetings.

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY JOHN HERRERA TO CANCEL THE SEPTEMBER 23, 2003 BOARD MEETING. VOTE: AFFIRMATIVE ALL

CONSTRUCTION OF A ROUND ABOUT

Mayor Nelson urged Board members to take a look at the recently constructed round about located at the intersection of the Old Durham Road and 751 in Durham.

TRASH RECEPTACLES AT WILSON AND ANDERSON PARKS

Alderman Dorosin asked that trash receptacles be located near the play equipment at Wilson and Anderson Parks.

BUFFER ZONE FOR B-2 PROPERTIES

Alderman Zaffron requested that the report on a buffer zone for B-2 properties in the downtown be brought to the Board of Aldermen as soon as possible.

UPDATE ON 2003 ACTION AGENDA

Alderman McDuffee requested a status report on the 2003 Action Agenda.

PROPOSAL FOR WEAVER/MAIN/ROBERSON INTERSECTION

Alderman Broun stated that she would present a proposal for the Weaver/Roberson/Main intersection to the Board on September 16th.

DEBRIS BEHIND CARRBORO ELEMENTARY SCHOOL

Alderman Herrera requested that the town staff determine the boundaries and responsibility for litter pickup behind Carrboro Elementary School.

HIGH SPEED INTERNET ACCESS FOR THE TOWN MANAGER

Mayor Nelson stated that Steve Stewart was requesting high speed Internet access for his home computer.

It was the consensus of the Board to approve this request.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO
ADJOURN THE MEETING AT 10:00 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk