BDement: the neighborhoods have made it conducive to walking to ELE. So many parents walk their kids to school because of that. Adding more sidewalk to Crown Point would help. Safe sidewalks.

KQuery: it's probably cheaper for us to hire more police
KQ: we need to put pressure on CMS

SHW staff was asked to look at these options. The police chief is concerned about the daily traffic violations. Does the Board want to take any certain actions?

SHW transportation staff does not recommend stacking lanes (turn lanes) in the public ROW on sam newell, trade, Elizabeth lane.

HB we need to look at it again. We do have the ability to spend town dollars on school property. Maybe some of these improvements can be done on school property relatively cheaply. Lets take a swing at this. I do think the police officers is a valid idea. How to make it work t get them out there regularly.

JM Matthews Elementary: minimal cost if you punched the road through. Would like to pursue that.
JM think the stacking on Elizabeth lane rather than 51 is helping.
JM think you could create more stacking site at crown point –

JH can we get crossing guard volunteers? Or safety patrol? Why do we have to pay them?
Stage a crossing guard can only direct pedestrians. A traffic control officer directs traffic.
SHW the CMS director of transportation says they train their crossing guards. Its just a matter of getting volunteers

BDement: one concern I have is schools that are open on election day. I am frightened for many reasons. How can we encourage CMS to not have school on election day? PB the schedule is set by CMS. You have a certain number of hours they have to be in school. BD maybe move a teachers work day to election day. PB CMS does have the flexibility but there's not a lot of days left. Its something we can ask of from CMS.

REVIEW TOWN BOARD CODE OF ETHICS

HB: you get trained every term. Wanted to mention that our code is fine but it doesn't include any censure provisions. As a best practice its good to have in the code. I have not seen any reasons to do this recently but we did have a situation a few years ago where had he not resigned, we had aboard member who probably would have been censured.

HB there is no legal teeth to this – simply a way to show your displeasure.
CBuckley we have the statute requirements. The SOG has put out a pro forma there is an enforcement section that includes a censure. Under the typical enforcement, there is an advisory opinion. Ask the town atty informally and see if someone needs to be excused. We have that informal aspect. But there's also the procedure for the town board to censure. Someone would issue a complaint. Town atty would investigate, or get outside council to investigate. Then hold a hearing

Adopt a resolution of non support (majority vote) or resolution of censure (super majority, 2/3 vote). Ou have to give the person an opportunity to be heard. Public hearing.

JH In our case of 7 people a majority and supermajority vote would be the same number (since target cant vote so only 6 people)
CB it's a pretty serious thing, You're putting a commissioner on trial to determine if there was an ethical violation or not.

CM as this boards legal council, you said our existing code of ethics meets the minimum. Is that enough or would you recommend we add anything? CB I will not recommend ne way or another -- this has to be your decision.

PB reads two things 1) from our existing code of ethics. Section 1 public officials should obey all las....exact reading of section 1. Unfair, dishonest...

I feel like we ought to read that at the beginning of every meeting. I don't appreciate the behavior I've seen from some of our citizens in the past year that I've never seen before. We're a town trying to accomplish the same goal. Just because your opinion differs doesn't mean you're unethical.

Query motion to read this section at the beginning of every meeting Second Dement. 6-1 with hisdon in opposition. JH its self evident and I don't think it needs to be read each time. And secondly, I don't think we should discourage the public from expressing their discontent. I don't want to quash public opinion or make it less likely that they voice their opinion. Obviously saying someone is being unethical is different than just disagreeing, but I don't think its necessary,

JM I don't mind the criticism a bit, but speaking for my neighbor who recommended that John Urban resign, he was an idiot and it reflected more on him than anything else. The criticisms against commissioner Urban from my neighbor were wrong.

PB maybe this could be printed on each agenda rather than reading it out at every meeting.

KQ I prefer it to be read so the citizens can hear it. At some point in time the mayor needs to shut people down if necessary.

PB this in no way inhibits anyones opinion during public comment, but when you get to eth point where people are publicly questioning ethics of an individual when they're just doing their job, its an issue. And I agree with shutting down their comments.

JH what type of enforcement? CB it's a freedom of speech issue. Can't shut them down.

BD I hadn't thought of it being interpreted the way JH said. We want to hear from our citizens. I never want to squelch an opinion, but the vilification that has happened in some of the comment is what this last sentence talks about. See tape. Disagreeing and being accused of unethical behavior are two very different things. I think the mayor can stop the comments that veer toward vilification. CB remember that the code of ethics applies to the Board, not the public. So you can't say someone from the public is behaving unethically when they're not subject to this policy.

CM this document doesn't give us the ability to do that. This section reminds all of us that just because someone doesn't like your opinion makes it wrong. This is to remind us that we have a duty to share our opinions. Maybe we need to reread this policy and remind ourselves what's in here.

JH if you read this it will have the effect of squelching comment.

KQ I have no problem hearing any comments from citizens, but I have a problem with personal attacks. But I never have a problem with citizens expressing their opinions about something.

HB this document is about the board and each other. Mayor read it as if it was about the public. If you read this you need to clarify that this is about the board treating each other that way.
CB see tape. The public can make accusations but the board can't take that information and then turn on their fellow board members.

JM doesn't the city of Charlotte read a sentence or two to warn the public against making public attacks. A simple disclaimer read out at the beginning of each public comment period.

PB then we need to revise the code of ethics policy. CB its the statutory language. PB it doesn't make sense then. CM board member shouldn't feel intimidated or gagged to not have your opinion because someone has accused you of being unethical.

BD I think the behavior we model sets the tone for the meeting. If this is read for us then just by modeling the behavior it should make a difference to the public. Model the behavior you want others to follow. Encourage ppl to share their opinion without including personal attacks.

JH its so subjective. You're going to scare people away - it'll have a very squelching effect.

CB the only time freedom of expression can be prohibited is if there is a clear and present danger from it.

PB so a response from a commissioner to the public is within their rights? CB yes, but it carries a political consequence. You just can't say something that is untrue while knowing it's untrue - that's slander.

CM but as public officials we have to accept that people can get on social media and say things about us. CB yes. You have a case for slander/libel if you can prove it but its very difficult to do.

CM what is the attys' recommendation on the censure language? CB I am not making a recommendation, just saying it's the boards decision on whether or not you want to add a censure provision in here. The SOG cautions this - potential damage to reputation even if no unethical behavior

Query I don't want to take action.

Motion to reconsider the reading of section one at each meeting. Melton. Second Higdon. Unan.

Now reconsidering.

JM motion to allow public input from Renee Garner. Second Higdon. Passes 5-2 with dement and query in opposition.

Renee Garner: this issue came up after I asked hazen and mayor, I asked for it because f things that happened to me by members of the town council. Residents have no protection from being mistreated by the board. Im sorry the board feels they've been attacked by the citizens but there are citizens who feel they have been attacked by the board. This is the closest thing we have...censure.

CB absent the censure provision doesn't alter the fact that if a citizen feels like they've been mistreated, they can report to the manager, mayor or town attorney, they can file a complaint with the town.

JM I just feel that public input is valuable and I like to listen to the critics. It seems ironic that someone could file a complaint but then this board would act on it

KQ: I think the mayor has the right to read whatever he wants. He can read something if he feels necessary.
BH maybe middle ground: staff can craft a suggested phrasing that could be read before any comment period. More positive frame. A proactive polite request first. And if that was not abided by, the mayor could interject reminding the speaker that we ask that personal attacks are not needed.

BDement: I always felt as a citizen that I was addressing the people on the dais, not making a speech to the gallery. If that's the case maybe we need a reminder of that too. Possible crowd control issues that can be incited by people engaging the entire gallery during public comments.

HB we can craft something that will work.

JM remind the board of Hampton Green when we were discussing Talbot court We didn’t frown on applause at that meeting. We’ve often engaged on hot topics. I don’t remember us frowning on it then. PB the key is we need to be respectful of each other but shouldn’t squelch each others... That goes for citizens too. We have the freedom to say what we think and believe.

JH I understand what becky’s saying and its better than this, but...why shouldn’t a citizen be able to say what they think of us if they disagree? Question why people are advocating for something. PB they can but that doesn’t prevent you from responding back.

CM see tape. There could be times where someone gives their opinion in a way that intimidates you from sharing your opinion.

PB motion to withdraw the previous motion and direct staff to come up with wording to read to board before public comment period. Miller seconds.

BD can someone making a public comment pose questions and ask for input from the gallery? PB its my responsibility to stop that. No conversations within the groups. CM when a person comes up for public comment, what is the intent? CB the intent is to speak to the board as a group. Complies with statutory requirement, BH we can incorporate that language to direct people to direct their comments to the board.

KQ: the reason I voted for her to not speak was because this is an item for the board to decide amongst themselves – didn’t think it was the place for an outsider to speak.

Motion passes unanimously.

DISCUSS BICYCLE/PEDESTRIAN FACILITY BETTERMENTS FOR U-2509/INDEPENDENCE BOULEVARD PROJECT

CJO IB will be widened. As part of that DOT will be finishing Independence Pointe Pkwy and parts of northeast pky. Interchange...see tape

We have the ability to add sidewalks, MUP and bike lanes. If we want them we have to pay for them. There is a 30/70% share for sidewalks (30% town). DOT will pay for 5.5 ft sidewalk over bridge. They will pay for bike lanes if requested. If not requested, those costs can be applied elsewhere.

What do you want and what are you willing to pay for? And concrete or asphalt MUPs?

Once we decide what we’re comfortable with we’ll give it to DOT to come up with a cost estimate. So right now we have just estimates. No contract signed until we get those estimates. Funds not needed until end of project, so 6-8 years to build fund for the projects.