



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Meeting Agenda Board of Aldermen



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Tuesday, November 21, 2017

7:30 PM

Board Chambers - Room 110

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### 7:30-7:35

#### A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

### 7:33-7:40

#### B. ANNOUNCEMENT OF UPCOMING MEETINGS

### 7:40-7:45

#### C. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

### 7:45-7:50

#### D. CONSENT AGENDA

1. [17-330](#) A Resolution Making an Appointment to the Carrboro Tourism Development Authority

**PURPOSE:** The purpose of this item is for the Board of Aldermen to appoint a member to the Carrboro Tourism Development Authority (CTDA).

**Attachments:** [Attachment A - A Resolution Making Appointments to the Carrboro Tourism Development Authority](#)  
[Attachment B - Donald Strickland CTDA Advisory Board Application.pdf](#)

2. [17-356](#) Request-to-Set a Public Hearing on a Land Use Ordinance Amendment Relating to Consistency

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on a text amendment to the Land Use Ordinance relating to consistency for map and text amendments.

**Attachments:** [Attachment A - Resolution to set PH & refer](#)  
[Attachment B - Draft Ordinance 11-16-17](#)  
[Attachment C - Excerpt from S131v7](#)

3. [17-341](#) Memorial Tree Request for Dr. David Ontjes

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider a tree monument on town property for the late Dr. David Ontjes

**Attachments:** [Attachment A - Resolution Memorial Tree](#)  
[Attachment B - Ontjes Memorial Application](#)  
[Attachment C - Ontjes Memorial Tree location](#)

**E. OTHER MATTERS**

**7:50-8:10**

1. [17-359](#) Report on Pathway Drive - Sharrows/Bike Boulevard Concept, Feasibility of On-Street Parking and Necessity for Bike Lanes
- PURPOSE:** The purpose of this item is to seek Board input on a conceptual design to modify the cross section of Pathway Drive to better accommodate travel for all modes, while allowing on-street parking.

**Attachments:** [PathwayDr\\_psh\\_02b](#)

**8:10-8:40**

2. [17-332](#) Reconsideration and Direction to Town Staff Regarding Town Code Chapter 10 Animal Control Section 10-3 (e) (7)

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to reconsider the allowance of the slaughter of animals within the Town limits.

**Attachments:** [Attachment A- Farm Animal Diseases](#)  
[Attachment B - JAFSCD-Regulating-Backyard-Slaughter-December-2015\[1\]](#)  
[Attachment C - Meat and poultry inspection requirements](#)

**8:40-9:40**

3. [17-319](#) Adoption of Rules of Procedure for Boards and Commissions, the Advisory Board Recruitment and Appointment Policy, and Associated Ordinance Changes

**PURPOSE:** The purpose of this item is to allow the Board of Aldermen adopt the Rules and Procedures for Boards and Commission, the Advisory Board Recruitment and Appointment Policy, and associated ordinance changes.

**Attachments:** [Attachment A - Resolution](#)

[Attachment B - AN ORDINANCE AMENDNG CHAPTER 3 OF THE CARRBORO TOWN CODE TO CLARIFY THE STATUS OF BOARD OF ALDERMEN LIAISON MEMBERS ON ADVISORY BOARDS AND COMMISSIO.docx](#)

[Attachment C - Draft Rules of Procedure for Boards and Commissions.docx](#)

[Attachment D - Draft Town of Carrboro Advisory Board Recruitment and Appointment Policy.docx](#)

F. MATTERS BY BOARD MEMBERS

G. MATTERS BY TOWN MANAGER

H. MATTERS BY TOWN ATTORNEY

I. MATTERS BY TOWN CLERK

J. CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A) (3) (4) AND (5)





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301 W. Main St.  
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## Agenda Item Abstract

**File Number:**17-330

**Agenda Date:** 11/21/2017

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### TITLE:

A Resolution Making an Appointment to the Carrboro Tourism Development Authority

**PURPOSE:** The purpose of this item is for the Board of Aldermen to appoint a member to the Carrboro Tourism Development Authority (CTDA).

**DEPARTMENT:** Town Clerk

**CONTACT INFORMATION:** Cathy Dorando - 918-7309

**INFORMATION:** The CTDA was established by Section 8A of the Carrboro Town Code. Alvin Sellers, a current member of the CTDA, has asked that someone be able to take his place from the Hampton Inn due to an increase in his duties. Per the Town's Charter, hoteliers must have at least one member on the CTDA. Donald Strickland, the GM of the Hampton Inn and Suites in Carrboro and representative of the ATMA Hotel Group, has submitted his application to serve on the CTDA.

### Section 3.8 Tourism Development Authority.

- (a) Appointment and Membership. When the governing body of the Town of Carrboro adopts a resolution levying a room occupancy tax under this Part, it shall also adopt a resolution creating a Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. **At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town.** The governing body of the Town shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority. The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for the Town of Carrboro shall be the ex officio of the Authority.

### FISCAL & STAFF IMPACT:

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The Hotel/Motel Room Occupancy Tax is a tax for the Town of Carrboro and the distribution of the tax is outlined in Section 8A-4 of the Carrboro Town Code:

**Section 8A-4. Distribution and Use of Tax Revenue.**

The town shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Carrboro Tourism Development Authority (CTDA). The CTDA shall use at least two-thirds of the funds remitted to it under this section to promote travel and tourism in Carrboro and shall use the remainder for tourism-related expenditures. The following definitions apply in this section:

- (1) Net Proceeds. Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. Expenditures that, in the judgment of the CTDA, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in the town by attracting tourists or business travelers to the town. The term includes tourism-related capital expenditures.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen review the application and make the appointment to the CTDA.

**A Resolution Making an Appointment to the Carrboro Tourism Development Authority**

Section 1. The Board of Aldermen hereby appoints:

1. Donald Strickland, as a representative of the Hampton Inn and Suites in Carrboro, to the Carrboro Tourism Development Authority

Section 2. The term shall expire January 31, 2019

Section 4. This resolution is effective immediately upon adoption.

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Catherine Dorando](#); [Sharmin Mirman](#)  
**Subject:** Online Form Submittal: Advisory Board Application  
**Date:** Tuesday, October 31, 2017 6:55:24 PM

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## Advisory Board Application

First Name	Donald
Last Name	Strickland
Date	10/31/2017
Address1	370 E Main Street Unit 100
Address2	<i>Field not completed.</i>
City	Carrboro
State	NC
Zip	27510
Is this address located within the corporate limits of the Town of Carrboro?	Yes
Is this address located within the Town's ETJ, Planning Jurisdiction, or Northern Transition Area?	Planning Jurisdiction
Telephone	9199696988
Email Address	donald.strickland@atmahotelgroup.com
Date of Birth	9/9/1992
Race	White
Sex	Male
Occupation	Hotelier
Are you a registered Orange County Voter?	No
	n/a

Length of Residence in Orange County

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Length of Residence in the Town of Carrboro n/a

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I wish to be considered for appointment to the following committee/board(s) (Do Not Select More Than Two): Tourism Development Authority\*

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Other (advisory board not listed): *Field not completed.*

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Advisory Board Preference Tourism Development Authority

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\*Employer/Self Employed Atma Hotel Group - Hampton Inn & Suites Carrboro

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Number of Years Employed 2

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\* Provide examples of how you are involved in the promotion of travel and tourism in the Town of Carrboro. I am the General Manager of the Hampton Inn & Suites Carrboro, which provides award winning accommodations to the thousands of travelers that visit the town of Carrboro. In many cases, my staff and I are the first people to welcome these visitors to the town. We provide our guests with recommendations to other businesses within Carrboro including restaurants, retail establishments, local landmarks and more. As the General Manager, I also work closely with Main Street Properties, which is the development in which the hotel resides. Within this development, there are several travel and tourism related units that I work alongside to help ensure our visitors feel welcome and enjoy their time here.

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Community Activities/Organizational Memberships SECU House of UNC Hospitals - Volunteer Chapel Hill Young Professionals - Member

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Experience to Aid You in Working on Advisory Boards I am a graduate of East Carolina University where I obtained a bachelor's degree majoring in hospitality management with a minor in business administration. During that time, many of my studies were concentrated within travel and tourism. I studied under the direction of David Edgell, who is a former Director of the Office of Policy and Planning at the US Travel and Tourism Administration. In addition to my education, I will bring nearly five years of hospitality and lodging administration experience

to the Advisory Board.

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Reasons You Wish to be Appointed

I wish to be appointed in order to act as a local hotel representative for the board, bringing hands on experience and a passion to better local travel and tourism. I am already an active member of the community in volunteer work and participation with the Chapel Hill Young Professionals. I believe that being a member of the board will allow me to become further involved. The Hampton Inn & Suites Carrboro is a large part of the travel and tourism industry of this town. As the leader of the hotel in which host thousands of Carrboro's visitors, I feel it is of high importance to be active and involved in the actions of the board.

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Have you ever served on any Town of Carrboro Committee or Board?

No

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If yes, which one(s)?

*Field not completed.*

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Are you currently serving on a Town Board or Committee?

No

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If yes, are you applying for a third consecutive term?

No

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If yes, please describe how you meet one, or more, of the following exceptions noted below. \*Members of the Board of Adjustment, Environmental Advisory Board, Human Services Advisory Commission, and Transportation Advisory Board may be reappointed to successive terms without limitation (Sections 15-29(c), 15-45(c) 3-7(d), 3-24(c))

N/A



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## Agenda Item Abstract

**File Number:**17-356

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**Version:** 1

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### **TITLE:**

Request-to-Set a Public Hearing on a Land Use Ordinance Amendment Relating to Consistency

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on a text amendment to the Land Use Ordinance relating to consistency for map and text amendments.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327; Bob Hornik - 919-929-3905

**INFORMATION:** At the May 24, 2016 Board of Aldermen meeting, staff presented information relating to newly adopted 2015 state legislation and the potential need to amend certain Land Use Ordinance (LUO) provisions for conformity. Staff is now in the process of reviewing changes to state legislation from 2017 to identify potential amendments to the LUO for conformity. NCGS 160A-383 speaks to the process for adopting a map or text amendment, including those situations where such an approval would be inconsistent with an existing comprehensive plan or other plans. Rather than adopting the ordinance amendment subject to a subsequent amendment to the comprehensive plan, the statute describes a process whereby the comprehensive plan or other plan would be amended at the same time. The statute outlines the use of an approval template including the standard statements of consistency with the comprehensive plan or other adopted plans, consistency with the public good, and a new statement that would amend the comprehensive plan or other adopted plans as needed, as part of the same resolution.

A draft ordinance has been prepared which modifies 15-324(d), Board Action on Amendments, to address this new provision relating to consistency. The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review are also needed; no other boards have been identified due to the mandatory nature of the amendment.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for January 23, 2018 and referring the proposed amendment to Orange County and the Planning Board.

**A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE  
CARRBORO LAND USE ORDINANCE TO COMPLY WITH NEW STATUTORY  
REQUIREMENTS FOR ZONING CONSISTENCY STATEMENTS**

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on January 23, 2018, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Comply with New Statutory Requirements for Zoning Consistency Statements.”

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County, the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

Appearance Commission

Recreation and Parks Commission

Transportation Advisory Board

Northern Transition Area Advisory Committee

Environmental Advisory Board

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Economic Sustainability Commission

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This is the 21<sup>st</sup> day of November in the year 2017.

**AN ORDINANCE TO AMEND THE TOWN OF CARRBORO'S LAND USE  
ORDINANCE TO COMPLY WITH NEW STATUTORY REQUIREMENTS FOR  
ZONING CONSISTENCY STATEMENTS**

**\*\*DRAFT 11-16-2017\*\***

BE IT HEREBY ORDAINED BY THE CARRBORO BOARD OF ALDERMEN THE FOLLOWING:

**Section 1.** Subsection 15-324 (d) of the Carrboro Land Use Ordinance is revised to reflect the requirements of Session Law 2017-10 so that the entirety of the Section 15-324 Board Action on Amendments now reads as follows:

(a) At the conclusion of the public hearing on a proposed amendment, the Board may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 15-326 of the Land Use Ordinance and Section 2-15 of the Town Code.

(d) Prior to adopting or rejecting any zoning amendment, the Board shall adopt one of the following statements which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
  - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
  - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
  - c. Why the action was reasonable and in the public interest.
- (4) The Board retains the right to find a zoning amendment to be consistent with any duly adopted plan, but to deny the zoning amendment request.

- (5) For the purposes of this section, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable.
- (e) A Board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (See also Carrboro Town Code Section 2-35).

**Section 2.** All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed.

**Section 3.** This ordinance is effective upon adoption.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**SESSION LAW 2017-10  
SENATE BILL 131**

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**PART I. BUSINESS REGULATION**

**EMPLOYMENT STATUS OF FRANCHISES**

**SECTION 1.1.** Article 2A of Chapter 95 of the General Statutes is amended by adding a new section to read:

**"§ 95-25.24A. Franchisee status.**

Neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisor for any purposes, including, but not limited to, this Article and Chapters 96, 97, and 105 of the General Statutes. For purposes of this section, "franchisee" and "franchisor" have the same definitions as set out in 16 C.F.R. § 436.1."

**STREAMLINE MORTGAGE NOTICE REQUIREMENTS**

**SECTION 1.2.** G.S. 45-91 reads as rewritten:

**"§ 45-91. Assessment of fees; processing of payments; publication of statements.**

A servicer must comply as to every home loan, regardless of whether the loan is considered in default or the borrower is in bankruptcy or the borrower has been in bankruptcy, with the following requirements:

- (1) Any fee that is incurred by a servicer shall be both:
  - a. Assessed within 45 days of the date on which the fee was incurred. Provided, however, that attorney or trustee fees and costs incurred as a result of a foreclosure action shall be assessed within 45 days of the date they are charged by either the attorney or trustee to the servicer.
  - b. Explained clearly and conspicuously in a statement mailed to the borrower at the borrower's last known address within 30 days after assessing the fee, provided the servicer shall not be required to take any action in violation of the provisions of the federal bankruptcy code. The servicer shall not be required to send such a statement for a fee that: ~~(i) results that either:~~
    1. Is otherwise included in a periodic statement sent to the borrower that meets the requirements of paragraphs (b), (c), and (d) of 12 C.F.R. § 1026.41.
    2. Results from a service that is affirmatively requested by the borrower, ~~(ii)~~ is paid for by the borrower at the time the service is provided, and ~~(iii)~~ is not charged to the borrower's loan account.
- (2) All amounts received by a servicer on a home loan at the address where the borrower has been instructed to make payments shall be accepted and



- credited, or treated as credited, within one business day of the date received, provided that the borrower has made the full contractual payment and has provided sufficient information to credit the account. If a servicer uses the scheduled method of accounting, any regularly scheduled payment made prior to the scheduled due date shall be credited no later than the due date. Provided, however, that if any payment is received and not credited, or treated as credited, the borrower shall be notified within 10 business days by mail at the borrower's last known address of the disposition of the payment, the reason the payment was not credited, or treated as credited to the account, and any actions necessary by the borrower to make the loan current.
- (2a) The notification required by subdivision (2) of this section is not necessary if
- (i) the servicer complies with the terms of any agreement or plan made with the borrower and has applied and credited payments received in the manner required, and
  - (ii) the servicer is applying and crediting payments to the borrower's account in compliance with all applicable State and federal laws, including bankruptcy laws, and if at least one of the following occurs:
    - a. The borrower has entered into a written loss mitigation, loan modification, or forbearance agreement with the servicer that itemizes all amounts due and specifies how payments will be applied and credited;
    - b. The borrower has elected to participate in an alternative payment plan, such as a biweekly payment plan, that specifies as part of a written agreement how payments will be applied and credited; or
    - c. The borrower is making payments pursuant to a bankruptcy plan.
- (3) Failure to charge the fee or provide the information within the allowable time and in the manner required under subdivision (1) of subsection (a) of this section constitutes a waiver of such fee.
- (4) All fees charged by a servicer must be otherwise permitted under applicable law and the contracts between the parties. Nothing herein is intended to permit the application of payments or method of charging interest which is less protective of the borrower than the contracts between the parties and other applicable law.
- (5) The obligations of mortgage servicers set forth in G.S. 53-244.110."

## **CLARIFY PRIVATE DRINKING WATER WELL PERMITTING REQUIREMENTS**

**SECTION 1.3.(a)** G.S. 87-97 reads as rewritten:

### **"§ 87-97. Permitting, inspection, and testing of private drinking water wells.**

(a) **Mandatory Local Well Programs.** – Each county, through the local health department that serves the county, shall implement a private drinking water well permitting, inspection, and testing program. The local health department shall be the exclusive authority for the permitting of wells and well systems as described in G.S. 143-138(b17)(2). Local health departments shall administer the program and enforce the minimum well construction, permitting, inspection, repair, and testing requirements set out in this Article and rules adopted pursuant to this Article. No person shall unduly delay or refuse to permit a well that can be constructed or repaired and operated in compliance with the requirements set out in this Article and rules adopted pursuant to this Article.

(a1) **Use of Standard Forms.** – Local well programs shall use the standard forms created by the Department for all required submittals and shall not create their own forms.

(b) **Permit Required.** – Except for those wells required to be permitted by the Environmental Management Commission pursuant to G.S. 87-88, no person shall:

- (1) Construct or assist in the construction of a private drinking water well unless a construction permit has been obtained from the local health department.
- (2) Repair or assist in the repair of a private drinking water well unless a repair permit has been obtained from the local health department, except that a permit shall not be required for the repair or replacement of a pump or tank.

(b1) ~~Permit to Include Authorization for Piping and Electrical Inspections.~~ – When a permit is issued under this section, the local health department shall be responsible for notifying the appropriate building inspector of the issuance of the well permit. The appropriate building inspector may request from the local health department the opportunity to inspect the activities authorized by the permit. The inspection must be performed prior to the final inspection performed by the local health department, and the well contractor shall not be required to be onsite for the inspection by the building inspector. If an inspection by a building inspector after the final inspection has been performed by the local health department is determined to be necessary for the protection of public health, safety, or welfare, the local building inspections department shall be responsible for (i) the additional costs for the inspection and related activities necessary for the inspection and (ii) any damages to the well system caused during the inspection.

(b2) Permit to Include Authorization for Piping and Electrical. – A permit issued under this section shall also be deemed to include authorization for all of the following:

- (1) The installation, construction, maintenance, or repair of electrical wiring, devices, appliances, or equipment by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch.
- (2) The installation, construction, maintenance, or repair of water pipes by a person certified as a well contractor under Article 7A of this Chapter when running water pipes from the well to the water tank.
- (3) The installation of both water pipes and electrical wiring in a single ditch by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch and water pipes from the well to the water tank. The ditch shall be as deep as the minimum cover requirements for either electrical wiring or water pipes, whichever is greater.

This subsection shall not be interpreted to prohibit any person licensed by an independent occupational licensing board from performing any authorized services within the scope of practice of the person's license.

...."

**SECTION 1.3.(b)** G.S. 143-138 is amended by adding a new subsection to read:

**"§ 143-138. North Carolina State Building Code.**

...

(b17) Exclusion for Private Drinking Water Well Installation, Construction, Maintenance, and Repair. – No permit shall be required under the Code or any local variant approved under subsection (e) of this section for the electrical and plumbing activities associated with the installation, construction, maintenance, or repair of a private drinking water well when all of the following apply:

- (1) The work is performed by a contractor certified under Article 7A of Chapter 87 of the General Statutes under the terms of a permit issued by the local health department pursuant to G.S. 87-97.
- (2) The scope of work includes only the connection or disconnection of a well system to either the plumbing served by the well system or the electrical service that serves the well system. For purposes of this subsection, a well system includes the well, the pressure tank, the pressure switch, and all

plumbing and electrical equipment in the well and between the well, pressure tank, and pressure switch.

...."

## **EXEMPT CERTAIN BUILDING CODE CLASSIFICATIONS FROM ENERGY EFFICIENCY STANDARDS**

**SECTION 1.4.** G.S. 143-138 is amended by adding a new subsection to read:

"(b18) Exclusion From Energy Efficiency Code Requirements for Certain Use and Occupancy Classifications. – The Council shall provide for an exemption from any requirements in the energy efficiency standards pursuant to Chapter 13 of the 2012 North Carolina Building Code and the 2012 Energy Conservation Code, and any subsequent amendments to the Building Code and Energy Conservation Code, for the following use and occupancy classifications pursuant to Chapter 3 of the 2012 North Carolina Building Code: Section 306, Factory Group F; Section 311, Storage Group S; and Section 312, Utility and Miscellaneous Group U. This exclusion shall apply to the entire floor area of any structure for which the primary use or occupancy is listed herein."

## **PART II. STATE AND LOCAL GOVERNMENT REGULATION**

### **WILDLIFE RESOURCES COMMISSION, DIVISION OF MARINE FISHERIES, AND UTILITIES COMMISSION PRIVATE IDENTIFYING INFORMATION**

**SECTION 2.1.(a)** G.S. 143-254.5 reads as rewritten:

**"§ 143-254.5. Disclosure of personal identifying information.**

Social security numbers and identifying information obtained by the Commission shall be treated as provided in G.S. 132-1.10. For purposes of this section, "identifying information" also includes a person's mailing address, residence address, e-mail address, Commission-issued customer identification number, date of birth, and telephone number."

**SECTION 2.1.(b)** G.S. 143B-289.52(h) reads as rewritten:

**"§ 143B-289.52. Marine Fisheries Commission – powers and duties.**

...

(h) Social security numbers and identifying information obtained by the Commission or the Division of Marine Fisheries shall be treated as provided in G.S. 132-1.10. For purposes of this subsection, "identifying information" also includes a person's mailing address, residence address, e-mail address, Commission-issued customer identification number, date of birth, and telephone number."

**SECTION 2.1.(c)** Chapter 132 of the General Statutes is amended by adding a new section to read:

**"§ 132-1.14. Personally identifiable information of public utility customers.**

(a) Except as otherwise provided in this section, a public record, as defined by G.S. 132-1, does not include personally identifiable information obtained by the Public Staff of the Utilities Commission from customers requesting assistance from the Public Staff regarding rate or service disputes with a public utility, as defined by G.S. 62-3(23).

(b) The Public Staff may disclose personally identifiable information of a customer to the public utility involved in the matter for the purpose of investigating such disputes.

(c) Such personally identifiable information is a public record to the extent disclosed by the customer in a complaint filed with the Commission pursuant to G.S. 62-73.

(d) For purposes of this section, "personally identifiable information" means the customer's name, physical address, e-mail address, telephone number, and public utility account number."

**SECTION 2.1.(d)** This section becomes effective October 1, 2017.

**WATER AND SEWER BILLING BY LESSORS**

**SECTION 2.2.(a)** G.S. 42-42.1 reads as rewritten:

**"§ 42-42.1. Water and electricity conservation.**

(a) For the purpose of encouraging water and electricity conservation, pursuant to a written rental agreement, a landlord may charge for the cost of providing water or sewer service to tenants ~~who occupy the same contiguous premises~~ pursuant to G.S. 62-110(g) or electric service pursuant to G.S. 62-110(h).

(b) The landlord may not disconnect or terminate the tenant's electric service or water or sewer services due to the tenant's nonpayment of the amount due for electric service or water or sewer services."

**SECTION 2.2.(b)** G.S. 62-110(g) reads as rewritten:

"(g) In addition to the authority to issue a certificate of public convenience and necessity and establish rates otherwise granted in this Chapter, for the purpose of encouraging water conservation, the Commission may, consistent with the public interest, adopt procedures that allow a lessor to charge for the costs of providing water or sewer service to persons who occupy the ~~same contiguous leased~~ premises. The following provisions shall apply:

- (1) All charges for water or sewer service shall be based on the user's metered consumption of water, which shall be determined by metered measurement of all water consumed. The rate charged by the lessor shall not exceed the unit consumption rate charged by the supplier of the service.
- (1a) If the ~~contiguous leased~~ premises are contiguous dwelling units built prior to ~~1989~~ 1989, and the lessor determines that the measurement of the tenant's total water usage is impractical or not economical, the lessor may allocate the cost for water and sewer service to the tenant using equipment that measures the tenant's hot water usage. In that case, each tenant shall be billed a percentage of the landlord's water and sewer costs for water usage in the dwelling units based upon the hot water used in the tenant's dwelling unit. The percentage of total water usage allocated for each dwelling unit shall be equal to that dwelling unit's individually submetered hot water usage divided by all submetered hot water usage in all dwelling units. The following conditions apply to billing for water and sewer service under this subdivision:
  - a. A lessor shall not utilize a ratio utility billing system or other allocation billing system that does not rely on individually submetered hot water usage to determine the allocation of water and sewer costs.
  - b. The lessor shall not include in a tenant's bill the cost of water and sewer service used in common areas or water loss due to leaks in the lessor's water mains. A lessor shall not bill or attempt to collect for excess water usage resulting from a plumbing malfunction or other condition that is not known to the tenant or that has been reported to the lessor.
  - c. All equipment used to measure water usage shall comply with guidelines promulgated by the American Water Works Association.
  - d. The lessor shall maintain records for a minimum of 12 months that demonstrate how each tenant's allocated costs were calculated for water and sewer service. Upon advanced written notice to the lessor, a tenant may inspect the records during reasonable business hours.
  - e. Bills for water and sewer service sent by the lessor to the tenant shall contain all the following information:

1. The amount of water and sewer services allocated to the tenant during the billing period.
  2. The method used to determine the amount of water and sewer services allocated to the tenant.
  3. Beginning and ending dates for the billing period.
  4. The past-due date, which shall not be less than 25 days after the bill is mailed.
  5. A local or toll-free telephone number and address that the tenant can use to obtain more information about the bill.
- (2) The lessor may charge a reasonable administrative fee for providing water or sewer service not to exceed the maximum administrative fee authorized by the Commission.
- (3) The Commission shall ~~issue~~ adopt rules to ~~define contiguous premises and to implement this subsection. In issuing the rule to define contiguous premises, the Commission shall consider contiguous premises where manufactured homes, as defined in G.S. 143-145(7), or spaces for manufactured homes are rented.~~
- (4) The Commission shall develop an application that lessors must submit for authority to charge for water or sewer service. The form shall include all of the following:
- a. A description of the applicant and the property to be served.
  - b. A description of the proposed billing method and billing statements.
  - c. The schedule of rates charged to the applicant by the supplier.
  - d. The schedule of rates the applicant proposes to charge the applicant's customers.
  - e. The administrative fee proposed to be charged by the applicant.
  - f. The name of and contact information for the applicant and its agents.
  - g. The name of and contact information for the supplying water or sewer system.
  - h. Any additional information that the Commission may require.
- (4a) The Commission shall develop an application that lessors must submit for authority to charge for water or sewer service at single-family homes that allows the applicant to serve multiple homes in the State subject to single Commission approval. The form shall include all of the following:
- a. A description of the applicant and a listing of the address of all the properties to be served, which shall be updated annually with the Commission.
  - b. A description of the proposed billing method and billing statements.
  - c. The administrative fee proposed to be charged by the applicant.
  - d. The name and contact information for the applicant and its agents.
  - e. Any additional information the Commission may require.
- (5) The Commission shall approve or disapprove an application within 30 days of the filing of a completed application with the Commission. If the Commission has not issued an order disapproving a completed application within 30 days, the application shall be deemed approved.
- (6) A provider of water or sewer service under this subsection may increase the rate for service so long as the rate does not exceed the unit consumption rate charged by the supplier of the service. A provider of water or sewer service under this subsection may change the administrative fee so long as the administrative fee does not exceed the maximum administrative fee authorized by the Commission. In order to change the rate or administrative

fee, the provider shall file a notice of revised schedule of rates and fees with the Commission. The Commission may prescribe the form by which the provider files a notice of a revised schedule of rates and fees under this subsection. The form shall include all of the following:

- a. The current schedule of the unit consumption rates charged by the provider.
  - b. The schedule of rates charged by the supplier to the provider that the provider proposes to pass through to the provider's customers.
  - c. The schedule of the unit consumption rates proposed to be charged by the provider.
  - d. The current administrative fee charged by the provider, if applicable.
  - e. The administrative fee proposed to be charged by the provider.
- (7) A notification of revised schedule of rates and fees shall be presumed valid and shall be allowed to become effective upon 14 days notice to the Commission, unless otherwise suspended or disapproved by order issued within 14 days after filing.
- (8) Notwithstanding any other provision of this Chapter, the Commission shall determine the extent to which the services shall be regulated and, to the extent necessary to protect the public interest, regulate the terms, conditions, and rates that may be charged for the services. Nothing in this subsection shall be construed to alter the rights, obligations, or remedies of persons providing water or sewer services and their customers under any other provision of law.
- (9) A provider of water or sewer service under this subsection shall not be required to file annual reports pursuant to G.S. 62-36 or to furnish a bond pursuant to G.S. 62-110.3."

### **CLARIFY THAT RECYCLING PROGRAMS BY LOCAL SCHOOL BOARDS MUST COMPLY WITH G.S. 160A-327**

**SECTION 2.3.** G.S. 115C-47(41) reads as rewritten:

"(41) To Encourage Recycling in Public Schools. – Local boards of education shall encourage recycling in public schools and may develop and implement recycling programs at public schools. Local boards of education shall comply with G.S. 160A-327."

### **REZONING/SIMULTANEOUS COMPREHENSIVE PLAN AMENDMENT**

**SECTION 2.4.(a)** G.S. 153A-341 reads as rewritten:

**"§ 153A-341. Purposes in view.**

- (a) Zoning regulations shall be made in accordance with a comprehensive plan.
- (b) Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement ~~one of the following statements~~ one of the following statements which shall not be subject to judicial review:
  - (1) A statement approving the zoning amendment and describing whether its action is consistent ~~its consistency~~ with an adopted comprehensive plan and explaining why the board considers the action taken to be ~~is~~ reasonable and in the public interest. That statement is not subject to judicial review. The
  - (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
  - (3) A statement approving the zoning amendment and containing at least all of the following:

- a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
- b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
- c. Why the action was reasonable and in the public interest.

(c) Prior to consideration by the governing board of the proposed zoning amendment, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board of county commissioners that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

(d) Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration as to, among other things, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations shall be made with reasonable consideration to expansion and development of any cities within the county, so as to provide for their orderly growth and development.

(e) As used in this section, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable."

**SECTION 2.4.(b)** G.S. 153A-349.13 reads as rewritten:

**"§ 153A-349.13. Relationship of agreement to building or housing code; comprehensive plan amendment.**

(a) A development agreement adopted pursuant to this Chapter shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the local government's planning, zoning, or subdivision regulations.

(b) When the governing board approves the rezoning of any property associated with a development agreement adopted pursuant to this Chapter, the provisions of G.S. 153A-341 apply."

**SECTION 2.4.(c)** G.S. 160A-383 reads as rewritten:

**"§ 160A-383. Purposes in view.**

(a) Zoning regulations shall be made in accordance with a comprehensive plan. ~~When~~

(b) Prior to adopting or rejecting any zoning amendment, the governing board shall also approve a statement adopt one of the following statements which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing whether its action is consistent its consistency with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be is reasonable and in the public interest. ~~That statement is not subject to judicial review. The~~

- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
- a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
  - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
  - c. Why the action was reasonable and in the public interest.

(c) Prior to consideration by the governing board of the proposed zoning amendment, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. ~~plan.~~ The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

(d) Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

(e) As used in this section, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable."

**SECTION 2.4.(d)** G.S. 160A-400.32 reads as rewritten:

**"§ 160A-400.32. Relationship of agreement to building or housing ~~code~~ code; comprehensive plan amendment.**

(a) A development agreement adopted pursuant to this Chapter shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the local government's planning, zoning, or subdivision regulations.

(b) When the governing board approves the rezoning of any property associated with a development agreement adopted pursuant to this Chapter, the provisions of G.S. 160A-383 apply."

**SECTION 2.4.(e)** Nothing in this section shall repeal, modify, or amend any prior or subsequent local act giving authority to a governing board to delegate zoning decisions to a planning board, planning agency, or planning commission.

**SECTION 2.4.(f)** This section becomes effective October 1, 2017, and applies to proposed zoning amendment applications filed on or after that date.

#### **PARENT PARCEL/SUBDIVISION CLARIFICATION**

**SECTION 2.5.(a)** G.S. 153A-335 reads as rewritten:

**"§ 153A-335. "Subdivision" defined.**





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:**17-341

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**Agenda Date:** 11/21/2017

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Memorial Tree Request for Dr. David Ontjes

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider a tree monument on town property for the late Dr. David Ontjes

**DEPARTMENT:** Public Works

**CONTACT INFORMATION:** Anita Jones-McNair, [amcnair@townofcarrboro.org](mailto:amcnair@townofcarrboro.org)  
<<mailto:amcnair@townofcarrboro.org>>

**INFORMATION:** Sherri Ontjes is requesting to plant a tree and install a plaque on town property in honor of Dr. David Ontjes, a long time community developer that made contributions to the field of medicine and Town of Carrboro. (see attachment B) The location requested is at the corner of Bim and Main. (see attachment C)

**FISCAL & STAFF IMPACT:** No fiscal impact.

**RECOMMENDATION:** Consider the tree monument on town property for Dr. Ontjes.

A Resolution to Consider a Memorial Tree Request for Dr. David Ontjes

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

Section 1. The Board of Aldermen reviewed the request to plant a tree on town property to recognize Dr. David Ontjes, a long time community developer that made contributions to the field of medicine and the Town of Carrboro.

Section 2. The Board of Aldermen approve, deny or modify the request in the following manner:

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Section 3. The resolution shall become effective upon adoption.



## **OFFICIAL TOWN POLICY AND APPLICATION FORM FOR MONUMENTS LOCATED ON TOWN PROPERTY**

### **POLICY FOR MONUMENTS LOCATED ON TOWN PROPERTY**

#### **1. Definitions.**

For purposes of this policy, the term "monument" shall mean any plaque, statue, structure, tree, shrub, landscaping, or other object or thing constructed, erected, planted, or otherwise located on town-owned or leased property (and intended to remain on such property on a long-term basis) to commemorate or memorialize any person, place, or event. Historical markers erected by or with the authorization of the N.C. Department of Transportation within State maintained rights-of-way are exempted from this policy.

#### **2. Origination of Proposals for Monuments**

Proposals for the erection of a monument may come to the Board of Aldermen in any of the following ways:

- (a) A member of the Board of Aldermen may suggest the monument.
- (b) An advisory board may make such a recommendation.
- (c) Any Carrboro citizen or group of citizens may request that a monument be erected. Such requests shall be submitted in writing and shall describe the type of monument requested, the proposed location, and the justification for the monument. The town may establish an application form that must be completed.

#### **3. Staff Review of Proposals for Monuments**

The Board may refer any request for the erection of a monument to the staff for an analysis of the extent to which the proposed monument is consistent with the guidelines established in Section 4 of this policy.

#### **4. Guidelines for Review of Proposals for Monuments**

In deciding whether to approve a proposed monument, the Board shall consider the following, in addition to any other matters that the Board deems relevant:

- (a) The general or local significance or prominence of the person, place, or event commemorated or memorialized.
- (b) Whether the person, place, or event commemorated or memorialized is significant, important, or relevant to the public generally, as opposed to a small group of persons.
- (c) Whether the monument's proposed location will be compatible with its surroundings.
- (d) The enduring quality and character of the materials used to create the monument.
- (e) The cost to the town of constructing, erecting, locating, and maintaining the monument.

**APPLICATION FORM FOR A MONUMENT  
ON CARRBORO TOWN PROPERTY**

*The Carrboro Board of Aldermen has the sole authority to approve the establishment, maintenance and production of those things which merit designation as monuments for the use, education, and view of the general public in order to remind the citizens of this community, its visitors and tourists of the rich historic, cultural and natural heritage of the Town.*

*In order to adopt a uniform methodology, the Board of Aldermen has adopted the attached "Policy for Monuments Located on Town Property." This application provides the format for submittal of the information required by the policy.*

**Name(s) of Individual(s) or Group Making Application:**

**Jack Haggerty, for Sherri Ontjes**

**Contact Address:**

**205 W. Main St., Ste. 211  
Carrboro, NC 27510**

**Contact Telephone:**

**919-967-5191**

**Contact Email:**

**This is a proposal to place a monument in honor of:**

An individual                      \_\_\_\_\_ A place                      \_\_\_\_\_ An event

**Name and/or description of individual, place, or event to be memorialized:**

**David Ontjes**

**Please include here any statement about his / her / its significance or contribution to the community and/or why you believe this monument should be established.**

**David Ontjes, was a eminent physician at U.N.C. School of Medicine. David also developed a number of commercial properties in Carrboro:**

*The Point, 212 W. Main St.*

*The Walkway, 205 W, Main St.*

*205 Lloyd St.*

*210 Lloyd St.*

*202 S. Greensboro St.*

*The 212 W. Main lot was previously a gas station that was no longer in use. The Lloyd St. properties were both empty lots, collecting garbage and junk. All three of these lots were brownfield sites, with environmental hazards that required remediation. David met with The Lloyd - Broad St. Neighborhood Assoc. and*

*formed a relationship, and by the time the second Lloyd St. building was proposed, the Association welcomed and supported his efforts.*

*David, with his then wife, Sherri, and his sister Carolyn Ontjes Falletta developed properties in Carrboro well before the building boom of the two thousand oughts, not as speculative ventures, but as owners committed to the properties and their tenants, many of whom are still in spaces they leased years ago. The properties are well-kept, and David's passion for gardening is evident in all of the properties.*

If an individual, is this person living?

*No*

If the individual is living, do you have the person's permission to pursue the placement of this monument?

If the individual is living, please list their address and telephone number below:

If the individual is deceased, do you have the permission of the immediate family? (please list name and contact information of person(s) who gave permission as well as what their relationship to the deceased is).

*Sherri, former wife of 40 years.*

**Describe the materials, size, and general nature of the proposed monument:**

(if a photograph, drawing, or other rendering of the proposed monument is available, that may suffice)

*The monument would be a tree with a small bronze plaque, similar to the ones on the Town Hall property.*



**Describe the proposed location of the monument, including any special significance of this location:** (a sketch showing the proposed location of the monument is helpful)

On the western edge of the downtown fire station.. see attached sheet

**List any text that will be included as part of the monument (if any):**

*David A. Ontjes - 1937 - 2017  
Physician, Clinician, Researcher  
at UNC School of Medicine  
Owner and Developer of numerous commercial  
properties in downtown Carrboro*

**Describe any cost that would be incurred by the Town of Carrboro in the purchase, erection, or maintenance of the proposed monument (beyond normal maintenance of the area where the monument will be located).**

*None. Cost will be borne by applicant.*

**If the monument will require maintenance but the Town is not being asked to maintain it, who will provide for the maintenance of the monument?**

*No maintenance, other than watering, is anticipated after the first six months of planting.*

\_\_\_\_\_  
Signature of Person Submitting Application

\_\_\_\_\_  
Date

**COMPLETED APPLICATIONS SHOULD BE FORWARDED TO:**

TOWN CLERK'S OFFICE  
CARRBORO TOWN HALL  
301 WEST MAIN STREET  
CARRBORO, NC 27510



Memorial Application for David Ontjes - Location Map  
Applicant - Jack Haggerty, 919-967-5191

Location - memorial tree location, to be coordinated w/ existing trees and mural



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:**17-359

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**Agenda Date:** 11/21/2017

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Report on Pathway Drive - Sharrows/Bike Boulevard Concept, Feasibility of On-Street Parking and Necessity for Bike Lanes

**PURPOSE:** The purpose of this item is to seek Board input on a conceptual design to modify the cross section of Pathway Drive to better accommodate travel for all modes, while allowing on-street parking.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325, Patricia McGuire - 919-918-7327, Josh Dalton, 919-859-2243 ext. 201

**INFORMATION:** At the June 6, 2017 Board of Aldermen meeting, staff presented a series of Town Code amendments designed to update and clarify provisions for bike lanes and on-street parking. Resident input for proposed amendments relating to bike lanes along Pathway Drive lead to a broader discussion of the overall design of the street and whether an updated cross section might improve the travel experience for all modes. Subsequent discussions, such as citizen interest for bike boulevards along certain local streets with low vehicular traffic and the exploration of using landscaping and stormwater management devices for traffic calming at the entrance of Tallyho Trail, have provided an impetus and vision that may offer potential for Pathway Drive.

Pathway Drive was constructed to collector road standards with bike lanes and sidewalks. The residential street forms the backbone for a number of neighborhoods and, extending roughly parallel to Hillsborough Road, provides an alternative route for much of that corridor. Long and meandering with vertical as well as horizontal curves, the design of the road creates an attractive streetscape but also one where drivers may have limited visibility of bike-ped users at intersections and along specific segments that are in shade during certain times of the day.

Residents of Pathway Drive have expressed a desire to retain areas of on-street parking that can be used, without limitation, in locations that would not infringe on the designated path for cyclists. The proposed concept plan (Attachment), shows opportunities for the installation of landscaped bump-outs-chokers and curb extensions--that would provide locations for on-street parking, while maintaining clearance for cyclists and thereby reducing the number of potential conflict points. The bump-outs could include vegetation for stormwater management or at least attractive plantings. Sharrow pavement markers could be added to the travel lanes to serve as a visual cue, reminding drivers to be alert of bicyclists. Sharrows can also serve as a

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traffic calming measure which creates an environment where cyclists feel more comfortable on the road.

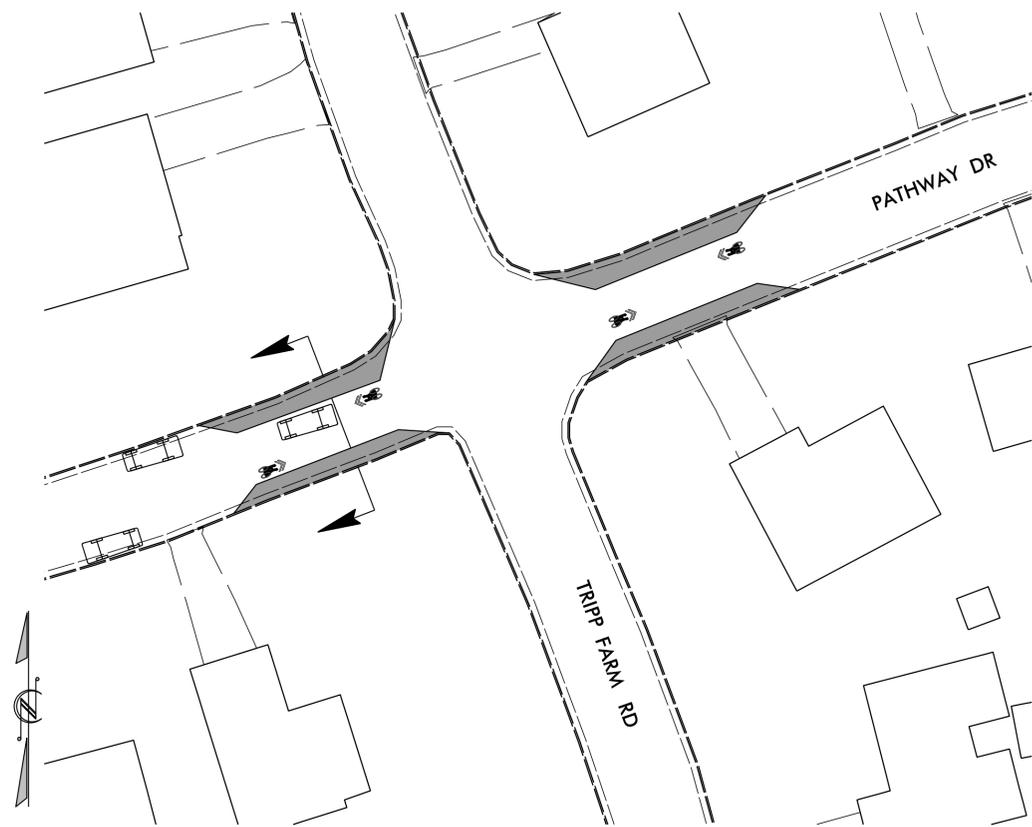
Staff is seeking board feedback on the concept in general as well as specific input at key intersections, which could be incorporated into a more finalized design.

**FISCAL & STAFF IMPACT:** There are no fiscal impacts with the discussion of this item. Future budgetary impacts and staff time would be required to implement the modification of Pathway Drive should a design be selected.

**RECOMMENDATION:** Staff recommends that the Board discuss the conceptual design and provide direction for potential next steps.

# PATHWAY DRIVE CONCEPTUAL CROSS SECTION

PROJECT REFERENCE NO.	SHEET NO.
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
<b>INCOMPLETE PLANS</b> DO NOT USE FOR R/W ACQUISITION	
<b>DOCUMENT NOT CONSIDERED FINAL</b> UNLESS ALL SIGNATURES COMPLETED	







# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:**17-332

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**Agenda Date:** 11/21/2017

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Reconsideration and Direction to Town Staff Regarding Town Code Chapter 10 Animal Control Section 10-3 (e) (7)

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to reconsider the allowance of the slaughter of animals within the Town limits.

**DEPARTMENT:** Town Manager, Planning, and Police

**CONTACT INFORMATION:** David Andrews - 919-918-7315, [dandrews@townofcarrboro.org](mailto:dandrews@townofcarrboro.org) [<mailto:dandrews@townofcarrboro.org>](mailto:dandrews@townofcarrboro.org); Patricia McGuire - 919-918-7327, [pmcguire@townofcarrboro.org](mailto:pmcguire@townofcarrboro.org) [<mailto:pmcguire@townofcarrboro.org>](mailto:pmcguire@townofcarrboro.org); Walter Horton - 919-918-7408, [whorton@townofcarrboro.org](mailto:whorton@townofcarrboro.org)

**INFORMATION:** On February 28, 2017 the Board of Aldermen approved an ordinance that amended the Town Land Use Ordinance related to setback requirements for certain livestock facilities and approved certain amendments to Chapter 10 Animal Control related to livestock provisions, including the slaughter of animals on residential lots.

On March 21, 2017 the Board of Aldermen voted to reconsider the animal slaughter provisions (see pages 2-3 at

<https://carrboro.legistar.com/View.ashx?M=M&ID=525885&GUID=3ED59738-F6DA-4E23-89A2-6AC484F88AD2>). Additional research was requested from staff to facilitate the reconsideration of animal slaughter including hygiene and health concerns, how other jurisdictions are regulating animal slaughter in residential areas, the availability of commercial butchering and rendering facilities for animal processing, and how the state government regulates slaughter. Information responding to this request is provided in the following paragraphs and as attachments or linked materials

### Hygiene and Health Concerns

Under the Town Code and Land Use Ordinance, and under the Orange County Unified Animal Control Ordinance, the keeping of all animals requires the maintenance of conditions that recognize the welfare of these animals. In addition, Cruel Treatment is defined as “Every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted. Such acts or omissions shall include, but not be limited to, kicking, beating, hanging, submerging under water, suffocating, poisoning, setting on fire, and depriving of

food, water, exercise and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare.”

According to the Centers for Disease Control: “Despite the many benefits of interacting with farm animals, people should be aware that farm animals can carry germs that make people sick.” The CDC cites the following:

Disease	Pathogen	Transmission
<b>Anthrax</b>	Bacteria	Inhaling or swallowing spores; contact with bodily fluids
<b>Brucellosis</b>	Bacteria	Contact with birthing tissues; drinking unpasteurized milk
<b>Campylobacteriosis</b>	Bacteria	Contaminated food, water, or direct contact with contaminated stool
<b>Contagious ecthyma</b>	Virus	Contact with sores or contaminated equipment
<b>Cryptosporidiosis</b>	Parasite	Contaminated food, water, or direct contact with contaminated stool
<b>Escherichia coli</b>	Bacteria	Food and environment
<b>Influenza</b>	Virus	Direct contact
<b>Leptospirosis</b>	Bacteria	Contaminated water and urine or other body fluids
<b>Listeriosis</b>	Bacteria	Contaminated food, soil, or water
<b>MRSA</b>	Bacteria	Direct contact
<b>Q fever</b>	Bacteria	Drinking contaminated milk; inhaling contaminated dust; contact with urine, feces, or birthing tissues
<b>Rabies</b>	Virus	Contact with saliva
<b>Ringworm</b>	Fungus	Direct contact
<b>Salmonellosis</b>	Bacteria	Contaminated eggs, meat, or water or direct contact with stool
<b>Tuberculosis</b>	Bacteria	Unpasteurized dairy products, undercooked meat, inhalation, open wounds
<b>Vesicular stomatitis</b>	Virus	Direct contact; insects

For more information, see *Attachment A* and <https://www.cdc.gov/healthypets/pets/farm-animals.html>. The CDC places emphasis on the risks of backyard poultry and salmonella incidents. As of October 19, 2017,

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this year saw the largest number of illnesses linked to contact with backyard poultry ever recorded by CDC: a total of 1,120 cases, in 48 states, with 249 hospitalizations, and one death. ( <https://www.cdc.gov/salmonella/live-poultry-06-17/index.html> ). Practices that can reduce the likelihood of disease transmission are identified and encouraged. ( <https://www.cdc.gov/features/salmonellapoultry/index.html> ).

### How Other Jurisdictions Regulate Slaughter

At the Board’s February 28 meeting, the question came up as to whether or not animal slaughter was already permissible under existing Town Code. Planning staff understood that since the code was silent on the word “slaughter” that animal slaughter was already permissible. At that meeting, the language for the ordinance was changed to specifically allow it in the Animal Control Ordinance. That distinction was not clear to Police Department staff.

Conversations with the Carrboro Police Department subsequent to the February 28, 2017 Board meeting indicated that the Carrboro Police Department had historically operated under the understanding that animal slaughter was illegal. Their understanding was based on then-existing Section 10-25, of the Carrboro Town Code which stated that no person may intentionally or maliciously subject any animal to cruel treatment, including but not limited to the following: overdrive, overload, wound, injure, torture, cruelly beat, needlessly mutilate or kill or deprive any animal of adequate food, water, shelter or veterinary care, or cause or procure the same. This language continues to be in effect in the Orange County Unified Animal Control Ordinance today.

Staff inquired through a North Carolina City and County Managers Listserve how other jurisdictions regulated animal slaughter. One jurisdiction, Troutman (population 2,674), reported allowing animal slaughter within the town limits. Many other local codes are silent on the issue. Several prohibit animal slaughter within town limits, including Harnett County, which specifies that “It shall be unlawful for any person to hunt or kill any animal within the territorial limits of the Towns” Angier (population 5,096), Coats (population 2,432), and Lillington, (population 3,581).

An article “Regulating backyard slaughter: Strategies and gaps in municipal livestock ordinances” (*Attachment B*) examines how 22 local governments throughout the U.S. approach this matter.

### Local Slaughter and Processing Facilities

A directory of state-inspected North Carolina facilities that slaughter and process meat for farmers, by county, is provided at this link: <http://www.ncagr.gov/MeatPoultry/farmers.htm>. Thirty-one of the state’s 100 counties are listed. Facilities in the general vicinity of Carrboro are found in Orange, Alamance, and Chatham counties.

### State Regulations

Inspection requirements for meat and poultry businesses are noted in *Attachment C*.

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**Agenda Date:** 11/21/2017

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**FISCAL & STAFF IMPACT:** Dependent upon follow-up action requested.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen review the information that has been provided and direct staff by a formal motion to either take no further action related to this policy issue or to prepare a draft ordinance that prohibits the slaughter of animals within the Town limits for consideration at a future meeting.

## Farm Animals

### Overview

### Diseases

### Prevention

### More Information

**CDC would like to thank Scott Weese, DVM, DVSc, Diplomate of the American College of Veterinary Internal Medicine, for his careful review of these pages.**

Interacting with farm animals is an important experience for children and adults. Being able to touch and watch the animals helps people to learn about agriculture and encourages the human-animal bond.

For many, interacting with live farm animals, including cattle; sheep; pigs; goats; llamas; alpacas; and poultry only happens at petting zoos or on farm visits. For others, working with farm animals has been a lifestyle and tradition. Some people even choose to keep farm animals, including pot-bellied pigs, as pets.



Despite the many benefits of interacting with farm animals, people should be aware that farm animals can carry germs that make people sick.

Diseases that pass from animals to humans are called zoonotic diseases. These diseases can cause a variety of illnesses, from minor skin rashes to serious infections.

By following some simple health tips you and your family are less likely to get sick from touching, petting, or owning farm animals.

### File Formats Help:

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Page last reviewed: October 1, 2015

Page last updated: October 1, 2015

Content source: Centers for Disease Control and Prevention (<http://www.cdc.gov/>)

National Center for Emerging and Zoonotic Infectious Diseases (NCEZID) (</ncezid/dw-index.html>)



## Farm Animals

[Overview](#)[Diseases](#)[Prevention](#)[More Information](#)

Some of the diseases associated with farm animals that can cause human illness are listed here. If you visit a health care provider for any of the symptoms described here, tell the provider that you keep farm animals and have frequent contact with them.

### Anthrax (*Bacillus anthracis*)

Anthrax is a naturally occurring disease of animals caused by a type of bacteria called *Bacillus anthracis*. People and animals can get anthrax when they accidentally breathe in or swallow spores in contaminated soil, food, or water. The greatest risk is from contact with bodily fluids of an animal that has, or has recently died, from anthrax. Anthrax can also get into open wounds. People who live in areas where anthrax has occurred should consider vaccinating their livestock against the disease.

Anthrax is a serious but rare disease in the United States. The symptoms of anthrax depend on the way someone becomes infected and can take anywhere from 1 day to more than 2 months to appear. All types of anthrax have the potential, if untreated, to spread throughout the body and cause severe illness and even death.

[More >](#)

### Brucellosis (*Brucella abortus*, *Brucella suis*)

Brucellosis is a bacterial disease that affects the ability of animals to reproduce. The disease can be spread to humans through contact with birthing tissues from infected animals or through drinking unpasteurized (raw) milk. Farm animals that are most commonly infected include sheep; cattle; goats; pigs; and dogs, among others. Infected animals may have decreased appetite, weight loss, behavioral changes, and lack of energy, but most animals infected with brucellosis show no signs of illness. Brucellosis can cause early-term deaths in growing fetuses in some animals and occasionally people.

People can get the disease when they are in contact with infected animals or animal products contaminated with the bacteria. One of the most common ways people become infected is through drinking unpasteurized (raw) milk. People who are infected with brucellosis will usually become sick within 6-8 weeks of exposure. Sick people will have flu-like symptoms that last 2-4 weeks. Sometimes brucellosis can become a chronic illness that can be difficult to treat.

**More >**

### Campylobacteriosis (*Campylobacter* spp.)

(<https://www.cdc.gov/foodsafety/diseases/campylobacter/index.html>)

*Campylobacter* is shed in the stool of infected animals. It is spread to people through contaminated food, water, or direct contact with contaminated stool. Many animals, including farm animals, may carry the bacteria without looking sick.

Most people who become sick with campylobacteriosis will have diarrhea, cramping, abdominal pain, and fever within 2-5 days after exposure to the bacteria. *Campylobacter* can cause serious life-threatening infections in infants, the elderly, and those with weak immune systems.

**More (<https://www.cdc.gov/foodsafety/diseases/campylobacter/index.html>) >**

### Contagious ecthyma (also called orf, contagious pustular dermatitis, “sore mouth,” or “scabby mouth”)

Contagious ecthyma is an infectious disease of goats and sheep that is caused by a virus. Goats are often more severely affected than sheep. Infected animals typically have sores that scab over on their skin. Young animals that are infected may get sores on their lips. Sheep and goats may also get sores on their lower legs and udder when infected lambs or kids nurse.

People can become infected after touching an animal’s sores or any piece of equipment, such as a harness, that has touched an infected animal’s sores. People usually get sores on their hands. These sores may be painful and last up to 2 months. They usually heal without scarring.

**More >**

### Cryptosporidiosis (*Cryptosporidium* spp.)

*Cryptosporidium* is a parasitic disease that is transmitted through contaminated food or water from an infected human or animal, particularly their contaminated stool. The risk is greatest from contact with young calves, especially calves with diarrhea; however, infected animals may appear healthy or have only mild diarrhea.

In people, *Cryptosporidium* can cause profuse, watery diarrhea with cramping, abdominal pain, and nausea. Illness in people usually gets better on its own and lasts only 2-4 days. *Cryptosporidium* can become severe in people with weakened immune systems.

[More >](#)

### *Escherichia coli* (*E. coli*)

*Escherichia coli* is a type of bacteria that is normally found in the intestinal tracts of healthy farm animals. Most types of *E. coli* are harmless, but some can cause serious disease in people. *E. coli* is a common food-borne bacterium, but it can also be transmitted to people by farm animals and their environment. Farm animals including sheep, goats, calves, and backyard poultry affected by *E. coli* might not show any signs of disease.

Symptoms in people vary but often include severe stomach cramps, diarrhea (often bloody), and vomiting. Although *E. coli* infection rarely ends in death, blood in the urine is a sign of more severe disease potentially affecting the kidneys.

[More >](#)

### Influenza (particularly bird and swine influenza)

Influenza is a viral disease that can infect people, pets, and wildlife. Aquatic birds, including ducks, as well as pigs can have influenza virus in their respiratory and intestinal tracts. Birds affected with the influenza virus can appear healthy or only show mild signs of illness (for example, ruffled feathers or decreased egg production). Pigs infected with influenza may be coughing, sneezing, have difficulty breathing, discharge from their nose or eyes, or have no signs of illness at all.

It is rare for bird or swine influenza to spread to people, but occasionally, variants of the virus do infect people. People who work closely with large numbers of birds and pigs, such as poultry or pig producers, are more at risk of infection. People who become sick with variants of bird or swine flu may have fever, chills, cough, sore throat, runny or stuffy nose, and body aches and feel tired. Illness in affected people can range from mild to very severe and life threatening.

[More >](#)

### Leptospirosis (*E. coli* spp.)

Leptospirosis is a bacterial disease of humans and animals that is transmitted through contaminated water and urine or other body fluids from an infected animal. The *Leptospira* spp. bacteria can infect cows, pigs, sheep, goats, horses, and small rodents, and they may not have any signs of illness. Though it is difficult to detect early stages of leptospirosis in animals, the disease can lead to kidney and liver failure if left untreated.

People who become infected with leptospirosis might not have any signs of the disease. Others will have flu-like signs (fever, headache, chills, vomiting, rash) within 2-7 days after exposure. These symptoms usually go away without medical treatment but can reappear and lead to more severe disease (yellow skin and eyes, rash, kidney or liver failure, meningitis).

**More >**

### Listeriosis (*Listeria monocytogenes*)

(<http://www.cdc.gov/listeria/index.html>)

*Listeria monocytogenes* is a type of bacteria that is spread to people and animals through contaminated food, soil, or water. Farm animals that are at risk for *Listeria* infection include sheep, cattle, goats, and occasionally pigs. Infected animals can have a variety of signs including drooping ears or lips that hang open. Animals sometimes become disoriented and press themselves into corners. *Listeria* can also cause reproductive problems including abortions and can lead to death of the infected animal.

*Listeria* is spread to people most commonly through contaminated food. Some people who are affected may not have any signs at all, but the disease can cause headache, stiff neck, confusion, loss of balance, and convulsions in addition to fever and muscle aches. *Listeria* infections during pregnancy can be life threatening for the fetus.

**More (<http://www.cdc.gov/listeria/index.html>) >**

### MRSA (methicillin-resistant

*Staphylococcus aureus*) (<http://www.cdc.gov/mrsa/>)

*Staphylococcus aureus* is a type of bacteria that is naturally found on skin and nasal passages of many healthy people and animals. However, it can cause disease in some situations. MRSA is the same bacterium that has become resistant to certain antibiotics, which can make infections harder to treat. MRSA can be passed back and forth between people and farm animals through direct contact.

In humans, MRSA can cause skin infections that may become severe. If left untreated, MRSA can spread to the bloodstream or lungs and cause life-threatening infections.

## Q fever (*Coxiella*)

[More \(http://www.cdc.gov/mrsa/\)](http://www.cdc.gov/mrsa/) >

[\(http://www.cdc.gov/qfever/\)](http://www.cdc.gov/qfever/)

*Coxiella burnetii* is a type of bacteria that can cause Q fever in animals and humans. Cattle, sheep, and goats are the animals most commonly affected. *C. burnetii* is spread through drinking contaminated milk, breathing in dust that is contaminated with *C. burnetii*, or by coming into contact with contaminated urine, feces, or the birthing tissues of infected animals. Contact with sheep and goats around the time they give birth creates the greatest risk for people to become infected.

People who work closely with farm animals are most at risk. Symptoms of disease usually develop 2-3 weeks after exposure and range from flu-like symptoms to more severe symptoms. In untreated, the infection can lead to pneumonia, liver disease, and heart disease.

[More \(http://www.cdc.gov/qfever/\)](http://www.cdc.gov/qfever/) >

## Rabies

Rabies is a fatal neurologic disease that can affect many farm animals and people. Animals and people are most commonly infected through bites from rabid animals. Infected animals may have a variety of signs, but most often have a sudden behavioral change and followed by paralysis. Rabies can be prevented in some animals by vaccination.

The first symptoms in people can start days to months after exposure and include weakness, fever, and headache. Within a few days after those first symptoms appear, symptoms will get worse and include confusion, anxiety, unusual behavior, and delirium. If you are bitten by an animal that is acting strange, contact a health care provider right away. Once symptoms appear, it is almost always too late for a person to be treated.

[More](#) >

## Ringworm (dermatophytosis)

Ringworm is a condition caused by a fungus that can infect skin, hair, and nails of both people and animals. Ringworm is spread from animals to people through direct contact with an infected animal's skin or hair. Cows, sheep, goats, and pigs can have ringworm on their skin. Affected animals typically have small areas of hair loss around their ears, face or legs with scaly or crusty skin. Some animals carrying ringworm will not have any signs of infection at all.

Ringworm infections in people can appear on almost any area of the body. These infections are usually itchy. Redness, scaling, cracking of the skin, or a ring-shaped rash may occur. If the infection involves the scalp or beard, hair may fall out. Infected nails become discolored or thick and may possibly crumble.

**More >**

### Salmonellosis (*Salmonella* spp.)

*Salmonella* is a type of bacteria that spreads to people through contaminated food (eggs and meat) or water or contact with the stool of affected animals, particularly poultry. *Salmonella* can be found on the bodies of healthy animals when even when they appear healthy and clean. Although it usually doesn't make farm animals sick, *Salmonella* can cause serious illness when it is passed to people.

People exposed to *Salmonella* might have diarrhea, vomiting, fever, or abdominal cramps. Infants, elderly persons, and those with weakened immune systems are more likely than others to develop severe illness.

**More >**

### Tuberculosis (*Mycobacterium tuberculosis* complex)

*Mycobacterium tuberculosis* complex is a group of bacteria that cause a disease called tuberculosis. A variety of animals including cattle, goats, and deer can carry tuberculosis bacteria. Infected animals can have a variety of symptoms including weakness, lack of appetite, weight loss, and fever, or they may have a cough that lasts a long time. Some animals might show no symptoms at all.

People are most likely become infected if they consume unpasteurized (raw) milk or milk products (such as cheese) from infected animals. Infections can also happen by consuming undercooked meat, accidentally breathing in the bacteria, or through the skin via cuts or scrapes. Depending on the route of infection, people may have sores, swollen lymph nodes, difficulty breathing, weight loss, night sweats, fever, or intestinal upset.

### Vesicular stomatitis

([http://www.cfsph.iastate.edu/Factsheets/pdfs/vesicular\\_stomatitis.pdf](http://www.cfsph.iastate.edu/Factsheets/pdfs/vesicular_stomatitis.pdf))

Vesicular stomatitis is caused by a virus that can infect livestock as well as several wildlife animals. The disease in animals usually appears as vesicles, or fluid-filled blisters, around the mouth, under the belly, or on the feet. This disease is typically seen in cattle, horses, and pigs and very rarely in sheep, goats, and llamas.

People may become infected through contact with the skin lesions or secretions from infected animals, especially the fluid from blisters and saliva. Other possible routes of infection include contact with insects that spread the disease. People exposed to the virus may not show any symptoms of disease or they may develop flu-like symptoms or vesicles themselves.

**More ([http://www.cfsph.iastate.edu/Factsheets/pdfs/vesicular\\_stomatitis.pdf](http://www.cfsph.iastate.edu/Factsheets/pdfs/vesicular_stomatitis.pdf)) >**

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National Center for Emerging and Zoonotic Infectious Diseases (NCEZID) (</ncezid/dw-index.html>)



## Regulating backyard slaughter: Strategies and gaps in municipal livestock ordinances

Jennifer Blecha \*  
 San Francisco State University

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### Abstract

As the alternative food movement continues to grow and urban homesteading practices spread, many cities are revising their codes to more clearly address agricultural activities. Butler's (2012) study demonstrated a set of fairly coherent strategies for regulating the keeping of poultry and livestock. Related to livestock keeping, livestock slaughter appears to be spreading as well. The regulation of backyard slaughter, however, has scarcely been addressed in the literature. Building on Butler's study, this research examines the animal policies in 22 cities and identifies five approaches to governing backyard slaughter. Many of the cities do not address the practice at all, and in others significant gaps and inconsistencies leave the regulations open to interpretation. Drawing on examples from the 22 sample cities, the final discussion considers whether and how municipalities have chosen to

regulate backyard slaughter, and suggests that policy-makers have a range of regulatory options for meeting local priorities, whether those are reducing nuisances, protecting public health, or addressing animal well-being.

### Keywords

urban livestock, urban agriculture, nuisance, public health, slaughter, animal geographies

### Introduction

During the 20<sup>th</sup> century, the once widespread practices of backyard livestock keeping and slaughter became less common and even illegal in many U.S. cities in response to socio-economic changes and parallel shifts in municipal regulation. Of course, many cultural communities and low-income households maintained animal practices that include backyard slaughter for economic (Arellano, 2010), cultural and familial (Pallana, 2011), or medical-religious purposes (Fadiman, 1997). However, within the dominant culture's understanding and management of the modern

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\* Jennifer Blecha, Department of Geography & Environment, San Francisco State University; 1600 Holloway Avenue; San Francisco, California 94132 USA; [jblecha@sfsu.edu](mailto:jblecha@sfsu.edu)

city, these individuals and communities often learned to hide, relocate, or modify their practices to fit the legal restrictions. Over the past decade a new demographic group has taken up livestock keeping in U.S. and Canadian cities: predominantly white, predominantly middle-class urban residents. Possessing greater social capital, these residents have demanded that laws be changed to allow them to keep poultry and livestock unhindered by restrictive regulations. In that period, dozens of U.S. (and to a lesser extent Canadian) cities both large and small have revisited and revised their ordinances in light of growing interest in urban livestock keeping. This trend has been the subject of recent research in legal studies and geography. Notably, William Butler (2012) examined 22 U.S. cities that had recently revised their livestock ordinances, detailing the variety of strategies and scales cities employ in managing whether and how residents may keep poultry and livestock animals. Whether or how they may kill the same animals, however, remains largely unexamined.

A decade ago, the new livestock-keepers in U.S. cities generally focused on keeping live animals for their production of eggs, milk, or honey (Blecha, 2007). Today they are increasingly choosing to slaughter animals for meat.<sup>1</sup> As the practice of backyard slaughter becomes more widespread and visible, conflicts are arising. While some residents believe it a right to provide food for one's family and oppose any efforts to restrict animal slaughter, others find the practice abhorrent and want it banned, or at the very least kept out of residential neighborhoods (Blecha & Davis, 2014). These conflicts indicate that cities large and small

across North America need to consider how to define and regulate backyard slaughter.

Using the same 22 cities, this article builds on Butler's work with a specific focus on the regulation of small-scale animal slaughter for home consumption. The following questions frame this research: (1) What regulatory strategies do these cities employ to define, permit, or restrict backyard slaughter of poultry and livestock animals? (2) Are these regulations clear, comprehensive, and coherent, and if so, what framework(s) seem to lend cohesion? (3) How do these slaughter regulations compare with those governing the keeping of live animals? This paper proceeds with a review of the relevant literature and some context for the new era of backyard slaughter. After a brief description of methodology, findings are presented. Drawing on examples from the 22 sample cities, the final discussion considers whether and how municipalities have chosen to regulate backyard slaughter, and suggests that policy-makers draw on a range of regulatory strategies for meeting local priorities, whether those are reducing nuisances, protecting public health, or addressing animal well-being.<sup>2</sup>

### Literature Review

This research is situated most directly within a range of literature on the spatial history and regulation of urban livestock and animal slaughter. Other writers have outlined the process of gradual exclusion of productive animals from English, Australian, and American cities during the 19<sup>th</sup> and 20<sup>th</sup> centuries (Cronon, 1991; Dyl, 2006; Gaynor, 1999, 2005, 2007; Gilje, 1987; McNeur, 2011;

<sup>1</sup> Choosing words to describe the killing of animals is fraught with emotion, politics, power, and meaning. Terms range from "murder," a word used regularly by anti-slaughter activists, to "processing," a term favored by practitioners, or "harvest" as suggested by one anonymous reviewer. In this paper, I use "kill" and "slaughter" in an effort to explicitly name the death of animals by human hands while avoiding the overt inflection of a particular perspective. The term "animals" itself is questionable when used in opposition to "humans," who are themselves also animals. I generally use the conventional terms "human" and "animal," though I recognize each animal's subjectivity in using personal pronouns, such as "she/her" and "who/whose."

<sup>2</sup> Deep philosophical and political divisions exist between the positions of "animal rights" versus "animal welfare." Briefly, advocates for animal rights recognize non-human animals as sentient beings with their own interests, and seek the abolition of human use of animals for any purpose. Meanwhile, proponents of animal welfare seek to improve the quality of life and reduce the suffering of animals used by humans (Bekoff, 2009). In this paper, the term "animal well-being" is used to refer broadly to any concerns and debates that focus on the lives and experiences of animals. Specific reference to "rights" or "welfare" perspectives are used when differentiation is appropriate.

Philo, 1998). A combination of factors drove this physical and emotional distancing: distaste for the nuisances of odor and noise, concern for public health due to the presence of rats and flies, new technologies that allowed for the transport of chilled milk and meat, and a desire by wealthy and business interests to remove loose animals from the streets to allow for more “dignified” mobility.

More specifically the historical geography of slaughter has also received recent attention. Scholars of urban geography and history have demonstrated how, in many cities, independent butchers (sometimes organized in a guild) were removed from city centers to their edge; this move was often accompanied by shifts in organization and increases in scale and mechanization. Commercial slaughterhouses appeared at the urban fringe, where the traditional butchers’ craft was replaced by the (dis)assembly line (Atkins, 2012; Lee, 2008; Robichaud & Steiner, 2010; Shulman, 2012). Since the 1960s, another spatial shift has transformed the slaughter industry in the U.S. Reflecting tremendous consolidation in food and agri-business generally, the meat processing industry has narrowed to a handful of corporations. Moreover, most meat consumed in the U.S. comes from animals slaughtered at a small number of large rural slaughterhouses, hidden from the sight of urban Americans.<sup>3</sup> Geographers and other scholars have examined how these plants powerfully affect the local environment, economy, and ethnic make-up of the rural communities where they are located (Broadway & Ward, 1990; Drabentstott, Henry, & Mitchell, 1999; Fennelly & Leitner, 2002; Stull & Broadway, 2012; Stull, Broadway, & Griffith, 1995; Ufkes, 1998; Watts, 2004).

Given this context of urban exclusion and large-scale rural slaughter, the recent return of livestock to the city is all the more remarkable. An avalanche of popular urban farming literature has

appeared in the past decade, signaling a renaissance for backyard chicken flocks, urban goats, rooftop beehives. A handful of scholars have begun to examine this trend, interrogating the motivations and practices of urban livestock-keepers (Blecha, 2007; Blecha & Leitner, 2014; McClintock, Pallana, & Wooten, 2014; Reynolds, 2010). A related body of work in geography (Blecha, 2008; Butler, 2012; LaBadie, 2008), legal studies (Orbach & Sjoberg, 2011, 2012; Salkin, 2011a, 2011b) and public health (Tobin, Goldshear, Price, Graham, & Leibler, 2015) has examined the regulation of urban livestock in U.S. cities, with a primary focus on the keeping of live animals (although several briefly mention slaughter). The present study is unique in its attention specifically to how U.S. cities regulate the slaughter of poultry and livestock animals at the household scale.

### **Backyard Slaughter: A New Era**

In order to analyze municipal regulation of animal slaughter, it is important to understand why this issue is relevant in contemporary U.S. cities.<sup>4</sup> Since 2000, a growing number of middle-class, largely white urban residents with no previous livestock experience have begun keeping small livestock or poultry in their yards in cities across the U.S. and Canada. Most commonly, they began by keeping chickens, sometimes called the “gateway animal” for urban farmers. Qualitative research with “early adopter” chicken-keepers in Seattle, Washington, and Portland, Oregon (Blecha 2007), revealed that their motivations centered on four values or goals: (1) getting high quality, organic eggs, (2) providing their chickens with a “happy, healthy” life, (3) maintaining or improving the environment, and (4) learning practical skills and teaching them to children. None of the “new urban chicken-keepers” in 2003 had any intention of slaughtering their animals (Blecha, 2007). In the past decade,

<sup>3</sup> In 2012, four companies controlled over 70% of beef production in the U.S., operating 27 slaughterhouses. Similarly, the largest five pork producers required just 24 slaughter facilities to control 62% of the U.S. pork industry’s total daily slaughter capacity. While some states have multiple USDA-approved slaughter facilities, other states have none, and their residents are indeed distant from industrial slaughter (North American Meat Institute, n.d.; Tyson Foods, 2015; U.S.

Department of Agriculture [USDA], 2015).

<sup>4</sup> Much of the contextual information in this section comes from the author’s own knowledge and experiences, in addition to formal research on this topic. As a chicken-keeper for the past decade in two different cities, I have participated in classes, e-mail lists, and informal conversations with other livestock-keepers, and have read numerous urban farming books, magazines, and blogs.

however, as the keeping of backyard chickens has become a more common hobby and the “urban homesteading” movement has gained momentum, a growing number of urban residents have slaughtered (or have at least contemplated slaughtering) an animal in their care. The discussion below explores this shift, noting that while some urban farmers intend to slaughter their animals, for others, it is simply an exit strategy from an unplanned situation.

A growing number of urban farmers are explicitly choosing to raise animals—chickens, ducks, rabbits, goats, or even pigs—for meat. Slaughter classes are popping up in cities across the country. In Berkeley, California, the Institute of Urban Homesteading offers courses to the public such as “Home Butchering: Fowl,” “Rabbit Butchering and Tanning Demonstration,” and “Micro-Farming: Quail.”<sup>5</sup> In Oregon, the Portland Meat Collective offers classes, usually sold out, in “Basic Duck Butchery” and “Basic Pig Butchery.”<sup>6</sup> Novella Carpenter, the author of an urban homesteading memoir, *Farm City*, has led a turkey slaughtering workshop in Austin, Texas (Carpenter, 2009) and “The Complete Rabbit” workshop in Brooklyn, New York, where participants paid US\$100 each for the opportunity to kill and clean a rabbit (Severson, 2010).

This interest in homegrown, home-slaughtered, or home-butchered meat must be understood within the larger alternative foods movement. In the 1970s and ’80s, individuals with environmental or health concerns were able to shop at natural foods cooperatives in many U.S. cities. By the 1990s, they could choose from an increasing array of certified organic and hormone-free foods (Fairfax, Dyble, Guthey, Gwin, Moore, & Sokolove, 2012). Since 2000, other signifiers (such as ‘local,’ ‘sustainable,’ ‘humane,’ ‘fair,’ ‘heirloom,’ ‘real,’ ‘heritage,’ ‘clean,’ and ‘GMO-free’) have gained prominence even at mainstream supermarkets, making grocery shopping a complex and information-dense project for shoppers with the means and desire to “eat ethically” (Beagan, Power, & Chapman, 2015). It is within this context

of heightened sensitivities to all the things that can be “wrong” or “right” about our food that the food-processing skills of canning, fermenting, brewing, cheese-making, and slaughtering have gained the interest of a new generation. In a survey regarding backyard slaughter, Blecha & Davis (2014) found that San Francisco Bay Area urban residents who supported the practice of backyard slaughter cited an array of economic, ecological, spiritual, and/or emotional reasons. They “repeatedly refer[red] to ways of raising animals that are ‘humane,’ ‘hand-raised,’ and ‘humble,’ while producing more healthful meat, building social connections in the community, and reducing fossil fuel use” (p. 73).

Distinct from those who intentionally raise animals for meat, many urban livestock keepers may find themselves faced with a dilemma of how to get rid of an animal they are no longer able to keep. Because roosters are banned in most U.S. cities due to their noisy crowing, most urban chicken-keepers intend to keep only hens. Thus, when buying chicks at a feed store, they generally choose chicks who have been “sexed” (that is, the females selected and the males destroyed) at the hatchery.<sup>7</sup> Despite assurances from suppliers of at least 90% accuracy, it is not uncommon to discover a rooster or two in the flock as the chicks mature. Their keepers then need to figure out what to do with their “accidental rooster.” (This situation is most common with chickens, but can also occur, for example, when a dairy goat has a male kid.)

A similar problem faces chicken-keepers with aging hens. Depending on their breed, chickens can lay 3–6 eggs per week (when not molting or on “winter break”) for 2 to 3 years, with egg production declining each year. By age 5 or 6, laying is rare. Chickens can live to age 15 or more, which means that letting chickens die of “old age” requires a willingness to feed and care for them for a decade of retirement. While the aging of hens may seem like an obvious eventuality, new chicken-keepers rarely plan for it. In an urban setting, the number of chickens one can keep is often limited by regulations or by small yards, so mature hens

<sup>5</sup> <http://www.iuhoakland.com/animals.html>

<sup>6</sup> <http://www.pdxmeat.com/classes/>

<sup>7</sup> Hens lay eggs with or without a rooster.

occupy space that cannot be filled with younger, egg-laying hens.

Chicken-keepers who have named their birds and raised them by hand are often fond of their birds and concerned about their fate. Even when owners decide not to keep a particular chicken any longer, they can go to considerable lengths to find new long-term homes for them. Some chicken-keepers put their roosters up for adoption at the feed store where they bought them. Many roosters are “re-homed” through advertisements in a local paper, on chicken-keeping listservs, or Craigslist ads (Blecha, 2007). Of course, not all chicken-keepers are so thoughtful. Unwanted birds are sometimes tossed over the fence into Seattle’s Woodland Park Zoo during the night; presumably some are eaten by predators (Leslie, personal communication, 2003; Sven, personal communication, 2003). Chickens are sometimes simply released to “go wild”; how long they survive must vary widely. In some cases, roosters are rescued from the streets by animal welfare advocates and taken into new homes as pets. Less fortunate roosters can be captured for cockfighting, killed by dogs, or slaughtered by someone with little regard for humane treatment (Clouse, 2013).

Deciding what to do with aging hens can be a more emotionally difficult problem, as the hens have usually been named and interacted with for several years, while noisy and sometimes-aggressive roosters are often removed just a few months after arrival. In either case, faced with the options above, some chicken-keepers decide to dispatch their bird(s) themselves, hoping to do it more humanely than a stranger would. One additional circumstance of unplanned slaughter occurs when a chicken (or other small livestock) is badly injured. If a predator, a raccoon for example, gets in the coop and maims but does not kill a chicken, people must make a decision whether take the bird to a veterinarian, let it suffer, or end its misery.

Whether or not slaughter is part of owners’ original plans, as livestock-keeping spreads, situations will increasingly arise in which individuals will consider killing their animals. Municipalities will need to address questions of whether and how slaughter should be done. This study examines the state of policy in advance of any concerted

response from communities to this growing and potentially contentious matter.

## Methods

This research builds on Butler’s (2012) study of livestock-keeping regulations in 22 U.S. cities. This study uses the same sample of cities, with the goal of identifying comparable data points. For his study, Butler chose cities that had “recently revised their animal control ordinances and/or zoning ordinances to allow for urban livestock” (p. 198). Moreover, Butler designed the sample to “emphasize variability” regarding region, population size, and “approaches to managing livestock” (p. 198). Butler’s sample also suits my research objective to discover how the regulation of livestock slaughter compares with the regulation of livestock keeping.

Ordinances related to urban livestock often reside in a chapter of municipal code titled “Animals” that governs licensure for pet stores, definitions of cruelty and nuisance, and what types of animals may be kept as pets. Other relevant codes are found in sections that address fishing and hunting regulations, control of pest animals or “vermin,” as well as in public health, zoning, and business permits. I searched the codes of the 22 sample cities online for a series of terms, including: “slaughter,” “butcher,” “kill,” “meat,” “animal,” “livestock,” “poultry,” “fowl,” “chicken,” “hen,” “rooster,” “duck,” “rabbit,” and “goat.” All the relevant ordinances were captured and entered into a spreadsheet.

The data were analyzed in three phases. The first phase identified each city’s slaughter rules and compared them with the livestock-keeping rules in the same cities. In Table 1, I summarize both sets of regulation data (keeping and slaughter), using Butler’s framework (2012, p. 200) in order to compare them. The sample cities used a variety of schemes for categorizing animals, but here I grouped the species into a handful of categories (e.g., small, medium, and large), also following Butler. Table 1 indicates by city whether keeping and/or slaughtering of each animal type is allowed (✓), prohibited (×), or allowed under some circumstances (●). Immediately apparent in Table 1 is the large number of blank spaces in the slaughter columns, indicating that the practice is not addressed.

**Table 1. Municipal Regulations That Allow or Prohibit Keeping and/or Slaughtering Livestock by Type<sup>a</sup>**

(✓ = allowed; X = prohibited; ● = some in category allowed; blank = none specified or unclear)

Municipality	State	Hens		Roosters		Other fowl <sup>b</sup>		Small animals <sup>b</sup>		Medium animals <sup>b</sup>		Large animals <sup>b</sup>	
		Keep	Slaughter	Keep	Slaughter	Keep	Slaughter	Keep	Slaughter	Keep	Slaughter	Keep	Slaughter
Ann Arbor	MI	✓	X	X		X		✓		X		X	
Baltimore	MD	✓		X		✓ <sup>c</sup>		✓ <sup>c</sup>		✓ <sup>c</sup>		X	
Bloomington	IN	✓	●	X		✓		✓		✓		✓	
Charlotte	NC	✓	●	✓	●	✓	●	✓	●	✓	●	✓	●
Chattanooga	TN	● <sup>d</sup>	✓	● <sup>d</sup>	✓	● <sup>d</sup>	✓	● <sup>d</sup>	✓	● <sup>d</sup>	✓	●	✓
Cleveland	OH	✓	●	✓	●	✓	●	✓	●	✓	●	✓	X
Fort Collins	CO	✓	X	X	✓								
Kansas City	MO	✓		✓		✓		✓		✓		✓	
Longmont	CO	✓	X	✓		✓		✓		✓		✓	
Madison	WI	✓	●	X <sup>e</sup>	●	✓	●	✓	●	✓	●	✓	●
Missoula	MT	✓	✓	✓		✓	✓	✓		✓		✓	✓
Mobile	AL	✓		X		✓				●		✓	
Morgan Hill	CA	✓		✓		✓		✓		✓		✓	
Mountain View	CA	✓		✓		✓		✓		✓		✓	
Rogers	AR	✓	●	X		✓	●	✓		●		✓	
Round Rock	TX	✓				✓		✓		✓		✓	
San Antonio	TX	✓				✓		✓		●		✓	
Santa Clara	CA	✓	X	✓	X	✓	X	✓	X	✓	X	✓	X
Seattle	WA	✓		X		✓		✓	●	●		✓	
South Portland	ME	✓	X	X	X								
Stamford	CT	✓		✓		✓		✓		✓		✓	✓
Tallahassee	FL	✓	●	✓	●	✓	●	X		X		●	●

<sup>a</sup> The framework of this table and the data on *livestock keeping* are drawn from Table 1 in Butler (2012, p. 200). Honeybees are omitted here as bees are not subject to slaughter.

<sup>b</sup> "Other fowl includes turkey, geese, ducks, etc. Small animals include rabbits, Medium animals include goats, pigs, sheep, etc. Large animals include cows, horses, alpacas, llamas, etc." (Butler, 2012, p. 200).

<sup>c</sup> Baltimore updated its health code in 2013 to expand the keeping of chicken hens, pigeons, rabbits, and small goats (Baltimore City Health Department, Office of Animal Control, 2013; Witt, 2013).

<sup>d</sup> Allowed only on parcels of 5 or more contiguous acres (2 or more contiguous hectares).

<sup>e</sup> Discrepancy with Butler's data, which showed that roosters are allowed. Madison code 9.52(c): "Keeping of roosters is prohibited."

In the next phase, the cities were sorted based on similarities in how they regulate livestock slaughter versus livestock keeping. As I repeatedly read the ordinances and sorted the coded data, patterns and anomalies emerged, revealing where the slaughter ordinances are coherent, unclear, contradictory, or simply absent. While all 22 cities explicitly allow at least some livestock keeping, nearly half of them have no stated position on slaughter. In the rest of the cities, slaughter regulations vary widely. Among the sample cities I identified five different regulatory strategies, which will be outlined below. In the third phase of analysis, I coded details regarding the species and gender of animals mentioned in the ordinances and noted particular methods, locations, and purposes of slaughter that were allowed or prohibited, as well as any requirements for individual slaughterers.

### Findings

Through repeated reading and coding of the ordinance data, I identified five “approaches” to livestock regulation among the sample cities, which I call *silent*, *quiet*, *prohibiting*, *uneven*, and *conditional* (Table 2).

The cities categorized as *silent* are those whose codes make no mention of slaughter at all. In some of these cases, such as Ann Arbor, Michigan, and Baltimore, Maryland, most of the silences are in reference to animals already prohibited from the city. However, even types of animals that are allowed in cities are commonly unaddressed. For example, five cities (Kansas City, Missouri; Longmont, Colorado; Missoula, Montana; Mountain View, California; and Stamford, Connecticut) allow roosters to be kept within the city but are silent on the issue of rooster slaughter. The slaughter of other types of permissible animals was left out even more frequently (hens, 9 cities; other fowl, 10; small animals, 9; medium animals, 6; large animals, 11). It is unclear whether these gaps are intentional or simply oversight.

Closely related to silence is an approach I call *quiet*. In these cases, no ordinance directly addresses slaughter, but other laws acknowledge the practice and give tacit approval. Four of the cities in this study are quiet on slaughter. For

example, while the city code of Mobile, Alabama, does not mention the act of slaughter per se, animals “slaughtered for food within 24 hours” are exempt from dead animal reporting laws (Section 7-20(b)). In Mountain View, stores are prohibited from selling young chicks or rabbits whose down or fur has been artificially colored; however, they are allowed to sell the same naturally colored animals “to be raised for food purposes only.” This phrase addresses only the raising of animals, not their demise, but there is no other way that rabbits become “food” than by killing them. Contradictions and loopholes may be vestiges of old laws still on the books or existing in whole other chapters of the municipal code. Whatever the case, despite the absence of explicit permission for slaughter, these cities quietly imply consent.

A third group of cities have *uneven* regulations by species or sex. For example, Ann Arbor, allows both hens and rabbits to be kept. However, while the law explicitly prohibits the slaughter of chickens (hens or roosters), it does not mention rabbits, creating a loophole for those who would like to raise rabbits for meat. Similarly, Longmont specifically prohibits the slaughter of hens, but not roosters. Here is a case where “accidental roosters” may not be kept, but may be killed.

The problems of this uneven approach would seemingly be solved in cities of the fourth group, which simply *prohibit* all slaughter. For example, in Santa Clara, California, “it is unlawful for any person, by any means, to slaughter any animal within the city... (‘Slaughter’ means to kill an animal for food or butcher.)” These cities allow the keeping of hens, but with a prohibition on slaughter the law carries an implicit expectation that hens will be kept until the natural end of their lives. In a city with a strict slaughter prohibition, the killing of senior hens could conceivably be pushed “underground.” Another challenge that may arise from a blanket prohibition is if a commercial slaughter operation or recreational fishing is unintentionally banned.

The fifth approach to regulation is *conditional*—that is, slaughter is allowed under particular conditions. Out of 132 regulatory opportunities (22 cities × 6 types of animals), municipalities prescribe in detail *where*, *how*, or *why* slaughter is

**Table 2. Five Approaches To Regulating Backyard Animal Slaughter**

Municipality	State	Regulations on keeping poultry and livestock	Regulations on backyard slaughter
<b>Silent on slaughter</b>			
Baltimore	MD	Chickens, rabbits, and small goats allowed.	Silent on slaughter.
Chattanooga	TN	Swine, goats, and fowl allowed on large (≥5 acres or 2 ha) lots only.	Silent on slaughter.
Morgan Hill	CA	Poultry and rabbits allowed. Swine in agricultural zones only. Medium and large animals on large lots only.	Silent on slaughter.
Round Rock	TX	Fowl allowed. Medium and large animals on big lots only.	Silent on slaughter.
San Antonio	TX	Fowl, medium, and large animals allowed.	Silent on slaughter.
Kansas City	MO	Chickens and rabbits allowed. Limited roosters.	Silent on slaughter.
<b>"Quiet" on slaughter (permission implied)</b>			
Mobile	AL	Hens allowed. No roosters. Cows with permit. Silent on rabbits.	Animals "slaughtered for food within 24 hours" are exempt from dead animal reporting laws.
Stamford	CT	Poultry and livestock allowed.	Residents may use firearms on own property to kill livestock.
Mountain View	CA	Poultry and rabbits allowed. Permit needed for medium and large animals. No roosters except agricultural zones.	Stores may display and sell young poultry and rabbits "to be raised for food purposes only."
<b>Slaughter prohibited by species or sex</b>			
Ann Arbor	MI	Hens and rabbits allowed.	Slaughter of chickens prohibited. Silent on rabbits.
Longmont	CO	Hens allowed. Other fowl and large animals allowed in some zones.	Slaughter of hens prohibited. Otherwise silent.
South Portland	ME	Hens allowed. Quiet on other animals except they must not run loose in parks or highways.	Slaughter of chickens prohibited. Otherwise silent.
<b>Slaughter prohibited</b>			
Santa Clara	CA	Fowl, rabbits, and other small, medium, and large animals allowed.	Slaughter prohibited.
Fort Collins	CO	Hens allowed; no roosters.	Slaughter prohibited.
<b>Slaughter conditional (depending on circumstances)</b>			
Bloomington	IN	Chickens allowed.	Slaughter prohibited on harborer's property.
Charlotte	NC	Fowl, small, medium, and large animals allowed with permit.	Slaughter allowed if humane, sanitary, hidden, and not otherwise prohibited.
Cleveland	OH	Poultry, small, and medium animals allowed with permit. Medium animals on big lots only.	Slaughter of chickens, ducks, rabbits, and similar small animals allowed on site and for consumption by occupants only.
Madison	WI	Hens and other fowl allowed.	Slaughter of chickens prohibited on site. Permit needed to slaughter medium and large livestock.
Missoula	MT	Hens and rabbits allowed.	Prohibited to kill animals except "commonly accepted agricultural and livestock practices." (Unclear if and how slaughter is included.)
Rogers	AR	Hens allowed. No roosters and no hogs. Silent on other animals.	Slaughter of chickens prohibited "outside."
Seattle	WA	Fowl and small animals allowed. Medium and large animals on big lots only.	Slaughter of rabbits must be hidden from other rabbits.
Tallahassee	FL	Hens and limited roosters allowed.	Prohibited to "inhumanely kill...any animal."

allowed in 24 of them. Seven cities mention particular stipulations for slaughter, regarding location, conditions, and/or purpose (Table 3). These details provide initial insights into the local policy priorities (such as nuisance prevention, public health, or animal well-being) behind these policies, which are discussed below.

## Discussion

As the practice of livestock keeping spreads and backyard slaughter likely follows, municipalities across the U.S. will increasingly face the question of whether and how to limit or shape these practices. In Butler's (2012) analysis, cities used regulations at different spatial scales to restrict where and how livestock animals could be kept. At the municipal scale, certain species were simply prohibited citywide, thereby indicating that these animals were incompatible with the municipality's vision of itself as an urban space. In the present study, at least five of the 22 cities explicitly prohibited slaughter of one or more animal species, taking a clear stance that slaughter is out of place within their municipality.

While Butler found that most cities chose to provide detailed codes for livestock keeping, the present study demonstrates that city codes offer few specifics regarding slaughter. For example, in three cities with *uneven* regulations, the code prohibited slaughter of one species or sex but it failed to address other animals allowed in the city. Several *quiet* cities mention slaughter in a roundabout manner while discussing other issues, but do not address the issue head on. Even those cities that explicitly allow for slaughter under some circumstances, those circumstances are poorly defined, particularly in regard to location. Cities differed in where they require slaughter to take place. In Cleveland, Ohio, residents may slaughter poultry and small animals "on site," while in Madison, Wisconsin, residents are prohibited from slaughtering "on site." In Bloomington, Indiana, residents "shall not slaughter chickens on harborer's property." As written, the laws appear to allow residents to slaughter their chickens, as long as they do not do it at home. The intent of the codes is unclear: did Madison and Bloomington intend to prohibit slaughter, or actually hold that it would be

better for the "harborer" to kill their chickens at a neighbor's house instead? In none of these slaughter ordinances are there detailed specifications similar to those commonly prescribed for livestock keeping.

Butler argues that well-crafted regulations—whether detailed or flexible—can help municipalities navigate potential challenges associated with the return of urban livestock. Butler identifies two core conflicts that policy-makers needs to manage: tensions around animals and practices seen as "rural" in an urban setting, and concerns about public health. These two issues are also associated, of course, with slaughter, and the present research indicates that the relevant regulations are less than robust. The discussion below explores how cities might address and/or prevent conflicts over appropriate urban land use, safeguard public health, and—in response to a third tension—balance animal well-being with (human) desires for food and liberty. This discussion concludes by considering reasons why municipalities may or may not want to provide more detailed slaughter regulations.

One function of more detailed slaughter ordinances could be to define and prevent nuisances. Butler describes these types of detailed guidelines as part of a zoning tradition that aims to "minim[ize] negative impacts on the users of neighboring properties" (Butler, pp. 208–209). Some cities in this study have specific ordinances that could help accomplish this. Charlotte, North Carolina, specifies that slaughter "shall not be done open to the view of any public area or adjacent property owned by another" (Charlotte Code Part II, Sec 3-102(c4)). Similarly, Rogers, Arkansas, prohibits slaughter "outside." These restrictions would limit the visual (and probably aural) impact on neighbors. Other guidelines could include a permitted period for slaughter similar to hunting and fishing seasons or a limit on the number or type of animals slaughtered per year. These types of regulations—of type, number, and site—are common in ordinances governing urban livestock keeping, and could be useful if cities want to minimize nuisance conflicts between neighbors.

Protecting public health is another reason to regulate backyard slaughter. Several serious

**Table 3. Slaughter Regulations Dependent on Variables of Location, Conditions, and Purpose**

Municipality	State	Regulations by type of animal							Location			Conditions			Purpose	
		Hens	Roosters	Other fowl	Small animals	Medium animals	Large animals	On site <sup>a</sup>	Hidden from view <sup>b</sup>	Humane <sup>c</sup>	Sanitary <sup>d</sup>	Permit <sup>e</sup>	Food <sup>f</sup>			
Bloomington	IN	a						Prohibited								
Charlotte	NC	bcd	bcd	bcd	bcd	bcd	bcd		Human	Required	Required					
Cleveland	OH	ae	ae	ae	ae			Required								Required
Madison	WI	a	a	f	f	f	f	Prohibited				Required				
Rogers	AR	b		b					Prohibited outside							
Seattle	WA				bd				Animal		Required					
Tallahassee	FL	c	c								Required					

<sup>a</sup> Slaughter performed "on site" or "on harborer's property"—required or prohibited.

<sup>b</sup> Slaughter must be hidden from view of the public and/or neighbors ("human") or from others of its species ("animal"), or is prohibited outside.

<sup>c</sup> Slaughter must be "humane."

<sup>d</sup> Slaughter must be "sanitary."

<sup>e</sup> For consumption by household only.

<sup>f</sup> Permit required.

infectious diseases, including avian influenza, *E. coli*, and salmonella can be transmitted through livestock, and poultry in particular.<sup>8</sup> In light of this risk cities have a range of regulatory options ranging from education to prohibition. In a recent study of infectious disease outbreaks in the U.S. that can be traced to backyard poultry, Tobin et al. (2015) generated a set of seven recommendations for urban poultry ordinances in order to reduce this risk. These include prescriptions for frequent hand-washing, proper composting of wastes, and special attention to children, who are "more likely to touch, kiss, or snuggle live poultry (particularly chicks), put their hands in their mouth, and inconsistently practice hand washing" (p. 388). Of the seven recommendations, only one was rigid: "3. Prohibit slaughter at

the home" (p. 389). The authors argue,

slaughtering animals on site in urban environments poses opportunities for pathogen transmission from infectious birds to the environment, humans, and other animals. The urban household environment is not well suited for containment of pathogens from the slaughtering of birds, including viscera, blood, and feces, and in particular may draw wild and domesticated animals to the premises. (p. 389)

While not contradicting these potential disease vectors, this author questions the necessity of prohibiting slaughter on these

<sup>8</sup> The relative risk posed to public health by backyard versus commercial poultry flocks is important to bear in mind. In an outbreak of highly infectious avian influenza in 2003, Bavinck, Bouma, Van Boven, Bos, Stassen, and Stegeman (2009) found that "backyard flocks were considerably less susceptible to infection than

commercial farms" (p. 247). Furthermore, Smith and Dunipace (2011) found that "the contribution of backyard poultry flocks to the on-going transmission dynamics of an avian influenza epidemic in commercial flocks is modest at best" (p. 71).

grounds. Tobin et al. provide data on 22 outbreaks of salmonella in the U.S. since 1990; in every case, the source was contact with live poultry, not participation in slaughter. Although their article repeatedly warns that animal slaughter “poses a risk for pathogen transmission” (p. 389), the authors provide no examples of disease being spread that way, which begs the question whether slaughter is actually more dangerous for public health than keeping live birds. If good hygiene practices protect practitioners as they handle live birds and clean out coops, it seems possible that similar practices could protect them during slaughter. If one of the key concerns is contamination of children, surely it is easier to keep young children away from an occasional slaughter event than from the daily presence of live animals. Moreover, children would be less drawn to “touch, kiss, or snuggle” a dead chicken than a fluffy baby chick.

Tobin et al. argue persuasively that municipalities should require education on hygiene and disease prevention in order to grant a poultry-keeping permit. Rather than ban slaughter outright, municipalities could require similar instruction in sanitary slaughter and disposal of offal. For example, the state of Minnesota has worked with several live animal markets<sup>9</sup> to establish clear health guidelines for their customers. The Minnesota departments of agriculture and public health have produced posters and fliers in English, Spanish, Hmong, Somali, and Amharic that instruct customers in “healthy market” practices, such as washing their hands before and after shopping, transporting their purchases in a chilled and insulated container, and cooking the meat thoroughly (Minnesota Department of Health, 2015). These kinds of instructions could be provided to those who wish to slaughter at home as well. In this study, both Seattle and Charlotte require slaughter to be done in a “sanitary” manner, but what that means is not defined or described for the benefit of the practitioner.

Another type of regulation with a bearing on public health is restricting the sale or distribution of home-processed meats. One city in this study,

Cleveland, specifies that “chickens, ducks, rabbits and similar small animals may be slaughtered on site only *if for consumption by the occupants of the premises*” (emphasis added). This intent of this law is unstated, but a likely goal is limiting the health impacts of improper slaughter. A more explicit example of this kind of restriction is the 2004 Minnesota law restricting the types of homegrown and home-processed food that can be sold in the state. Known as the “Pickle Bill,” it allows the sales of pickles, fruits, and vegetables (with a pH  $\leq 4.6$ ) but prohibits the sale of all home-processed meat (Minnesota Department of Agriculture, n.d.). Alternatively, in 2011 the town of Sedgwick, Maine, passed a “food sovereignty” law which gave residents “the right to produce, process, sell, purchase, and consume local foods of their choosing” (Michaelis, 2011, para. 2), including locally produced meat and raw milk. These examples begin to show the options for regulation, including restricting the consumption of homegrown meat to the immediate household.

A third tension that can arise over the issue of slaughter is an ethical disagreement over the treatment of animals. In a survey of 345 urban San Francisco Bay Area residents, Blecha and Davis (2014) found drastically different perspectives on the practice of backyard slaughter. Some respondents who were opposed to the practice expressed concerns about nuisance or disease like those discussed above. Another group, however, described deep horror and moral outrage at the thought of animals being killed anywhere, but especially by their neighbors. They considered the killing of living beings murder and eating their bodies repugnant. Among those who supported the practice, two additional views emerged. Some respondents interested in “alternative” or “local” foods felt that animals raised by hand in a backyard setting generally had a far happier life and less painful and frightening death than those raised in the mainstream corporate food system. Others in the survey expressed reservations about the notion of backyard slaughter, but defended the “right” of residents both to feed themselves and to do what they

<sup>9</sup> At live markets, customers choose from an assortment of live fowl, goats, pigs, or other animals, who are then slaughtered

on site, usually by market staff. At some facilities customers have the option to clean and butcher the animal themselves.

want on their own property as long as it does not affect their neighbors. Blecha and Davis (2014) found that for many participants in the survey, these perspectives reflect deeply held values that participants wanted to see reflected in their city's ordinances.

We were surprised by the strength of feeling subjects conveyed. Even though the survey was lengthy and responding to the open-ended questions was optional, a majority of participants provided answer to all ten, often at length. The vigor of participation indicates that some portion of the public feels strongly, even passionately, about this issue... (p. 71)

Given these sorts of passions among the public, municipalities can face serious conflicts over the issue of slaughter.

Every municipality is different, of course, and residents' feelings about slaughter will vary with the local history and mix of cultures. In some towns with a relatively homogenous population, it may be fairly easy to outline local ethical norms regarding slaughter. In cities with a more diverse population the discussion can be fraught. Animal rights activists have vigorously opposed backyard slaughter in several communities, and recently succeeded in getting a slaughter ban passed in Minneapolis, Minnesota (City Council of City of Minneapolis, 2012). In Oakland, California, vociferous disagreement between slaughter and anti-slaughter activists—with up to 300 attending a single hearing—delayed the approval of an updated urban agriculture ordinance for several years. Eventually the new policy was approved after it excluded any decision on livestock keeping and slaughter (Zigas, 2011, 2014). Finally, municipalities must be careful about restricting practices that are important to the cultural traditions or ritual practices of minority communities. Filipino, Mexican, and Hmong communities, among others, have some animal practices that differ from Euro-American norms (Griffith, Wolch, & Lassiter, 2002; Park, Quinn, Florez, Jacobson, Neckerman, & Rundle, 2011; Xiong, Numrich, Wu, Yang, & Plotnikoff, 2005). Municipalities attempting to draft slaughter

regulations would do well to consult with and consider the perspectives of diverse residents.

Of the cities in this study, only Charlotte and Tallahassee, Florida, specify that slaughter be accomplished in a “humane” manner, although that term remains undefined. In Seattle, slaughter of any small animal must take place out of sight of other animals of its kind. The rationale for this provision is not mentioned in the ordinance, but presumably it is to prevent fear or distress among the other animals. Along with hygiene training, cities could also require education about humane methods of slaughter.

### Recommendations and Conclusions

Whatever a municipality's motivation for or approach to managing this growing practice, policy-makers would do well to consider thoughtfully how they will address the issue of slaughter in their community. In his study of the livestock-keeping laws of these 22 cities, Butler found two different regulatory styles, each with a key strength and weakness. Most of the cities provided detailed guidelines, especially regarding poultry: “the keeping of fowl in residential areas is highly regulated with setbacks, number limits, permitting processes, and detailed management specifications” (Butler, 2012, p. 209). With this detailed approach, “clarity and predictability is high, but where specifications are overly stringent, some individuals will be unable to engage in the practice of livestock keeping where they live” (p. 210). A looser management style was taken by a smaller number of cities, where “the codes specify the enforcement official and use vague language to describe what constitutes a nuisance or health violation” (p. 210). This approach allows for more creativity by urban farmers and discretion by administrators to suit local conditions; however, “such flexibility also could lead to inconsistent application of the intent of the law which could be construed as unfair or capricious” (p. 210). Butler argues that either strategy has the potential to effectively meet a municipality's goals of safeguarding public health and minimizing nuisances.

Additionally, a third option exists. Municipalities may choose to leave their position on the practice *undefined* to prevent the escalation of a

conflict where one had not previously existed. For example, when El Cerrito, California, was in the process of revising its animal codes, the city council was reluctant to wade into the issue of slaughter. One council member expressed concern that regulating slaughter could become politically and legally challenging if it interfered with any residents' religious or cultural traditions (Burruss, 2012). Avoiding taking a stand on the issue may also have neutralized some of the passionate debates about animal rights versus residents' rights to feed themselves that arose at public hearings in nearby Oakland. Along the same lines, the city attorney advised the council that,

Using the nuisance abatement approach would be the most effective means of dealing with animal slaughter, at least until there is some evidence that the practice is being used widely in the City to the detriment of the public health, safety, and welfare. (Woodruff, 2012)

The city council of El Cerrito chose not to stir up a potentially controversial debate in the city when many of the possible ills brought by slaughter could be controlled by nuisance laws already in place. Policy-makers in cities where slaughter has not been addressed will want to weigh the potential value of a public debate on this issue. If regulation is desired, they might also consider whether looser or more detailed ordinances would better serve their community.

As this is the first study of this topic, the discussions and conclusions in this paper are an entrée into an area of both theoretical interest and practical value. A study using a larger sample of cities would allow for a better understanding of the range and types of slaughter regulations currently on the books. In addition, case studies might trace the processes, constituencies, and rationale(s) behind the regulatory choices of individual cities. As practices of urban agriculture continue to expand in the U.S., more municipalities will find themselves facing issues related to small-scale livestock slaughter. This research offers some preliminary context for policy-makers when considering whether and how to address the practice. 

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**NORTH CAROLINA DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES  
MEAT AND POULTRY INSPECTION DIVISION  
Raleigh, North Carolina**

*Steve Troxler, Commissioner*

<b>MPID NOTICE</b>	<b>9-10</b>	<b>8-2-10</b>
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### Inspection Requirements for Meat and Poultry Businesses

#### I. PURPOSE

This notice provides inspection information for consumers and current and potential business owners.

#### II. REFERENCES

Federal Meat Inspection Act; Federal Poultry Products Inspection Act; 9 CFR Parts 300 to 500; N.C. Compulsory Meat Inspection Law (Articles 49B, 49C and 49H – G.S. 106-549.15-39, 97,98); N.C. Poultry Products Inspection Law (Article 49D – G.S. 106.549.49-69).

#### III. CANCELLATION

MPID Notice 3-10 dated 2/22/10

#### IV. PROCEDURE

The following chart lists the type of inspection required for common business dealings in the meat and poultry industry.

Business Activity	Agency Providing Inspection	Minimum Inspection Required
Slaughter Meat Animals for sale to the public (wholesale or retail)	Department of Agriculture	Compulsory Meat & Poultry Inspection
Slaughter or process meat/poultry for the general public for personal consumption only.	Department of Agriculture	Custom Exempt Inspection
Process Canned Meat and Poultry products for sale to the public (wholesale or retail)	Department of Agriculture (USDA Food Safety and Inspection Service)	Compulsory Meat & Poultry Inspection

<b>Business Activity</b>	<b>Agency Providing Inspection</b>	<b>Minimum Inspection Required</b>
Process limited Meat and/or Poultry products at a retail meat market for wholesale sales to Hotels, Restaurants and Institutions (HRI) . Note: Not all meat and/or poultry products are eligible for HRI sales.	County Health Dept. - current annual dollar limitations apply / percentage of total wholesale sales limited (not to exceed 25% of all retail sales) – accurate and legible record keeping required	County Health Department
Process Meat and/or Poultry products for unlimited wholesale and/or retail sales	Department of Agriculture	Compulsory Meat & Poultry Inspection
Process Meat and/or Poultry products for sale via the internet	Department of Agriculture Or County Health Department Inspection (if sold directly to household consumers)	Compulsory Meat & Poultry Inspection Or County Health Department
Conduct Door to Door sales of NCDA or USDA inspected, marked and labeled meat and/or poultry products	Department of Agriculture	Meat Handler's Registration
Store and /or transport fully packaged, marked and labeled meat and poultry products for wholesale or retail sales	Department of Agriculture	Meat Handler's Registration
Transport live animals to an inspected slaughter / processing facility, pick up fully packaged, marked and labeled meat & poultry products and sale to the general public	Department of Agriculture	Meat Handler's Registration
Sell live animal to customer. Transport live animal for customer to an NCDA or USDA inspected slaughter / processing facility. Customer picks up packaged & labeled meat / poultry products from the slaughtering/processing facility	N/A	N/A General Note: (No Meat Handler's Registration required)
Sell live animal to customer. Provide location, facility or services for the slaughter of the animal on your farm / premises, or slaughter animal for the customer on your farm	This activity is in violation of the N.C. Compulsory Meat Inspection Law and/or the N.C. Poultry Products Inspection Law and is not permitted.	Letters of warning, civil penalties and/or criminal prosecution could result. Compulsory Meat and/or Poultry Inspection required

<b>Business Activity</b>	<b>Agency Providing Inspection</b>	<b>Minimum Inspection Required</b>
Slaughter animals of your own raising for your own personal use, members of your household and non-paying guests	N/A	None
Process inspected meat & poultry products (with the exception of retort processing) for on-site retail sales to the general public	County Health Department	County Health Inspection
Restaurant / Catering Activities	County Health Department - Such as meals or entrée's sold directly to individual consumers – cannot sell to a individual and/or company for re-sale to the public	County Health Inspection
Sell prepared meat and poultry products via mobile food trailers to the general public	County Health Department - Such as meals or entrée's sold directly to individual consumers	County Health Inspection
Receive fully packaged, NCDA or USDA marked and labeled meat and/or poultry products and offer them for retail sale at your store without opening packages or further processing the products.	N/A	N/A
<p>Producer/Grower 1,000 bird limit exemption from mandatory (daily) NCDA or USDA Inspection.</p> <p><u>General Note:</u> See MPID Notice 14-12 for detailed “Basic Sanitary Standards” and “Safe Handling Instructions” labeling examples</p>	Department of Agriculture	<p>Under the Producer/Grower 1,000 Bird Limit Exemption, a person may slaughter and process (on his or her premises) poultry that s/he raised and s/he may distribute such poultry without mandatory (daily) inspection. The limited provisions of this exemption apply to poultry growers who slaughter no more than 1,000 birds in a calendar year for use as human food. To operate under this exemption the noted five (5) requirements <b>must</b> be met.</p> <ol style="list-style-type: none"> <li>1. The producer or grower slaughters no more that 1,000 healthy birds of his/her own raising in a calendar year.</li> <li>2. The producer or grower sells/distributes only poultry product produced from poultry raised on his/her own farm.</li> <li>3. Slaughter and processing are conducted under sanitary standards, practices, and</li> </ol>

<b>Business Activity</b>	<b>Agency Providing Inspection</b>	<b>Minimum Inspection Required</b>
<p>Producer/Grower 1,000 bird limit exemption from mandatory (daily) NCDA or USDA Inspection continued.</p> <p><u>General Note:</u> See MPID Notice 14-12 for detailed “Basic Sanitary Standards” and “Safe Handling Instructions” labeling examples</p>	Department of Agriculture	<p>procedures that produce products that are sound, clean, fit for human food and not adulterated.</p> <p>4. The producer or grower keeps accurate and legible records necessary for the effective enforcement of the Act. Records include slaughter records and records covering the sales of poultry products to customers. These records are subject to review by FSIS, or MPID employees, to determine compliance with the requirement for sales not to exceed 1,000 poultry in a calendar year.</p> <p>5. The poultry products may not move in interstate commerce.</p> <p>6. All poultry or poultry products produced under this exemption must be labeled with the following:</p> <ol style="list-style-type: none"> <li>the processor’s name,</li> <li>the address,</li> <li>the statement, Exempt P.L. 90-492</li> <li>Safe Handling Instructions</li> </ol>
Slaughter and /or process greater than 1,000 but no more than 20,000 poultry without mandatory (daily) inspection per calendar year.	Department of Agriculture. Three possible exemptions fall in this category. Exemption “criteria requirements” different for each exemption. Can only operate under one exemption per calendar year, including the retail store exemption.	Intrastate commerce sales only. Adulteration provisions of the act apply. Special labeling requirements may apply depending on the exemption. Must keep accurate and legible records of activities. Slaughter and processing are conducted under sanitary standards, practices, and procedures.
Exceed slaughter limit of 20,000 poultry per calendar year.	Department of Agriculture (USDA Food Safety and Inspection Service)	Compulsory Meat and Poultry Inspection

**Dr. Beth Yongue**  
**State Director**

**DISTRIBUTION:**  
All MPID Personnel

**SUBJECT CATEGORY:**  
Compliance





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:**17-319

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**Agenda Date:** 11/21/2017

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Adoption of Rules of Procedure for Boards and Commissions, the Advisory Board Recruitment and Appointment Policy, and Associated Ordinance Changes

**PURPOSE:** The purpose of this item is to allow the Board of Aldermen adopt the Rules and Procedures for Boards and Commission, the Advisory Board Recruitment and Appointment Policy, and associated ordinance changes.

**DEPARTMENT:** Town Clerk

**CONTACT INFORMATION:** Catherine Dorando

**INFORMATION:** In coordination with the Town's Management Team, the draft Rules of Procedure for Boards and Commissions and the Advisory Board Recruitment and Appointment Policies were drafted. These documents are intended to formalize a policy that will allow the Board of Aldermen, staff, and advisory boards to function effectively, efficiently, and consistently. Consistency in process and adherence to public records laws is the impetus behind the creation of these policies.

The Advisory Board Recruitment and Appointment Policy (previously discussed as "Advisory Board Guidelines") was discussed by the Board in September of 2015. Changes discussed in that that meeting have been incorporated into the policy.

The Town Clerk provided the draft Rules of Procedure for Boards and Commissions document for the Board to discuss during the October 3, 2017 meeting.

Policy questions the board discussed included:

1. Explicitly stating that advisory board members must refrain from voting on items that financially impact themselves or their employer.
  - This has been added to the Rules of Procedure and provided as a Town Code amendment in the attached ordinance.
2. Further clarification of the Board Liaison role. The Board agreed that the position should not be a

member nor participate by vote.

- Alderman Chaney provided language that the attorney has included in the attached ordinance and in the Rules of Procedure.
- The following changed for liaison seats have been proposed in the attached draft ordinance:

	A	B	C	D	E	F
1	Board	Board Liaison Referenced in Town Code	Member	Vote?	Town Code Section	Amendment Suggested
2	Affordable Housing Advisory Commission	Yes	No	No	3-24.14	
3	Appearance Commission	NO				
4	Arts Committee	NO				
5	Board of Adjustment	NO				
6	Economic Sustainability Commission	No			3-24.3	
7	Environmental Advisory Board	NO				
8	Greenways Commission	YES	Yes	YES	3-24.7	As there shall be...appointed by the Board as non-voting liaison members...
9	Human Services Advisory Commission	NO			3-7	
10	Northern Transition Area Advisory Commission	NO				
11	Planning Board	No				
12	Recreation and Parks Commission	Yes	Yes	NO	3-27	
13	Safe Routes to School Implementation	Yes	Yes	?	3-24.10	...one of these members shall be a member of the Board of Aldermen appointed by the Board as a non-voting liaison member.
14	Stormwater Advisory Commission	Yes	Yes	No	3-24.15	
15	Transportation Advisory Board	Yes	YES	NO (May participate in deliberations but shall have no vote)	3-24	
16	Youth Advisory Board	NO				
17						
18	<b>NEW SECTION OF TOWN CODE - Rules of Procedure for Advisory Boards and Commissions</b>				3-43	All advisory boards and commissions established by this chapter are subject to the Rules and Procedure for Town of Carrboro Advisory Boards and Commissions adopted as Administrative Policy #

3. All Advisory Board and Commission meetings be audio recorded.

- Language has been included.

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**Agenda Date:** 11/21/2017

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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4. Remote attendance

- Language has been included.

**FISCAL & STAFF IMPACT:** Each advisory board has a budget and added use of audio recording should be achievable with existing funds.

**RECOMMENDATION:** It is recommended that the Board of Aldermen adopt the Rules of Procedure for Boards and Commission.

A RESOLUTION ADOPTING THE RULES OF PROCEDURE FOR BOARDS AND  
COMMISSIONS AND ADVISORY BOARD RECRUITMENT AND APPOINTMENT  
POLICY

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF  
ALDERMEN THAT:

1. The Rules of Procedure for Boards and Commissions is hereby adopted.
2. The Advisory Board Recruitment and Appointment Policy is hereby adopted.

**AN ORDINANCE AMENDING CHAPTER 3 OF THE CARRBORO TOWN CODE TO  
CLARIFY THE STATUS OF BOARD OF ALDERMEN LIAISON MEMBERS ON  
ADVISORY BOARDS AND COMMISSIONS**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Sections 3-24.7(a) and 3-24.10(a) of Article V, Chapter 3 of the Carrboro Town Code are amended as follows:

The first sentence of Section 3-24.7(a) is amended as follows:

There shall be a Greenways Commission composed of one or two members of the Board of Aldermen appointed by the Board as non-voting liaison members, plus six other members appointed by the Board of Aldermen.

The second sentence of Section 3-24.10(a) is amended as follows:

One of these members shall be a member of the Board of Aldermen appointed by the Board as a non-voting liaison member.

Section 2: Section 3-42 of Article VIII, Chapter 3 of the Carrboro Town Code is amended as follows:

Members of an appointed advisory board or commission that provide advice to the Board of Aldermen shall not vote on any matter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Section 3: A new Section 3-43 is added to Article VIII, Chapter 3 of the Carrboro Town Code as follows:

Section 3-43 Advisory Boards and Commissions Subject to Rules of Procedure

All advisory boards and commissions established by this Chapter are subject to the Rules and Procedure for the Town of Carrboro Advisory Boards and Commissions adopted as Administrative Policy # \_\_\_\_\_.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this the \_\_\_\_ day of \_\_\_\_\_, 2017.

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent or Excused: \_\_\_\_\_



**ADMINISTRATIVE  
POLICY #**

**RULES OF PROCEDURE FOR TOWN OF CARRBORO BOARDS AND  
COMMISSIONS**

**Purpose:** This policy for advisory boards/commissions (hereinafter “boards”) will provide efficient and equitable rules of procedures for all board members and staff liaisons to follow and provide general information and recommendations about how the boards conduct Town business.

This policy is not designed to create any additional rights or obligations, nor does it establish any procedural rights to any person that are not already provided for by law. The failure of any board member to adhere to the recommended procedures described herein shall not affect the validity of any meeting or action taken. To the extent there is conflict or any discrepancy between these procedures and the North Carolina General Statutes, case law, or Town ordinances (collectively “law”), the law shall prevail.

**1. Role of Board of Aldermen Liaison**

The Board of Aldermen will appoint a Board liaison(s) to each board at the organizational meeting held each election year. These appointees will serve as the elected official point of contact for the board. Board liaisons are non-voting persons who serve chiefly to listen to conversation, to clarify as necessary matters of policy or process related to a particular issue, and to fairly recount Advisory Board conversation and intent as may be needed in subsequent Board of Aldermen discussions. Board liaisons are expected to limit their participation in Advisory Board debate and discussion so as to ensure the freest environmental for citizen input, participation, and leadership. Liaisons shall encourage productive discussion but leave meeting facilitation to Advisory Board chairs and staff. Board liaisons shall not call or cancel meetings, nor amend the agenda of an Advisory Board meeting.

**2. Role of Staff Liaison**

Each department director will have the responsibility of designating a staff person from their department to serve as the staff liaison for each advisory board(s) managed by their department. Additional staff from that department may also provide support roles as deemed necessary by the department director. The staff liaison will be the primary contact for the advisory board members. The staff liaison is responsible for providing board-specific orientation to board members. While the staff liaison serves as staff support to the board it should be clearly noted that staff work is directed only by the department director or their supervisor. Staff liaisons should refer to their supervisor with any questions related to advisory board work. It is the responsibility of the staff liaison to develop agendas and guide the work of the advisory board, as directed by the Board of Aldermen.

**3. Meeting Schedules**

Boards should adopt a yearly meeting schedule each year which takes into account Town-observed holidays and other frequently observed holidays and events. Once adopted, the meeting schedule is then posted in a public notice. Boards that meet on an as-needed basis only will

provide appropriate public notice at least 96 hours (4 days) in advance of each meeting. Such notice will provide the date, time, location and purpose of the meeting. In addition, appropriate public notice, as required by law, will be given for any special meeting or work session that is not included on the regular meeting schedule.

#### **4. Meeting Agenda**

The purpose of the agenda is to organize materials to be considered and to give members an opportunity to study the issues before the meeting.

Board agendas are prepared by the staff liaison based upon information received from the Board of Aldermen, department directors, staff, or items continued or approved to be on the agenda by consensus of a majority of board members during the previous meeting. Advisory board chairpersons may provide input during agenda preparation but are not required nor expected to approve agendas as provided by the staff liaison.

The staff liaison will ensure that the agenda, and all supplementary material, is available on the Town's website at least 96 hours (4 days) prior to the board meeting. No changes will be made to the agenda once it has been posted. However, the following changes may be made at the beginning of the meeting if agreed to by a majority of the members present: order, discussion of planning of events, announcements by members of the committee. Items that will require a vote and recommendation back to the Board of Aldermen may not be added to the agenda at the meeting. If the agenda is not posted prior to 96 hours of the meeting, the meeting will be cancelled and items will be continued to the next properly posted meeting.

Items shall be placed on the agenda according to the order of business. The order of business for a regular meeting agenda follows. Agenda items may be considered in an order different from that shown on the agenda. In emergency situations, other items may be considered on the agenda.

- Call to Order: The presider (usually the chair) will always begin the meeting at the appointed time with a quorum present;
- Swearing in of witnesses, if required: A Town staff member who is a Notary Public may perform this duty in addition to other persons granted this authority by state law or other governing documents;
- Approval of previous meeting minutes: The board will adopt the minutes, as is, or with modifications by motion, second and vote of majority;
- Action and discussion items, reports, information items (including any public hearings);
- Old/New Business;
- Adjournment: The board shall adjourn meetings by motion in open session.

Some boards utilize committees to help carry out their business. The meetings of those committees are recognized to be more informal than regular meetings, and the public notice may also serve as the agenda. Items may not be added to the agenda of a committee meeting.

#### **7. Open Meetings Requirement**

Board members shall not deliberate, vote, or otherwise take action on any matter with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on. Board members should strive to be clear about the matters they are considering and should refrain from referencing an item by letter, number, or other designation which might be conceived as a secret device or method. The board may deliberate, vote or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

## **8. Quorum**

Unless otherwise set forth in bylaws or other governing documents, a majority of the board, including the chair but excluding vacant seats, shall constitute a quorum. A majority is more than half of the board. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining a quorum.

## **9. Chair**

The chair shall have the following authority:

- To act as the parliamentarian during meetings of the board;
- To preside over public meetings of the board;
- To vote upon all measures before the board;
- To be counted for quorum purposes;
- To preserve order and decorum;
- To call a brief recess at any time;
- To adjourn in an emergency.

The chair may also

- Rule motions in or out of order;
- Determine when a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- Answer questions of procedure.

The board may, at its discretion, elect from its membership a vice chair to serve in the chair's absence or in case of sickness of the chair or other causes which would prevent the chair from attending to his or her duties. The vice chair shall be entitled to vote on all matters and shall be considered a board member for all purposes, including the determination of whether a quorum is present.

If both the chair and vice chair are absent from a meeting, the board may elect from among its members a temporary chairperson to preside at the meeting.

The chair as the meeting presider shall follow the principles below, which were taken from "Robert's Rules in Plain English":

- "Be on time and start on time."
- "Be organized. The presiding officer should have a detailed, well prepared agenda and stick to it."

- “Be prepared. The presiding officer should be familiar with the procedural rules...”
- “Be a teacher. The presiding officer should keep the group working together by explaining procedure clearly and communicating the next order of business. If a motion is confusing, it is his [her] duty to clarify it. This may mean helping a member rephrase a motion.”
- “Be in control of the floor. The presiding officer should ‘assign’ the floor by recognizing those members who wish to speak by calling them by name. No other member may interrupt or call out remarks without being out of order. The presiding officer should remind such a member that the floor has been assigned and request that his [her] remarks be held until the floor has been assigned to him [her]. In addition, private discussion between members while another has the floor is out of order and disruptive members should be reminded of this rule.”
- “Be impartial. The presiding officer should impartially call on members wishing to speak. He [she] should give members on both sides of an issue an opportunity to speak...”
- “Be composed. The presiding officer should remain calm and objective, keeping the meeting moving.”
- “Be precise. The presiding officer should always restate the motion before taking a vote. After taking the vote, he [she] announces the result of the vote by interpreting the action taken. The presiding officer should always be certain about the results of a voice vote. He [she] may retake the vote by requesting a show of hands on his [her] own accord.”
- “Be focused. The presiding officer should not allow irrelevant discussion. Restate the question and, if necessary, directly request the member to ‘confine remarks to the pending question’.”
- “Be temperate. The presiding officer should use the gavel sparingly, tapping it once to open and close the meeting.”

## **10. Action by boards**

Actions of the boards shall proceed by motion, unless agreed to proceed by unanimous consensus. Seconds are required to all motions. Only one motion at a time shall be allowed. Motions may be withdrawn at any time prior to a vote or in accordance with the law. Motions shall be adopted by a majority of the votes cast unless otherwise required by these rules or by the laws of North Carolina. A majority is defined as more than half of the board members present for the vote.

Every member of the board should actively participate in voting unless excused by the remaining members in accordance with state law. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member should be excused from voting except upon matters in which the member has a conflict of interest (as outlined in the North Carolina General Statutes and case law). In all other cases, a failure to vote by a member who is physically present in the meeting, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. However, board members are encouraged to make their voting positions clear by verbalizing their votes rather than allowing their silence to represent an affirmative vote. If a vote is unclear to the chair, then it will be up to the chair to call for a vote by hand.

## **11. Minutes**

Generally, the minutes of all boards are considered public records. The public records laws should be relied upon in determining when all records, including minutes, are deemed public records. The staff member that is designated as the secretary or liaison to the board shall be considered the custodian of the minutes and should treat such documents as public record laws require. The North Carolina Department of Cultural Resources should be referred to as a necessary guide in determining the status of all records.

Draft minutes posted in a meeting documents packet shall be watermarked “DRAFT”. Once minutes are approved, they shall be posted in the appropriate section of the website module before the next meeting’s documents are posted and sent out.

Minutes will be “summary minutes” and will not be verbatim. The law requires that all minutes be “full and accurate”. The purpose of minutes is to provide a record of the actions taken by a board and not to provide a transcript of the discussions that occurred during the meeting. The minutes can also provide evidence on behalf of the board, that the board followed proper procedures in taking its actions. If no action is taken, the minutes may simply reflect that the meeting occurred, include the subject of the meeting and that no action occurred. It is not necessary to reflect the conversations and discussions of the board. The minutes should reflect motions made and seconds, identify the movants, dissenting votes, the general summary for the dissenting vote (or minority opinion), and the order in which the items before the board are addressed. All minutes shall be in written form. Minutes should contain enough information to act as an official record of the action taken, they should serve as a guide to staff and the Board in describing what action, if any, is recommended by the board, and they should be sufficient to be submitted as legal evidence as necessary. It is not necessary to record all discussions, particularly those discussions upon which no action is taken. Minutes shall include an accurate account of all guests that speak and a summary of what they spoke about.

Minutes for the Board of Adjustment should reflect in the record all findings pertaining to each hearing, every resolution acted upon by the board, and all votes of members of the board upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote.

The following is an outline which may serve as a template for the boards in the preparation of meeting minutes.

- Name/identity of the board;
- Date, time and location of meeting;
- Time meeting called to order;
- Names of board members in attendance and those absent;
- Statement of whether or not there was a quorum present;
- Identification of subjects for consideration;
- Motions and seconds;
- Any conflicts of interest or abstainments from voting and votes thereon;
- Vote/Action taken by board;
- Dissenting opinion;
- Time meeting adjourned.

Each board shall vote to approve their minutes at their next meeting. Board members may suggest corrections to the minutes when they are in draft form. All board member suggested corrections should comply with this policy. Board members should not propose amendments to the minutes that conflict with this policy.

If audio recordings of board meetings are created, then the staff liaison shall maintain these audio recordings in accordance with the public records laws and Town policy.

## **12. Committees of the Boards**

The board may create committees to facilitate the efficiency and effectiveness of the board's business by researching, studying, and deliberating issues on behalf of, and at the direction of, the full board. Recommendation and reports of any committee will be made to the full board for discussion and/or recommendation.

Minutes of committee meetings shall comply with this policy.

Public notice of subcommittee meetings shall follow the agenda notice requirements of Section 4 of this policy.

## **13. Remote Attendance**

At the discretion of the chair and provided that quorum requirements are otherwise met, a regular member who is unable to attend a meeting due to physical incapacitation or absence from the Town beyond a reasonable travel distance may participate by teleconference, subject to the availability of functioning equipment, and will be considered present for discussion and deliberation but shall not count towards a quorum and shall not be able to vote. A member wishing to participate by teleconference should contact the chair at least 24 hours prior to the meeting.

## **14. Meeting Recording**

All advisory board and commission meetings shall be audio recorded. The staff liaison shall be reasonable for maintaining the recordings in accordance with the NC Public Records laws. Audio/video media do not have a permanent life span and it would be inconvenient and difficult to continually copy audio/video minutes to ensure their permanent status. Once official meeting minutes have been adopted, the minutes become the official permanent record of the meeting.

## **15. Ethics**

Chapter 2, Appendix B of the Carrboro Town Code "The Code of Ethics for the Town of Carrboro Board of Alderman" shall also apply to all Town of Carrboro advisory board members. Section 3-42 of the Town Code shall also apply to all members.

## **16. Coverage (Effective Date and Application)**

This policy shall be applicable to all appointed boards and committees until such time that the policy statement is altered, modified or rescinded.



**Town of Carrboro  
Advisory Board  
Recruitment and  
Appointment Policy**

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## TOWN OF CARRBORO BOARD OF ALDERMEN Recruitment and Appointment Policy

### Adoption: 11/2017 (Planned Adoption)

#### Purpose

The purpose of this policy is to establish a policy and procedures whereby the Board of Aldermen will make appointments to public advisory boards, committees, commissions, councils, and taskforces (hereinafter “boards”). The Board shall also establish a policy and procedures whereby the Board makes appointments to public authorities that have Carrboro representatives or are Town of Carrboro Authorities.

#### Composition

The Town of Carrboro Board of Aldermen shall appoint all voting and non-voting members to boards. The Board of Aldermen shall endeavor to appoint members who represent the ethnic, cultural, demographic, and geographic diversity of the community. The Board of Aldermen should consider the following when making appointments:

- Address
- Neighborhood/Geographic location
- Date of Birth
- Length of Residence in Carrboro
- Gender
- Race
- Occupation
- Advisory Board Service

- Experience/Skill Set/Expertise
- Community Activities/Involvement/Organizations

## Authority

The North Carolina General Statutes, the Town of Carrboro Charter, the Town of Carrboro Town Code and the Town of Carrboro Land Use Ordinance provide the enabling legislation for the Town's Boards.

## Periodic Review

This policy may be changed or adjusted as deemed necessary by the Board. The Town Clerk shall review the policy and make sure the policy is up-to-date.

## Recruitment and Appointment Process

- a. Prior to the annual February term expirations, and when midterm vacancies occur, the Town Clerk will advertise that the town is accepting applications for upcoming openings on advisory boards and commissions.
- b. Applications will be taken until all seats are filled. Applications received after the seat(s) have been filled will be placed on file by the Town Clerk and held for future vacancies for a period of 12 months. If vacancies exist on other boards, the Town Clerk will let the applicant know of those vacancies. If interested, applicants will be encouraged to apply. Midterm vacancies shall be filled from applications on file without special advertising efforts unless requested by the Board of Aldermen.
- c. All new candidates must complete an application to be considered for appointment.
- d. Currently serving advisory board members, whose first full terms are expiring in February, will be contacted by the Town Clerk and asked if they would like to be considered for reappointment. If so, no new application is needed from the member. The Town Clerk shall report to the Board Chair that the member wishes to be reappointed. The Chair shall provide the recommendation/review form for the current member to the Board of Aldermen, just as with new applicants.
- e. The Town Clerk will notify all applicants of receipt of his/her application.
- f. The Town Clerk shall forward copies of applications to the advisory board chairs as soon as possible after receiving an application.
- g. Each chair shall contact each applicant and invite them to at least one meeting of their board so they may understand the responsibilities of the board and the necessary time commitment. (Chairs should contact Town staff in the event of a language barrier.) The chairs shall also talk with the applicants about their interest in serving on the advisory board. Board chairs may meet personally with applicants if a meeting of their board is not anticipated within 30 days following receipt of the applicant's request for appointment. This would be in lieu of having the applicant attend a meeting of that board or commission. If applicants do not attend a meeting after two phone calls or emails, then the Chair shall notify the Town Clerk of that fact and said application will be removed from further consideration.
- h. The chair of each board shall submit a Recommendation Form/Application Review Form to the Town Clerk within one week of the applicant's attendance at a meeting. If a meeting is not planned, the chair shall

provide a Recommendation Form/Application Review to the Town Clerk within one week of a conversation with the applicant.

- i. Copies of all applications and recommendation forms received shall be forwarded to the Mayor and Board of Aldermen.
- j. If there are no applicants for the Board in question, the Chair may contact applicants that have applied for other boards. Board chairs should contact the Town Clerk to obtain these applications.
- k. If a Recommendation Form has not been received from board chairs within three weeks after being forwarded from the Town Clerk, the Town Clerk shall contact the chair and request a status report.
- l. By March 1, the Mayor and Board of Aldermen shall endeavor to make appointments to boards and commissions to fill annual expired terms.
- m. The Mayor and Board of Aldermen shall endeavor to make appointments to unexpired terms with vacant seats within one month of the Town Clerk receiving application(s).
- n. Appointments to unexpired terms of 12 or fewer months will be simultaneously appointed to the following 3-year term.

## APPOINTMENTS TO AUTHORITIES

The OWASA Board of Directors and Tourism Development Authority are considered "Authorities" under NC General Statutes. The Board of Aldermen will consider applications for those authorities and be responsible for making appointments. The Board may at times choose to interview applicants for the representative seats by any method that they choose. All appointments will be made in open session by the ballot procedures established in the policy.

### Advisory Board Appointment Method

The Town Clerk shall provide an information matrix, related to composition information as shown above, for the Board of Aldermen to consider when there are more applications than open seats available. The Board may also request further information from the Town Clerk as it desires.

Unless the Board agrees by majority vote or consensus to follow another procedure, the Board shall use the following procedure to appoint individuals to various subordinate boards and offices:

### Voting Method

- a. The Town Clerk will provide a ballot listing the names of all applicants presented in the agenda packet to each Board Member.
- b. Prior to voting, the Board shall open the floor for discussion of the applications.
- c. Each Board Member shall sign their name to the ballot and indicate their choice in candidate(s) by marking next to the candidate(s) name.
- d. Each Board Member will vote only for the number of candidates that there are vacant seats to fill.

- e. The Clerk shall collect the ballots and announce the candidate(s) receiving the highest number of votes and indicate the position that each candidate has been appointed to fill.
- f. The Town Clerk shall then read the record of votes for each candidate, indicating fully the voting record of each Board Member and then shall enter the record of votes into the meeting minutes.

## Terms

- a. Members are appointed to staggering three-year terms on all advisory boards that expire annually in February. The Carrboro Tourism Development Authority members are appointed to one-year terms that expire annually in January.
- b. Members are limited to two full terms.\* After completing two full terms, a member must take off one year before applying for re-appointment to the advisory board. However, a board member may apply to serve on another advisory board if he/she desires. The Board of Aldermen may make exceptions to this rule under the following circumstances:
  - 1. To retain diversity on an advisory board;
  - 2. To provide continuity in oversight of a major, on-going project;
  - 3. To keep a member who provides expertise otherwise unavailable on an advisory board (e.g., an engineer on the Planning Board or Board of Adjustment); or
  - 4. A lack of qualified applicants.

\*Members of the Board of Adjustment, Environmental Advisory Board, Human Services Commission, and Transportation Advisory Board may be reappointed to successive terms without limitation (Sections 15-29(c), 15-45(c) 3-7(d), 3-24(c))

## Attendance

- a. The chair or staff liaison of each board or commission shall notify the Town Clerk on an as needed basis if there are members that are presenting attendance problems.
- b. Unless the chair waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than 30% of the meetings during a 12-month period. The Town Clerk shall notify the chair in writing as soon as a member becomes subject to removal under this section. The chair will have 10 days after receipt of such notice to waive the removal. If the chair fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

## Resignations

- a. Resignations must be submitted in writing via email to the chair, the staff liaison, or the Town Clerk. If the resignation is submitted to the chair or the staff liaison they should forward the resignation to the Town Clerk as soon as possible.