

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



Meeting Agenda Board of Aldermen

Tuesday, November 19, 2019

7:00 PM

Board Chambers - Room 110

7:00-7:30

- A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS
- 1. <u>19-368</u> Proclamation OWASA's 'Care to Share' Day
- 2. <u>19-367</u> A Resolution Honoring Robert Dowling Upon His Retirement from

Community Home Trust

3. <u>19-366</u> A Resolution Honoring Cat's Cradle for Fifty Years of Music and

Declaring 2019 the Year of the Cradle

7:30-7:35

B. ANNOUNCEMENT OF UPCOMING MEETINGS

7:35-7:40

C. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

Comments are limited to three minutes per speaker.

<u>7:40-7:50</u>

- D. CONSENT AGENDA
- 1. <u>19-372</u> Approval of Minutes from October 22, 2019
- 2. <u>19-371</u> Amendments to OWASA's Sewer Use Ordinance

PURPOSE: The purpose of this item is to allow the Board of Aldermen to receive a declaration of intent from the OWASA Board of Directors to adopt the amendments to the Sewer Use Ordinance and provide comments, if any.

Attachments: Attachment A - OWASA SUO Amendments Declaration of

Intent Towns-County

3. <u>19-369</u> Amendments to the Town Code Pertaining to the Youth Advisory

Board

PURPOSE: The purpose of this agenda item is to amend the Youth Advisory Board language to make the membership language less confusing and more practical.

<u>Attachments:</u> Attachment A - AN ORDINANCE AMENDING CHAPTER 3 OF THE

TOWN CODE RELATING TO THE CARRBORO YOUTH ADVISORY

BOARD

4. <u>19-360</u> Request to Make an Appointment to the Arts Commission

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to make an appointment to the Arts Commission.

<u>Attachments:</u> <u>Attachment A - Appointment Resolution</u>

Attachment B - Chair Form and Applications

Attachment C - Arts Commission Information Matrix

Request to Approve a Resolution Authorizing the Town Manager to Negotiate and Award a Contract for Preliminary Engineering Services for the South Greensboro Street Sidewalk Project.

PURPOSE: The purpose of this item is for the Board of Aldermen to authorize the Town Manager to negotiate and award a contract, for preliminary engineering services for the South Greensboro Street sidewalk project, not to exceed \$415,000.

Attachments: Attachment A - Resolution for South Greensboro Sidewalk

6. <u>19-370</u> A Resolution Making the Name of the Governing Board "Town Council" Effective December 3, 2019

PURPOSE: The purpose of this item is for the Board to adopt a resolution making the name of the governing board of the Town of Carrboro the 'Town Council' because it is gender neutral.

Attachments: Attachment A - Resolution

7. 19-373 Authorization to Donate \$1,000 to the Rogers-Eubanks
Neighborhood Association 501 (c) (3) Non-Profit Organization for
the Purposes of Supporting the Sankofa African-American Museum
on Wheel Educational Event

PURPOSE: The purpose of this item is to authorize the expenditure of \$1,000 from the Board of Aldermen contingency fund for the purposes of supporting the Sankofa African-American Museum on Wheels event to be held at the RENA on January 19th and 20th.

Attachments: Attachment A - Resolution

Attachment B - Sankofa African American Museum on Wheels

Information

E. OTHER MATTERS

7:50-8:05

1. <u>19-315</u>

Recognition of the Carrboro Police Department for completing the Law Enforcement Risk Review Process performed by the N.C. League of Municipalities.

PURPOSE: The purpose of this agenda item is to present the Carrboro Police Department with a plaque recognizing completion of the Law Enforcement Risk Review Process by the NC League of Municipalities (NCLM).

8:05-8:30

2. 19-362

Amendment of Town Code Chapter 5-12 - Particular Noise and Chapter 10, Article 5 - Appeals

PURPOSE: The purpose of this agenda item is twofold: to make enforcement of excessive animal noise (barking, howling, etc.) consistent with the Unified Animal Ordinance and to fold the Carrboro Animal Appeals Hearing process into the framework of the Orange County Unified Animal Ordinance (UAO) appeals board.

Attachments: Attachment A TOC 5-12 revised

Attachment B Chapter-10---Animal-Control - Revised

An Ordinance Amending Chapter 5 - Particular Noise

An Ordinance Amending Chapter 10 - Animal Control Appeals

8:30-8:45

3. 19-363

Recommendations for Park Signage, Murals and Quote Plaques in Dr. Martin Luther King Jr. Park

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to review and approve recommendations made by Arts Committee members, Michael Brown, Muralist and the Recreation and Parks Commission on signage, murals and plaques in Dr. Martin Luther King Jr. Park.

Attachments: Atta

Attachment A - Resolution

Attachment B - Monument sign color proof

Attachment C - Plagues

Attachment D - MLK Jr Park Quote Submissions

Attachment E - mural 1

Attachment F - mural 2

Attachment G - mural 3

Attachment H - mural 4

Attachment I - 4 murals

8:45-9:30

4. 19-345

Progress Report on the Comprehensive Bicycle Plan Update

PURPOSE: The purpose of this agenda item is to provide the Board of

Aldermen with a progress report on the comprehensive bicycle transportation plan update being prepared by Alta Planning and Design.

Attachments: Attachment A - Resolution

Attachment B - Carrboro Bike Plan PRELIMINARY DRAFT Plan

F. MATTERS BY BOARD MEMBERS

G. CLOSED SESSION PURSUANT TO NCGS 143-318.11(a)(1) & (5) - To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.



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Agenda Item Abstract

File Number: 19-368

Agenda Date: 11/19/2019

File Type: Agendas

In Control: Board of Aldermen

Version: 1

Proclamation - OWASA's 'Care to Share' Day



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

Agenda Item Abstract

File Number: 19-367

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

A Resolution Honoring Robert Dowling Upon His Retirement from Community Home Trust



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A Resolution Honoring Cat's Cradle for Fifty Years of Music and Declaring 2019 the Year of the Cradle



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Version: 1

Approval of Minutes from October 22, 2019



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Agenda Item Abstract

File Number: 19-371

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Amendments to OWASA's Sewer Use Ordinance

PURPOSE: The purpose of this item is to allow the Board of Aldermen to receive a declaration of intent from the OWASA Board of Directors to adopt the amendments to the Sewer Use Ordinance and provide comments, if any.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando

INFORMATION: Ed Kerwin, the Executive Director of OWASA, provided the Town Manager with the attached memo, declaration of intent, and proposed amendments to the sewer system. Town staff have reviewed the changes and have no suggested changes. These updates are reflect current operating practices and improve consistency with Federal and State regulations regarding local sewer ordinances. The ordinance was last updated in 2006.

The Board should provide comments at this meeting as they have been requested by December 20, 2019.

FISCAL & STAFF IMPACT: Staff time was spent reviewing this item and corresponding with OWASA.

RECOMMENDATION: It is recommended that the Board of Aldermen receive the declaration of intent and provide comments, if any.



Orange Water and Sewer Authority

OWASA is Carrboro-Chapel Hill's not-for-profit public service agency delivering high quality water, wastewater, and reclaimed water services.

October 14, 2019

Mr. David Andrews Carrboro Town Manager 301 West Main Street Carrboro, NC 27510 Ms. Bonnie Hammersley Orange County Manager Post Office Box 8181 Hillsborough, NC 27278 Mr. Maurice Jones Chapel Hill Town Manager 405 Martin Luther King Jr. Blvd Chapel Hill, NC 27514

Subject: Amendments to OWASA's Sewer Use Ordinance

Dear David, Bonnie and Maurice;

OWASA's sewer use ordinance has standards for the types of substances which can be disposed of in the wastewater system, includes limits on concentrations of various items (for example, fat, oil and grease) and sets forth administrative and enforcement items. The current ordinance was adopted by the OWASA Board of Directors in 2006.

There are revisions required in the ordinance to reflect current operating practices and improve consistency with Federal and State regulations regarding local sewer use ordinances.

State law requires that before amending the sewer use ordinance, the OWASA Board of Directors must pass a declaration of intent to adopt the amendment(s) at least 60 days prior to such adoption, submit the declaration of intent to governing boards of Orange County and the Towns of Carrboro and Chapel Hill for review and comment, and consider comments or suggestions offered by the governing bodies.

The declaration of intent adopted on October 10, 2019, staff memorandum to the OWASA Board, and draft sewer use ordinance in revisions language mode are enclosed for your review. If you wish to comment, please do so to me no later than December 20, 2019.

The OWASA Board is expected to consider adoption at their January 9, 2020 meeting. If you need additional information or have any questions, please let Todd Taylor, P.E. (919-537-4216, taylor@owasa.org) or me know.

Sincerely,

Ed Kerwin

Executive Director

Enclosures

c: Todd Taylor, General Manager of Operations











Agenda Item 4:

Resolution Establishing a Declaration of Intent to Adopt Revisions to the Sewer Use Ordinance

Purpose:

To discuss preliminary staff recommendations for changes in the OWASA Sewer Use Ordinance and to discuss the process for considering amendments to the ordinance in accordance with procedural requirements in State law.

Background:

OWASA's Sewer Use Ordinance establishes standards for what customers can put into the sewer system and the Mason Farm Wastewater Treatment Plant (WWTP).

The Ordinance's objectives are:

- To prevent the introduction of substances that would interfere with operation of the sewer system and WWTP;
- To prevent the introduction of certain pollutants that would pass through the WWTP to Morgan Creek without adequate treatment;
- o To protect the safety and health of OWASA personnel and the public;
- To promote the use of reclaimed water and biosolids;
- o To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the sewer system and WWTP; and
- To meet requirements in our National Pollution Discharge Elimination System (NPDES)
 permit for the WWTP, meet biosolids use and disposal requirements, and comply with
 Federal and State laws.

The OWASA Board approved a Resolution Adopting a Sewer Use Regulation of Orange Water and Sewer Authority in 1982. This regulation, now referred to as a Sewer Use Ordinance, went into effect on July 1, 1983.

In 1994, State regulations required that all local Sewer Use Ordinances be updated to comply with more stringent standards. The OWASA Board therefore revised the Sewer Use Ordinance on April 27, 1995.

On November 10, 2005, OWASA received a petition from Board Member Terri Buckner and Alan Rimer, a member of the Orange County Board of Health, regarding the disposal of pharmaceuticals in the sewer system. The OWASA Board therefore revised the Sewer Use Ordinance on December 14, 2006.

Resolution Establishing a Declaration of Intent to Adopt Revisions to the Sewer Use Ordinance October 10, 2019 Page 2

As part of our recurring action items, staff audits the Sewer Use Ordinance at least every five years. Staff has reviewed OWASA's Sewer Use Ordinance including comparing it to the State model ordinance and ordinances from other utilities in North Carolina.

Staff is now proposing revisions to the ordinance to reflect current operating practices.

Process

State law requires that before amending the Sewer Use Ordinance, the OWASA Board must:

- 1. pass a declaration of intent to adopt the amendment(s);
- 2. submit the declaration of intent to governing boards of Orange County and the Towns of Carrboro and Chapel Hill for review and comment; and
- 3. consider comments or suggestions offered by the governing bodies.

The OWASA Board may adopt sewer ordinance amendment(s) no earlier than 60 days following submittal of the declaration of intent to the above three governing bodies.

Revision of the Sewer Use Ordinance

Included for review and discussion is the revised Sewer Use Ordinance as well as a summary discussion of the proposed changes.

Based on the Board's discussions and comments, staff will revise the first draft of the Sewer Use Ordinance as necessary. When the Sewer Use Ordinance is in a draft form that is acceptable to the Board, we will recommend approval of a declaration of intent to adopt the Sewer Use Ordinance amendments. A Resolution Establishing a Declaration of Intent to Adopt Amendments to the Sewer Use Ordinance is provided for review and adoption at the Board's pleasure.

Review by Governing Bodies, the University and Customers in General

Following the Board adoption of a resolution establishing a declaration of intent to adopt the sewer use ordinance amendments, copies of the draft Sewer Use Ordinance will be sent to the managers of Orange County, the Town of Carrboro, and the Town of Chapel Hill with a request for their review and comment.

We will also send the draft Sewer Use Ordinance to staff at the University of North Carolina at Chapel Hill, UNC Health Care and the NC Department of Environmental Quality's Division of Water Resources for review and comment. Further, we plan to publicize the proposed revisions to the Sewer Use Ordinance and invite public questions and comments on the amendments.

Preparation of Final Draft Sewer Use Ordinance

After receiving comments, if any, from the local governments and the University during the 60-day period, staff will provide a report to the Board on the comments received and any need to further modify the draft Sewer Use Ordinance. Following review and discussion of the comments,

Resolution Establishing a Declaration of Intent to Adopt Revisions to the Sewer Use Ordinance October 10, 2019

Page 3

a Final Draft of the Sewer Use Ordinance amendments along with a resolution for adoption will be prepared.

Summary of Proposed Changes to the Sewer Use Ordinance

The proposed changes to the Sewer Use Ordinance are provided in revision mode. Most of the proposed revisions are simple clarifications, updates to language or formatting. Summaries of the more significant changes are as follows:

- Expansion of specific prohibitions.
- Codifying several existing guidelines for Elevator Sumps, Dumpster Pads, HVAC Condensate and Swimming Pool Backwash.
- Expansion of the wastewater discharge permit conditions.
- Revising the reporting requirements for users when conditions change.
- Further definition of analytical requirements.

Conclusion

Staff requests that the Board review and discuss the proposed revisions to the Sewer Use Ordinance and the Resolution Establishing a Declaration of Intent to Adopt a Sewer Use Ordinance. Should the Board request additional changes, staff will revise the documents and schedule further discussion at an upcoming Board meeting. If the changes desired by the Board in the draft are minor, the Board could choose to adopt the attached declaration of intent resolution at the October 10, 2019 work session.

Action Requested:

Following Board discussion of the proposed amendments, the Board has the option of adopting a resolution of intent to amend the Sewer Use Ordinance and starts the 60-day comment period.

Information:

- Resolution Establishing a Declaration of Intent to Amend the Sewer Use Ordinance
- Sewer Use Ordinance (in revision mode)

Resolution Establishing A Declaration of Intent To Amend the Sewer Use Ordinance

Whereas, on April 27, 1995, the OWASA Board of Directors of Orange Water and Sewer Authority (OWASA) approved a *Resolution Adopting a Sewer Use Ordinance*; and

Whereas, the revised Sewer Use Ordinance dated October 10, 2019, has been presented to the OWASA Board of Directors for review and comment; and

Whereas, North Carolina General Statute 162A-6(14c) requires that OWASA pass a "declaration of intent" to adopt a Sewer Use Ordinance at least 60 days prior to adoption of a revised Sewer Use Ordinance, and that such "declaration of intent" shall describe the ordinance proposed for adoption and be submitted to each governing body for review and comment during the 60-day notice period;

Now, Therefore, Be It Resolved:

- 1. That the Board of Directors of the Orange Water and Sewer Authority hereby declares its intent to adopt a Sewer Use Ordinance in the form of the attached revision dated October 10, 2019.
- 2. That the Executive Director is authorized to submit this "declaration of intent" to adopt a Sewer Use Ordinance to the managers of Orange County, the Town of Carrboro, and the Town of Chapel Hill and otherwise to comply with North Carolina General Statute 162A-6.14C relative to adoption of such ordinance.

Adopted this 10th day of October, 2019.

Raymond E. DuBose, Chair

ATTEST:

Bruce Boehm, Secretary

ORANGE WATER AND SEWER AUTHORITY SEWER USE ORDINANCE



Adopted December 14, 2006 TBD Revised October 10, 2019

ORANGE WATER AND SEWER AUTHORITY SEWER USE ORDINANCE

Adopted December 14, 2006 TBD Revised October 10, 2019

TABLE OF CONTENTS

(To be provided once approved)

OWASA SEWER USE ORDINANCE

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the Orange Water and Sewer Authority, hereinafter referred to as OWASA, to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants and wastewater discharges into the publicly Owned Treatment Works that will interfere with its operation or contaminate the resulting biosolids;
- B. To prevent the introduction of pollutants <u>and wastewater discharges</u> into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To promote reuse and recycling of reclaimed water and biosolids from the Publicly Owned Treatment Works;
- C.D. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D.A. To promote reuse and recycling of reclaimed and biosolids from the Publicly Owned Treatment Works:
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable OWASA to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids and sludge use and disposal requirements, <u>reclaimed water use and requirements</u>, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative

review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Executive Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Executive Director may be delegated by the Executive Director to other OWASA personnel.

1.3 Abbreviations and Definitions

- A. The following abbreviations, when used in this ordinance, shall have the designated meanings:
 - BOD Biochemical Oxygen Demand
 - CBOD-cBOD Carbonaceous Biochemical Oxygen Demand
 - CFR Code of Federal Regulations
 - COD Chemical Oxygen Demand
 - CWA Clean Water Act
 - NC DEQ North Carolina Department of Environmental Quality
 - DWQ-DWR Division of Water Quality Resources, North Carolina Department of Environmental and Natural Resources Quality
 - EPA U.S. Environmental Protection Agency
 - gpd gallons per day
 - mg/l milligrams per liter
 - NCAC North Carolina Administrative Code
 - NCGS North Carolina General Statutes
 - NPDES -National Pollutant Discharge Elimination System
 - O&M Operation and Maintenance
 - POTW Publicly Owned Treatment Works
 - RCRA Resource Conservation and Recovery Act
 - SIC Standard Industrial Classification
 - SIU Significant Industrial User
 - SU Standard Unit
 - TKN Total Kjeldahl Nitrogen
 - TRC Technical Review Criteria

- TSS Total Suspended Solids
- U.S.C. United States Code
- B. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

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- 1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq*.
- 2. <u>Administrator.</u> The deputy, agent, or representative authorized by the Board of Directors of OWASA to act in behalf of OWASA.
- 3. <u>Approval Authority.</u> The Director of the Division of Water <u>Quality</u> <u>Resources</u> of the North Carolina Department of Environmental <u>Quality</u> <u>and Natural Resources</u> or a duly authorized representative.
- 4. Authorized Representative of the User.
 - (a) If the user is a corporation:
 - (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (2) The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulation; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate proceedings.
 - (b) If the user is a partnership or sole proprietorship a general partner or proprietor, respectively.
 - (c) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or a duly

authorized representative.

(d) The individuals described in paragraphs a through c, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to OWASA.

matters for the company, and the written authorization is submitted to OWASA.

- (e) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to OWASA prior to or together with any reports to be signed by an authorized representative.
- 5. <u>Biochemical Oxygen Demand or BOD.</u> The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l). The term carbonaceous BOD, or <u>CBODcBOD</u>, is the quantity of oxygen utilized in the biochemical oxidation of carbonaceous organic matter under standard laboratory procedures for five days at 20° centigrade.
- <u>6. Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.</u>
- 6.7.Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- 7.8.Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- **8.9**.Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such

source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

- 9.10. Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste_stream and over a period of time not to exceed fifteen (15) minutes.
- 10.11. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act, into the POTW.
- 11.12. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, The inhibitions, or disruptions of the POTW collection system, treatment processes, operations, its sludge or biosolids processes, reclaimed water system, use or disposal which causes or contributes to collection system treatment processes or operations or its sludge and biosolids processes, use or disposal; and therefore, is a cause of a violation of OWASA's collection system and/or NPDES permits or of the prevention of sewage sludge or biosolids use or reclaimed water system requirements or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local ordinances: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge or biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act: and the Marine Protection, Research, and Sanctuaries Act.
- 12.13. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, and potentially contaminated laboratory wastes.

13.14. New Source.

- (a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, shall be considered.
- (b) Construction on a site at which an existing source is located results in- a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (1) Begun, or caused to begin, as part of a continuous onsite construction program;
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- 14.15. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

15.

- <u>16. OWASA.</u> The Orange Water and Sewer Authority, Carrboro, North Carolina acting through its Board of Directors.
- 16.17. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a causes of a violation, including an increase in the magnitude or duration of a violation, of any requirement of OWASA's NPDES, collection system permit, including an increase in the magnitude or duration of a violation, or a downstream water quality standard even if not included in the permit.
- 17.18. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- 19. pH. A measure of the intensity of the acid or base condition of a solution, expressed in standard units. A value of 7 is neutral, below 7 is acidic, and above 7 is basic.
- 18.20. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, and/or odor).
- 19.21. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW collection system and/or treatment plant. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- 20.22. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- 21.23. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards,

and or local limits.

- 24. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.2 of this ordinance and are developed under the authority of 307(b) of the Act and 40 CFR, sSection 403.5.
- 22.25. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by OWASA. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- 23.26. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- 24.27. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- 25.28. Shall is mandatory, and requires compliance: May is permissive and compliance is subject to the discretion of OWASA.
- 26.29. Significant Industrial User or SIU.
 - (a) A user subject to categorical pretreatment standards; or
 - (b) A user that:
 - (1) dDischarges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
 - (2) <u>c</u>Contributes a process waste_stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (3) its designated as such by OWASA on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or
 - (4) <u>i</u>Is found by OWASA, the Division of Water <u>Quality Resources</u> or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge or biosolids, the system's effluent quality,

or compliance with any pretreatment standards or requirements.

- (c) Upon a finding that a user meeting the criteria in Subsection (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, OWASA may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- 27.30. Slug Load or Discharge. Any discharge which in concentration of any given constituent or in quantity of flow has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits, or User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non- routine, episodic nature; a non-customary batch discharge; or any other discharge that can cause a violation of the prohibited discharge standards in Section 2.2 of this ordinance.
- 28.31. Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- 32. State. State of North Carolina.
- 29.33. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- 30.34. Total Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- 31.35. User or Industrial User. A source of indirect discharge.
- 32.36. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- <u>37. Wastewater Treatment Plant or Treatment Plant.</u> That portion of the POTW which is designed to provide treatment of municipal sewage and other compatible wastewater.
- 38. Waters of the State. All streams, rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterways, reservoirs and all other bodies

or accumulations of water, surface or underground, natural or artificial, public or private.-

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Building Sewers and Connections

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written approval from the Administrator. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the Owner(s). The Owner(s) shall indemnify OWASA from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer provided, however, that such indemnification shall not extend to loss or damage due solely to willful misconduct or negligence on the part of OWASA. Excluding industrial plant sites or other sites which have written approval from the Administrator for single discharge points, a separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The front building may be extended to the rear building and the whole considered as one building sewer; but OWASA does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Administrator, to meet all requirements of this ordinance. Existing building sewers may be kept in service if, in the opinion of the Administrator, they are in acceptable structural condition and operate satisfactorily. All new building sewers, including any necessary replacement of existing building sewers, must comply with the state plumbing code. The connection of the building sewer into the public sanitary sewer shall be made in accordance with the Sewer Extension Policy of OWASA.

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of infiltration/inflow to a pubic sanitary sewer or to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Grease, oil, and sand interceptor sewers shall be provided when, in the opinion of the Administrator, they are necessary for the proper handling of liquid wastes containing floatable oil, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All grease, oil, and sand interceptors shall be of a type and capacity approved by the Administrator, and shall be located as to

be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner(s) at the Owner(s) expense in continuously efficient operation at all times. In the maintaining of these interceptors, the Owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Administrator. Any removal and hauling of the collected materials not performed by Owner(s) personnel must be performed by a currently licensed waste disposal firms.

2.2 Prohibited Discharge Standards

- A. General Prohibitions. No user shall contribute introduce—or cause to be introducedcontributed, directly or indirectly, into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. <u>Specific Prohibitions.</u> No user shall <u>introduce contribute</u> or cause to be <u>introduced contributed</u> into the POTW the following pollutants, substances, or wastewater:
 - 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - 2. Wastewater having a pH less than 6.0 or greater 10.0, or otherwise, having any corrosive characteristics capable of causing damage or hazard to treatment processes, structures, equipment and/or personnel of the POTW;
 - 3. Trucked or hauled pollutants, except at discharge points designated by the Administrator in accordance with Section 3.4 of this ordinance;
 - 4. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to: floatable oil, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, pottery, casting clays, metal, glass, straw, shavings, grass clippings, rags, flushable wipes, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
 - 5. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

- 6. Wastewater having a temperature greater than 150°F (66°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- 7. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- 8. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- 9. Hazardous waste as defined under 40 CFR Part 261;
- 9.10. Wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200;
- 10.11. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- 11.12. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating OWASA's NPDES permit;
- <u>12.13.</u> Wastewater containing any radioactive wastes or isotopes except <u>as specifically approved by the Administrator</u> in compliance with applicable State or Federal regulations;
- 14. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Administrator;
- 13.15. No elevator sump, dumpster pad; heating, ventilating, and air conditioning (HVAC) condensate; or swimming pool filter backwash connection shall be installed or used by a user connected to the OWASA wastewater system unless first reviewed and approved by the Administrator (see section 2.9 for Guidelines);
- 14.16. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- 15.17. Medical wastes, except as specifically authorized by the Administrator in a wastewater discharge permit;

- 18. Materials containing ammonia, ammonia salts or other chelating agents which will produce metallic complexes that interfere with the POTW;
- 19. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test or violate any applicable Water Quality Standards;
- 16.20. Recognizable portions of the human or animal anatomy;
- 17.21. Wastes containing Deletergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- 18.22. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 325 mg/l, as identified by EPA Method 1664 or 275 mg/l as identified by EPA Method 413 unless authorized by the Administrator;
- 19.23. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter. Materials specifically prohibited from discharge into the POTW include gasoline, kerosene, naphtha, fuel oil, paints, solvents, or any other substance which may cause a fire or explosives hazards to the POTW;
- 20.24. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge or biosolids use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the biosolids management method being used.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.3 National Categorical Pretreatment Standards

<u>Users subject to The categorical pretreatment standards are required to comply with applicable standards as set out in found at 40 CFR Chapter I, Subchapter N, Parts 405-471, which are hereby incorporated by reference.</u>

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Administrator may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Administrator shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.4 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

2.5 Local Limits

Specific pollutant limitations may be established by OWASA through an industrial user permit to prevent discharge of any wastewater which may interfere with the proper operation of the POTW. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following average discharge limits unless authorized by OWASA through an individual permit:

- 25.0 mg/1 ammonia nitrogen
- 1.5 mg/l antimony
- 0.003 mg/1 arsenic
- 205 mg/1 CBOD5cBOD5
- 0.003 mg/1 cadmium
- 0.05 mg/1 chromium
- 0.061 mg/1 copper
- 0.015 mg/1 cyanide
- 0.049 mg/1 lead
- 0.0003 mg/1 mercury
- 0.003 mg/1 molybdenum
- 0.021 mg/1 nickel
- 0.011 mg/l selenium
- 0.005 mg/l silver
- 40.0 mg/1 total kjeldahl nitrogen

- 5.0 mg/l total phenols
- 6.5 mg/l total phosphorus
- 235 mg/l total suspended solids
- 0.175 mg/1 zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Administrator may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

2.6 Pharmaceutical Waste

Unused pharmaceuticals (both over the counter and prescription only medications) should be disposed of following State and Federal Regulations and using best management practices and should not be disposed of in the sanitary sewer system. The North Carolina Division of Waste Management's Safe Management of Household Waste Pharmaceutical Waste-Guidance Document states "To avoid the potential risks associated with household hazardous wastes [HHW] it is important that people always monitor the use, storage, and disposal of products with potentially hazardous substances in their homes. Improper disposal of HHW can include pouring them down the drain, on the ground, into storm sewers, or in some cases putting them out with the regular trash.

The dangers of such disposal methods might not be immediately obvious, but improper disposal of these wastes can pollute the environment and pose a threat to human health. Certain types of HHW have the potential to cause physical injury to sanitation workers, contaminate septic tanks or wastewater treatment systems if poured down drains or toilets. They can also present hazards to children and pets if left around the house. Do not dispose of any drug or chemical in the commode or drain".

2.7 OWASA's Right of Revision

OWASA reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

2.8 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Administrator may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

2.82.9 Guidelines for Elevator Sumps, Dumpster Pads, HVAC Condensate and Swimming Pool Backwash

No elevator sump, dumpster pad, heating, ventilating, and air conditioning (HVAC) condensate, or swimming pool filter backwash connection shall be installed and used by a customer connected to the OWASA wastewater system unless first reviewed and approved by OWASA.

Generally, iIt is recognized that these discharges are of a minor volume and will not be charged fees. If any of these discharges are of a significant volume, fees will be charged in accordance with the OWASA Schedule of Rates and Fees.

- A. Elevator Sumps. In a situation where an elevator pit requires a drain or sump that must be connected to the wastewater system, either an oil/water separator or Oil-Minder Control System, or equivalent system, must be installed on the private service line. A plumbing plan showing the connections to the sewer must be submitted to OWASA's Engineering department for review and approval.
- B. Dumpster Pads. In a situation where a solid waste dumpster pad requires a drain to the sewer, the area around the dumpster pad must be graded so that all stormwater drains away from the pad and only the concrete pad itself drains to the sewer. The area of the dumpster pad should be limited to the minimum dimensions necessary to hold the dumpster. An oil/water separator must be installed on the private service line. A plan showing grading, the oil/water separator, and service line must be submitted to OWASA's Engineering department for review and approval.
- C. HVAC Condensate. In a situation where HVAC condensate treated with a biocide or other form of chemical treatment is proposed to be discharged to the wastewater system, the NCDEQ Division of Water Quality's "Biocide/Chemical Treatment Worksheet Form 101" or other approved OWASA form must be completed by the applicant and submitted to OWASA. Chemicals used in the treatment on HVAC condensate can be harmful to the biological processes at the WWTP and substances can pass-through the WWTP causing violations of the NPDES permits. Plumbing and site plans showing the connection to the sewer system must also be submitted to OWASA's Engineering department for review and approval.
- D. Swimming Pool Filter Backwash. In a situation where a swimming pool filter backwash systems is proposed to discharge to the wastewater collection system, plumbing and site plans showing the connection to the sewer system must be submitted to OWASA's Engineering department for review and approval. Outdoor swimming pool perimeter drains are not allowed to be connected to the wastewater collection system. Swimming pools may not be drained to the sanitary sewer system without prior approval by the Administrator.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Administrator may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other eases when the imposition of mass limitations is appropriate.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.2 of this ordinance within the time limitations specified by EPA, the State, or the Administrator, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Administrator for review, and shall be acceptable to the Administrator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to OWASA under the provisions of this ordinance. Any subsequent changes to the pretreatment facilities or method of operations shall be reported to and be acceptable by the Administrator prior to the user's initiation of the changes.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Administrator may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- B. The Administrator may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Administrator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Administrator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Control Plans

A. The Administrator shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in section 1.3(B)(30). All SIUs must be evaluated within

one year of being designated an SIU. The Administrator may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the Administrator may develop such a plan for any user. At least once every two (2) years, the Administrator shall evaluate whether each significant industrial user needs a plan to control and prevent slug discharges and accidental discharges as defined in Section 1.3(B)(29). All significant industrial users must be evaluated within one year of being designated a significant industrial user. The Administrator may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Administrator may develop such a plan for any user.

- A.B. All significant industrial users are required to notify the Administrator immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of non-routine, episodic nature, a non-customary batch discharge, or a slug load. Also, see sections 6.5 and 6.6.
- B.C. An accidental discharge/slug control plan shall address, at a minimum, the following:
 - 1. Description of discharge practices, including nonroutine batch discharges;
 - 2. Description of stored chemicals;
 - 3. Procedures for immediately notifying the Administrator of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and
 - 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Administrator, and at such times as are established by the Administrator. Such waste shall not violate Section 2 of this ordinance or any other requirements established by OWASA. The Administrator may require septic tank waste haulers to obtain wastewater discharge permits for use of OWASA's facility.
- B. The Administrator shall require haulers of industrial waste to obtain wastewater discharge permits. The Administrator may require generators of hauled industrial waste to obtain wastewater discharge permits. The Administrator also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

- C. Industrial waste haulers may discharge loads only at locations designated by the Administrator. No load may be discharged without prior consent of the Administrator. The Administrator may collect samples of each hauled load to ensure compliance with applicable standards. The Administrator may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous waste.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of OWASA. When requested by the Administrator, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Administrator is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Wastewater Discharge Permit Requirement

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Administrator, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.
- B. The Administrator may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Administrator for a wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Administrator.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this ordinance, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Administrator may require all users to submit as part of an application the following information:

- A. All information required by Section 6.1(B) of this ordinance;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g); and
- H.I. Any other information as may be deemed necessary by the Administrator to evaluate the wastewater discharge permit application. Incomplete or inaccurate applications will not hbe processed and will be returned to the applicant for revision.

4.6 Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the Administrator as defined in Section 1.3(B)(4) and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4.7 Wastewater Discharge Permit Decisions

The Administrator will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the Administrator will determine whether or not to issue a wastewater discharge permit. The Administrator may deny any application for a wastewater discharge permit.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge-permit may be issued for a period less than five (5) years, at the discretion of the Administrator. Each wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Administrator to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids or sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits will contain:

- 1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- 2. A statement that the wastewater discharge permit is nontransferable without prior notification to OWASA in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- 3. Effluent limits based on applicable pretreatment standards;
- 4. Self_—monitoring sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law and made available to OWASA upon request;
- 5. Requirements for notifying the Administrator in the event of an accidental discharge or slug load as defined in Section 1.3(B)(29);
- 6. Requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in Section 1.3(B)(29), if determined by the Administrator to be necessary for the User; and
- 7. Requirements for immediately notifying the Administrator of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in 1.3(B)(29). Also see Section 6.5 and 6.6.

- 8. A statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- B. Wastewater discharge permits may contain, but are not be limited to, the following conditions:
 - 1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow ordinance and equalization;
 - 2. Limits on the instantaneous, daily and <u>or</u> monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;
 - 3. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works:
 - 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - 6. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 - 7. Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within (30) days where self-monitoring indicates a violation(s)
 - 8. Compliance schedules for meeting pretreatment standards and requirements.
 - 9. Requirements for submission of periodic self-monitoring or special notification reports.
 - 10. Requirements from maintaining and retaining plans and records relating to wastewater discharges as specified in Section 6.12 and affording the Administrator, or his/her representatives, access thereto.
 - 11. Requirements for the prior notification and approval by the Administrator of any change in the manufacturing and/or pretreatment process used by the permittee.

- 6.12. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- 7.13. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- 8.14. Other conditions as deemed appropriate by the Administrator to ensure compliance with this ordinance, and State and Federal laws, rules, and ordinances.

5.3 Wastewater Discharge Permit Appeals

Any person, including the user, may petition the Administrator to reconsider the terms of a wastewater discharge permit within fifteen (15) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Administrator fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the North Carolina Office of Administrative Hearings within thirty (30) days following the Administrator's decision.

5.4 Wastewater Discharge Permit Modification

The Administrator may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to OWASA's POTW, OWASA's personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Administrator and the Administrator approves the wastewater discharge permit transfer. The notice to the Administrator must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

5.6 Wastewater Discharge Permit Revocation

The Administrator may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Administrator of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Administrator of changed conditions pursuant to Section 6.5 of this ordinance;

- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Administrator timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

5.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Administrator shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Administrator shall request the following information from the contributing municipality:
 - 1. A description of the quality and volume of wastewater discharged to the

POTW by the contributing municipality;

- 2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
- 3. Such other information as the Administrator may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
 - 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 2.5 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to OWASA's ordinance or local limits:
 - 2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - 3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Administrator; and which of these activities will be conducted jointly by the contributing municipality and the Administrator:
 - 4. A requirement for the contributing municipality to provide the Administrator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - 5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - 6. Requirements for monitoring the contributing municipality's discharge;
 - 7. A provision ensuring the Administrator access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Administrator; and
 - 8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Administrator a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Administrator a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
 - 1. <u>Identifying Information.</u> The name and address of the facility, including the name of the operator and owner.
 - 2. <u>Environmental Permits.</u> A list of any environmental control permits held by or for the facility.
 - 3. <u>Description of Operations.</u> A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description <u>should-shall</u> include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - 4. <u>Flow Measurement.</u> Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e). <u>Calibration records shall be maintained on site and made available to OWASA upon request.</u>

5. Measurement of Pollutants.

- (a) The categorical pretreatment standards applicable to each regulated process.
- (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Administrator, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term

- average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.9 of this ordinance.
- (c) Sampling must be performed in accordance with procedures set out in Section 6.10 of this ordinance and 40 CFR 403.12(b) and (g), including 40 CFR.12 (g)(4).
- 6. <u>Certification.</u> A statement, reviewed by the user's current authorized representative as defined in Section 1.3(B)(4) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- 7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this ordinance.
- 8. <u>Signature and Certification.</u> All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.l(B)(7) of this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Administrator no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event, shall more than nine (9) months elapse between such progress reports to the Administrator.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Administrator a report containing the information described in Section 6.1(B)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation) this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Administrator but in no case less than once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in Sections 6.9 and 6.10 of this ordinance. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.
- B. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Administrator, using the procedures prescribed in Section 6.9 and 6.10 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each user must notify the Administrator of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. The permittee shall not begin the changes until receiving written approval from OWASAthe Administrator. See Section 6.6(D) for other reporting requirements.

- A. The Administrator may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The Administrator may issue a wastewater discharge permit under Section 4.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant iincreases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants. This includes, increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to OWASA; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 1.3(B)(29), that may cause potential problems for the POTW, the user shall immediately telephone and notify the Administrator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Administrator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- D. All significant industrial users are required to notify the Administrator immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 1.3(B)(29).

6.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Administrator as the Administrator may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

A. If sampling performed by a user indicates a violation, the user must notify the Administrator within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the

results of the repeat analysis to the Administrator within thirty (30) days after becoming aware of the violation. If allowed by the Administrator, the user is not required to resample:

- 1. if the Administrator monitors at the user's facility at least once a month; or
- 2. if the Administrator samples between the user's initial sampling and when the user receives the results of this sampling.
- B. If the Administrator does not require the user to perform any self-monitoringhas performed the sampling and analysis in lieu of the user and the POTW sampling of the user indicates a violation, the Administrator shall repeat the sampling and obtain results of the repeat analysis within thirty

 (30) days after becoming aware of the violations, unless one of the following occurs:
 - 1. the Administrator monitors the user's facility at least once a month; or
 - 2. the Administrator samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
 - 3. the Administrator requires the user to perform sampling and submit the results to the Administrator within the thirty (30) day deadline of the POTW becoming aware of the violation.

6.9 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the state to perform the wastewater analysis in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by EPA or OWASA. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA and OWASA. Analyses must be performed by a State certified lab for each parameter analyzed, if such certification exists for that parameter.

6.10 Grab and Composite Sample Collection

- A. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- A.B. Grab Samples must be used for pH, cyanide, total phenols, oil and grease,

sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The Administrator shall determine the number of grabs necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for baseline monitoring reports and 90 day compliance reports. Additionally, the Administrator may allow collection of multiple grabs during a 24 hour period which are composited prior to analysis as allowed under 40 CFR 136.

B.C. Composite Samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the Administrator. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternate sampling must be documented.

6.11 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.12 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or OWASA, or where the user has been specifically notified of a longer retention period by the Administrator.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Administrator OWASA shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Administrator OWASA ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, OWASA the Administrator will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Administrator OWASA shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The AdministratorOWASA may require the user to install monitoring equipment as necessary.—The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated in accordance with the manufacturer's recommendations to ensure their accuracy. Records shall be made available to OWASA upon request.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the-AdministratorOWASA and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the <u>Administrator OWASA</u> access to the user's premises shall be a violation of this ordinance.

7.2 Search Warrants

If the Administrator OWASA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of OWASA designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Administrator OWASA may seek issuance of a search warrant from the North Carolina General Court of Justice.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Administrator's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Administrator, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data.

When requested and demonstrated by the user furnishing a report that such information should shall be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Administrator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within OWASA's service area, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the dally maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period are equal to or greater than the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for CBOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the Administrator believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Administrator's exercise of emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on conformance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the Administrator determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Administrator may serve upon that user a written Notice of Violation. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Administrator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Administrator to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Administrator may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Administrator may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Administrator and show cause why the proposed enforcement action should-shall not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should-shall not be taken. The notice of the meeting -shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

10.4 Compliance Orders

When the Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Administrator may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. OWASA may disconnect or permanently block from the wastewater system of OWASA the private sewer of any user

whose permission to discharge has been revoked if such action is necessary to insure compliance with the order of revocation. Action to enforce compliance with the order of permission to discharge may include at the discretion of the Administrator, termination of public water service provided by OWASA. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.5 Cease and Desist Orders

When the Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Administrator may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.6 Administrative Fines

- A. When the Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Administrator may fine such user in an amount not to exceed \$1,000 per day. Such fines may be assessed on a per violation, per day basis. In the case of monthly or other long_term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of one hundred percent (100%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1.5%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Administrator to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the Administrator may convene a hearing on the matter. In the -event the user's

appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Administrator may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.7 Emergency Suspensions

The Administrator may immediately suspend sewer service to a user, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Administrator may also immediately suspend sewer service to a user, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any user notified of a suspension of its sewer service shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Administrator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Administrator may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Administrator that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Administrator prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

10.8 Termination of Permission to Discharge

The Administrator may revoke permission to discharge for good cause, including, but not limited to, the following reasons:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or,
- E. Violation of the pretreatment standards in Section 2 of this ordinance or any applicable State and Federal Regulations.

Such user will be notified of the proposed termination of its sewer service and be offered an opportunity to show cause as provided for under Section 10.3 of this ordinance why the proposed action should-shall not be taken. Exercise of this option by the Administrator shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Administrator finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Administrator may petition the North Carolina General Court of Justice through OWASA's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Administrator may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.2 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to OWASA for a maximum civil penalty of \$25,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
 - 1. Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
 - (a) for any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or
 - (b) in the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this ordinance, or the orders, rules, regulations and permits issued hereunder, only if the Administrator determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.
- B. The Administrator may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by OWASA.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.3 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Administrator may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with OWASA's enforcement response plan. However, the Administrator may take other action against any user when the circumstances warrant. Further, the Administrator is empowered to take more than one enforcement action against any noncompliant user.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user supplied by OWASA may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

12.2 Public Nuisance

A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Administrator. Any person(s) creating a public nuisance shall be subject to the provisions of laws governing such nuisances, including reimbursing OWASA for any costs incurred in removing, abating, or remedying said nuisance.

12.3 Contractor Listing

Users which have not achieved compliance with applicable– pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to OWASA. Existing contracts for the sale of goods or services to OWASA held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Administrator.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the user can identify the cause(s) of the upset,
 - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - 3. The user has submitted the following information to the Administrator within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.2(A) of this ordinance or the specific prohibitions in Sections 2.2(B)(4) through (218)¹ of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when OWASA was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable biosolids or sludge use or disposal requirements.

13.3 Bypass

- A. For the purposes of this section,
 - 1. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - 2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Administrator, at least ten (10) days before the date of the bypass, if possible.

¹ Correction of typographical error in the ordinance adopted on December 14, 2007. Previously read-"Sections 2.2(B)(4) through (20)".

- 2. A user shall submit oral notice to the Administrator of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Administrator may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. 1. Bypass is prohibited and the Administrator may take -an -enforcement action against a user for a bypass, unless
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment shallould have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The user submitted notices as required under paragraph (C) of this section.
 - 2. The Administrator may approve an anticipated bypass, after considering- its adverse effects, if the Administrator determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 14 - WASTEWATER TREATMENT RATES AND FEES

Fees shall be assessed to users for wastewater discharges into the POTW and for executing or enforcing the provisions of this ordinance. These charges shall be developed by the Administrator and approved by OWASA in accordance with the user charge system and other regulations and policies of OWASA and applicable statutes of the State. The existing charges for the previous year will be reviewed prior to adopting each annual budget. Charges shall be developed for the following purposes:

- A. Industrial monitoring, inspections, and surveillance procedures;
- B. Reviewing accidental discharge procedures and construction;
- C. Reviewing permit applications;
- D. Reviewing appeals;
- E. Special industrial discharges;
- F. Recovering capital related expenditures;
- G. Other charges, including user charges based on billable flow and excessive pollutant discharges to the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal system.

Charges for Items A through E shall be based on the actual cost to OWASA for each specific user or incident. However, a fixed rate may be proposed by the Administrator, subject to OWASA approval, for those procedures that are repetitive and do not differ substantially within each class of users. Charges for Items F through G shall be developed and assessed in accordance with the user charge system.

The charges and fees developed in accordance with the provisions of this Article shall be in the form of a resolution adopted by OWASA.

SECTION 15 - AUTHORITY

This ordinance is adopted under the authority granted by North Carolina General Statutes 162A.

SECTION 16 - SEVERABILITY

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 17 - CONFLICT

All other regulations and parts of other regulations inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 18 - EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval as set forth in the attached Resolution of Adoption as provided by law.



Town of Carrboro

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

Agenda Item Abstract

File Number: 19-369

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Amendments to the Town Code Pertaining to the Youth Advisory Board

PURPOSE: The purpose of this agenda item is to amend the Youth Advisory Board language to make the membership language less confusing and more practical.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando

INFORMATION: At the November 12, 2019 Board of Aldermen meeting staff was directed to bring back a consent agenda item making the attached changes to the Town Code. An ordinance is attached for adoption.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: It is recommended that the Mayor and Board adopt the attached ordinance making changes to the Town Code.

AN ORDINANCE AMENDING CHAPTER 3 OF THE TOWN CODE RELATING TO THE CARRBORO YOUTH ADVISORY BOARD

Section 1. Chapter Three of the Carrboro Town Code is amended by rewriting Section 3-24.13, in its entirety, as follows:

Section 3-24.13 Carrboro Youth Advisory Board Established

- (a) There shall be a Carrboro Youth Advisory Board composed of no fewer than seven (7) and no more than eleven (11) voting members. These members shall be selected by the Mayor's Office in consultation with the staff liaison and shall be composed as follows:
 - (1) All members shall be between the ages of 14 and 18 years old. Members shall meet one of the following requirements: 1. live in Carrboro, or 2. work in Carrboro, or 3. attend public, private or homeschool classes in Carrboro.
 - (2) No member may be enrolled as a full-time college student;
 - (3) To the extent possible, the membership of the Board should reflect the demographic diversity of the population of students eligible for membership.
- (b) The purpose of the Carrboro Youth Advisory Board is to provide young people with an opportunity to participate in an advisory capacity in the decision-making process of local government, and to provide input to the Board of Aldermen about issues affecting young people and regarding how local government policies and actions affect young people. The Mayor's Office in consultation with the staff liaison will select members in the fall of each school year for a one year term which coincides with the current school year. Members may be reappointed for up to four (4) terms.
- (c) The Carrboro Youth Advisory Board shall report to the Mayor. The Mayor and Town Manager shall select the Staff Liaison to the Board.
- (d) The members of the Board shall elect a Chair and a Vice Chair to preside over the Board's meetings. Members shall only be eligible to serve as Chair or Vice Chair for one consecutive term.
- (e) The Carrboro Youth Advisory Board shall meet one time each month. All meetings of the Carrboro Youth Advisory Board shall be open to the public, and shall be subject to North Carolina's open meeting statutes. The Mayor or the Staff Liaison may request information from members of the Board between Board meetings from time to time, and Board members are expected to be available and responsive to such requests.
 - (f) A simple majority of the members of the Board shall constitute a quorum.
- (g) Board members shall be expected to attend and actively participate in all Board meetings. It is also expected that Board members will be asked, or required, to attend

occasional leadership development programs and Board of Aldermen meetings (or other Town Advisory Board meetings). Board members are expected to actively participate in the preparation of written reports to the Board of Aldermen on matters which are referred to the Board for comment, and may be asked to make presentations to the Board of Aldermen.

- (h) Members of the Carrboro Youth Advisory Board may be removed by the Board of Aldermen if they are absent from two (2) consecutive Board meetings without having notified the Board Chair and the Staff Liaison that they will be unable to attend.
- Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3. This ordinance shall become effective upon adoption.



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

Agenda Item Abstract

File Number: 19-360

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request to Make an Appointment to the Arts Commission

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to make an appointment to the

Arts Commission.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando, 919-918-7309

INFORMATION: The Arts Commission currently has five seats available for appointment. Mary Grady Norkus is the chair of the Arts Commission and provided the chair form for the Board's review. An application was received from Misty Belsar.

All applicant and chair information is attached.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: It is recommended that the Mayor and Board adopt the attached resolution.

A RESOLUTION MAKING APPOINTMENTS TO THE ARTS COMMISSION

THE BOARD OF ALDERMEN HEREBY APPOINTS THE FOLLOWING APPLICANT(S) TO THE ARTS COMMISSION:

Appointee	Term Expiration
Misty Belsar	2/2023

Section 2. This resolution shall become effective upon adoption.

Catherine Dorando

From:

noreply@civicplus.com

Sent:

Wednesday, October 23, 2019 11:22 AM

To:

Catherine Dorando

Subject:

Online Form Submittal: Advisory Board Chair Applicant Summary and Contact Form

Advisory Board Chair Applicant Summary and Contact Form

Mary Grady Norkus Chair/Arts
Chair/Arts
Misty Belsar
9/11/2019
Please see Misty's application that she forwarded to town board, or inquire to Annette Stone.
Yes
Field not completed.
Yes
9/11/2019
Yes
Field not completed.
Occupation, experience or special skills

check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Board of Aldermen Liaison.

If other, please explain:

Field not completed.

Email not displaying correctly? View it in your browser.

Print

Advisory Board Application - Submission #4203

ate Submitted: 8/7/2019			
First Name*	Last Name*		Date*
Misty	Belser		8/7/2019 Select today's date
Address1*			
107 Hogan Woods Circle		g	
Address2			
		*	
City*		State	Zip*
Chapel Hill		NC	27516
ls this address located with the Town of Carrboro?*	hin the corporate limits of		ocated within the Town's ETJ, ction, or Northern Transition Area?*
Yes	V	Northern Transition	
Please select Yes or No. Telephone* 9197449594	Email Address* mimigibi@gmail.com		
Please enter your primary contact phone number.	Enter your primary email add	ress.	
Date of Birth*	Race*	Sex*	
7/6/1963 Please enter your	white	female	
Month/Day/Year of Birth	Please enter your race.	Please enter your	sex.

Occupation*	Are you a registered Orange County Voter	7 *	Length of Residence in Orange County*	Length of Residence in the Town of Carrboro*
sales manager	Yes	V	6 yrs	6 yrs
	Please answer Yes or I	No		
Please enter your	_			
occupation.			How long have you been a	How long have you been a
			resident of Orange County?	resident of the Town of Carrboro?
			Oddiny :	Cariboro.
i wish to be considered f	for appointment to the foll	lowing	committee/board(s) (Select	no more than two (2)):*
Affordable Housing Adv	visory Commission		Northern Transition Area Advi	sory Committee
Animal Control Board o	f Appeals		OWASA Board of Directors	
Appearance Commission	on/NPDC		Planning Board	
Arts Committee			Recreation and Parks Commi	ssion
☐ Board of Adjustment			Safe Routes to School Implen	nentation Committee
Economic Sustainability	y Commission		Stormwater Advisory Commis	sion
Environmental Advisory	y Board		Tourism Development Author	ity*
Human Services Comm	nission	Free	Transportation Advisory Board	b
= -	n			
	ship is limited to one advisor	-	d at a time. You shall not be co or you are in the last six month	
Please note that members another board unless you	hip is limited to one advisor resign before filing an applic	-		s of your current term.
Please note that members another board unless you	hip is limited to one advisor resign before filing an applic	-	or you are in the last six month	s of your current term.
Please note that members another board unless you of the control o	hip is limited to one advisor resign before filing an applic	cation (Advisory Board Preference	s of your current term.
Please note that members another board unless you obtained the control of the con	hip is limited to one advisor resign before filing an applio t listed):	cation (Advisory Board Preference Arts Committee If you are applying for membadvisory board, please indicates	s of your current term. * ership on more than one ate your preference by typing
Please note that members another board unless you of the control o	hip is limited to one advisor resign before filing an applio t listed):	cation (Advisory Board Preference Arts Committee If you are applying for memb	s of your current term. * ership on more than one ate your preference by typing
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Please note that members another board unless you continued to the continued of the continu	thip is limited to one advisor resign before filing an application. t listed): ne advisory board that you a	are	Advisory Board Preference Arts Committee If you are applying for memb advisory board, please indicayour first choice. Please limit boards). Number of Years Employed 5 yrs	ership on more than one ate your preference by typing your selection to two

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*		
Active with PALS at CHHS and regularly volunteer wtih N	Ausic Makers	
Please enter the requested information.		
Experience to Aid You in Working on Advisory Boards	s*	
I haven't served on an advisory board in the past, but I do Registrars office at LA County Museum of Art and in seve also was a volunteer Docent at the De Young Museum in	o have experience working within arts foundations. I worked in the eral small community galleries while I was at school in the LA area. In San Francisco for several years.	
Reasons You Wish to be Appointed*		
I love living in Carrboro and I love the arts. Being part of t community while helping support an important part of wh	the Arts Commitee would be a great way to be active in the at makes the Carrboro community great.	
Have you ever served on If yes, which one(s)?		
any Town of Carrboro Committee or Board?*		
No V		
Are you currently serving on a Town Board or Committee?*	If yes, are you applying for a third consecutive term?*	
☐ Yes		
☑ No		
If yes, please describe how you meet one, or more, of	the following exceptions noted below. *	
If yes, please describe how you meet one, or more, of	the following exceptions noted below. *	
	f the following exceptions noted below. *	

After completing two full terms, a member must take off one year before applying for re-appointment to the same 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. A lack of applicants.

The current makeup of the Arts Commission is:

NAME	ELECTED/ APPOINT ED	TERM EXPIRATION	DOB	RACE	SEX	OCCUPATION
VACANT	LD	2/1/2020	DOD	IVACL	JLA	OCCOI ATION
Victoria Rovine	3/7/2017	2/1/2020	12/17/1964	W	F	Professor of Art History
VACANT		2/1/2021				
VACANT		2/1/2019				
Patricia "Patti" Morfeld	4/3/2018	2/1/2021	10/31/1968	white/not of hispanic origin	female	Registered Nurse
VACANT		2/1/2019				
Mary Norkus, Vice Chair	5/12/201 5	2/1/2019	1/14/1957	Caucasian	Female	Dance Educator
Kelli Crispin	4/17/201 8	2/1/2020	9/28/1969	White	Female	Business Analyst
Jay Parker	2/19/201 3 4/3/18	2/1/2021	10/15/1950	W	M	Realtor

Applicant summary information (full detail available in application):

FIRST	LAST	ADDRESS	DOB	RACE	SEX	OCCUPATION
Misty	Belser	107 Hogan Woods Circle (NTA)	7/6/1963	White	Female	Sales Manager



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

Agenda Item Abstract

File Number: 19-364

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request to Approve a Resolution Authorizing the Town Manager to Negotiate and Award a Contract for Preliminary Engineering Services for the South Greensboro Street Sidewalk Project.

PURPOSE: The purpose of this item is for the Board of Aldermen to authorize the Town Manager to negotiate and award a contract, for preliminary engineering services for the South Greensboro Street sidewalk project, not to exceed \$415,000.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327; Arche McAdoo - 919-918-7439

INFORMATION: At the June 19, 2018 Board of Aldermen meeting, the Board authorized the Town Manager to select an engineering firm and award a contract with such firm for preliminary engineering services for the South Greensboro Street Sidewalk project. (Agenda materials:

=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=571563&GUID=8D9F243F-FD61-409C-94BB-EA5D3DCFD69A&Options=&Search>=). Since that time, staff has completed a Request for Letters of Interest (RFLIO) process and preliminarily selected an engineering firm. NCDOT has completed its audit of the firm's cost proposal of \$414,398 and concurs with a lump sum of \$395,342 for design services. This includes: preliminary design of the sidewalk (preparation of the bid packet), an operational analysis and pavement marking plan for the southernmost segment of the corridor from the South Greensboro Street roundabout to the Smith Level bridge which is on NCDOT's resurfacing schedule for the near future, and the surveying and preparation of easement exhibits for right-of-way acquisition along the corridor.

The anticipated cost for the project is approximately \$1,706,966. Orange County Transit Plan funds, estimated at \$552,340, may be applied toward the local match. In accordance with NCDOT's audit, the Town may seek 80-percent reimbursement of design related costs, up to \$316,274. The preparation of right-of-way exhibits is typically considered an add-on to design costs. Due to the limited right-of-way along South Greensboro Street, staff requested a conservative estimate up front for project budgeting purposes.

Authorizing the Town Manager to select an engineering firm and to award a contract with the selected firm will allow the design work to begin in a timely manner.

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

FISCAL & STAFF IMPACT: The estimated cost for preliminary engineering services for the South Greensboro Street Sidewalk is \$415,000: 80% federal (\$316,274) and approximately 20% local match (\$98,726). Transit funds would be used for the local match. Staff time for project management would also be needed.

RECOMMENDATION: Staff recommends that the Board adopt the resolution (Attachment A) authorizing the Town Manager to negotiate and award a contract for preliminary engineering services for the South Greensboro Street Sidewalk project for an amount not to exceed \$415,000.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AWARD A CONTRACT FOR PRELIMINARY ENGINEERING SERVICES FOR THE SOUTH GREENSBORO STREET SIDEWALK PROJECT

WHEREAS, the Carrboro Board of Aldermen adopted a Capital Improvement Project Ordinance for the construction of the South Greensboro Street Sidewalk along one side of the street from Old Pittsboro Road to Public Works Drive, on June 20, 2017; and,

WHEREAS, the Town of Carrboro has entered into a municipal agreement with the North Carolina Department of Transportation for design and construction of the South Greensboro Street Sidewalk; and

WHEREAS, NCDOT has approved the selected design firm and a project proposal of \$395,342; and

WHEREAS, federal and state law requires that negotiations be conducted with the selected firm to establish a fair and reasonable price for the contract; and

WHEREAS, NCDOT has completed an audit of the scope of work prepared by the selected firm prior to the beginning of negotiations, as required by their policy.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board authorizes the Town Manager to execute a contract for preliminary engineering services for the South Greensboro Street Sidewalk (C-5650), for an amount not to exceed \$415,000 to be allocated as follows: NCDOT reimbursement -- \$316,274, Local match (Transit Tax Funds) -- \$98,726.

All other provisions of the Capital Improvement Project Ordinance for South Greensboro Street Sidewalk approved on June 20, 2017 remain in effect and shall continue until project completion.

This is the 19th day of November in the year 2019.



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

Agenda Item Abstract

File Number: 19-370

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

A Resolution Making the Name of the Governing Board "Town Council" Effective December 3, 2019

PURPOSE: The purpose of this item is for the Board to adopt a resolution making the name of the

governing board of the Town of Carrboro the 'Town Council' because it is gender neutral.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando

INFORMATION: On November 12, 2019 the Town of Carrboro Board of Aldermen held a public hearing and discussion regarding changing the name of the governing Board. The Town Charter details names that may be used by resolution of the Board of Aldermen. Town staff was directed to prepare a consent agenda item for the November 19th meeting to change the name to Town Council and for members to be referred to individually as Council Member. The resolution is attached and is effective on December 3, 2019.

Section 2-1. Governing Body.

(a) The governing body of the Town of Carrboro shall consist of a mayor and six aldermen, commissioners, councilors, or council members, as determined by resolution of the Town of Carrboro, elected as provided in Section 2-2. The governing body shall be known as the Board of Aldermen, Board of Commissioners, Board of Councillors, or Town Council, as determined by resolution of the Town of Carrboro. Whenever this Charter or any ordinance, resolution, or other document refers to the Carrboro Board of Aldermen, such reference shall be deemed to refer to the Carrboro Board of Aldermen, Board of Commissioners, Board of Councillors, or Town Council, as determined by resolution of the Town of Carrboro. [Amended by S.L. 1999, Ch. 255, Sec. 2].

Staff will also review all town publications and documents to make the changes throughout. Items requiring action by the elected body will be brought back at a later date.

FISCAL & STAFF IMPACT: Staff time is estimated to be around 20 hours and will require attention from all town departments.

RECOMMENDATION: It is recommended that the Board adopt the resolution.

A RESOLUTION CHANGING THE NAME OF THE GOVERNING BOARD TO TOWN COUNCIL EFFECTIVE DECEMBER 3, 2019

Whereas, pursuant to Article 2, Section 2-1 (a) of the Town Charter, the governing body of the Town of Carrboro shall consist of a mayor and six aldermen, commissioners, councilors, or council members, as determined by resolution of the Town of Carrboro; and,

Whereas, the pursuant to State Law 1999, Ch. 255, Section 2, and Section 2-1 (a) of the Town Charter the governing body shall be known as the Board of Aldermen, Board of Commissioners, Board of Councillors, or Town Council, as determined by resolution of the Town of Carrboro; and,

Whereas, the Board of Aldermen of the Town of Carrboro held a public hearing on November 12, 2019 to hear from the public the thoughts on changing the governing board name from "Board of Aldermen" to a gender neutral moniker; and,

Whereas, the Board of Aldermen have mindfully embarked upon this name change to be more inclusive to all members of the governing board; and,

Whereas, staff is also working to remove gendered language throughout the Town Code.

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

- Section 1: That the elected governing board shall become the Town Council; and,
- Section 2: Individual members of the elected body shall be referred to as Council Member; and,

Section 3: That staff shall review all official town publications and documents to replace the name "Board of Aldermen" with "Town Council" and that any document that requires the action of Council to make those changes will be brought back at a later date.

Section 4: This resolution is effective on December 3, 2019 to correspond with the organizational meeting of the governing board.



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

Agenda Item Abstract

File Number: 19-373

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Authorization to Donate \$1,000 to the Rogers-Eubanks Neighborhood Association 501 (c) (3) Non-Profit Organization for the Purposes of Supporting the Sankofa African-American Museum on Wheel Educational Event

PURPOSE: The purpose of this item is to authorize the expenditure of \$1,000 from the Board of Aldermen contingency fund for the purposes of supporting the Sankofa African-American Museum on Wheels event to be held at the RENA on January 19th and 20th.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando

INFORMATION: Rev. Robert Campbell has made the request below to the Town of Carrboro and many other local government and non-profit organizations. The Town tried to offer space for the event during the weekend but due to logistical needs, this was not an option. Rev. Campbell has found available space at RENA and is coordinating logistics with the museum. This donation will allow the Town to partner in this event in lieu of donating space.

Dear Friends, Classmates, and Family Members,

I am making a request of my friends, I need your help to bring a event to town in January this event is about the African American Museum on Wheels. The cost for this two day event is at \$4,500. Will you make a donation to help with the cost of the event?

Please let me know. I would love to make this happen and close the contract by December 20. Please read the information in the attachment. When you make the decision to donate, Please make your Check out to: RENA (ROGERS -EUBANKS NEIGHBORHOOD ASSOCIATION), we are a 501(c) (3) non profit organization, This is an educational event please support and become a sponsor. Your contribution is deeply appreciated and is tax- deductible

much work still yet to be done

Agenda Date: 11/19/2019 File Type: Agendas

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Version: 1

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Minister Robert L Campbell

President of the Rogers Road Neighborhood Association

A resolution authorizing this expenditure and information regarding the museum is attached.

FISCAL & STAFF IMPACT: Staff time is estimated at two hours for this event. The fiscal impact will result in the appropriation of \$1,000 from the Board of Aldermen Contingency Fund.

RECOMMENDATION: It is recommended that the Mayor and Board approve the attached resolution.

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE BOARD OF ALDERMEN CONTINGENCY LINE ITEM

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

Section 1: The amount of \$1,000 from the Board of Aldermen contingency is approved for allocation and donation to the Rogers Eubanks Neighborhood Association non-profit organization to support the Sankofa African American Museum on Wheels event in January 2020.

Section 2: That the Town Clerk shall file a copy of this resolution with the Finance Director.

Section 3: This resolution is effective immediately.



Sankofa African American Museum on Wheels

Upon realizing that her honor student nephew knew little about the history of African Americans, Angela Jennings established SANKOFA in 1995 as a way to teach him and other young people about their unique and rich heritage. Now, less than a decade later, this museum on wheels is considered to be one of the foremost collections of African American history readily available and appropriate for all ages and races of people in this country.

As Sankofa Curator, Jennings has traveled throughout the United States, the US Virgin Islands, West Africa, and Europe to amass a collection of art, collectibles, and memorabilia that rivals many traditional museums. The exhibit is a testament to the vast contributions that African Americans have made to this country and to the world.

As a part of the exhibit, Jennings presents stories and dramatizations about selected periods and historical figures to allow those in the audience to experience both the pain and the pride of the history portrayed. Additionally, she is always anxious to respond to individual questions from those viewing the exhibit.

Spanning the period of 1860 to the present, Sankofa takes audiences on a journey through slavery, the era of King Cotton, and the uplifting days of Emancipation. It also tells the stories of such notables as Ida B. Wells, the Negro Baseball League, the Tuskegee Airmen, and Dr. Martin Luther King, Jr. One of the highlights of Sankofa is its unique display of inventions by African Americans.

The Ghanaian term, Sankofa, tells us to "use the wisdom of the past to build the future." Angela Jennings and her African American Museum on Wheels epitomizes the meaning of the term by educating, enlightening, and empowering young and old alike with living history. Sankofa is a must see!!

If you are interested in finding us online, you can Google search "Sankofa African American Museum on Wheels" and "Angela Jennings". You can also find us on YouTube!

Angela W. Jennings (803) 703-9230 Agent: Darrell Braxton, DKB@Sphinxmg.com



SANKOFA AFRICAN-AMERICAN MUSEUM ON WHEELS ANGELA JENNINGS CURATOR



Sankofa African American Museum on Wheels

Summary: "Sankofa African American Museum on Wheels" was established in 1995 to be utilized as a tool to teach and educate African Americans about their rich and unique heritage. This "Museum on Wheels" is considered to be one of the foremost collections of African American history readily available and appropriate for all ages and races. Spanning a period of 1860 to the present, "Sankofa" takes audiences on a journey through slavery, the era of King Cotton and days of Emancipation. It also tells the stories of Ida B. Wells, other famous African Americans, the Tuskegee Airman, Dr. King, and our 44th president. It also features numerous inventions.

Goals: The goals of this unique exhibit are to educate the attendees on the history of African American heritage.

Objectives: One objective of this presentation is to ensure that attendees have insightful understanding of the challenges and the struggles of African Americans beginning in the 1800's from slavery, to the civil rights movement. This exhibit will allow African American attendees the opportunity to externalize the obstacles and hardships that their ancestors endured in an effort to secure the liberation they experience today. This exhibit also includes contributions of yesterday and today that African Americans have made to this society.

Deliverables: This unique exhibit includes up to thirty 8 feet tables of historical artifacts, pictures, writings and other tangible items that will help tell the story of the African American heritage.

Please Note: A Lecture, Guided Tour, Question & Answer Period, and a Drama Piece is included with this exhibit.

Angela Jennings (803) 703-9230 Email contact: DKB@Sphinxmg.com Darrell Braxton, manager

Sankofa: Making A Curriculum Connection

It is a reality that many students often find it difficult to make the critical **connections** between their own lives and past historical contexts, such as the events of Civil Rights Era. With the recent chain of events in the world – from Ferguson to Rio – the Sankofa Museum on Wheels is an opportune experience to expand students' learning by facilitating connections to their own lives and helping students contextualize problem-solving and critical thinking. The Museum showcases original artwork that offers the visual contextualization to help bridge "understandings" between the current events of millennials as compared to past history. Some of the following curricular topics are applicable to the Sankofa experience:

- Origins of Black Lives Matter movement and the Civil Rights Era
- Depictions of Inferiority
- Inclusion and Exclusion: Past and Present Ideologies, Traits, and Origins
- Brutality: Past and Present "Lynchings"
- Accounts of Effective Protests: Past and Present Civil Disobedience
- Transposing Writing: The New Day Blog (Contextual Example: framed article of current day blog of King's Letter From Birmingham Jail)
- Media: The New Underground (Contextual Example: the Underground television series and the historical Underground Railroad)
- The "Art" of Leadership (i. e. Framed artwork of leaders)

Professional Profile

Angela W. Jennings is an Exhibitor of African American History and Cultural Ambassador of Goodwill. She is a resident of Denmark. South Carolina and her exhibit has been recognized throughout the State.

Angela is dedicated to the cultural enrichment and enlightenment of young people. She is active with S.H.A.R.P. (Sisters Honoring African Rites of passage). Imani Sisters, Black Memorabilia Collectors Association. The National Black Memorabilia Collectors. E.S.P.E.R. (Ebony Society of Philatelic Events and Reflections).

The Exhibitor's travels include West Africa, the US Virgin Islands and Europe.

Education

Bachelor of Arts degree, Voorhees College, Denmark, South Carolina

Presentations

University of South Carolina at Spartanburg

University of South Carolina at Aiken

University of South Carolina at Salkehatchie, Walterboro

University of South Carolina at Salkehatchie, Allendale

University of South Carolina at Columbia

South Carolina State University

Clemson University

Winthrop University

Furman University

Georgia Southern University

North Carolina University at Charlotte, NC

Savannah State University

Coastal Carolina University

Francis Marion University

Citadel Military College of South Carolina

Claffin University

College of Charleston

Converse College

Morris College

Lander University

Erskine College

Benedict College Upward Bound Program

University of South Carolina at Lancaster

University of South Carolina at Sumter

Orangeburg Technical College

Central Carolina Technical College

Denmark Technical College

Ogeechee Technical Institute

Midlands Technical College

Paine College

Oakwood College

High Point University

Fort Valley State University

Presentations

Waycross College

Guilford College

Clark Atlanta

Livingston College Xavier University

Valdosta State University

Southern Polytechnic State University

North Carolina State University

Lenoir Rhyne College Kennesaw State University Kentucky State University

Catawba College U.N.C. Pembroke

Sandhill Community College

UN.C. Charlotte

Robeson Community College Georgia Southern University

Auburn University

Savannah Technical College Francis Marion University

Queens College
Wingate College
Morehouse College

Alabama State University
Isothermal Community College

Darton College

Cleveland Community College

Troy State University

Roanoke-Chowan Community College

Gaston College

Rowan-Cabarnis Community College

Bennett College

Albany State University Richmond Community College

Aiken Technical College

Horry-Georgetown Technical College

Spartanburg Technical College

Florida Southern College

Spelman College Florida Gulf Coast

North Carolina Central University

Life University Miles College

Clark Atlanta University

Queens University University of Alabama Alabama State University Armstrong State University

Georgia Gwinnett College

Guilford College

University of Mississippi

East Tennessee State University

Athens State University
Quinnipiac University
Delaware State University
College of Charleston
University of Illinois
Stetson University

The Ohio State University Mississippi State University

Mississippi Valley State University

Delta State University

Kellogg Community College

Emory Riddle Aeronautica University

Voorhees College

North Greenville University Tennessee Tech University

Shaw University

Seminole State University University of North Florida Le Moyne-Owen College

Wofford College

University of Tennessee

University of Tennessee at Chattanooga



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

Agenda Item Abstract

File Number: 19-315

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Recognition of the Carrboro Police Department for completing the Law Enforcement Risk Review Process performed by the N.C. League of Municipalities.

PURPOSE: The purpose of this agenda item is to present the Carrboro Police Department with a plaque recognizing completion of the Law Enforcement Risk Review Process by the NC League of Municipalities (NCLM).

DEPARTMENT: Police Department

CONTACT INFORMATION: Chief Walter Horton, 919-918-7397

INFORMATION: The Law Enforcement Risk Review Process is a voluntary program developed by the NCLM and the League's Police Chiefs Advisory Committee. This program evaluates the agencies policies and procedures to make sure they are following best practices and taking into account areas of high risk and liability. To gain certification, the Carrboro Police Department worked with Smith and Rogers, PLLC, and Town attorneys to review, update, and draft a new policy and procedure manual.

The Carrboro Police Department is the 20th agency to receive this certification.

FISCAL & STAFF IMPACT: None

RECOMMENDATION: Staff recommends the Board Acknowledge receipt of award.



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

Agenda Item Abstract

File Number: 19-362

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Amendment of Town Code Chapter 5-12 - Particular Noise and Chapter 10, Article 5 - Appeals **PURPOSE:** The purpose of this agenda item is twofold: to make enforcement of excessive animal noise (barking, howling, etc.) consistent with the Unified Animal Ordinance and to fold the Carrboro Animal Appeals Hearing process into the framework of the Orange County Unified Animal Ordinance (UAO) appeals board.

DEPARTMENT: Police

CONTACT INFORMATION: Chief Horton and Captain Atack 919-918-7397

INFORMATION: The current town ordinance as written is not consistent with the UAO when it comes to enforcement. Town ordinance only recognizes excessive animal noise violations between the hours of 11:00 p.m. and 7:00 a.m., compared to the UAO, which has no time constraints. To allow consistent enforcement and address any excessive animal noise that occurs outside the restricted hours, Section 5-12, subsection 5, needs to be removed. See Attachment A.

The Animal Appeals Board constituted under the UAO and run by Orange County allows a more consistent function for Carrboro residents appealing a declaration under the UAO. See Attachment B.

FISCAL & STAFF IMPACT: None.

RECOMMENDATION: Staff recommends the Board accept the suggested changes to Section 5-12 of Town Code and the suggested changes to Chapter 10, Article 5.

Section 5-12 Particular Noise (Amend. 11/16/93)

The following are declared to be illustrations of noises prohibited under the foregoing section, and are hereby declared to be unlawful, but this list shall not be exhaustive:

- (1) The playing of any radio, television, tape recorder, phonograph, or similar electronic device or any musical instrument so as to disturb the comfort, quiet or repose of persons in any place of residence or so as to interfere substantially with the operations of any church, school, theater, library or other similar place of assembly.
- (2) The use of any drum, loudspeaker, or other amplification instrument or device for the purpose of attracting attention by the creation of noise to any performance, show, ale, display, advertisement of merchandise, or other commercial venture.
- (3) Any party or assembly of persons in a dwelling unit or on residential premises producing loud and raucous noise after 11:00 p.m. that tend to disturb the comfort, quiet, or repose of persons in other dwelling units or on other residential premise. The person in possession of the premises where such a part or assembly of persons takes place shall be deemed responsible for the emission of loud and raucous noises under this subdivision. (Amend. 4/27/82)
 - (4) The operation or use of any of the following tools, machinery, or equipment, when such operation or use takes place (i) outside of a fully enclosed structure; and (ii) within 300 feet of a residentially occupied structure that is not in the possession of the party responsible for the noise at issue; and (iii) after sunset on any day or before 7:00 a.m. on any day except Sunday and before 12:00 noon on Sunday. However, this prohibition shall not apply when work must take place on an emergency basis for health or safety reasons, or when work is undertaken within a public street right-of-way by (i) a utility pursuant to an encroachment agreement, (ii) the town, or (iii) the North Carolina Department of Transportation. (Amend. 1/16/2001)
 - (a) Earth moving or clearing power equipment.
 - (a) Chain saws, brush cutters, wood chippers, or similar power equipment.
 - (a) Power saws
 - (a) Power driven hammers or jackhammers.
- (5) The barking, howling, whining, crying, crowing, or other noise making of any animal that occurs essentially unabated for a period of at least five minutes on at least three occasions during the hours between 11:00 p.m. and 7:00 a.m. (Amend. 9/24/02)

CHAPTER 10

ANIMAL CONTROL

(Adopted 2/28/17)

On January 21, 2016 the Orange County Board of County Commissioners adopted a Unified Animal Control Ordinance with an effective date of March 1, 2016. The Town of Carrboro Board of Aldermen has adopted a Resolution authorizing the enforcement of the Unified Animal Control Ordinance in Carrboro's corporate limits with the exception of the sections below. As to matters covered by the sections below, the provisions apply in Carrboro's corporate limits. Otherwise, the Orange County Unified Animal Control Ordinance (UAO) applies in Carrboro.

Article I – Definitions
Section 10-1 Definitions

Article II – Taxation and Tags Section 10-2 Privilege Tax on Dogs and Cats

Article III – Livestock and Wild Animals
Section 10-3 Permits
Section 10-4 Feeding of Deer Prohibited

Article IV – Regulation and Control

Section 10-5 Dogs Prohibited Within Farmers Market Section 10-5.1 Dog Owners Required to Remove Feces Deposited by Dogs Section 10-5.2 Tethering of Dogs Generally Prohibited (Created 9/13/11)

Article V — Appeals
Section 10-6 Appeals

ARTICLE I

DEFINITIONS

Section 10-1 Definitions

Unless otherwise specifically provided or unless otherwise clearly required by the context, the following words and phrases shall have the meaning indicated when used in this chapter:

- (1) Domesticated Livestock: Animals raised for the production of meat, milk, eggs, fiber or used for draft or equestrian purposes, including but not limited to horses, mules, cows, pigs, goats, llamas, ostriches, sheep, fowl such as chickens, turkeys, ducks, etc. (also referred to as poultry), rabbits, and all other animals that typically are kept primarily for productive or useful purposes rather than as pets.
- (2) *Tether*: To restrain a dog outdoors by means of a rope, chain, wire, or other line, one end of which is fastened to the dog and the other end of which is connected to a stationary object or to a cable trolley system. (This definition excludes walking a dog with a handheld leash). (Created 9/13/11).

ARTICLE II

TAXATION AND TAGS

Section 10-2 Privilege Tax on Dogs and Cats

- (a) The owner of every dog or cat over four (4) months of age that is kept within the town shall annually pay to the town (through Orange County Animal Control) a tax on the privilege of keeping such animal within the town.
- (b) The amount of the tax shall be established annually as part of the annual budget ordinance adoption process.
- (c) In order to further the goal of controlling animal population, the tax on unsprayed or un-neutered dogs and cats shall be higher than that of spayed or neutered animals.

ARTICLE III

DOMESTICATED LIVESTOCK AND WILD ANIMALS

Section 10-3 Permits:

(a) No person may keep or display within the town any wild or exotic animal as defined in Subsection 4-37(kk) and 4-37(o) of the UAO. In addition, no person may display snakes or reptiles of any kind.

- (b) No person may keep within the town any permissible domesticated livestock over four (4) months of age except in accordance with a permit issued pursuant to subsection (c).
- (c) Subject to the UAO and subsections (d) and (e) below, no permit may be issued for any domesticated livestock unless the applicant for the permit demonstrates that the livestock will be kept on a tract of land that satisfies each of the following conditions:
 - (1) The tract shall consist of at least 40,000 square feet of land under single ownership or control.
 - (2) There shall be at least 20,000 square feet of land per animal.
 - (3) No fence, coral, or other similar enclosure shall be erected within 15 feet of any property line.
 - (4) No barn, stable or similar structure used for the keeping of domesticated livestock other than fowl or rabbits shall be erected or maintained within 50 feet of any property line or street right-of-way.
- (d) The provisions of subsection (c)(3) and (c)(4) shall not preclude the establishment, with the consent of the affected adjoining property owners, of a commonly owned or used fence, barn or other enclosure, all of which is located along or near a common property line.
- (e) The provisions set forth above in (c)(1) and (c)(2) shall not apply to fowl and rabbits, provided, however, that a permit is required to keep fowl and rabbits within the town limits. Such permit is personal to the applicant to whom it is issued, and is not transferable to another property. No such permit may be issued for fowl or rabbits unless the provisions of subsection (e)(3) through (e)(7) are complied with and unless the permit applicant demonstrates compliance with the following conditions:
 - (1) The applicant shall submit with the application a drawing showing the location of the facilities, the shelter, coop (fowl) or hutch (rabbit), and associated enclosure for the run or pen subject to the dimensional requirements in the table below.

Type/Size of Facility	Number of Fowl/Rabbits				
	<u>3-5</u>	<u>6-10</u>	<u>11-20</u> **		
Minimum coop/hutch Size in square feet	12-20sf	24-40 sf	44-80 sf		
(sf) (4 sf/fowl or rabbit) Minimum run/pen	18-30 sf	36-60 sf	66-120 sf		
size in square feet (sf) (6 sf flow or rabbit)					
Locational Requirements					
Coop/hutch and run/pen -property line setback	5 feet (rabbits) 0 feet (fowl)	10 feet	20 feet		
Coop/hutch and run/pen -right-of-way setback	15 feet	20 feet	30 feet		
Coop/hutch and run/pen -setback from nearest residence (other than the owner's)	30 feet	100 feet	100 feet		

- **N.C. Gen. Stat. 160A-203.1, prohibits city ordinances from regulating standards of care for flocks of greater than 20 birds.
 - (2) The following minimum standards apply to any facilities-shelter or enclosures associated with keeping fowl or rabbits:
 - a. Facilities shall provide adequate protection from adverse weather, predators and rodents.
 - b. Facilities shall be maintained in a clean and sanitary condition at all times.
 - c. Fowl and rabbits must at all times be contained within a run or pen unless the applicant constructs and installs a sufficient barrier to prevent fowl or rabbits from roaming beyond the confines of the subject property.
 - d. Fowl or rabbit food shall be kept in rodent-proof containers.
 - e. No fewer than three (3) fowl or rabbits are allowed.
 - f. All permits issued under this section are subject to annual review and inspection.

- g. If turkeys and/or geese are being kept, then the coop and run/pen size requirements shall be multiplied by two.
- (3) The keeping of fowl or rabbits shall be in accordance with all applicable State law.
- (4) Such animals may be kept only (i) on a lot used for residential, educational, or day care purposes with written permission of the owner, if the owner is not the applicant, or (ii) on a common open space area within a residential development with the written permission of the owner of such common space land accompanied by a copy of the association minutes reflecting the approval decision.
- (5) Any sale of eggs produced on a residential lot must occur off-site, outside of residential zoning districts, and is subject to applicable provisions of the Town of Carrboro Land Use Ordinance for the district in which the lot is located.
- (6) It shall be unlawful for any person to keep or maintain on any lot with in the Town's corporate limits any rooster, duck, goose or other such bird or fowl that by loud and habitual crowing, quacking or honking or other manner constitutes a public nuisance. Failure to abate such nuisance within two (2) days after receiving written notice from the town shall be a violation of the provisions of this chapter, and shall subject the permittee to penalties as set forth in Section 10-6.
- (7) Slaughter of animals must occur within a fully enclosed structure. Disposal of deceased animals remains shall be in accordance with State law. (See, N.C. Gen. Stat. 106-403)
- (f) Facilities for keeping fowl and rabbits for which permits have been issued prior to the effective date of this ordinance may remain provided that if use of such facility is discontinued for a period of 12 consecutive months, any new use of the facility must comply with this ordinance.
- (g) The permit required by this Section is an administrative permit. Before issuing a permit under this section, the Administrator shall notify the applicant and the applicant's neighbors owning and/or residing at property within 150 feet of the boundary of the applicant's property by any convenient means of the date and time of an informational meeting concerning the application. After the informational meeting, the Administrator shall set forth in writing his reasons for the issuance or denial of the permit and shall furnish a copy thereof to any person who requests a copy. Any person aggrieved by the issuance or denial of a permit under this Section may appeal the decision to the Animal Control Board of Appeals pursuant to Section 10-6 (except that the burden of demonstrating that the administrator erred shall be on the appellant).

- (h) The provisions of subsection (c)(1) through (c)(4) shall not apply to "fainting goats." However, no permit may be issued for a person to keep fainting goats unless the permit applicant demonstrates compliance with the following conditions: (Amend. 8/25/09)
 - 1. The tract where such livestock are kept shall consist of at least 25,000 square feet;
 - 2. Such livestock may be kept only on a lot used for residential purposes and only for the consumption of persons who reside at that lot; such livestock may not be kept for commercial purposes;
 - 3. No more than two (2) fainting goats may be kept on a single tract or lot;
 - 4. Any person wishing to keep fainting goats on their property must seek and obtain a permit to do so;
 - 5. The Administrator shall issue the permit required by this section unless he finds:
 - (a) The applicant has failed to comply with subsection (h)(1);
 - (b) The animal(s) for which the permit is requested poses a substantial danger of harm to any person, animal or property;
 - (c) The animal(s) for which the permit is requested is likely to or does interfere with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons:
 - (d) The animal(s) for which the license is requested otherwise constitutes a threat to the public health or safety.
- (i) After compliance with subsection (h), the administrator shall issue the permit requested by this section unless he finds that:
 - (1) The applicant has failed to comply with subsection (e);
 - (2) The animal for which the permit is requested poses a substantial danger of harm to any person, animal or property;
 - (3) The animal for which the permit is requested is likely to or does interfere with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons;
 - (4) The animal for which the license is requested otherwise constitutes a threat to the public health or safety.

Section 10-4 Feeding of Deer Prohibited

- (a) Subject to subsection (f), no person within the corporate limits of the town may place or allow any device or any fruit, grain, mineral, plant, salt, vegetable, or other material to be placed outdoors on any public or private property for the purpose of feeding or attracting deer.
- (b) There is a rebuttable presumption that the placement of any fruit, grain, mineral, salt, plant, vegetable, or other material edible by deer at a height of less than five (5) feet off the ground is for the purpose of feeding deer.
- (c) There is a rebuttable presumption that the placement of any fruit, grain, mineral, salt, plant, vegetable, or other material edible by deer in a drop feeder, automatic feeder, or similar device regardless of the height of such device is for the purpose of feeding deer.
- (d) Each property owner shall remove any materials placed on the owner's property in violation of this section within 48 hours of being notified by the town that such violation exists. Failure to do so shall constitute a separate violation of this section.
- (e) Each property owner shall remove any device placed on the owner's property to which deer are attracted or from which deer actually feed. Alternatively, a property owner may modify such device or make other changes to the property that prevent deer from having access to or feeding from the device. Failure to remove the device or make necessary modifications within 48 hours of notice from the town shall constitute a separate violation of this section.
 - (f) This section does not apply to:
 - (1) Naturally growing materials, including but not limited to fruits, grains, seeds, vegetables, or other crops or vegetation;
 - (2) Stored crops, provided that such crop materials are not intentionally made available to deer;
 - (3) Feeders used to provide food to domestic animals or livestock.

Section 10-5. Dogs Prohibited Within Farmers Market

No owner, keeper or other person in possession of any dog may allow such animal to go upon the premises operated by or for the town as a farmers market during any period when the market is in operation.

Section 10-5.1 Dog Owners Required to Remove Feces Deposited by Dogs (Amend. 10/7/08)

(a) Subject to Subsection (b), it shall be unlawful for the owner of any dog, or any person walking or otherwise in charge of such dog, to fail or refuse to remove feces deposited by such dog on any street, sidewalk, park, or other publicly owned area, or on any private property.

(b) The provisions of subsection (a) of this section shall not apply to the premises occupied by the owner or keeper of the dog, but shall apply to any common areas in any two-family or multi-family residential development.

Section 10-5.2 Tethering of Dogs Generally Prohibited

(a) The Board finds that:

- (1) Tethered dogs can and do become highly territorial and aggressive, presenting a significant risk of injury to the public through dog bites and attacks; and
- (2) Tethered dogs can and do negatively impact community life through nuisance barking; and
- (3) Tethered dogs are at risk of becoming tangled and prevented from reaching food, water, and shelter; and
- (4) Tethered dogs are at risk of sustaining injury or death from accidental strangulation and are less able to defend themselves from other animals.
- (b) Subject to subsections (c) and (d) of this section, no person may tether a dog, and no owner or keeper of a dog may or cause or permit such dog to be tethered.
- (c) Provided that the tethering does not extend for more than seven (7) consecutive days and that the tethering device meets the standards set forth in subsection (d), tethering of a dog shall be permissible under the following circumstances:
 - (1) Lawful dog activities such as hunting, hunting training, and hunting sporting events, field and obedience training, field or water training, law enforcement training, veterinary treatment and/or the pursuit of working or competing in these legal endeavors.
 - (2) Any activity where the tethered dog is in visual range of its owner or keeper and the owner or keeper is located outside with the dog.
 - (3) After taking possession of a dog that appears to be a stray dog, and after so notifying the Animal Control Officer, the dog may be tethered while the person taking possession of the dog searches for its owner.
- (d) When tethering is permitted under the circumstances specified in subsection (c), the tethering may take place only in accordance with the following requirements:
 - (1) Tethers must be made of rope, twine, cord or similar material with a swivel on one end or must be made of a chain that is at least ten (10) feet in length

- with swivels on both ends and which does not exceed ten (10) percent of the dog's body weight.
- (2) The tethering may be fastened to the dog only by attachment to a buckle type collar or body harness.

The dog must be tethered in such a manner that it has access to food, water, and shelter.

ARTICLE V

APPEALS

AND

PENALTIES

Section 10-6

(a) Appeals:

- (1)The owner of any animal who (i) is required to remove his animal from the Town based upon a finding that the animal is or creates a public nuisance, or (ii) who has been assessed and has paid a civil penalty, (iii) whose permit is denied or revoked pursuant to applicable regulations, or (iv) whose animal is declared to be "dangerous" or "vicious" pursuant to applicable regulations, may appeal to the Animal Control Board. An appeal shall be taken within ten (10) days after receiving the written notice of the determination appealed from except that appeals from a determination that a dog is a vicious dog or a dangerous dog shall be taken within three (3) days of notification. An appeal is taken by filing a written notice of appeal with the administrator and stays all enforcement efforts of the administrator until the appeal is disposed of. An appeal from an order to pay civil penalties shall first be reviewed by the Chief of Police, or his designee, who shall have the authority to affirm, revise or modify the order. If the owner is unsatisfied with the first civil penalty review, the owner may then appeal to the Animal Control Board of Appeals within ten (10) days of the Chief's, or his or her designee's, decision.
- (2) The Animal Control Board of Appeals shall consist of three (3) members and one (1) alternate appointed by the board of aldermen. The board of aldermen shall designate one member as chairman. The member shall serve three-year staggered terms. The alternate shall also serve a three-year term and shall be appointed initially for a term of three (3) years.
- (3) The board shall meet within twenty (20) days after notice of appeal is filed. A quorum of the board shall consist of three (3) members, and all decisions shall be made by majority vote. The board may uphold, reverse, or modify the determination appealed from, and the administrator shall thereafter continue, modify or cease his enforcement efforts in accordance with the board's decision.
- (4) The burden of justifying the administrator's determination shall be on the administrator. Strict rules of evidence need not be followed, but the board

may consider only what a witness knows of his own knowledge, and no decision may be based upon hearsay alone.

(5) The board shall reach a decision as expeditiously as possible and shall provide the appellant and the administrator with a written decision, stating the reasons therefore.

(b) Penalties:

(1) A violation of any of the provisions of Sections 10-3, 10-4, 10-5, 10-5.1 and 10-5.2 shall subject the offender to a civil penalty of \$25.00. A violation of Section 10-2 shall subject the offender to a civil penalty of \$50.00. The penalty for second and subsequent violation of the same provisions of Section 10-3 shall be set forth in the following table:

Violation

Second	\$ 50.00
Third	\$ 75.00
Fourth Example	\$ 100.00

A fifth or subsequent violation of Section 10-3 shall subject the permittees to revocation of their permit upon written notice of record. Said notice of revocation is subject to appeal pursuant to subparagraph (a) above.

If the offender fails to pay any penalty within fifteen (15) calendar days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of a debt.

- (2) Each day that any violation continues after a person has been notified that such violation exists and that he is subject to the penalties specified in subsections (a) and (b) shall constitute a separate offense.
- (3) This chapter may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.
- (4) The town may enforce this chapter by any one or any combination of the foregoing remedies.

AN ORDINANCE AMENDING CHAPTER 5 OF THE CARRBORO TOWN CODE TO REGARDING PARTICULAR NOISE

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

- Section 1. Chapter Five of the Carrboro Town Code is amended by deleting Section 5-12(5).
- Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3. This ordinance shall become effective upon adoption.

AN ORDINANCE AMENDING CHAPTER 10 OF THE CARRBORO TOWN CODE TO REGARDING ANIMAL CONTROL APPEALS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

- Section 1. Chapter Ten of the Carrboro Town Code is amended by deleting Article V, Section 10-6 Appeals in its entirety.
- Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3. This ordinance shall become effective upon adoption.



Town of Carrboro

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

Agenda Item Abstract

File Number: 19-363

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Recommendations for Park Signage, Murals and Quote Plaques in Dr. Martin Luther King Jr. Park

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to review and approve recommendations made by Arts Committee members, Michael Brown, Muralist and the Recreation and Parks Commission on signage, murals and plaques in Dr. Martin Luther King Jr. Park.

DEPARTMENT: Recreation and Parks Department

CONTACT INFORMATION: Anita Jones-McNair, <u>amcnair@townofcarrboro.org</u> mailto:amcnair@townofcarrboro.org, 918-7381 and Wendell Rodgers, <u>wrodgers@townofcarrboro.org</u> mailto:wrodgers@townofcarrboro.org, 918-7371

INFORMATION: The park is nearing the end of construction and staff is finalizing three items for the park. The park entrance sign will be located on Hillsborough Road adjacent to the north of the newly constructed entrance to the park. The cost of the sign is \$6,476. (See Attachment B)

Also, various members of the community provided quotes for consideration to go on plaques that will border the walking trail. We received twenty-nine different quotes and eight quotes were chosen for the plaques by the Recreation and Parks Commission. Their deliberation focus emphasized values in the community. (See Attachment C.) Three alternate quotes were also chosen. Four thousand seven hundred and thirty eight dollars (\$4,738) is needed to purchase and install the plaques on posts. Each quote will be in English and Braille. (See Attachment D.)

Lastly, we received four mural designs from three Town of Carrboro high school students. (See attachments E-I.) Some members of The Arts Committee along with Michael Brown recommend that the young artists work together in tweaking and creating final products from submissions for the two murals in the park. The intent is to use backgrounds, quotes and/or visions from potentially each mural. Staff spoke to the young artists and all are willing to collaborate on this project. The Arts Committee approved \$4,500 in their budget to offset expenditures for the murals. Public Work will install the murals.

FISCAL & STAFF IMPACT: The Arts Committee budget will offset \$4,500 for the mural project. Funding is needed for the sign by Archer - \$6,476 and plaques and installation by Signs Now - \$5,200, total - \$11,676. Staff will seek to fund the balance needed within existing General Fund/Construction budget.

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

RECOMMENDATION: Approve the recommendations.

A RESOLUTION APPROVING RECOMMENDATIONS FOR SIGNAGE, MURALS, AND PLAQUES IN DR. MARTIN LUTHER KING JR. PARK

Draft Resolution No.

WHEREAS, The park is nearing the end of construction and staff is finalizing three	e items	for the
park – entrance sign, walking trail plaques and two murals; and		

WHEREAS, Some Arts Committee members and Michael Brown presented recommendations for murals and the Recreation and Parks Commission presented recommendations for walking trail plaques; and

WHEREAS, Town staff presented recommendations for the entrance sign; and

WHEREAS, The Arts Committee budget will offset \$4,500 for the mural project; and

WHEREAS, Town staff will seek \$11,676 needed for signage and plaques within existing General Fund budget:

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro approves the recommendations.

BE IT FURTHERMORE RESOLVED, that the Board of Aldermen offers the following additional

comments:			

This the 19th day of November 2019.



Top color is true color for entire sign. Darker color on lower section imitates intended shadow effect from depth change.

Stake Mounts

Garden Stake Mount (Type E)

Machine screws through 5/16" thick black anodized stakes into back of plaque.

Maximum plaque size is 12" x 8" for one stake or 20" x 8" for two stakes. Minimum plaque height is 4"



GARDEN STAKES

24"	\$90 ea.	
36"	\$106 ea.	
48"	\$125 ea.	

Post Mount (Type F)

Black painted aluminum brackets attach to back of plaque with machine screws. Aluminum square post bolts into bracket at a 45° or 90° angle. Plaques over 24" wide require two posts. 1" Post is on a 4" x 6" bracket. 1-1/2" Post is on a 5" x 7" bracket. 2" Post is on a 6" x 8" bracket.

POST MOUNTS

For plaques up to 250 sq. in.

6' x 1" Post	\$147
8' x 1" Post	\$197

For plaques up to 450 sq. in.

6' x 1-1/2" Post	\$192
8' x 1-1/2" Post	\$255

For plaques up to 720 sq. in.

6' x 2" Post	\$221
8' x 2" Post	\$295

The Woodmont Park Pavilion
was made possible through
the generous support of
The Green Hills Rotary Club
Foundation
CDP Architecture, LLC
Friends of Woodmont Park
Metro Parks and Recreation
Department
2016



The square with the plant Assembly of Add the principle.

Post !

2" x

3">

4"

Square Po

mount for 4"x 4", p post back with the Optional

requires of

pricing fr

Po

3

Gemin

Dr. Martin Luther King, Jr. Park Quote Submissions

- 1. "If America does not use her vast resources of wealth to end poverty and make it possible for all of God's children to have the basic necessities of life, she too will go to hell."
- 2. "The evils of capitalism are as real as the evils of militarism and evils of racism."
- 3. "Love is the only force capable of transforming an enemy into a friend."
- 4. "Injustice anywhere is a threat to justice everywhere." (submitted twice)
- 5. "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."
- 6. "We may have all come on different ships, but we're in the same boat now." (submitted twice)
- 7. "If you can't fly, then run. If you can't run, then walk. If you can't walk, then crawl, but by all means keep moving." (submitted twice)
- 8. "But I know, somehow, that only when it is dark enough can you see the stars."
- 9. "Forgiveness is not an occasional act, it is a constant attitude."
- 10. "Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that."
- 11. "Free at last! Free at last! Thank God Almighty, we are free at last!
- 12. "Everybody can be great, because anybody can serve."
- 13. "Not everybody can be famous, but everybody can be great because greatness is determined by service..."
- 14. "We cannot walk alone."
- 15. "No, no, we are not satisfied, and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream."
- 16. "The moral arc of the universe bends at the elbow of justice." (submitted twice)
- 17. "Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue."
- 18. "Never succumb to the temptation of bitterness."

- 19. "Now there is a final reason I think that Jesus says, "Love your enemies." It is this: that love has within it a redemptive power. And there is a power there that eventually transforms individuals. Just keep being friendly to that person. Just keep loving them, and they can't stand it too long. Oh, they react in many ways in the beginning. They react with guilt feelings, and sometimes they'll hate you a little more at that transition period, but just keep loving them. And by the power of your love they will break down under the load. That's love, you see. It is redemptive, and this is why Jesus says love. There's something about love that builds up and is creative. There is something about hate that tears down and is destructive. So love your enemies."
- 20. "...we have not made a single gain in civil rights without legal and nonviolent pressure."
- 21. "[P]rivileged groups seldom give up their privileges voluntarily."
- 22. ""[W]ait" has almost always meant "never."
- 23. "Our lives begin to end the day we become silent about things that matter."
- 24. "Perhaps a new spirit is rising among us."
- 25. "[C]onflicts are never resolved without trustful give and take on both sides."
- 26. "We are called to speak for the weak, for the voiceless[.]"
- 27. "Yes, we are on the move and no wave of racism can stop us."
- 28. "The road ahead is not altogether a smooth one."
- 29. "Somebody's asking, "How long will prejudice blind the visions of men[?]""

Note - All quotes were checked for authencity and document/speech in which the quote was said.

Selected Quotes

Justice:

"Injustice anywhere is a threat to justice everywhere."

"We are called to speak for the weak, for the voiceless[.]"

Unity:

"We may have all come on different ships, but we're in the same boat now."

Motivation/Vision:

"If you can't fly, then run. If you can't run, then walk. If you can't walk, then crawl, but by all means keep moving."

Love/Forgiveness:

"Forgiveness is not an occasional act, it is a constant attitude."

"Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that."

Service:

"Everybody can be great, because anybody can serve."

Communication:

"[C]onflicts are never resolved without trustful give and take on both sides."

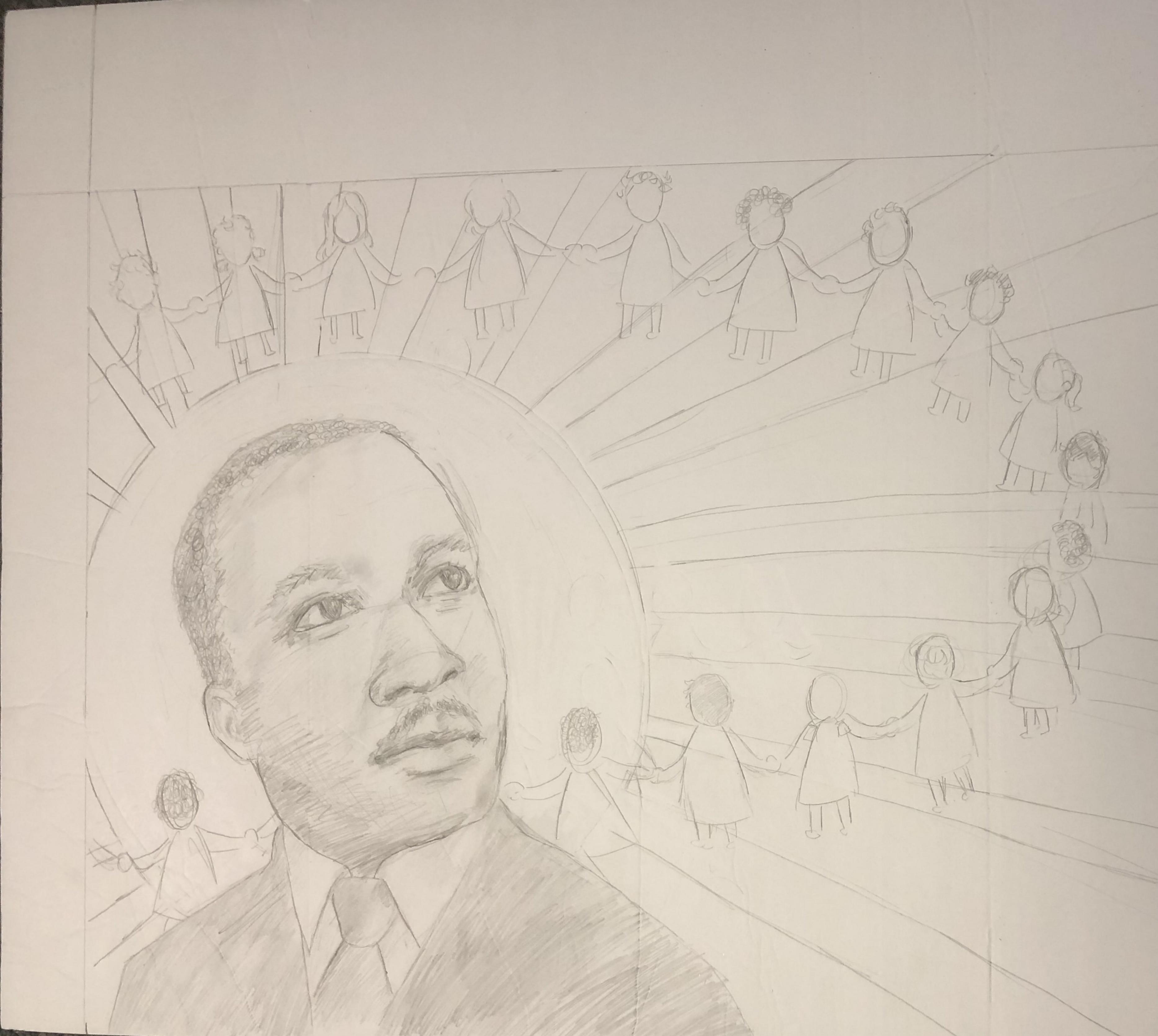
Backups/substitutes:

"Love is the only force capable of transforming an enemy into a friend." (Love/Forgiveness)

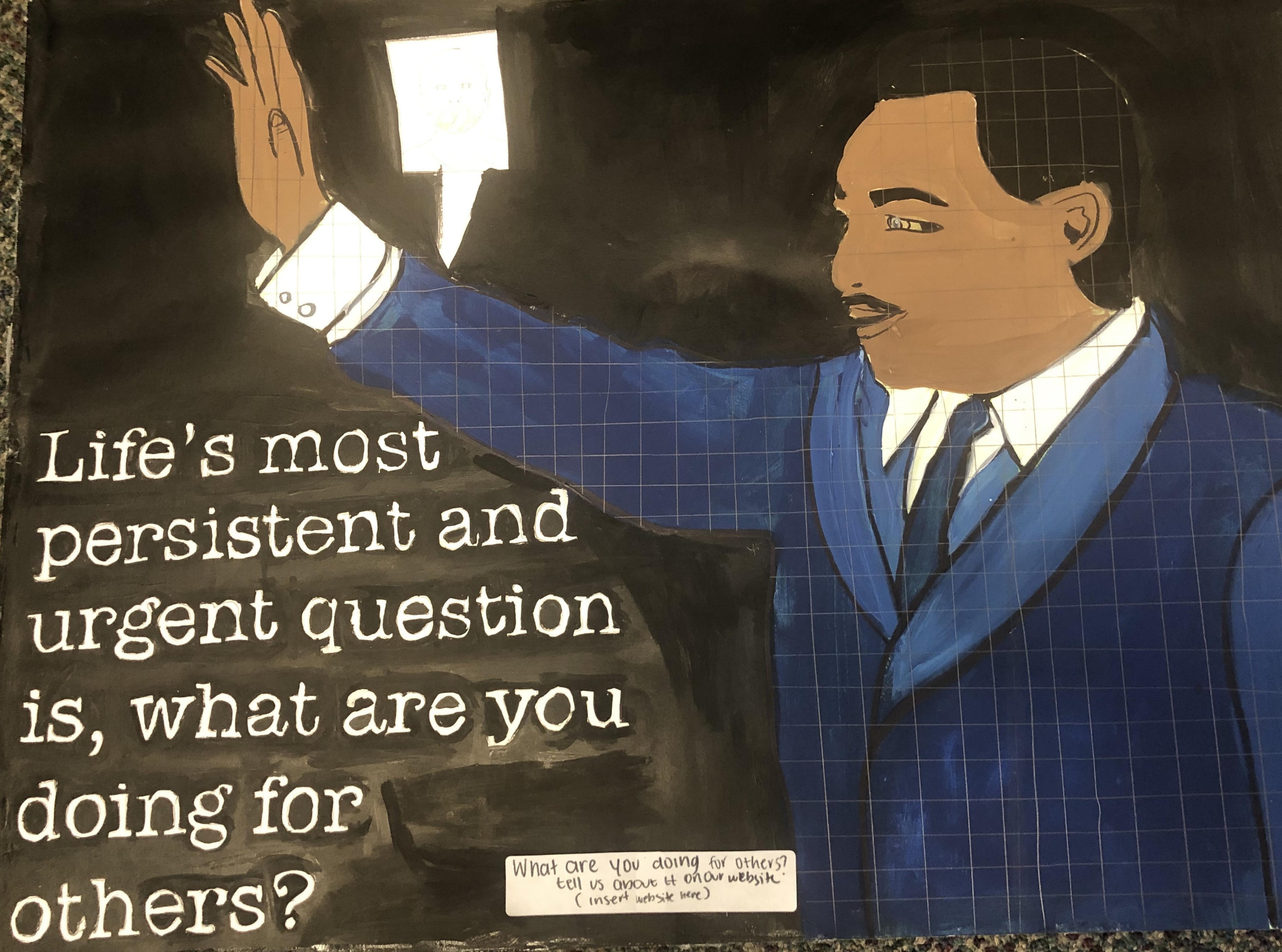
"Perhaps a new spirit is rising among us." (Motivation/Vision)

"Yes, we are on the move and no wave of racism can stop us." (Justice)

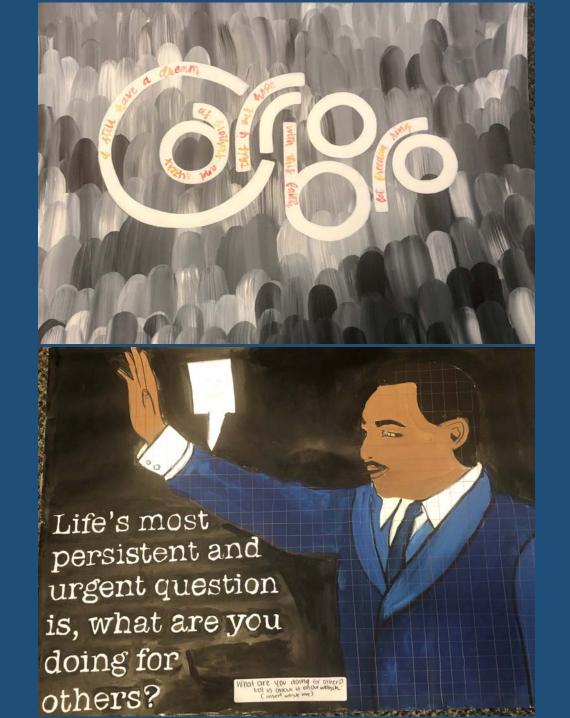
Note: Backup quote(s) will serve as a replacement if needed.



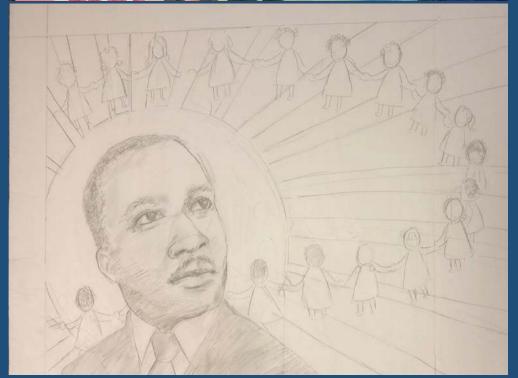














Town of Carrboro

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

Agenda Item Abstract

File Number: 19-345

Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Progress Report on the Comprehensive Bicycle Plan Update

PURPOSE: The purpose of this agenda item is to provide the Board of Aldermen with a progress report on the comprehensive bicycle transportation plan update being prepared by Alta Planning and Design.

DEPARTMENT: Planning

CONTACT INFORMATION: Zachary Hallock, 919-918-7329, <u>zhallock@townofcarrboro.org</u> mailto:zhallock@townofcarrboro.org

INFORMATION: The purpose of this item is to provide the Board with a progress report on the status of the comprehensive bicycle plan update along with the anticipated schedule for project completion. Staff have received a preliminary draft of the plan and are in the process of reviewing it. A copy is provided for the Board's comments (Attachment B). A series of technical documents are also underway and will be included as appendices.

A summary of the public outreach activities completed as part of this process is provided below.

Steering Committee Meetings:

- February 28th Project Kickoff
- March 28th Existing Conditions
- May 30th Network Recommendations
- June 27th Program and Policy Recommendations

General Public Outreach:

- Survey opened to public at Carrboro Open Streets 2019 on April 7th
- Intercept Surveys conducted at Carrboro Plaza Food Lion, Willow Creek Food Lion, and Carrboro Community Health Center during week of April 29th
- Survey hosted alongside Carrboro Bicycle Breakfast on May 14th
- Survey hosted alongside Bike on Bus @ the Carrboro Farmer's Market on May 18th

Targeted Outreach:

 Hosted information session at the Century Center with members of local middle school biking teams on June 15th Agenda Date: 11/19/2019 File Type: Agendas

In Control: Board of Aldermen

Version: 1

 Hosted session at Wilson Park with translators for Burmese/Karen speaking community members on June 15th

- Hosted session at Town Hall targeted towards long-term Carrboro Residents on June 21st
- Hosted information session with surveys and draft bike plan network at the Rogers Road RENA Community Center on July 1st
- Hosted surveys at El Centro/CEL during the month of September
- Direct survey mailing to residents (with pre-stamped return envelope) in the Rogers Road, King Street, Barnes Street, Alabama Avenue, and Lloyd/Broad neighborhoods conducted during the month of September.

Staff is working with Alta on the preparation of a final draft of the plan and anticipates scheduling an agenda item for the Board early in the new year to see the final draft, set a public hearing, and refer the document to advisory boards.

FISCAL & STAFF IMPACT: There is no impact associated with receiving the report.

RECOMMENDATION: Staff recommends the Board consider the resolution (*Attachment A*) and provide additional comments as desired.

A RESOLUTION RECEIVING A PROGRESS REPORT ON THE PRELIMINARY DRAFT OF THE COMPREHENSIVE BICYCLE TRANSPORTATION PLAN UPDATE

WHEREAS, in December 2018, after soliciting proposals through the RFP process and developing a selection process with Town Staff, the Town Manager entered into an agreement with Alta Planning and Design to provide services to update the Town's Bicycle Plan; and

WHEREAS, in January 2019, project kickoff began with Town staff meeting with Alta staff to review the project goals, scope of work, proposed schedule, steering committee structure, public outreach, and final plan deadlines; and

WHEREAS, during their June 11th, 2019 meeting the Board of Aldermen received an update on the progress of the Bicycle Plan Update; and

WHEREAS, Staff has now received the preliminary draft from Alta Planning and Design and are currently working through to provide comments and address any issues identified.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives the report on the preliminary draft of the Comprehensive Bicycle Plan Update and provides the following comments:				

This is the 19th day of November in the year 2019.

DRAFT

Image Placeholder

COLOR OF THE PLANS

CARRBORO BIKE PLAN

Image Placeholder

ACKNOWLEDGEMENTS

Thank you to the local residents, community leaders, and government staff that participated in the development of this plan through meetings, workshops, events, comment forms, and plan review. Special thanks to those who participated as steering committee members, listed below.

PROJECT STEERING COMMITTEE

The Steering Committee was made up of local residents, government staff, and community leaders.

- Colleen Barclay, Carrboro Bicycle Coalition
- Lisa Brown, Carrboro Northern Transition Area
 Advisory Committee
- Becki Cleveland, Carrboro Recreation and Parks
 Commission
- Chris Colvin, Carrboro Resident
- Ray Enoch, Carrboro Fire-Rescue Department
- Barbara M Foushee, Carrboro Board of Alderman
- Lyndsay Gavin, TJCOG/Carrboro Environmental Advisory Board
- Rachel Gaylord-Miles, Carrboro Planning Board
- Tyler Gilmore, Orange Literacy ESOL Program Coordinator
- Linda Haac, Carrboro Transportation Advisory Board
- Kevin Hicks, Triangle Bikeworks
- Charlie Hileman, Carrboro Resident
- Brent Hobby, Carrboro Police Department

- Barbara Jessie-Black, PTA Thrift Shop
- Rachel Kelley, Carrboro Resident
- Dave Mabe, Carrboro Greenways Commission
- Dale McKeel, DCHC MPO
- Abigaile Pittman, Orange County
- Galen Poythress, Carrboro Recreation and Parks
- Donnie Rhoads, Chapel Hill Police Department
- Steve Rogers, NCICL (North Carolina Interscholastic Cycling League)
- Tamara Sanders, Clean Machine Bike Shop
- Lee Schimmelfing, Orange County Resident
- Jon Scott, Carrboro Resident
- Daniel Snipes, Carrboro Public Works
 Department
- Kurt Stolka, UNC Chapel Hill
- John Vine-Hodge, NCDOT Division of Bicycle & Pedestrian Transportation
- Anahid Vrana, Carrboro Northern Transition Area
 Advisory Committee
- Josh D Worshofsky, Carrboro Citizen









Prepared for the Town of Carrboro, North Carolina

Project Contact: Zachary Hallock, Transportation Planner, Town of Carrboro | zhallock@townofcarrboro.org Town Hall, 2nd Floor, 301 W. Main St., Carrboro, NC 27510 | Phone 919-919-7329 | www.townofcarrboro.org

This project was made possible with a matching grant from the North Carolina Department of Transportation (NCDOT) Division of Bicycle and Pedestrian Transportation (DBPT).

Cover art adapted from the League of American Bicyclists' Bicycle Friendly Community Program

Prepared by Alta Planning + Design

Adopted by the Town of Carrboro on _____



Executive Summary	TBD
Chapter One: The Vision	4
Chapter Two: Biking in Carrboro Today	14
Chapter Three: What We Heard	26
Chapter Four: The Framework	32
Chapter Five: The Network	40
Chapter Six: Strategies	62
Appendix	X



THE VISION

PRELIMINARY

VISION STATEMENT:

Carrboro will be a place that is bicycle-friendly; where people have an accessible, safe, and convenient option of bicycling for transportation, recreation, and health; where bike lanes and greenways provide a connected system within and outside Town; where future development provides access and facilities for bicyclists; where bicycle transportation is the easy choice; and where programs educate, inspire, and encourage residents and enforce safe bicyclist and motorist behavior.

PROJECT BACKGROUND

The Town of Carrboro is a bikeable community because of its compact development pattern and long-standing commitment to biking as a safe and efficient form of transportation.

While Carrboro is one of the most bikeable places in North Carolina today, the Town is committed to evaluate opportunities for improvement to ensure biking in Carrboro is safe, fun and accessible for all ages and abilities.

The graphic below illustrates the planning process for this 2019 Bike Plan Update.

The planning process aims to:

- » Engage an active steering committee of stakeholders to guide the planning process
- » Develop an Equity Framework to ensure all residents are considered
- » Recommend projects and programs that are grounded in realistic implementation
- » Present a final plan that is a reflection of community needs and national best practices.





PLAN GOALS

These goals build upon the vision statement and help to inform this plan's analysis and recommendations. As shown below, there is no other single type of investment in Carrboro that could support this many issues related to quality of life.



ENHANCE CONNECTIVITY

Create a network of bike routes that allow Carrboro residents and visitors to access activity centers and surrounding communities by bike.



CREATE A POSITIVE ECONOMIC IMPACT

Recognize the economic benefits of a bicycle-friendly community, and capitalize on the return on investment for bike infrastructure.



PROTECT THE ENVIRONMENT

Reduce the level of transportation-related greenhouse gas emissions in Carrboro.



PROMOTE EQUITY

Create a network of bike routes that allow ALL Carrboro residents to access parks and activity centers by biking.



ENHANCE HEALTH

Provide transportation options and recreational opportunities that promote an active lifestyle.



INCREASE SAFETY

Address the safety and level of comfort of the transportation system for bicyclists; Reduce the number of bicycle crashes, injuries, and fatalities over time.



INCREASE LIVABILITY

Implement complete street solutions which will accommodate all modes, including bicycles, to support healthy, safe, and bikeable neighborhoods.

BENEFITS OF A BICYCLE-FRIENDLY CARRBORO

Increased rates of bicycling will help to improve people's health and fitness, livability of our community, improve enhance environmental conditions, decrease traffic congestion, and contribute of to a greater sense community.

The following sections highlight the many benefits, which mirror the main themes of this plan's goals: connectivity, economic impact, environment, equity, health, and safety.

Image Placeholder Image Placeholder



Connectivity

Almost all of Carrboro falls within a 2-mile radius of its town center (roughly at Town Hall), meaning that many of the Town's centers of employment, recreation, education, shopping, and culture are within a reasonable bicycling distance of one another.

Similarly, nearby destinations such as UNC Chapel Hill, the Town of Chapel Hill, and rural Orange County are all within a similar bicycling distance. The challenge becomes making safe, comfortable, and convenient bikeways and greenways across these distances, which is a goal of this plan.

of all driving trips made in the U.S. are shorter than five miles (see chart to the right), indicating an opportunity to shift those trips to bike trips with a connected, low-stress network.

of young people (aged 16 to 34) don't have a driver's license and rely on other means of transportation according to the National Household Travel Survey.

MAP 1: EXAMPLE TRIP DISTANCES & BICYCLE RIDE TIMES IN THE CARRBORO AREA

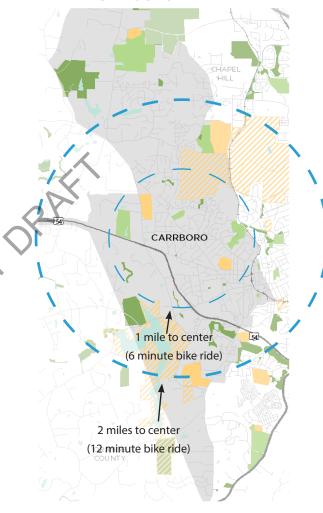




Chart from the Bicycle and Pedestrian Information Center, www.pedbikeinfo.org



There many economic benefits biking the form of tourism. in development and maintenance of facilities, increased property values, commercial activity, and infrastructure savings.

Below are some key economic trends related to bicycling and greenway trails in North Carolina:

- » Every \$1.00 of initial trail construction supports \$1.72 annually from sales revenue, sales tax revenue, and benefits related to health and transportation.*
- » A study of the behavioral effects of completing a critical link in the American Tobacco Trail (ATT) found that with the connection installed over I-40, use of the ATT increased by 133%, with an additional \$3.7 million spent annually on goods and services for those using the trail.*
- » The cost of purchasing and maintaining a bicycle to an individual, and the cost of building and maintaining bicycle facilities to a community, is negligible compared to those same costs for cars and highways.
- » Bicycling, when it can be used in a community as a viable form of transportation, can at least partially replace car ownership and maintenance, keeping household disposable income available for other important wants and needs.

*Institute of Transportation Research and Education, 2017.

"Trails can be associated with higher property value, especially when a trail is designed to provide neighborhood access and maintain residents' privacy. Trails, like good schools or low crime, create an amenity that commands a higher price for nearby homes. Trails are valued by those who live nearby as places to recreate, convenient opportunities for physical activity and improving health, and safe corridors for walking or cycling to work or school."

- Headwaters Economics (www.headwaterseconomics.org/trail)



Carrboro's identity as a bicycle-friendly town influences the businesses in the area. Photo credit: Open Eye Cafe/Carrboro Coffee Roasters



Environment

Bikeways, greenways, and trails can provide public recreation uses in floodplains or other areas which are unsuitable for development.

Additionally, increasing the share of trips taken by bicycle and reducing the number of trips taken by automobile can lower traffic emissions, reducing pollution and greenhouse gas emissions; which is a goal of the Town's adopted Climate Action Plan.

Finally, providing the community with safe and appealing opportunities to access the outdoors can spur interest in environmental stewardship and the appreciation of the natural beauty in Carrboro and the surrounding region. Being outdoors in nature is shown to increase well-being and provide health benefits, both physically and mentally.

ENVIRONMENTAL HEALTH BENEFITS OF WALKABLE AND BIKEABLE COMMUNITIES

CURRENT U.S. ENVIRONMENT & HEALTH STATISTICS



ASTHMA IS THE LEADING CHRONIC DISEASE IN CHILDREN

and the number one reason for missed school days (CDC) HEALTH BENEFITS



A minimum of **20** MINUTES OF PHYSICAL ACTIVITY, 3X WEEK, STRENGTHENS THE LUNGS, including those

of individuals living with asthma

(US National Lib of Medicine)



Exposure to **TRAFFIC EMISSIONS**

is linked to exacerbation of

ASTHMA, REDUCED LUNG FUNCTION, ADVERSE BIRTH OUTCOMES and childhood CANCERS

(CDC)



IF 8 0 MORE CHILDREN LIVING
WITHIN 2 MILES OF A SCHOOL WERE TO
WALK OR BIKE TO SCHOOL, the air pollution
reduced from not taking a car would be
EQUIVALENT TO REMOVING 60,000 CARS
FROM THE ROAD for one year

(Pedroso, 2008, SRTS)



40% of ALL TRIPS in the U.S. are TWO MILES OR LESS, and two-thirds of them happen in cars (NHTS, 2009)



BIKING 2 MILES, rather than driving,

POLLUTANTS, which would take 1.5

months for one tree to sequester.

(EPA, 2000 and NC State, 2001)



Equity

According to the American Community Survey, about 8% of Carrboro households do not have access to an automobile (2017). Households without access to vehicles are not well-served by auto-oriented transportation solutions and require walking, bicycling, and transit infrastructure.

Similarly, children under 16 and seniors PRELIMINARY driving with decreasing abilities deserve safe ways to access community destinations without depending on an automobile.

Automobile dependent communities spend more of their household income on transportation compared to households living communities with more in accessible land use and more multi modal systems according 2017 to study cited by the Victoria Transport Policy Institute.

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Image Placeholder



Health

A growing number of studies show that the design of our communities—including neighborhoods, towns, transportation systems, parks, trails and other public recreational facilities—affects people's ability to reach the recommended daily 30 minutes of moderately intense physical activity (60 minutes for youth).

CURRENT U.S. HEALTH STATISTICS



80% of Americans
DO NOT ACHIEVE the
recommended 150 minutes per
week of MODERATE EXERCISE

(CDC





Residents of WALKABLE AND BIKEABLE COMMUNITIES

are as LIKELY TO MEET PHYSICAL
ACTIVITY GUIDELINES

compared to those who do not live in walkable neighborhoods

(Frank, 2005)



2/3 of Americans
ARE OVERWEIGHT OR
OBESE

CDC)



For every 0.6 MILE WALKED there is a REDUCTION IN THE LIKELIHOOD OF OBESITY

(Frank, 2004



CARDIOVASCULAR
DISEASES are the
CAUSE OF DEATH in the United
States

(American Heart Association)



20 MINUTES WALKING OR BIKING

each day is associated with

21% LOWER RISK OF HEART FAILURE FOR MEN and 100 LOWER RISK

(Rahman, 2014 and 2015



61% of American adults 65 years or older HAVE AT LEAST ONE ACTIVITY-BASED LIMITATION



PHYSICAL ACTIVITY HELPS PREVENT OR DELAY ARTHRITIS, OSTEOPOROSIS AND DIABETES, while helping maintain balance, mental congition, and independence

(NIH-National Institute on Aging)



1 in 5 Americans report their STRESS LEVELS AS EXTREME



BIKE COMMUTERS REPORT LOWER STRESS LEVELS compared to auto commuters

(New Economics Foundation)



On average, CHILDREN spend more hours per day IN than 7.5 FRONT OF A SCREEN

(Kaiser Family Foundation)



Youth who engage in 60 MINUTES of moderate to vigorous PHYSICAL ACTIVITY daily have BETTER COGNITIVE PROCESSING, ATTENTION SPANS, ACADEMIC PERFORMANCE AND SELF-ESTEEM

(Institute of Medicine)



Safety

There are many factors that influence the safety, both perceived and actual, that cyclists experience.

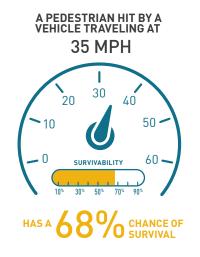
The following is an example of different safety strategies:

- » Before and after studies of bicycle lane installations show a crash reduction of 35 percent (CMF ID: 1719) for vehicle/bicycle collisions after bike lane installation.
- » Simply getting more people on bicycles is in itself a safety measure. Shifts from driving to active modes tend to reduce total per capita crash rates in an area, thus providing a safety benefit.
- » Straightforward reduction of speed limits can have a profound effect on safety, and comfort for cyclists (as seen in the graphic below).

Between 2012 and 2016, Carrboro had an average of 4 reported bike crashes per year. During those 5 years, the lowest number of reported bike crashes was in 2016 with 1 crash and the highest number of reported bike crashes was in 2015 with 7 crashes.

Statewide, North Carolina had an average of 935 bike crashes per year during those same 5 years. (North Pedestrian Carolina and Bicycle Crash Data Tool, pedbikeinfo.org)







Tefft, B. C. Impact speed and a pedestrian's risk of severe injury or death. Accident Analysis & Prevention 50 (2013) 871-878.



BIKING IN CARRBORO TODAY

PRELIMINARY

PROGRESS SINCE THE 2009 BIKE PLAN

The Town of Carrboro's 2009 Bike Plan included a list of implementation action steps, the results of which are listed below.

Completed Action Steps

- » Amended bicycle parking requirements of Land Use Ordinance
- » Added several miles of on-road bikeways and greenways, completing several of the 2009 Plan's priority projects
- » Worked to ensure bicyclists are accommodated in future transit services
- » Continued "Basics of Bicycling" course
- » Promoted Bike Month and created additional activities
- » Continued school crossing guard program and expansion evaluation
- » Used Census Data to determine new mode share of bicycle trips

On-Track Action Steps

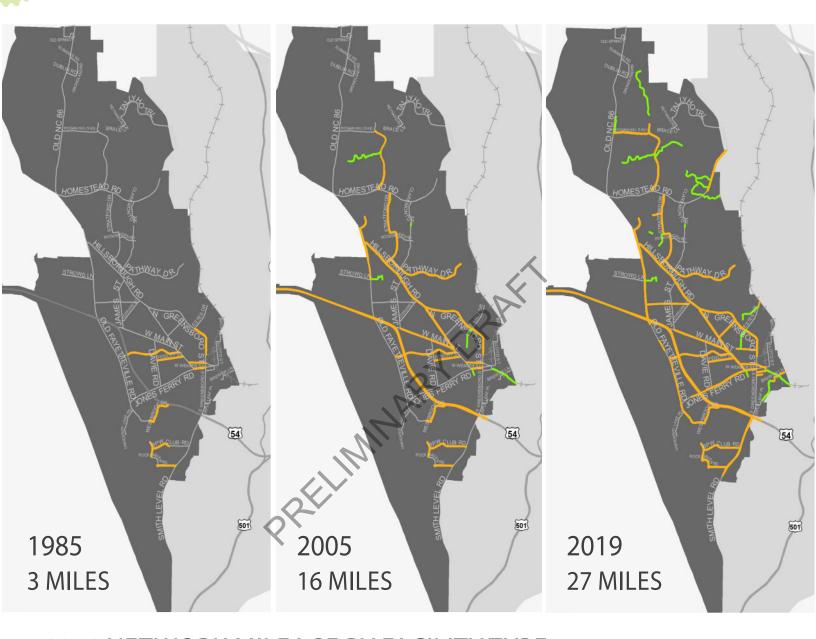
- » Hosted training sessions for Town engineers and planners
- » Partnered with Orange County, Chapel Hill, and NCDOT for training programs
- » Ensured bike facilities are part of new bridge design
- » Improved signage and mapping
- » Launched traffic calming public education program targeting all roadway users
- » Enhanced enforcement of unsafe behavior
- » Developed educational bike map
- » Began ambassador program formed by Advocacy Group members & citizens
- » Provided incentives for employees for commuting by bike
- » Applied for additional Safe Routes to School funding
- » Developed bicycle rodeos, summer bike camps, and other bike events
- » Used greenways and bike facilities for events
- » Supported Blue Urban Bikes and ReCYCLEry programs
- » Enforced illegal motorist actions related to bike safety
- » Created bike patrol positions
- » Regularly reviewed and updated bicycle-related policies
- » Completed updated Plan within 5 to 10 years

Incomplete Action Steps

- » Create a bicycle-request response system for maintenance
- » Develop brochures, articles, newsletters, and billboards
- » Initiate training sessions for local-law enforcement
- » Make ambassadors visible through programs and events
- » Increase number of League Cycling Instructors
- » Host own bike riding tours/races
- » Reach out to Spanish-speaking population
- » Research crashes and initiate crash reduction programs
- » Measure new facilities as constructed and report on facility quality



MAP 2: BIKEWAY NETWORK GROWTH



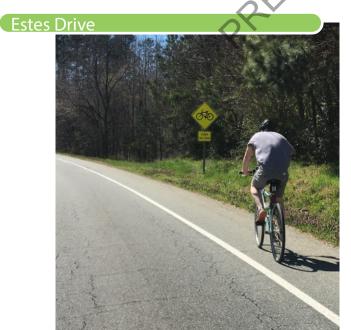
2019 NETWORK MILEAGE BY FACILITY TYPE





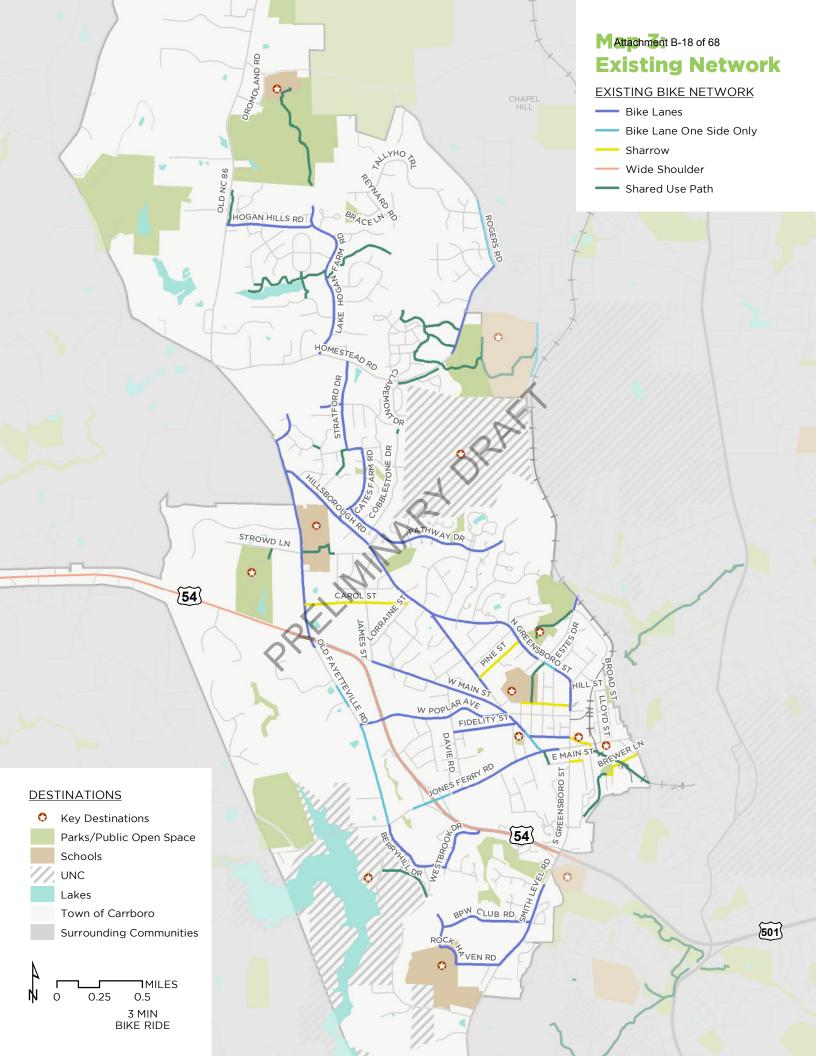


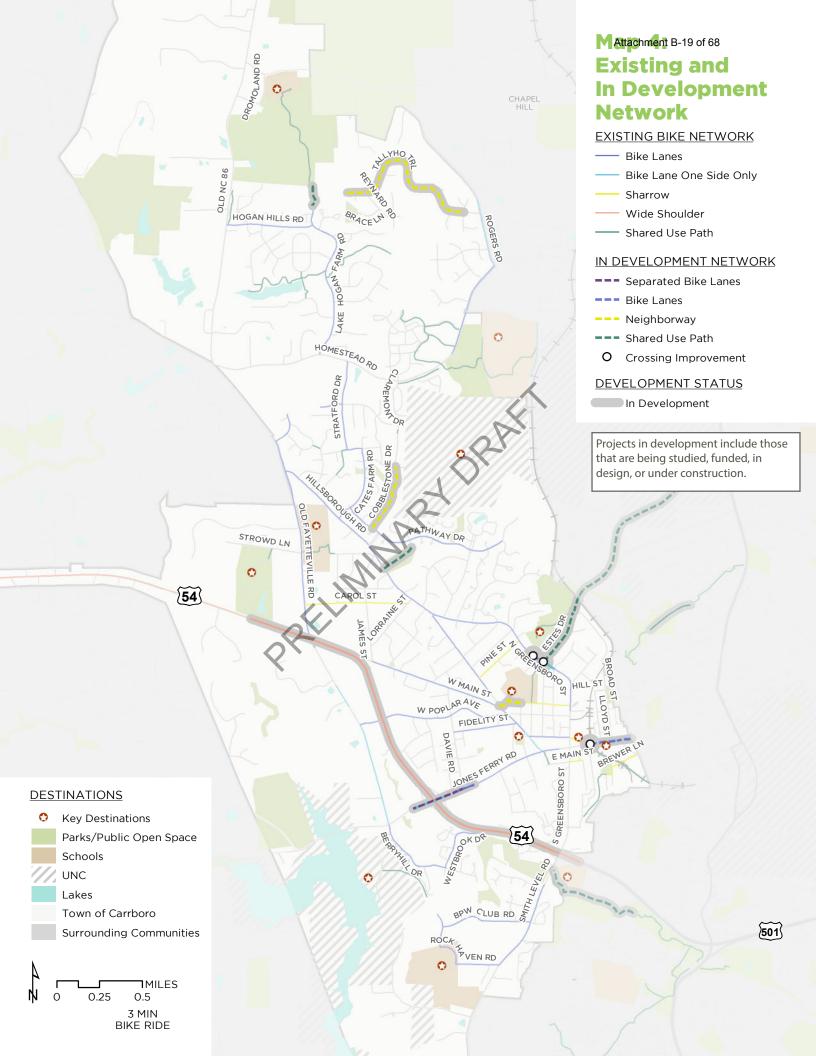














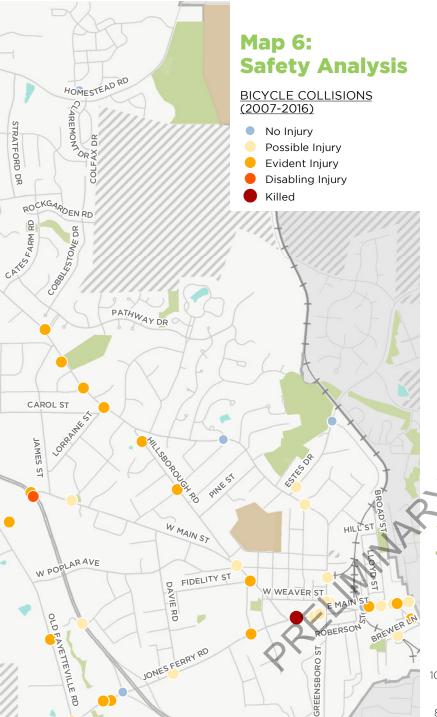
Without access to transportation, people in Carrboro will have a harder time getting to work, buying healthy food, seeing a doctor, going to school, or connecting with others.

The analysis considers equity populations that may experience poor financial, health, and housing and/or circumstances, physical or communication limitations that MINARYORAFT prevent fulfilling basic needs without safe, convenient transportation options.

The map to the right reflects the average of six equity indicators with higher concentrations of:

- » Households living below or near the poverty line
- » Households with no vehicle available
- » Non-White populations
- » Populations with limited **English proficiency**
- » Populations with no high school diploma
- » Children and senior citizens

A higher tier represents a higher relative concentration of these groups and therefore greater need for allocation of active transportation resources. The Town of Carrboro has shown great leadership by joining the Government Alliance on Race & Equity (GARE) in 2018. Integrating this equity analysis into the development of the bicycle network will further Carrboro's efforts of being a welcoming and inclusive environment that enhances the overall social, physical and mental well-being of the community



BPW CLUB RD

C HAVEN RD **BASE LAYERS**

Schools UNC

Lakes

Parks/Public Open Space

Surrounding Communities

Town of Carrboro

SAFETY SUMMARY

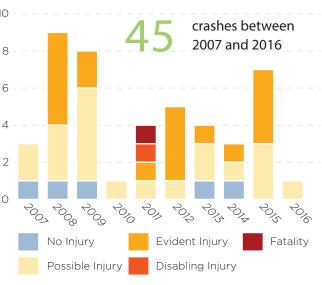
All of the recorded crashes occurred within central Carrboro, reflective on where most of the biking is occurring today.

The following corridors have the highest frequency of bicycle related crashes in Carrboro:

- » Jones Ferry Road
- » Hillsborough Road
- » West Main Street
- » W Rosemary Street
- » N Greensboro Street
- » Estes Drive

of all bicycle crashes occurred in areas of Town with the highest need (top two tiers as expressed in the equity analysis).

BICYCLE CRASHES BY YEAR





LEVELS OF TRAFFIC STRESS

A level of comfort for bicyclists is determined based on factors including posted speed limit, street width, and the presence and character of bicycle lanes. The pictures to the right generalize the scale of the four levels of traffic stress.

Generally, lower stress roadways be found in the downtown core and in residential areas.

The greater number of lanes and higher posted speeds impact the ability of bicycle lanes to improve the comfort. Where possible, separation should be considered, especially along high-stress corridors such as:

- » Old Fayetteville Road
- » Main Street
- » Hillsborough Road
- » N Greensboro St
- » Jones Ferry Road
- » Smith Level Road
- » Homestead Road

LTS 1



Comfortable for all ages and abilities

LTS 2



Comfortable for most adults

LTS₃

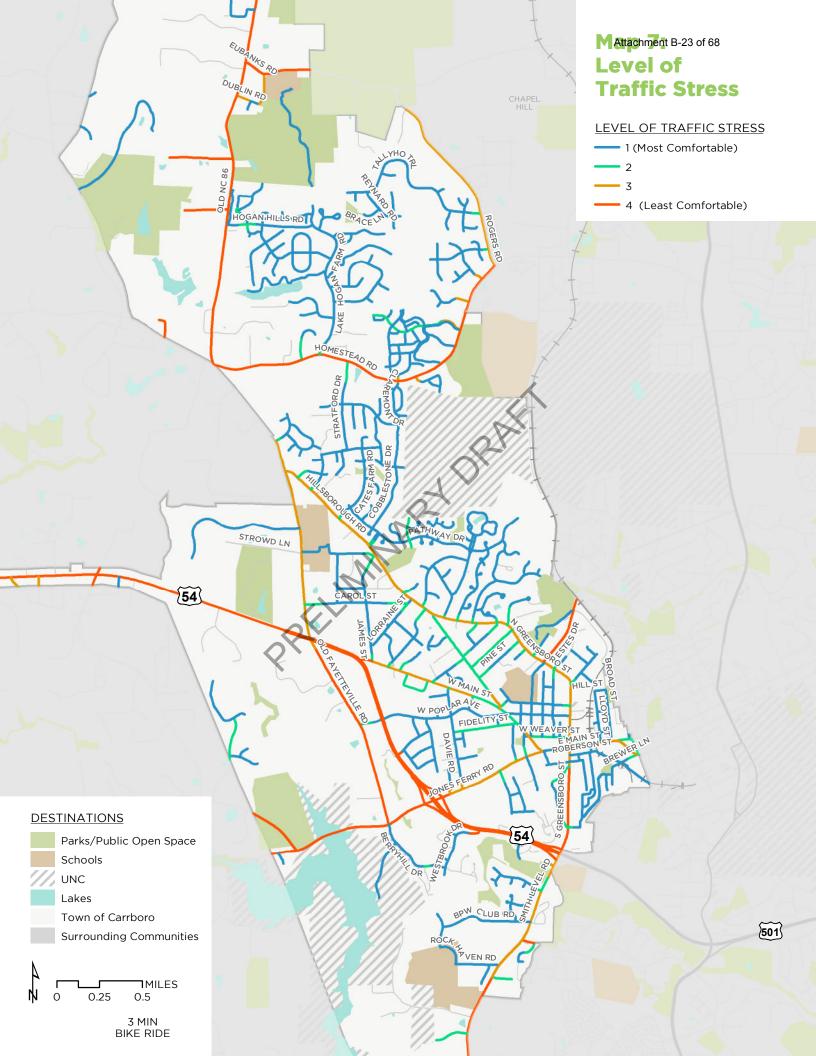


Comfortable for confident bicyclists

LTS 4



Uncomfortable for most



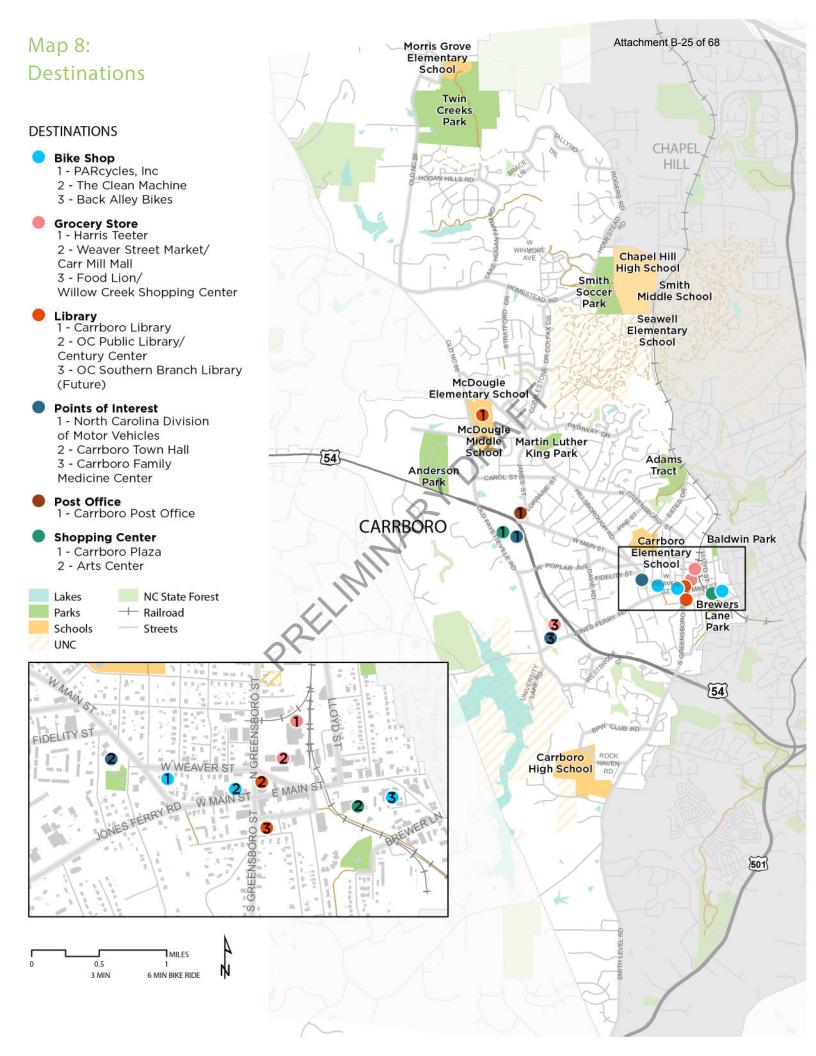
KEY OPPORTUNITIES & CONSTRAINTS

- » Overall Transportation Network: The majority of streets have low to moderate traffic, with notable exceptions, such as NC54 and Main Street. The busiest section of roadway is NC54, from Jones Ferry Road to S. Greensboro Street, with over 34,000 vehicles per day.
- » Physical Barriers: A major barrier to bicycle travel is NC 54, as a high-traffic volume 4-lane divided state highway, with limited access to bicyclists and pedestrians. Additionally, Jones Ferry Road and Main Street intersect in the heart of downtown Carrboro and feed traffic to E Main Street and onto W Franklin Street, the main corridor in Chapel Hill. The railroad that runs north/south through the eastern side of Town is also challenging to bicycle connectivity.
- » Topography: The presence of steep or challenging terrain may discourage some bicycle riders. Roads such as Estes Drive, Spring Valley Road, Cates Farm Road, Cobblestone Drive, and Barrington Hill Road have challenging topography.
- » Regional Connectivity: Orange County offers a variety of biking experiences including several bike routes suitable for day rides. The opportunity exists for Carrboro to develop a bikeway connection to both the Town of Chapel Hill and the Town of Hillsborough. NC 2 (Mountains to Sea State Bike Route) connects through downtown Carrboro as well.









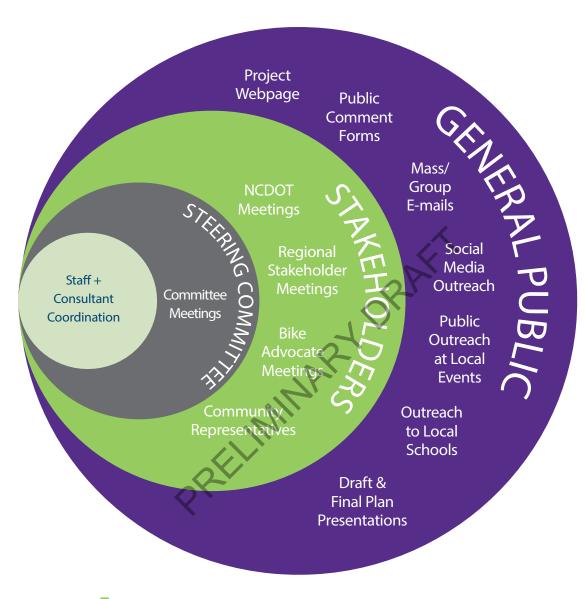


WHAT WE HEARD

PRELIMINARY



PUBLIC PROCESS OVERVIEW



- 5 STEERING COMMITTEE MEETINGS
- **4** OUTREACH SESSIONS AT LOCAL EVENTS
- 7 STAKEHOLDER INTERVIEWS
- 30 STEERING COMMITTEE MEMBERS
- 439 PUBLIC COMMENT FORMS



STAKEHOLDER INPUT

A 30-person project steering committee was made up of local residents, government staff, and bike advocates, community leaders. The committee met 5 times throughout the planning process and provided critical guidance and direction.

Image Placeholder

Stakeholder interviews, listed below, were conducted to gain insight into communities with diverse interests.

- » NCDOT
- » Regional Stakeholders
- » Karen/Burmese Community
- » Youth Council
- » Bike Advocates
- 20+ Year Carrboro Residents
- » Spanish Community

BIKE SHOP POSTERS

AMINARY ORAFT Project materials were placed at the Clean Machine, a local Carrboro bike shop, to allow an easy way for the community to share their ideas and thoughts. Participants marked up a map with their network ideas, shared information on the type of cyclist they were and their preferred facility type. Separated bicycle lanes received the most votes, with buffered bicycle lanes close behind.

Bicycle Program Ideas

The public voted with dots for their favorite bicycle program ideas. The top three programs were:

- Bike wayfinding signs with distances to destinations
- Bike lane sweeping (for future bike lanes)
- Bike-to-school events & bike education/ encouragement at schools

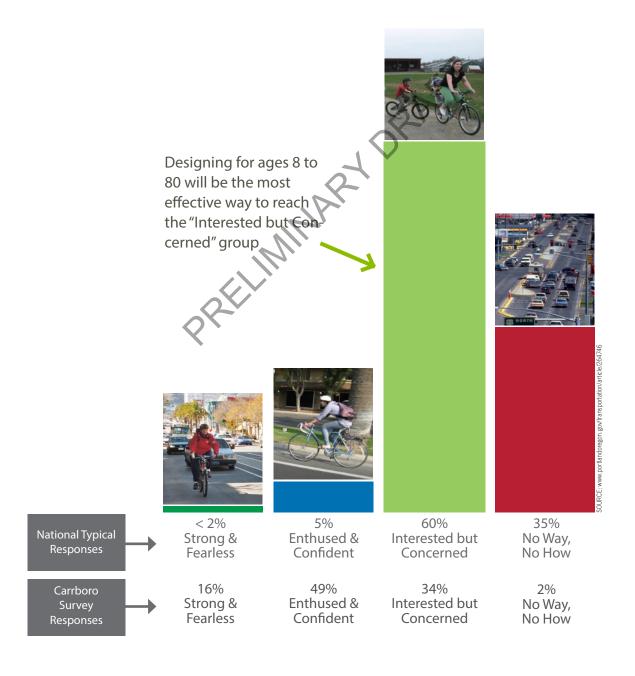


TYPES OF CYCLISTS IN CARRBORO

Although some bicyclists will ride on any road, regardless of an available bikeway ("strong and fearless"), a much larger portion of the population will ride only where there is a high-quality bikeway ("interested but concerned" population). Understanding this concept has led communities to design more low-stress

bikeways that provide the high-quality experience the majority of cyclists desire.

The chart below shows a "typical" national distribution of bicyclists compared to the survey results of this planning effort.





WHAT WE HEARD

My favorite place to bike in Carrboro is....

- » the awesome trails like:
 - » Libba Cotten Bikeway
 - » Frances Shetley Bikeway
 - » Wilson Park Trail
 - » Carolina North Forest trails
- » the existing bike lanes on Greensboro Street, West Main Street, and Hillsborough Road
- » on low-traffic neighborhood roads
- » to Downtown Carrboro and destinations like Weaver Street Market and the Farmers' Market
- » to elementary schools, such as:
 - » Carrboro Elementary School
 - » Morris Grove Elementary School
- » to Maple View Farms!
- » the streets that have bike lanes!
- » everywhere!

Weaver Street Market bike racks are often full.

The most difficult place to bike in Carrboro is...

- » intersections! Especially:
 - » Weaver Street at North Greensboro Street
 - » Weaver Street at Main Street
 - » Estes Drive Extension at North Greensboro Street
- » crossing NC-54 and the lack of bike infrastructure on S Greensboro Street to Smith Level Road
- » streets with no separated bike lanes like:
 - » Old Fayetteville Road
 - » E Main Street
 - » Homestead Road
 - » Hillsborough Road
- » when the bike lane ends
- » riding over railroad tracks
- » going to school
- » going to Weaver Street Market



NC 54 is challenging for many cyclists. Photo Credit: NC54 Corridor Safety Study

I would bike more if...

There were better routes connecting Carrboro and Chapel Hill. Taking Main street onto Rosemary or Franklin is unpleasant and dangerous, not to mention disjointed in terms of cycling "facilities". The Cotten Bike path is nice, but Cameron Ave doesn't take me to many of the places I want to go.

There were more separated trails or physically separated lanes. I have young children and while I'm comfortable biking on roads myself, I'm scared to take my kids on the roads since they are lower down and less visible in the bike trailer or tandem bike attachment.

Bikes had a clearer route through intersections.

The roads were cleared more quickly of debris after storms and after people put their leaves and tree branches in them - it is dangerous to have to go into the street to avoid them

The bikeable network was connected. Often one unsafe stretch will prevent me from biking at all.

Motorists were educated about how to avoid dangerous situations when passing cyclists. There were more bike lanes and more green trails (or green trails connected by bike lanes). As a family with 2 kids and 4 bikes, we enjoy recreational riding - but it tends to be more a case of drive to a place, for example to the community center, to take the Bolin creek trail, or to the Northern Forest to the pumpkin loop. I would probably bike more as a commuter, if it were safe, and more lanes.

The #1 thing that would make me bike more is more cyclists on the road. The critical mass and the natural visibility of a lot of cyclists is the best encouragement.



THE FRAMEWORK

PRELIMINARY

INTRODUCTION

While transportation infrastructure – roads, bikeways, trails – are critical for improving bicycling, other components must also be used to create a truly bike-friendly Carrboro. This plan incorporates these strategies to make bicycling safe, comfortable, and fun.

Non-infrastructure recommendations are organized according to two distinct categories:



Policies

Policies add political backing and institutionalize recommendations and codes. design guidelines into town Policies may be specific to infrastructure elements or may be broad and include multiple jurisdictions and stakeholders.



Programs

Programs broader engage the community encourage to more people to bike, educate community members on rights and responsibilities, and enforce traffic laws improve safety for all modes.

KEY PARTNERS

























	POLICIES	
	Expand Bike Parking Guidance	High quality and convenient bike parking is a necessary component to encourage bike ridership.
STRATEGIC PRIORITIES	Expand Count Program	Accurate count information allows the Town to identify trends and determine where investment should be made.
STRATEG	Shared Mobility Policy	The Town will need to stay up-to-date on trends and ensure policies stay current.
	Tactical Urbanism Policy	Create a streamlined permitting process to allow community partners to collaborate on pilot projects.

ŀ	Expand Enforcement	Police support for cyclists' safety, including encouraging reporting, provides the data for the Town to fully evaluate countermeasures.
	Speed Enforcement for Hot Spots	Using bicycle crash data and public feedback to identify hot spots and perform targeted enforcement can help prevent future crashes.
LONG TERM	Dedicated Funding	A dedicated funding stream would allow for more reliable and consistent long term bicycle planning and implementation.
	Increase Bicycle Program Staff	Increasing dedicated full-time staff will allow for more time spent on research, implementation and outreach.
	Maintenance	Ensuring facilities is clear of debris is important to increase ridership and increase safety.



STRATEGIC PRIORITIES

PROGRAMS

Tactical Urbanism	Provides the ability to test new infrastructure and allows for immediate public feedback and early detection of obstacles before making large investments
Continue Safe Routes to School Efforts + Partnerships	Continue work from the adopted 2012 plan in order to increase the number of students who bike to or at school.
Bicycle Wayfinding	Wayfinding elements such as signage, pavement markings, and mile markers will help to draw visitors, help users identify the best routes, and enhance their ability to access major destinations.

LONG TERM	Regional Map/Mobile App	Provides an easily accessible resource to plan bicycle routes and other features, such as reporting maintenance issues or "near miss" safety issues.
	Expand Options for Skills Training + Social Rides in Diverse Neighborhoods	Making cycling accessible and enjoyable for all types of cyclists, including the "interested but concerned" riders, should be a priority.
	Encouragement Campaign	Building off of Watch for Me, NC - a targeted encouragement campaign that fits within the culture and brand of Carrboro, would help educate users and encourage more bike trips.
	Advocacy Ambassador Program	Support and partner with Carrboro's existing bicycle advocates to help with public outreach and bike plan implementation.



Policy Spotlight: Bicycle Parking Policy

TODAY'S EFFORTS

The Town of Carrboro's bicycle parking regulations and guidelines are integrated in the Town's 2009 Bike Plan and Land Use Ordinance (Article XVIII Parking). The Land Use Ordinance outlines the location requirements, recommended design elements, space requirements, trade-offs, and deviations for Carrboro business owners and developers.

RECOMMENDATIONS

Creating a document with easy to understand information and visuals tied to the Land Use Ordinance would allow Carrboro business owners, developers, and other interested parties to know what is required of them. Providing more resources and incentives will help support the expansion and enhancement of bicycle parking in Carrboro, which in turn encourages ridership.

CASE STUDY: SEATTLE, WA

of Transportation (SDOT) Department Seattle created the Seattle Bicycle document, which provides direct guidance and graphics Parking Guidelines for issues such as accepted and prohibited types of bike racks, recommended and models, and long-term versus short-term bicycle parking manufacturers Bicycle Parking Guidelines is clear about what is requirements. Seattle required and recommended by the city with user-friendly language and term clarifications.

GOOD SHORT-TERM BICYCLE PARKING EXAMPLES





On-street bike corral near an intersection in Ballard (Photo: Alta Planning + Design)



Multiple public racks at a high demand location at the University Stadium Light Rail Station



Racks are protected under building cover at Swedish First Hill (Photo: Alta Planning + Design)



Rail type rack with space for a cargo bike on Greenwood Ave N



Racks under a shelter with lighting & repair station at UW



On-street racks in leftover space from angle parking on Terry Ave (Photo: MIGISVR)





Policy Spotlight: Bicycle Count Programs

TODAY'S EFFORTS

Currently, the Town of Carrboro has bicycle counters on the Libba Cotten Bikeway and on Old 86.

RECOMMENDATIONS

Updating these existing counters and adding more counters in new locations will provide data for evaluation of bicycle facilities and for future bicycle infrastructure decisions. The data collected from counters can also help quantify the benefits of biking and make bicycle projects more competitive for funding opportunities.

CASE STUDY: SAN DIEGO, CA

The County of San Diego Health and Human Services Agency, San Diego Association of Governments, and San Diego State University collaborated to install automated bicycle counters throughout the region using grant funding. Data is collected every 15 minutes and uploaded daily to the SANDAG website.

CASE STUDY: SAN REANCISCO, CA

San Francisco has a multi-pronged approach to bicycle counting. While they have "invisible bike counters" that are installed in the pavement, they also have installed digital bike bike counters. Digital counters were placed on San Francisco's busiest biking streets to not only gather data on ridership, but also to send a message to cyclists and the public that cyclists count. The digital signs display the weather, the count of cyclists that day, and a bar indicating the number of cyclists that year.



Digital bicycle counters gather data and are also a form of encouragement for cyclists.

Photo Credit: SFMTA



Program Spotlight: Tactical Urbanism

TODAY'S EFFORTS

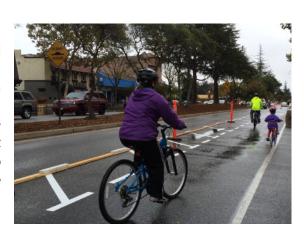
The Town of Carrboro has experience with both pedestrian- and bicycle-focused tactical urbanism projects, such as the painted crosswalk on Weaver Street and a traffic calming pilot project on Cobblestone Drive.

RECOMMENDATIONS

Due to Carrboro's enthusiastic bicycle community, bicycle-focused tactical urbanism projects would be a great option for the Town. These short, relatively quick interventions using low-cost materials allow the Town to experiment, gather data, and receive immediate feedback on bikeway projects before making large investments in permanent infrastructure. The Town can complement their own programs with creating policies to allow community groups to initiate their own bicycle-focused tactical urbanism projects.

CASE STUDY: MORGAN HILL, CA

Alta Planning + Design worked with Town of Morgan Hill staff, Morgan Hill's Downtown Association, and Street Plans Collaborative to create a demonstration project utilizing tactical urbanism techniques for a six-month pilot project. Meetings were held with city staff, stakeholders, and residents to determine the two favorite alternatives which would be built in the three-day pop-up event. After the pop-up event, buffered bike lanes were chosen by the public and were installed for six months.



CASE STUDY: RALEIGH, NC



Raleigh's city government and local advocacy group Oaks Spokes installed a pop-up, twoway CycleTrack for three blocks in downtown Raleigh for a weekend. Cones and donated planters were used temporary protection the CycleTrack, which being discussed as a permanent possibility.





Program Spotlight: Wayfinding

TODAY'S EFFORTS

Carrboro will soon be installing a new wayfinding system, which will include 148 new signs around town. These include bike parking signs, "bike trailblazer" signs, and bike share signs.



RECOMMENDATIONS

This new wayfinding signage system should be applied to the proposed neighborway network (see Chapter 5) as a low-cost, quick action item. The town's bike maps should also be updated with this new information so cyclists can plan routes both before and during rides.



Photo Credit: Axia Consulting

CASE STUDY: TRAVELERS REST, SC

The city of Travelers Rest, SC, population 4,600, has transformed itself into a "trail town" with careful planning and incremental implementation. A large part of this transformation has been its wayfinding system. By using branded, clear wayfinding signage, not only was it safer and more enjoyable for cyclists to find their way around town and to the surrounding trails, but also promoted a sense of place.

Signs, such as the ones in these images, create a sense of identify and place within a town for cyclists





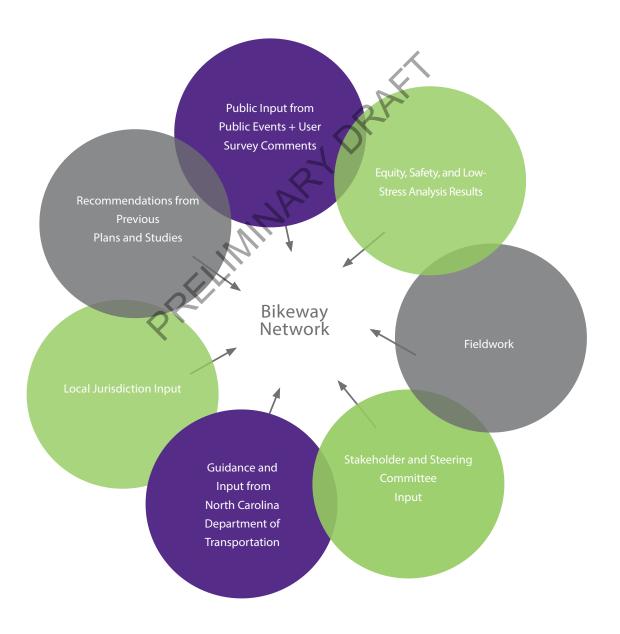
5 THE NETWORK

PRELIMINARY

OUR APPROACH

The proposed network seeks to:

- » Reflect our vision + goals
- » Address the needs of all ages and abilities
- » Balance the transportation system for all roadway users
- » Integrate seamlessly with future development and land uses



TYPES OF BIKEWAYS



Shared Use Path

Shared Use Paths are completely separated from motorized vehicular traffic and are constructed in their own corridor, often within an open-space area. Shared Use Paths can be paved and should be a minimum of 10' wide. Pavement widths of 12-, 14-, and even 16-feet are appropriate in high-use urban situations.



Private Connections

A private connection includes the development of a public bike facility on a privately owned street or land. The recommendations found here include shared use paths taking advantage of privately owned open space and shared use neighborways on privately owned residential streets. These facilities are often kept short to minimize impacts on private property but are critical components to a well-connected network.



Separated Bike Lanes

This plan update defines a separated bike lane as a bicycle facility that is physically separated from motor vehicle traffic within a street corridor. For this Plan, this includes cycle tracks and buffered bike lanes, in addition to the City's shared-use path and greenway network. The on-road physical separation can be achieved through parked cars, curbs, medians, bollards/traffic posts, planters, or marked buffered space between the bike lane and adjacent travel lane.



Bike Lanes

A bike lane is a portion of the roadway that has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists. Bike lanes are always located on both sides of the road (except one way streets), and carry bicyclists in the same direction as adjacent motor vehicle traffic. The minimum width for a bike lane is 4 feet; five- and six-foot bike lanes are typical for collector and arterial roads.



Neighborways

In residential neighborhoods, neighborways—also known as neighborhood greenways—improve travel for bicyclists while calming traffic and greening neighborhoods. Neighborways are shared by automobiles and bicycles, but at speeds that make travel more comfortable for bicyclists.



Contraflow Advisory Bike Lane

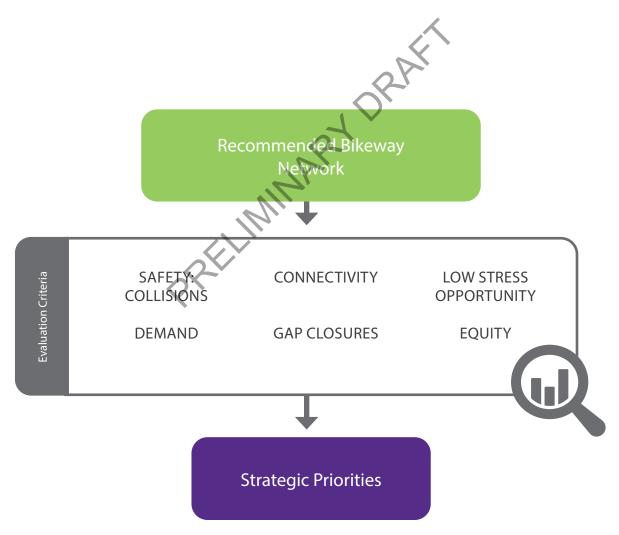
An advisory bike lane defines a preferred space for bicyclists and motorists to operate on narrow streets that would otherwise be a shared roadway environment. Roads with advisory bike lanes accommodate low to moderate volumes of motor vehicle traffic and provide a prioritized space for bicyclists with little or no widening of the paved roadway surface. A contraflow version allows bicyclists to move against the flow of motor vehicle traffic on one-way streets.

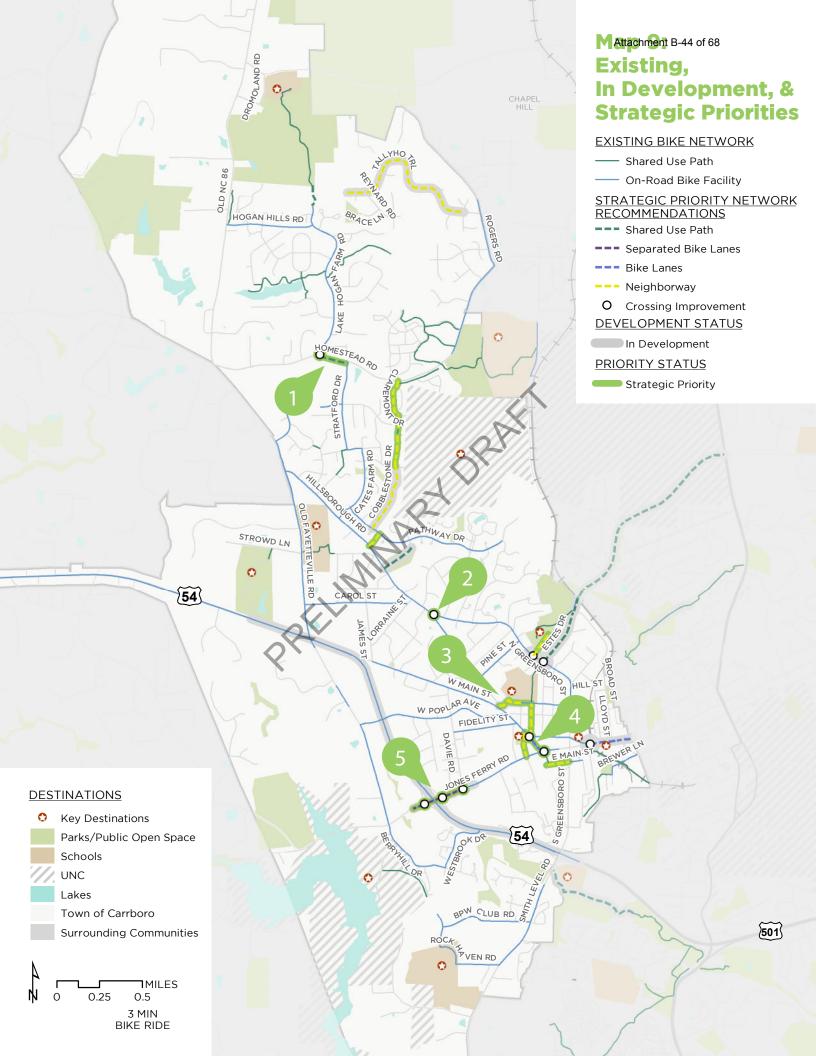
IDENTIFYING STRATEGIC PRIORITIES

This plan is designed to serve as a short-term call to action document that identifies projects that provide critical connections yet are feasible and realistic to implement. Full implementation of the long term network will take many years and require a significant amount of investment.

The projects were selected using the evaluation criteria displayed in the graphic below and also through feedback from the public, the steering committee, and town staff.

There are 10 total strategic priorities that are recommended by this Plan. More details for five of the strategic projects start on page 44.





HOMESTEAD RD SIDEPATH LINK

46

This project will connect large residential hubs and fill a gap from north Carrboro to downtown by connecting bike lanes along Lake Hogan Farm Rd and Stratford Dr.



HILLSBOROUGH ST AND GREENSBORO RD INTERSECTION IMPROVEMENTS

This is a an unsignalized intersection along a critical bike route. Improving the intersection will increase safety and comfort for all users.



SHELTON ST CONTRA-FLOW BIKE LANE

The Shelton St contra-flow bike lane will fill an important gap between the Hillsboroug St bike lanes and Carrboro Elementary.



MAIN ST BIKE LANES & INTERSECTION **IMPROVEMENTS**

52

Intersection improvements and bike lanes on both sides of the street will improve bike access to downtown along Main St.



JONES FERRY RD SEPARATED BIKE LANES

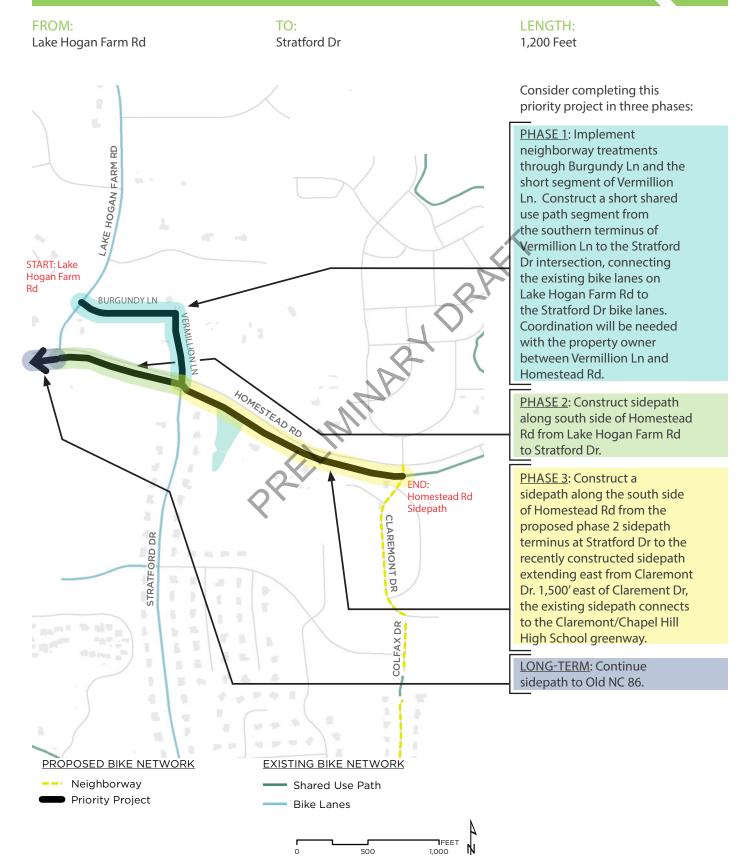
56

Separated bike lanes along Jones Ferry Rd will bring much-desired safety benefits to this heavily used commuter corridor.



1 - HOMESTEAD RD SIDEPATH LINK





TRIP GENERATORS:

- Chapel Hill High School
- Smith Middle School
- Seawell Elementary School
- · Carolina North Forest
- Claremont Greenway
- · Adjacent neighborhoods

POTENTIAL ROW NEEDS:

 Additional ROW needed along Homestead Rd for sidepath construction as well as for the shared use path connector between Homestead Rd and Vermillion Ln.

PHASE 1 & 2: CONNECTING STRATFORD DR BIKE LANES TO LAKE HOGAN FARM RD BIKE LANES

POTENTIAL PARTNERSHIPS:

- NCDOT
- Town of Carrboro
- Wexford Home Owners Association
- Adjacent property owners

OPINION OF TOTAL CONSTRUCTION COST (2019) FOR PHASE 1: TBD

OPINION OF TOTAL CONSTRUCTION COST (2019) FOR PHASE 2: TBD

Shared lane markings should be implemented along Burgundy Lane and Vermillion Ln to make the link to Construct a shared the neighborway connection between use path connector Lake Hogan Farm Rd and the proposed from the Vermillion Ln connector to the Homestead Rd/Stratford terminus to Homestead Dr intersection (Phase 1). Rd (Phase 1). A high visibility crosswalk is needed along the east side of the Lake Hogan Farm Rd Construct a high visibility intersection for north bound crosswalk with median island bicyclists (and pedestrians) across Homestead Rd here. coming from the Homestead Further study should be Rd sidepath (Phase 2). conducted to determine if there is a need for signage and signalization such as an RRFB (Phase 1). Homestead Dr Construct a sidepath

along Homestead Rd

(Phase 2).



2 - HILLSBOROUGH RD AND GREENSBORO ST INTERSECTION IMPROVEMENTS

of c

The intersection at Hillsborough Road and Greensboro Street is a key link in the network. However, in its current state, the intersection feels uncomfortable for many and lacks clear delineation of movement.

The recommended improvements will increase safety and comfort for all users by defining the space, slowing movement, and reducing confusion.

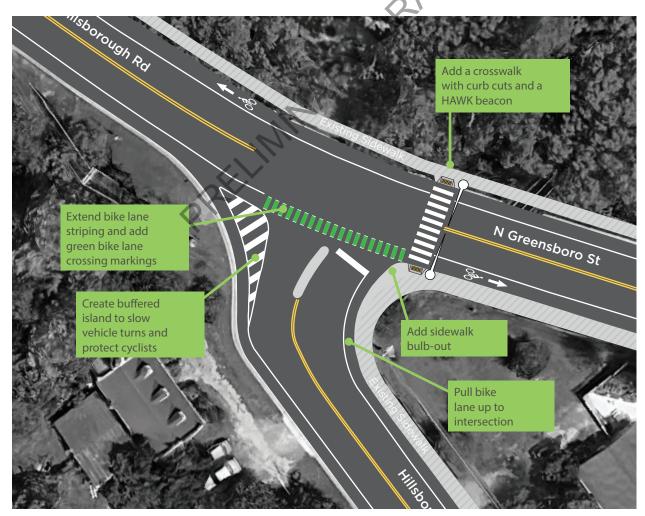
OPINION OF TOTAL CONSTRUCTION COST (2019): TBD

TRIP GENERATORS:

- Carrboro Elementary
- Carrboro United Methodist Church
- Residences adjacent to the corridor
- Charles Herman Wilson Park
- Martin Luther King Jr. Park & Carrboro Community Garden
- Downtown Carrboro
- Adjacent property owners/neighborhood associations

POTENTIAL PARTNERSHIPS:

- Town of Carrbor
- Adjacent property owners/neighborhood associations



*Eliminating the HAWK beacon and the associated utility relocation would substantially reduce the project cost but would also reduce the potential safety impacts.

DESIGN GUIDANCE FOR COLORED BIKE LANES:

Colored pavement within a bicycle lane increases the visibility of the facility, identifies potential areas of conflict, and reinforces priority to bicyclists in conflict areas and in areas with pressure for illegal parking. Color can be applied along the entire corridor or as a spot improvement at intersections.

The following required features and maintenance considerations are provided from the NACTO Urban Bikeway Design Guide.

REQUIRED FEATURES:

- The color green shall be used to minimize confusion with other standard traffic control markings.
- Color shall be applied to the road surface to delineate space, increase visibility, and emphasize proper vehicle priority.
- Normal white bike lane lines shall be provided along the edges of the colored lane to provide consistency with other facilities and to enhance nighttime visibility.

MAINTENANCE:

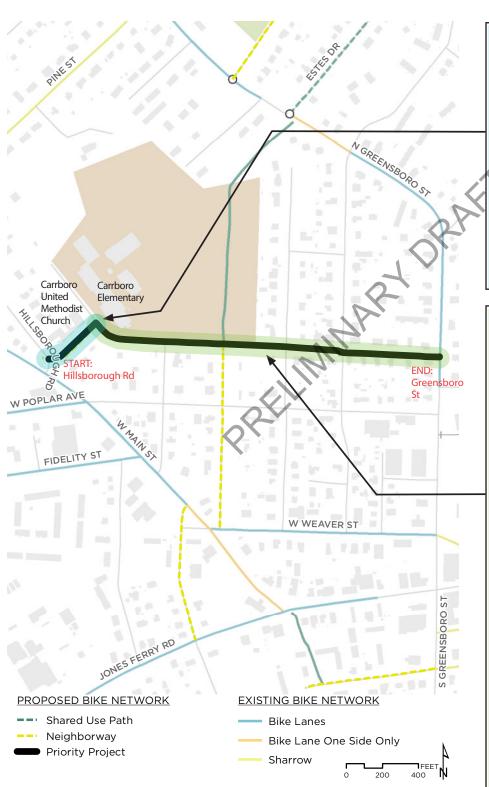
- Colored pavement requires varying levels of maintenance depending on materials.
- Because the effectiveness of markings depends entirely on their visibility, maintaining markings should be a high priority.
- Colored facilities should be maintained to be free of potholes, broken glass, and other debris.



3 - SHELTON ST CONTRA-FLOW BIKE LANE







PHASE 1: Shelton St from Hillsborough Rd to Carrboro Elementary should be reconfigured to include a contraflow bike lane. Ideally, parking would be removed on one side of the street to allow for the greatest separation between bicyclists and motorists. It is possible to keep parking on both sides of the street - see City of Durham example (Watts St) on the following page. Watts St in Durham has nearly the same pavement width as Shelton St and parking on both sides.

LONG-TERM: Consider implementing dedicated bicycle facilities along Shelton St from Carrboro Elementary to Greensboro St. Bus circulation, school pick-up/drop-off circulation, and the needs of residents along the corridor will need to be closely examined. Currently, shared lane markings are included along Shelton St from Ashe St to Greensboro St.

The Town of Carrboro, Carrboro Elementary, and residents along the corridor should meet to discuss options that balance all needs.

Options to consider include the following:

- Shared Use Path within existing pavement with one-way conversion (or new construction outside of pavement)
- Advisory Shoulders
- No change keeping shared lane markings

TRIP GENERATORS:

- Carrboro Elementary
- Carrboro United Methodist Church
- Residences adjacent to the corridor
- Businesses along Greensboro St as well as Hillsborough Rd and Main St

POTENTIAL ROW NEEDS:

 None (unless option to construct shared use path outside of the existing Shelton St pavement width is selected)

POTENTIAL PARTNERSHIPS:

- Carrboro Elementary
- Carrboro United Methodist Church
- Town of Carrboro
- Adjacent property owners/neighborhood associations

OPINION OF TOTAL CONSTRUCTION COST (2019) PHASE 1: TBD

CONTRA-FLOW BIKE LANE DESIGN CONSIDERATIONS:

Several requirements and options for contra-flow bike lane signage are shown below. See the NACTO Urban Bikeway Design Guide for further design considerations for contra-flow bike lanes - https://nacto.org/publication/urban-bikeway-design-quide/bike-lanes/contra-flow-bike-lanes/.



A "ONE WAY" sign (MTCD R6-1, R6-2) with "EXCEPT BIKES" plaque shall be posted along the facility and at intersecting streets, alleys, and driveways informing motorists to expect two-way traffic.



A "DO NOT ENTER" sign (MUTCD R5-1) with "EXCEPT BIKES" plaque should be posted along the facility to only permit use by bicycles.



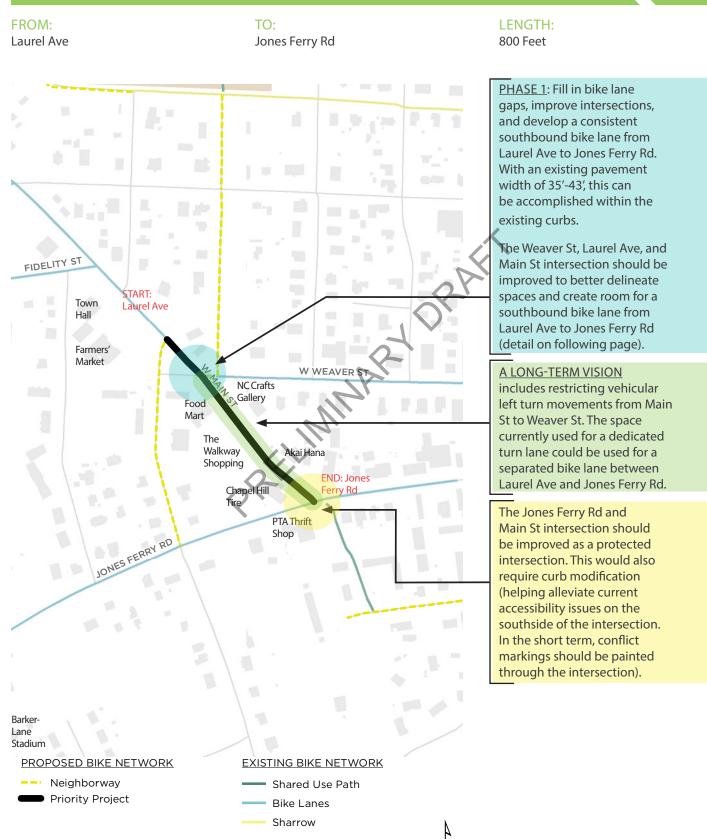
Warning signage, such as a modified "TWO WAY" sign (MUTCD W6-3) may be posted along the facility to inform motorists to expect two-way traffic.

The short section of Shelton St from Hillsborough Rd to Carrboro Elementary has nearly the same pavement width (slightly more) and parking configuration of an existing contra-flow bike lane in Durham, NC (Street view of Watts St pictured to the right and below). See the NACTO Urban Bikeway Design Guide for further design considerations for contra-flow bike lanes - https://nacto.org/publication/urban-bikeway-design-guide/bike-lanes/contra-flow-bike-lanes/.



4 - MAIN STREET BIKE LANES & INTERSECTION IMPROVEMENTS





TRIP GENERATORS:

- Town Hall
- Farmers' Market
- Downtown Carrboro
- Businesses and residences along/near the corridor

POTENTIAL ROW NEEDS:

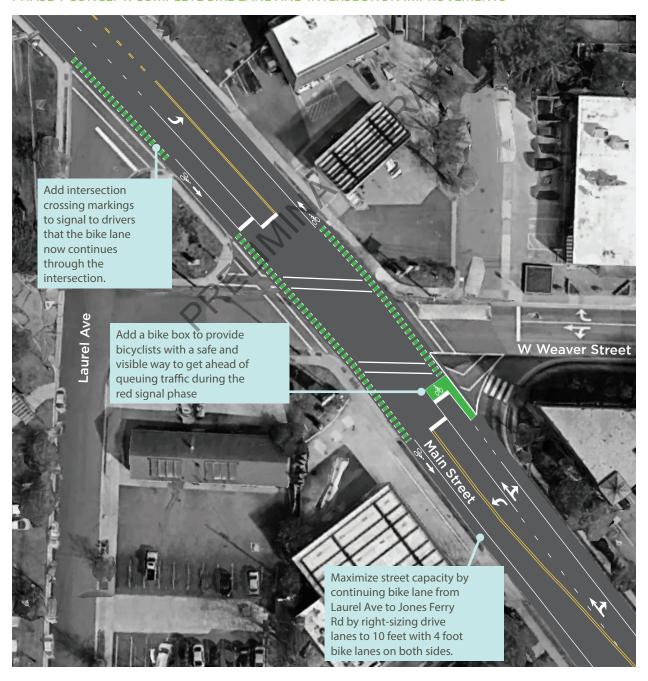
 None (for short term recommendations) -Long term recommendations may require additional ROW at the intersections

POTENTIAL PARTNERSHIPS:

- NCDOT
- Businesses along the corridor
- Town of Carrboro

OPINION OF TOTAL CONSTRUCTION COST (2019) PHASE I: TBD

PHASE 1 CONCEPT: COMPLETE BIKE LANE AND INTERSECTION IMPROVEMENTS

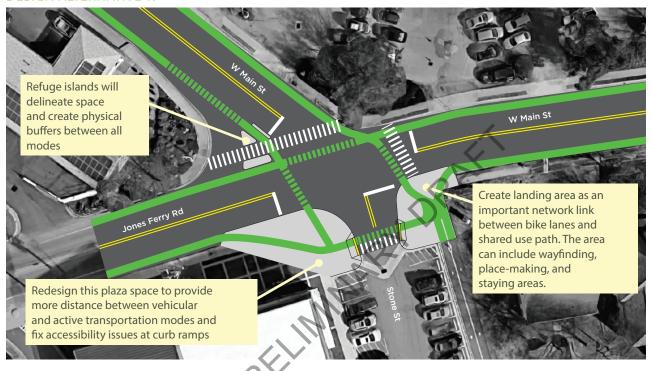




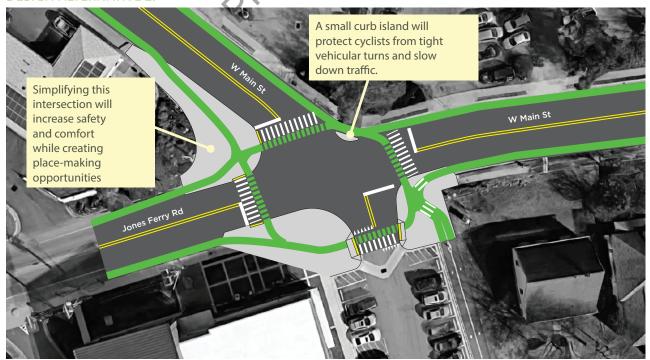
DESIGN OPTIONS AND CONSIDERATIONS:

The following graphics express long-term concepts for a Main St and Jones Ferry Rd protected intersection. This project would recquire a heavy reworking of the existing curbs, including the recently completed area in front of the PTA Thrift Store.

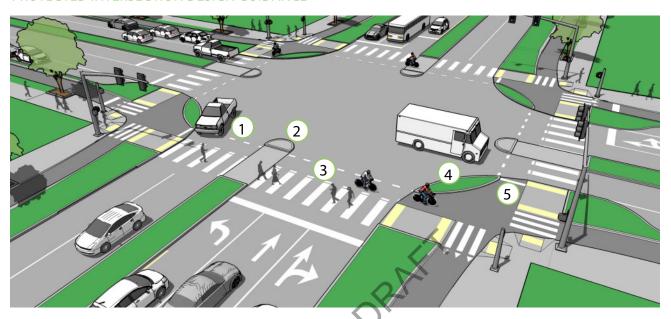
DESIGN ALTERNATIVE 1:



DESIGN ALTERNATIVE 2:



PROTECTED INTERSECTION DESIGN GUIDANCE



- 1 Setback bicycle crossing of 20ft allows for one passenger car to queue while yielding. A larger setback is desired in high speed areas (>35 mph). Small setback distance is possible in slow-speed, space constrained conditions.
- 2 If a permissive left turn is allowed, a median island extending into the intersection should be used to channelize and direct left turning motor vehicles.
- Corner safety island with a 15-20ft corner radius slows motor vehicle speeds. Larger radius designs may be possible when paired with a deeper setback or a protected signal phase.
- Intersection crossing markings should be used to identify the bicycle crossing. Consider green pavement to highlight the crossing area.
- A forward stop bar should indicate the area for people bicycling to wait at a red signal.

Image Placeholder

Salt Lake City, UT - The protected intersection is used to improve safety and circulation at an intersection where two separated bicycle lanes cross.

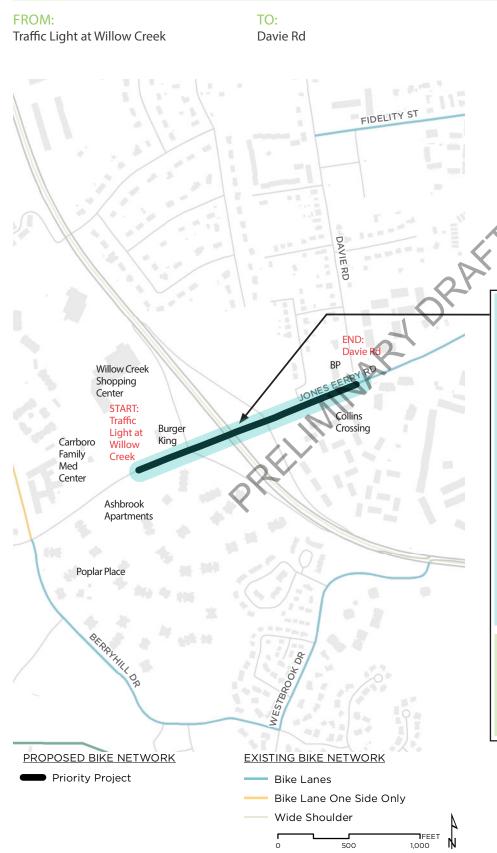
FURTHER CONSIDERATIONS

Colored pavement may be used within the corner refuge area to clarify use by people bicycling and discourage use by people walking or driving.

Intersection approaches with high volumes of right turning vehicles should provide a dedicated right turn only lane paired with a protected signal phase to separate the right turn movements from through bicycle movements (Stanek, 2015).

5 - JONES FERRY RD SEPARATED BIKE LANES





LENGTH: 1,600 Feet

Jones Ferry Rd, from the traffic light at Food Lion to Davie Rd, currently has a buffered bike lane along the uphill (eastbound) side (implemented in 2016), and no bicycle facilities along the downhill (westbound) side. Bicycle facility options are currently being explored by NCDOT and the Town of Carrboro along the downhill (westbound) section.

PHASE 1: Given the relatively high traffic volumes (8,300-12,000 AADT) and 35 mph speed limit through this section, separated bike lanes are recommended along both sides of Jones Ferry Rd.

For the downhill (westbound) portion, this would require eliminating the far right turn lane to create space for a buffered bike lane (and physical barrier such as flexible bollards).

For the uphill section (eastbound), a physical barrier should be constructed in the existing buffer space (such as flexible bollards).

LONG-TERM: Consider constructing a landscaped median to improve safety, green infrastructure, and aesthetics in the separated bike lane buffer space.

TRIP GENERATORS:

- Willow Creek Shopping Center (Food Lion)
- Adjacent residential areas
- Downtown Carrboro

POTENTIAL ROW NEEDS:

None

POTENTIAL PARTNERSHIPS:

- NCDOT
- Town of Carrboro
- Businesses and apartment complex owners along corridor

OPINION OF TOTAL CONSTRUCTION COST (2019) PHASE I: \$111,540



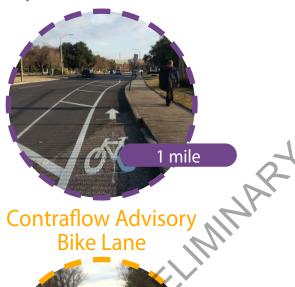
THE LONG TERM NETWORK

The proposed long term bike network was developed with the goal of creating a network of well-connected, low-stress facilities for people of all ages and abilities. This network is intended to identify roadways in need of bicycling improvements so that as roadway and development projects occur, these bicycle facilities should be implemented.

addition, as the strategic priority In projects have been implemented, projects from the long-term network will be selected as the next to implement.

The visual network legend below highlights each facility type and the total mileage recommended in the proposed network.

Separated Bike Lanes



Bike Lanes





Neighborway

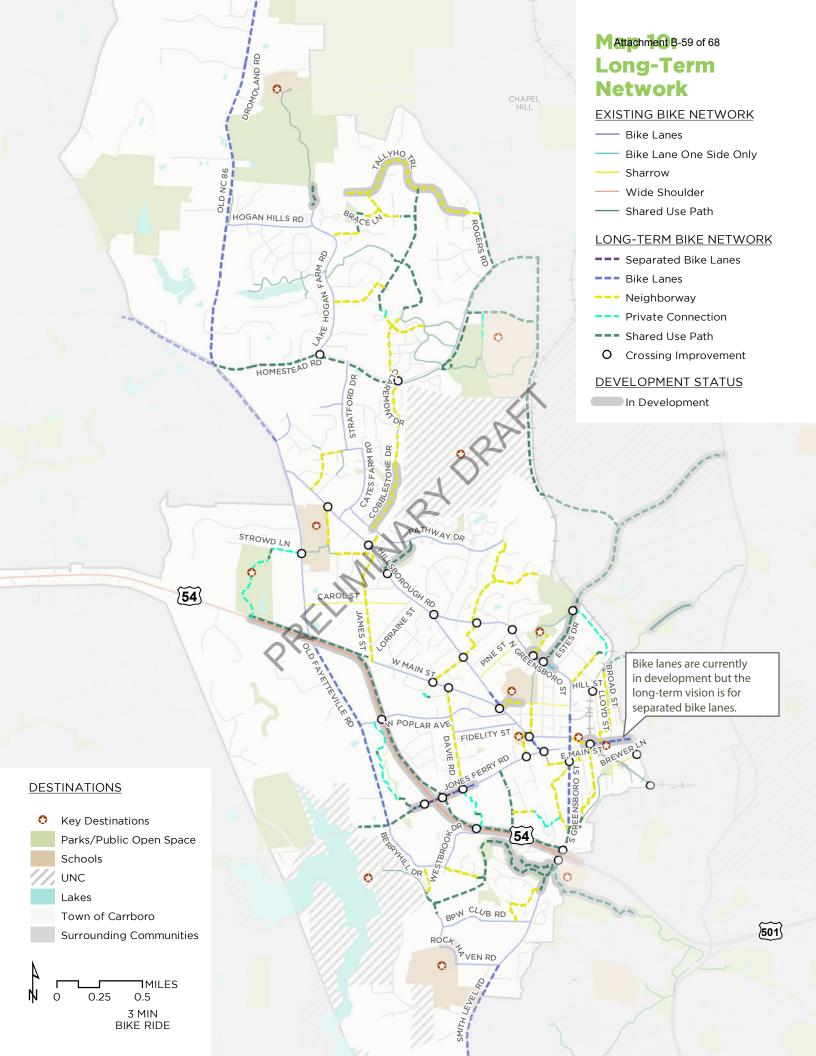


Private Connections



Shared Use Path







REGIONAL CONNECTIVITY

There are numerous opportunities for increasing regional bicycle connectivity that would benefit getting to people and from Carrboro. Carrboro has a deep connection neighboring to its communities. Many neighborhoods, commercial areas, attractions, and institutions overlap between multiple

jurisdictions. The projects and categories below highlight areas of opportunity where the Town of Carrboro can leverage partnerships to develop bicycle its facilities that increase livability and economic vitality for not only Carrboro residents, but for the region.

CHAPEL HILL TO HILLSBOROUGH RAIL TRAIL

A 10.2-mile rail corridor from downtown Carrboro northward towards Hillsborough could be a landmark project for the region by linking Carrboro, Chapel Hill, Hillsborough, and Durham. The State University Railroad corridor is currently used infrequently and with very slow-speed trains. A feasibility study managed through the DCHC MPO is recommended to pursue the possibilities.

PARTNERSHIPS

- University Railroad (Norfolk Southern)
- Town of Carrboro
- Town of Chapel Hill
- Town of Hillsborough
- NCDOT
- UNC Chapel Hill
- Orange County

CHAPEL HILL AND UNC CONNECTIONS

UNC-Chapel Hill and its institutions are large employers of many Carrboro residents. In addition, Carrboro and Chapel Hill residents commonly utilize services, recreation, and shopping across the "border" given the adjacent proximity. There are numerous key corridors linking Carrboro and Chapel Hill including Main St, Rosemary St, Estes Dr, Homestead Rd, Morgan Creek Greenway, and the Libba Cotton Bikeway. These all represent vital connections between the two communities. Ensuring continuity amongst bicycle facilities is paramount in ensuring a safe and comfortable regional network for regular users.

PARTNERSHIPS

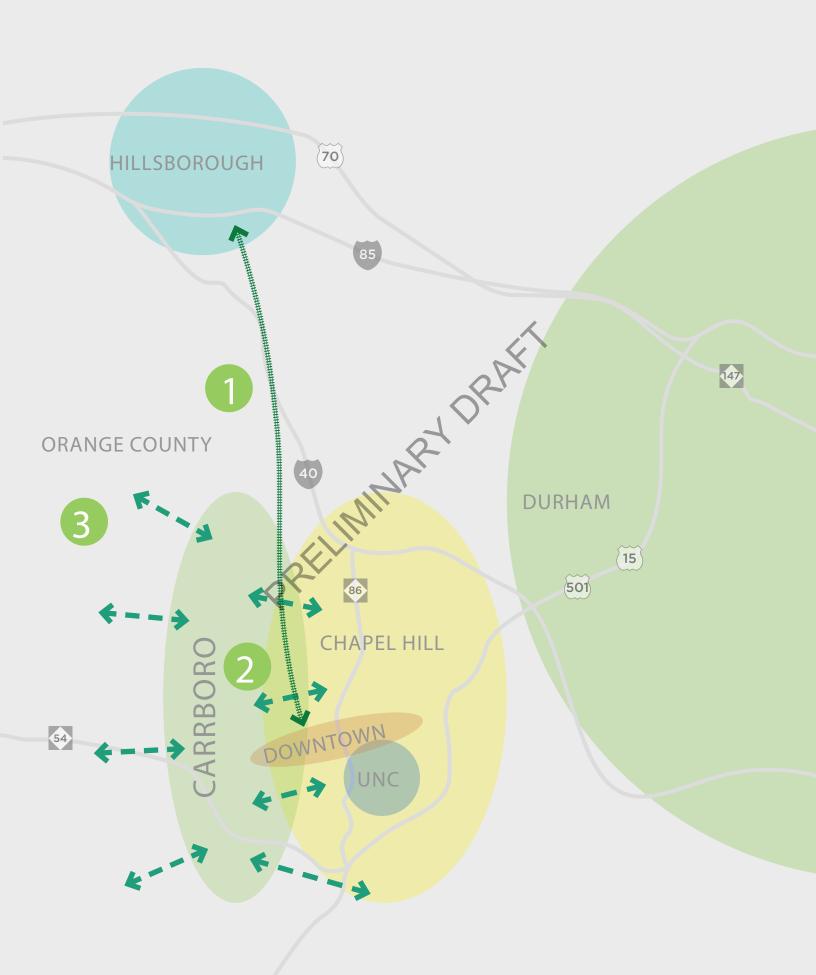
- Town of Carrboro
- Town of Chapel Hill
- UNC Chapel Hill

ORANGE COUNTY CONNECTIONS

Orange County has always been a popular recreational riding region with one of the first state bike routes established for the county. There are currently 206 miles of bicycle routes throughout Orange County, connecting communities and rural landscapes. Today, the communities of Carrboro, Chapel Hill, Hillsborough, and Mebane have expanded their bike networks. Thoughtfully tying these networks together into the future will help reduce future congestion and increase livability in this growing area.

PARTNERSHIPS

- Town of Carrboro
- Town of Chapel Hill
- Orange County
- Adjacent property owners





STRATEGIES

PRELIMINARY

ROLES + RESPONSIBILITIES

At the heart of every successful plan is a coordinated effort by town staff, stakeholders, and other partners to support safe travel by bike. Everyone has a key role to play in implementing this plan.

CARRBORO STAFF

Town staff should use this report to establish programs and policies that educate, encourage, and prioritize infrastructure investments proposed throughout the town. This plan should be a living document that is continuously updated and evaluated to ensure Carrboro remains a premier biking community.

NCDOT

NCDOT staff, specifically within Division 7, can use this plan to get familiar with proposed priority projects. NCDOT will play an integral role in the design and construction of bicycle facilities throughout the town both through ongoing activities at the Division level and via statewide Transportation Improvement Project (TIP) submittals.

BICYCLE ADVISORY COMMITTEE

A newly formed Bicycle Advisory Committee can use this plan as a framework for coordinating the development of the policies and programs recommended for the town. They can also use the framework chapter and action step table to advocate for improvements in Carrboro. An active Bicycle Advisory Committee will be instrumental in implementing the plan.

LOCAL STAKEHOLDERS Local stakeholders can use this plan to understand and confirm the conditions in their neighborhoods and near their organizations (if applicable) as well as become familiar with the ways in which they can support program goals. In many cases, education and encouragement programs require these dedicated volunteers.



PERFORMANCE MEASURES

The performance measures in the plan are important for assessing whether the plan is meeting its goals over time. Data on these measures should be collected on a routine basis to help track progress. This information will allow for adjustments to help ensure that plan goals are achieved.

The plan performance measures are based on the goals of the plan (see Chapter 1).

The performance measures are generally outcome-based, and the intent is to prioritize investments that do the best job of achieving desired plan outcomes.

The performance measures were selected based on Carrboro's ability to collect relevant data.

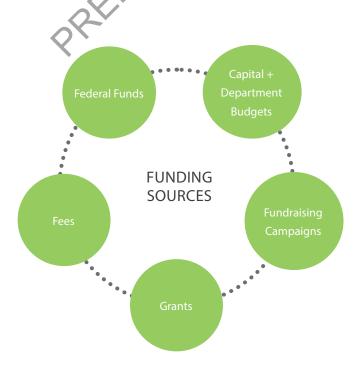
Table 1 Bicycle Plan Performance Measure Targets		
Goal	Example Performance	Performance Target/
	Measure	Desired Trend
Improve Access	Average travel time by mode	Decrease in average travel time
	Number of jobs accessible	Increase number of jobs accessible
	by travel time; mode, and	
	industry	
Create a Positive	Retail Sales tax revenue	Increase sales tax revenue
Economic Impact	Q \	
Protect the	Vehicle trips reduced by	Decrease in the number of vehicle
Environment	project	trips
	Bicycle Commute Mode Share	Increase in percentage of commute trips made by bike
Promote Equity	Housing and Transportation	Increase in H+T Index
	Affordability Index	
Enhance Health	Percentage of children and	Increase in childhood and adult
	adults who meet physical	physical activity level
	activity recommendations	
Safety	Bicycle collision rate	Reduce bicycle collision rate
	Number of fatalities and	Zero fatalities
	serious injuries	

FUNDING SOURCES

In order to achieve the goals of this plan, the Town of Carrboro and its partners will need to fund improvements from variety funding partners. Funding sources will need to be opportunistic and consistent in order implement this plan. Five funding sources make up the core funding strategy for this plan:

» Federal Funds. There are several federal funding programs that can be used for biking projects that are administered by NCDOT to the DCHC MPO or local jurisdictions. Examples include the Transportation Alternatives Programs, Surface Transportation Program, and the Highway Safety Improvement Program. The Strategic Mobility Formula aligns bicycle and pedestrian projects with funds from the Transportation Alternatives Program and Surface Transportation Program.

- » Grants. Competitive grants through public agencies or through private or non-profit foundations can generate additional resources for projects and programs.
- » Capital & Department Budgets. Carrboro can implement this plan through regularly scheduled capital projects, such as streetscape projects, street resurfacing, or new public or private property construction. A fixed-rate bond issued by the Town is another local funding source.
- » Fees. User fees or development impact fees provide an opportunity to generate revenue to fund infrastructure projects, such as sidewalk and trail construction, as well as programs, such as bicycle education classes.
- » Fundraising Campaigns. Fundraising through neighborhood groups, advocacy groups, or even crowdfunding can help generate additional resources for projects and programs.





BIKE-FRIENDLY COMMUNITY RECOGNITION

The Bicycle Friendly Community (BFC) program led by the League of American Bicyclists is intended to assist communities in making bicycling a viable transportation option. The program incorporates assessments in the score card that can help Carrboro gauge where they are excelling and where they are falling short.

The Town has participated in the League of American Bicyclists' Bicycle Friendly Community program since 1999 and its bronze-level designation had inspired the Town to frame its first comprehensive bicycle plan around actions that could help lead to higher level designations.

In 2010, the Town was awarded with a silver-level designation – the first to achieve this ranking in North Carolina. The League of American Bicyclists attributed Carrboro's active Bicycle Advisory Committee, the percentage of arterial streets with bike lanes, and the percentage of daily bicyclists as key contributors to the Town's silver-level designation. The League submitted the guidance below to help Carrboro think about ways to advance to a gold-level recognition.

Going for Gold!

- » Continue to expand on and off street bike network connectivity both within the Town and to surrounding areas. Protected bike lanes are recommended, especially on roads with speed limits above 35 mph.
- » Develop a system of bicycle boulevards on quiet, neighborhood streets.
- » Make intersections safer and more comfortable for cyclists.
- » Increase high quality bicycle parking.

- » Expand Safe Routes to School programs.
- » Continue to expand public education and bicycling skills workshops.
- » Promote cycling throughout the year by offering community bike rides.
- » Encourage communication between the Carrboro Police Department and cycling community. Ask police officers to step up enforcement for both motorist and cyclist violations.

KEY PRIORITIES

KEEP MOMENTUM ON BICYCLE PROJECTS THAT ARE ALREADY IN-DEVELOPMENT.

Map 4 (pg. 19) features existing facilities along with projects that have some level of funding, design, or construction in progress. These "indevelopment" projects should be fully funded first, as the lowest hanging fruit for new bicycle infrastructure.

STRATEGICALLY AND PROACTIVELY FUND AND BUILD STRATEGIC PRIORITY PROJECTS.

Map 9 (pg. 44) features a set of priority projects that developed out of the Carrboro Bike Plan process. These are detailed in individual project cut-sheets (starting on page 46) that summarize why the project is a priority, and what the key opportunities and challenges are to its development.

3 USE THE LONG TERM NETWORK OF RECOMMENDATIONS TO BUILD OTHER PROJECTS INCREMENTALLY OVER TIME.

As Carrboro continues to grow, new development and roadway construction projects should incorporate facilities recommended in Map 10 (pg. 59). As progress is made on priority projects, new priorities should be selected from this comprehensive map of recommendations.

LEVERAGE PARTNERSHIPS TO IMPLEMENT NEW POLICY AND PROGRAMS.

Working with existing partners and reaching out to new organizations with common goals may help implementation of the short-term recommendations outlined in chapter 4.









Prepared for the Town of Carrboro, North Carolina Prepared by Alta Planning + Design

This project was made possible with a matching grant from the North Carolina Department of Transportation (NCDOT) Division of Bicycle and Pedestrian Transportation (DBPT).