



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, November 10, 2015

7:30 PM

Board Chambers - Room 110

Present: Mayor Lydia Lavelle, Alderman Damon Seils, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Michelle Johnson, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell

Also Present: David Andrews, Town Manager, Catherine Wilson, Town Clerk, Bob Hornik, Town Attorney

RESOLUTION RECOGNIZING VETERANS DAY

Mayor Lavelle read a resolution recognizing Veterans Day and Veterans of the Town of Carrboro.

ADVANCED FIREFIGHTER CERTIFICATE

Fire Chief Williams presented Firefighter Hendrix Valenzuela with the Advanced Firefighter Certificate. Firefighter Valenzuela is the first in Carrboro to receive this certificate.

"CREEPING IN CARRBORO...YOU BUY WHAT?" PRESENTATION BY MCDOUGLE MIDDLE SCHOOL STUDENTS

Eighth grade students from McDougale Middle School presented their findings from several surveys around Town regarding what consumers buy and what consumers would like to buy that is not currently available in Carrboro.

**REQUEST TO APPROVE A SUPPLEMENTAL AGREEMENT WITH NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION (NCDOT) FOR AN EXTENSION
OF THE CONSTRUCTION COMPLETION DATE FOR THE ROGERS ROAD SIDEWALK
PROJECT**

The Board was requested to approve a Supplemental Agreement with NCDOT allowing the project completion date to be extended to December 17, 2017.

Alderman Seils asked that the Town let folks know about the delay in the project timeline.

A motion was made by Alderman Slade, seconded by Alderman Chaney, that this resolution be approved.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE ON BEHALF OF THE TOWN OF CARRBORO A SUPPLEMENTAL AGREEMENT EXTENDING THE PROJECT COMPLETION DATE TO DECEMBER 31, 2017, FOR THE PROJECT KNOWN AS THE TOWN OF CARRBORO (U-4726 DD) ROGERS ROAD SIDEWALK PROJECT

WHEREAS, on February 7, 2011, the Board of Alderman approved a Municipal Agreement (ID#2040) with the NCDOT for design and construction of the Rogers Road Sidewalk (NCDOT TIP #U 4726 DD); and

WHEREAS, the Municipal Agreement has been executed by the North Carolina Board of Transportation, and the Town has received authorization for preliminary engineering design for the project;

BE IT RESOLVED BY THE BOARD OF ALDERMAN OF THE TOWN OF CARRBORO:

Section 1. The Town Manager of the Town of Carrboro is hereby authorized to execute on behalf of the Town of Carrboro the attached Supplemental Agreement extending the Project Completion date to December 31, 2017 for the Town of Carrboro (U-4726 DD) Rogers Road Sidewalk Project, provided the agreement is subsequently approved by the North Carolina Department of Transportation.

Section 2. The resolution shall become effective upon adoption.

This the 10th day of November, 2015

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Seils and Alderman Slade, Alderman Chaney, Alderman Johnson, Alderman Gist and Alderman Haven-O'Donnell

DRAFT SOLID WASTE STUDY SCOPE OF WORK

The purpose of this item was for the Board of Aldermen to review a proposed scope of work to be included in a Request for Proposals (RFP) for a Solid Waste Study.

JD Freeman, the Town's Public Works Director, made the staff presentation.

Alderman Gist stated that she didn't want the Town to loose site of the population in Carrboro that can't take on another cost.

Alderman Haven-O'Donnell asked if there are examples of pay-as-you-throw that is offered on a sliding scale.

Alderman Slade suggested that the route be checked to see if trash cans our out every week and if so, if they are full. He also stated that he would like to see the actual costs versus the savings.

Alderman Johnson stated that she would be interested in seeing what other municipalities have done regarding lower income households and pay as you throw. She stated that she would like for Public Works to educate citizens and business owners regarding taking trash and recycling to the curb when the bins are not full.

Alderman Seils stated that he is interested in how to deal with multifamily residential dwellings and low income citizens with pay as you throw. He asked that the social costs also be identified in the proposals (dumping trash in backyards).

Alderman Gist asked if the tax bill will be reduced if pay as you throw becomes an option. David Andrews, the Town Manager, stated that it would be addressed and that the Town is not interested in making a windfall on the service or charging people twice.

Staff will proceed with the RFP as directed by the Board of Aldermen.

CONSIDERATION OF PROPOSED CHANGES TO THE UNIFIED ANIMAL ORDINANCE

The purpose of this item was to allow the Board to discuss, and possibly adopt, amendments to Chapter 10 of the Town of Carrboro Code of Ordinances, such amendments to become effective upon Orange County's adoption of a unified Animal Control Ordinance, which will create a common framework for animal services while allowing for some specific provisions that are unique to the Town of Carrboro and other jurisdictions.

Police Chief Horton made the staff presentation.

A motion was made by Alderman Slade, seconded by Alderman Haven-O'Donnell, that this ordinance be approved.

AN ORDINANCE AMENDING CHAPTER 10 OF THE CARRBORO TOWN CODE (ANIMAL CONTROL)

Ordinance No. 3/2015-16

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Chapter 10 – Animal Control, of the Town of Carrboro Town Code is repealed with the exception of the following sections, which shall remain in full force and effect:

- a. Section 10-1(15) – definition of “livestock”;
- b. Section 10-1(21.1) – definition of “tether”;
- c. Section 10-2 – Privilege Tax on Dogs and Cats;
- d. Section 10-5(b) through (g) – Regulating the keeping of livestock within town limits;
- e. Section 10-7.1 – Feeding of Deer Prohibited;
- f. Section 10-17 – Dogs Prohibited Within Farmers Market;
- g. Section 10-17.1 – Dog Owners Required to Remove Feces Deposited by Dogs;
- h. Section 10-17.2 – Tethering of Dogs Generally Prohibited;
- i. Section 10-38 – Appeals (as amended by Section 2 of this ordinance, below).

Section 2. Subparagraph (a) of Town Code Section 10-38 Appeals is amended to read as follows:

- (a) 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, or (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 written notice of the determination appealed from except that appeals from a determination that a dog is a vicious dog or dangerous dog shall be taken within three (3) days of notification. An appeal is taken by filing 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/her designee, who shall have 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/her designee’s) decision.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon the effective date of the revised Orange County Animal Control Ordinance now being considered by the Orange County, North Carolina Board of County Commissioners.

This the 10th day of November, 2015

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Seils and Alderman Slade, Alderman Chaney, Alderman Johnson, Alderman Gist and Alderman Haven-O'Donnell

A motion was made by Alderman Slade, seconded by Alderman Haven-O'Donnell, that this ordinance be approved.

**RESOLUTION AUTHORIZING ORANGE COUNTY ANIMAL CONTROL
ORDINANCE TO BE APPLICABLE WITHIN THE TOWN OF CARRBORO**

WHEREAS, the Town of Carrboro (the "Town") and Orange County (the "County") have heretofore each had separate animal control ordinances regulating the keeping and maintaining of domestic animals, pets, wild animals, and livestock; and

WHEREAS, the Town and the County consider it to be in their mutual best interests to work cooperatively with respect to the adoption and enforcement of ordinances regulating domestic animals, pets, wild animals and livestock;

WHEREAS, the Orange County Board of County Commissioners is now considering the adoption of a revised Animal Control Ordinance, to be found at Section 4-31 *et seq* of the Orange County Code of Ordinances;

WHEREAS, the Town has heretofore adopted and enforced regulations regarding keeping of domestic animals, pets, wild animals and livestock pursuant to Chapter 10 of the Town of Carrboro Code of Ordinances;

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-122, the Town of Carrboro Board of Aldermen may by resolution permit the County's Animal Control Ordinance to be applicable within the city.

NOW, THEREFORE, the Town of Carrboro Board of Aldermen resolves as follows:

1. That upon the effective date of the revised Orange County Animal Control Ordinance, which is anticipated to be considered and adopted by the Board of County Commissioners on _____, 2015, the revised Orange County Animal Control Ordinance shall be applicable within the corporate limits of the Town of Carrboro to the extent that the County Ordinance is not inconsistent with Chapter 10 of the Town of Carrboro Code of Ordinances, as amended on November __, 2015.

2. This Resolution shall remain in full force and effect until the Town of Carrboro Board of Aldermen withdraws the permission granted herein, in accordance with N.C. Gen. Stat. § 153A-122.

This Resolution shall become effective upon the effective date of the revised Orange County Animal Control Ordinance.

This the 10th day of November, 2015

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Seils and Alderman Slade, Alderman Chaney, Alderman Johnson, Alderman Gist and Alderman Haven-O'Donnell

NORTH-SOUTH CORRIDOR STUDY PRESENTATION

The purpose of this item was for the Board of Aldermen to receive a presentation from Chapel Hill Transit staff and consultants on the status of the North-South Corridor Study on Bus Rapid Transit in Chapel Hill.

Brian Litchfield, the director of Chapel Hill Transit, made the presentation.

Dan Meiers, A-E Com the project consultant, provided details of the process and the study.

Alderman Gist asked if fare free transit would continue. Brian Litchfield explained that the costs shown predict a fare-free transit continuation.

Alderman Slade requested that dedicated bike lanes be pursued wherever possible.

ENERGY AND CLIMATE ACTION TASK FORCE COMMUNITY CLIMATE ACTION PLAN

The purpose of this item was for the Energy and Climate Action Task Force to provide an update on the draft Community Climate Action Plan

Members of the Energy and Climate Action Task Force presented an update on the draft Community Climate Action Plan.

Alderman Johnson asked if staff could find out if the Police Chief thinks that it is still too dangerous to cull deer within the Town's jurisdiction.

Staff was asked to look into a sustainability coordinator, the deer herd management, and continuation of the task force's report.

Mayor Lavelle requested that the school system and OWASA receive the report.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SLADE TO THANK THE TASK FORCE FOR THEIR WORK AND RECOMMENDATIONS. THE FIRST FIVE ITEMS IN THE DRAFT PLAN WILL BE FOLLOWED UP ON BY THE TOWN STAFF AND THE BOARD REQUESTS THAT THE TASK FORCE REMOVE AND REVISIT THE WORDING FROM THE TRANSPORTATION RECOMMENDATION #2. THE BOARD OF ALDERMEN WILL HAVE A LARGER DISCUSSION IN THE FUTURE ABOUT THE LANGUAGE FROM TRANSPORTATION RECOMMENDATION #2 AND THE PUBLIC PARTICIPATION ASPECT OF THAT RECOMMENDATION. STAFF SHOULD EXPLORE THE POSSIBILITY OF A SUSTAINABILITY COORDINATOR FOR THE FY 15-16 BUDGET AND REPORT BACK TO THE BOARD ON THE RECOMMENDATION REGARDING DEER HERD MANAGEMENT. VOTE:

AFFIRMATIVE ALL

UPDATE ON STATUS OF THE DURHAM-ORANGE LIGHT RAIL TRANSIT PROJECT (D-O LRT)

The purpose of this item was for the Board of Aldermen to receive an update on the project, and provide comments for DCHC-MPO Transportation Board

Patrick McDonough, with Triangle Transit, provided the presentation to the Board.

Alderman Slade stated that he would like to have meetings with Chapel Hill to discuss an extension of the light rail into Carrboro. Alderman Seils stated that he and the Mayor have been having conversations with elected officials in Chapel Hill and plan to continue that dialogue with the newly elected officials.

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN JOHNSON, SECONDED BY ALDERMAN CHANEY TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL