



Town of Carrboro

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

Meeting Minutes

Board of Aldermen

Tuesday, January 10, 2017

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 Dorando, Town Clerk, Bob Hornik, Town Attorney

CHARGES ISSUED TO RECENTLY APPOINTED ADVISORY BOARD VOLUNTEERS

The Town Clerk issued charges to: Ryan Byars, Recreation and Parks Commission, Rachel Gaylord-Miles, Planning Board, and Ben Skelton, Environmental Advisory Board.

THANKS TO TOWN EMPLOYEES FOR WORK DURING SNOW STORM

Alderman Gist thanked the Public Works, Police Department, Fire Department staff and the other town employees that worked during the snow storm.

APPROVAL OF PREVIOUS MEETING MINUTES OF DECEMBER 6, 2016 AND DECEMBER 13, 2016

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL SECONDED BY ALDERMAN SLADE TO APPROVE THE MINUTES OF DECEMBER 6, 2016 AND DECEMBER 13, 2016, AS AMENDED. VOTE: AFFIRMATIVE ALL

UPDATE OF OUR CHAPTER 10 ANIMAL CONTROL ORDINANCE

The purpose of this item was to accept the changes to Chapter 10 Animal Control as related to the Unified Animal Ordinance.

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

AN ORDINANCE AMENDING TOWN CODE CHAPTER 10 ANIMAL CONTROL BY
RENUMBERING THE TOWN CODE SECTIONS REMAINING AFTER ADOPTION OF THE NEW
ORANGE COUNTY ANIMAL CONTROL ORDINANCE, PROVISIONS OF WHICH ARE
ENFORCEABLE IN CARRBORO'S CORPORATE LIMITS
Ordinance No. 11/2016-17

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The existing Chapter 10 – Animal Control – of the Town of Carrboro Town Code is hereby recodified as shown on Attachment A to this ordinance.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

This the 10th day of January 2017.

The motion carried by the following vote:

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

CHAPTER 10

ANIMAL CONTROL
(Amend. 1-10-2017)

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)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, ducks, turkeys, etc.), 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 unspayed or unneutered dogs and cats shall be higher than that of spayed or neutered animals.

ARTICLE III

LIVESTOCK AND WILD ANIMALS

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 with 48 hour 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 or 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 tether 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

Section 10-6 Appeals:

(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, (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 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.

(b) 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 members 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.

(c) 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.

(d) 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.

(e) 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.

APPOINTMENT TO THE ANIMAL CONTROL BOARD OF APPEALS

The purpose of this item was to make an appointment to the vacant alternate seat on the Animal Control Board of Appeals.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE ANIMAL CONTROL BOARD OF APPEALS

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

Section 1. Karen Porter is appointed to the Animal Control Board of Appeals as an Alternate Member and shall serve at the pleasure of the Board.

Section 2. This resolution is effective immediately upon adoption.

This the 10th day of January 2017.

The motion carried by the following vote:

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

REQUEST FOR APPROVAL TO INCLUDE HAWK SIGNAL AND BIKE SHARE IN THE ORANGE COUNTY BUS AND RAIL INVESTMENT PLAN PROJECT LIST

This item was continued to a future meeting.

Alderman Slade asked if there have been stops identified that could have bus shelters added. He stated that this would be a time for the Board to recognize the efforts of volunteer bus shelters.

Trish McGuire, the Town's Planning Director, two locations for possible bus shelters have been identified. She stated that there is a continuing discussion to be had regarding the funding availability for projects.

Alderman Chaney stated that she has questions regarding the bikeshare funding priorities that she will email further questions.

Alderman Haven-O'Donnell asked where the potential flashing lights would be installed on Shelton Street and Greensboro Street. Trish McGuire stated that there is a tension due to the close location of homes and that they are trying to work out a good treatment for when intersection is ready to be occupied.

UPDATE ON IMPLEMENTATION OF POLICE DEPARTMENT BODY WORN CAMERAS (BWC)

The purpose of this item was to provide the Board of Alderman an update on Body Cameras including cost, technology and policy due to State Law N.C.G.S.132-1.4A.

Walter Horton, Police Chief, provided the staff report.

Alderman Seils stated that the policy for dashboard cameras has to be updated to be in compliance with

HB972. He stated that it is upsetting the General Assembly has limited the transparency of the body camera footage. He suggested that the Board call a public hearing to allow the public to talk to them about their feelings on if the policy should be adopted. He asked if the word "unlawful" can be removed from the preamble purpose section and stated that the camera should not be used for surveillance of any type.

Alderman Gist stated that she is concerned that the chief law enforcement officer is left responsible for the decision to release the video. She expressed full trust in how Chief Horton would handle the issue but stated that not all agency heads would behave in the same manner. She stated that there should be a civilian checks and balance that remains in place and that the law removes that important piece.

Alderman Johnson stated that she wants to work on cultivating trust in the community but the way the law is written would not increase trust. She stated that the community that has been harmed by injustice should be considered the most and that she would like to hear from the community in a public hearing.

Alderman Chaney stated that there is a more equitable system if everyone receives the same outcome. She stated that body cameras could provide the possibility that there is data that allows an equal outcome for everyone. She stated that she needs to better understand her desire to have as much transparency as they can and tools that allow for better outcomes for everyone and to be able to measure whether those outcomes are being achieved. She stated that she would like to hear about ways to weigh transparency issues and tools.

Mayor Lavelle stated that one way or another the town will have to adopt something with regard to the car cameras. She stated that she would like to continue the conversation regarding the state law with the legislative delegation.

Alderman Seils suggested that we continue the discussion with the legislative delegation that includes the voices of law enforcement heads that do not agree with the law as adopted.

Alderman Slade stated that he would like to know to what degree the Town may challenge the law in the court, constitutionally or otherwise, because they have taken police body cameras as a tool for accountability of the police force away from the citizenry.

Bob Hornik, the Town's Attorney, stated that it would be a question that he needs to look into further. He stated he is wary of acquiring the body cameras on those grounds. He thinks that it will be valuable to have a forum to hear more from the public.

Alderman Haven-O'Donnell stated that she agrees that there should be a community input process. She stated that she wants to have all of the data before they can begin to think about a systematic way of moving forward. She stated that it may be the kind of technology that they want to deploy at some point but that she would also like to deliberate about the step as much as possible. She stated that overall, people are going for it with one idea in mind and that there is a possibility that is very sinister on the other side and that it is there. She stated that it's a very different world and she is not certain that she is comfortable at this time.

Alderman Slade stated the he does not want the reception of a grant to pressure the Board into adopting the body camera policy when it may not be the in the Town's best interest.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SEILS TO SCHEDULE A PUBLIC HEARING ON BODY CAMERAS FOR THE FEBRUARY

28, 2017 MEETING. VOTE: AFFIRMATIVE ALL

CLOSED SESSION - NCGS 143-318.11 (3) (4)

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN GIST TO ENTER INTO CLOSED SESSION PURSUANT TO N.C.G.S 143-318.11(3)(4). VOTE: AFFIRMATIVE ALL

OPEN SESSION

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL