



Town of Carrboro

301 W. Main St.

Town Hall

Carrboro, NC 27510

Meeting Minutes Board of Aldermen

Tuesday, November 21, 2017

7:30 PM

Board Chambers - Room 110

Present: Alderman Randee Haven-O'Donnell, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Damon Seils and Mayor Lydia Lavelle

Absent: Alderman Jacquelyn Gist

Also Present: David Andrews, Town Manager, Julie Eckenrode, Acting Town Clerk, Nick Herman, Town Attorney

POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

Gary Phillips, the Town's Poet Laureate, read a poem entitled "Living Alone."

ANNOUNCEMENT OF UPCOMING MEETINGS

Julie Eckenrode, Acting Town Clerk, provided the announcement of upcoming meetings.

A RESOLUTION MAKING AN APPOINTMENT TO THE CARRBORO TOURISM DEVELOPMENT AUTHORITY

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

**A RESOLUTION MAKING AN APPOINTMENT TO THE CARRBORO TOURISM
DEVELOPMENT AUTHORITY**

Section 1. The Board of Aldermen hereby appoints:

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

Section 2. The term shall expire January 31, 2019

Section 3. This resolution is effective immediately upon adoption.

This 21st day of November, 2017.

The motion carried by the following vote:

Aye: Alderman Randee Haven-O'Donnell, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Damon Seils and Mayor Lydia Lavelle

Absent: Alderman Jacquelyn Gist

**REQUEST-TO-SET A PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT
RELATING TO CONSISTENCY**

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

David Andrews requested the Town set a public hearing on January 23, 2018 for an amended land use ordinance to bring the Town's ordinance into compliance with NC statutory requirements.

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

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

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

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

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

Appearance Commission

Recreation and Parks Commission

Transportation Advisory Board
Environmental Advisory Board
Economic Sustainability Commission

Northern Transition Area Advisory
Committee

This is the 21st day of November in the year 2017.

The motion carried by the following vote:

Aye: Alderman Randee Haven-O'Donnell, Alderman Sammy Slade, Alderman Bethany Chaney,
Alderman Damon Seils and Mayor Lydia Lavelle

Absent: Alderman Jacquelyn Gist

MEMORIAL TREE REQUEST FOR DR. DAVID ONTJES

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

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

A RESOLUTION TO CONSIDER A MEMORIAL TREE REQUEST FOR DR. DAVID ONTJES

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

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

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

_____.

Section 3. The resolution shall become effective upon adoption.

This 21st day of November, 2017.

The motion carried by the following vote:

Aye: Alderman Randee Haven-O'Donnell, Alderman Sammy Slade, Alderman Bethany Chaney,
Alderman Damon Seils and Mayor Lydia Lavelle

Absent: Alderman Jacquelyn Gist

APPOINTMENT OF INTERIM TOWN CLERK

The purpose of this item was for the Board to appoint Julie Eckenrode as acting Town Clerk during Clerk Dorando's family/parental leave.

A MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN CHANEY TO MAKE JULIE ECKENRODE INTERIM TOWN CLERK DURING CATHY DORANDO'S FAMILY/PARENTAL LEAVE. THE MOTION CARRIED BY THE FOLLOWING VOTE: AFFIRMATIVE: FIVE, ABSENT: ONE

REPORT ON PATHWAY DRIVE - SHARROWS/BIKE BOULEVARD CONCEPT, FEASIBILITY OF ON-STREET PARKING AND NECESSITY FOR BIKE LANES

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

Tina Moon, the Planning Administrator, made a presentation to the Board.

Alderman Haven-O'Donnell noted that bumpouts can be problematic at night depending on design. She requested to see a work-up similar to the design that Dave Mabe created previously for Pathway and Cobblestone. She also requested that a neighborhood conversation take place before a public hearing in order to discuss requests for on-street parking.

Alderman Seils noted that this issue was raised due to neighbors wanting to retain legal on-street parking where it was not technically available. He emphasized that protecting bicyclists should be considered first and foremost. He noted that lateral shifts in traffic flow slow down traffic and make the roadways safer for bikes. Therefore the bumpouts aren't just for parking spaces, but also for safety. He also noted that the recommendation of the Transportation Advisory Board was to consider budget sources for small local transportation projects that will not get other funding.

Alderman Chaney asked about the process moving forward after guidance was given tonight and requested a localized process - possibly a neighborhood meeting.

Tina Moon replied that staff would continue to work with Sungate to further develop plans and bring information back to the Aldermen.

David Andrews noted that the Board can define the process tonight because the Town is using local money to fund the project.

Mayor Lavelle agreed that neighbors should be directly involved.

Alderman Slade agreed to a streamlined process but asked about the volume on these streets currently to compare to the studies and recommendations on values.

Tina Moon suggested putting traffic counters out in the future to get current counts.

Alderman Seils noted that he hopes that the Transportation Advisory Board is involved in the development process. This could be a model for other parts of town. He asked what the removal of bike lanes would do to the count of mileage in the Town and if that would impact the Town's designation as bike friendly. He also questioned why sharrows do not show up on the Google Maps bike network and wondered if this affects how bike networks are accounted for.

Alderman Haven-O'Donnell noted that runners should also be considered. Pathway is a huge corridor for runners. She questioned how runners use sharrows and if some signage will be necessary. She recommended further investigation into the matter.

Tina Moon stated that the staff is following a trend of a new bike/pedestrian sharrow that they can continue to use.

RECONSIDERATION AND DIRECTION TO TOWN STAFF REGARDING TOWN CODE CHAPTER 10 ANIMAL CONTROL SECTION 10-3 (E) (7)

The purpose of this agenda item was for the Board of Aldermen to reconsider the allowance of the slaughter of animals within the Town limits.

David Andrews read the Staff report to the Board.

Alderman Seils noted that the Board's and staff's previous understanding was that the animal control ordinance did not prohibit animal slaughter, it simply did not speak to the issue.

David Andrews responded that the Land Use Amendment changed the policy to allow for slaughter in an enclosed area. The policy specifically prohibits any kind of cruelty to animals within the city limits.

Alderman Chaney stated that there is ambiguity in our current ordinance. The Town was silent on the issue in the original amendment and therefore confusion existed surrounding the killing of animals. She asked the Police Chief if there have been complaints about the killing of animals of people's property.

Police Chief Walter Horton said that he suspects that slaughter is likely happening, but there are no complaints that he is aware of.

Alderman Haven-O'Donnell would like the Town of Carrboro to realign with Orange County and remove 'slaughter' from the language in the Ordinance.

Alderman Slade asked for feedback and resources from the Food Policy Council surrounding slaughter before any decisions are made. He would like clarification on pets vs. livestock. The list of diseases is not pertinent because the Town is discussing slaughter, not the keeping of animals. He asked the

Farmers Market vendors where they go to slaughter their animals, and they reported travelling to South Carolina to legally slaughter the livestock.

Alderman Haven O'Donnell stated that, according to Dr. Beth Young, from the Department of Agriculture, Chatham and Caswell counties provide the closest slaughterhouses.

Alderman Slade stated that the local famers indicated the facilities nearby had unreliable hours and required an extremely large quantity of animals be slaughtered. He thinks that allowing slaughtering in town allows for continued support of our urban farmers. The question becomes how one allows meat production in a way that maximizes animal welfare.

David Andrews clarified the validity of the Center for Disease Control report and its relationship to this item. It speaks to the interaction with animals in general.

Mayor Lavelle suggested the Board hear from the public.

Katherine Kershaw, of Triangle Chicken Advocates, stated their organization works throughout the state to help farm animals of every species. They work closely with animal control and homeowners. She expressed opposition to the backyard slaughtering of chickens based on vegan principles. She asked the town to align with Orange County to prohibit backyard slaughter.

Carrie Monette requested Carrboro's animal ordinance align with the Orange County Unified Animal Control Ordinance regarding backyard animal slaughter. She urged the Town to conform to the definition of an animal and prohibit cruel treatment of animals, which includes causing death.

Arwen Carlin expressed interest in not allowing backyard slaughter. She stated that the slaughter of animals causes unsanitary conditions, noise, disease, and violence.

Savannah Scarborough noted that the true cost of meat is astronomical and related to world hunger and climate change. The regulation of slaughtered animals can't be monitored and therefore it should not happen.

Amyla Lavric has concerns about the effects of backyard slaughtering on Carrboro's residential neighborhoods since it is a small town. She stated that the Board should consider our Town resources that would be required to regulate, oversee, and enforce backyard slaughter. She feels like slaughter should be left to professionals.

Lee Graves noted that there is no control over slaughter in backyards, some people may be irresponsible, it's bad for our neighborhoods, and that there are serious health risks associated with backyard slaughter.

Alderman Haven-O'Donnell agreed with the speakers from the community and noted that as the ordinance currently reads, any animal can be slaughtered in backyards. Her primary concerns are health related and regulating health and safety of the community.

(Motion by Alderman Haven-O'Donnell to strike slaughter from the language of the ordinance and stay consistent with Orange County. No Second. Motion withdrawn.)

Alderman Chaney noted that this first came to discussion due to the cultural and religious practices of Carrboro residents that may be infringed upon if backyard slaughter is not allowed. She explained her research of municipalities that prohibit backyard slaughter and discovered that the cultural imposition argument may be justified. If it is happening in our community, as stated by Chief Horton, the issue should be addressed. She would like a clear definition of what slaughter is, what animals it could apply to, and whether it is specifically for food or butcher. She would also like the Town to clarify disposal of animals, what the legal options of small scale slaughter are, and she would also like to refer this to the Food Policy Council. She noted that Homeowners Associations can ban the practice on their own. She is concerned with the education that surrounds the topic.

David Andrews noted that a change in the ordinance would require a public hearing.

Alderman Slade reached out to Transplanting Traditions, through the Triangle Land Conservancy, and El Centro Latino for input, but they did not have time to put comments together, and that that they may be able to provide more information in regard to the cultural and religious implications.

Alderman Seils stated that he would like clarification of the Orange County Animal Control Ordinance and would like to know how Orange County interprets their own ordinance, because it is unclear whether the ordinance prohibits slaughter.

Alderman Haven-O'Donnell reiterated her concern for the health and safety of the community. The community is residential and must put the entire Town's health and welfare first. The Town cannot control for sanitation factors and ensure that regulations are being enforced to preserve the health of Carrboro citizens.

Alderman Chaney noted that all Board of Aldermen members have concern for health and safety of the community. She noted that health and safety should surround the conversation of whether or not livestock should be allowed within town limits.

Alderman Seils noted he is open to talking about all of the questions being raised, and is interested in learning more, including the complexities surrounding health and safety. The Town has experience regulating how people keep livestock. The issue is whether we want to do it in this particular context.

Alderman Slade asked about regulation of the North Carolina Department of Agriculture Consumer Services Meat and Poultry Inspection Division, which includes regulations for home slaughter without inspection. He asked for comment from the Department of Agriculture on this issue to help frame the issue for Carrboro, questioning whether this is a health risk for individuals, the neighborhood, or the community.

Nick Herman, the Town's Attorney, responded that it appears that the Department of Agriculture is addressing mass slaughter of animals, not backyard slaughter. They do not regulate slaughter for personal use, only that which is for sale/distribution.

Alderman Haven-O'Donnell stated that, according to Dr. Young, the state has given the responsibility to the counties and municipalities because North Carolina came out of an agrarian background, and in different places there are different needs to be met.

Mayor Lavelle would like the Board to reach out to El Centro and the Burmese community to understand if this is an issue that really affects a lot of Carrboro residents. If this issue is a real concern to certain segments of the community, the Town should then consider regulating the practice.

Alderman Chaney also requested that the Muslim community be brought into the conversation, possibly the Muslim Student Association.

David Andrews clarified that staff will bring back research based on comments and questions from the Board of Aldermen.

Alderman Chaney asked about engaging with the Food Council because they are an advisory committee to the County and they can explain whether there is a gap in appropriate facilities for humane slaughter in the county, and if so, what can be done about it. If the Town decides to prohibit backyard slaughter, what other avenues are available to the community for safe, humane, small scale butchering.

Alderman Haven-O'Donnell questioned whether that need exists in the jurisdiction of Carrboro.

MOTION MADE BY ALDERMAN CHANEY TO REFER TO THE FOOD COUNCIL TO HELP DETERMINE IF THERE IS A SAFE, HUMANE PLACE FOR SMALL SCALE SLAUGHTER IN ORANGE COUNTY. SECONDED BY ALDERMAN SLADE, WITH AMENDMENT TO FIND BEST PRACTICES IN URBAN AREAS ON BACKYARD SLAUGHTER.

Motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Chaney, Alderman Slade, Alderman Seils

Nay: Alderman Haven-O'Donnell

Absent: Alderman Jacquelyn Gist

ADOPTION OF RULES OF PROCEDURE FOR BOARDS AND COMMISSIONS, THE ADVISORY BOARD RECRUITMENT AND APPOINTMENT POLICY, AND ASSOCIATED ORDINANCE CHANGES

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

Nick Herman, the Town's Attorney, provided the staff report. He stated that the Town made technical code revisions to make it clear that all liaison members are non-voting and made clear conflicts of interest of voting members.

Mayor Lavelle questioned if these rules and procedures will show up in our Town Code, and whether the administrative policy will be incorporated by reference.

Nick Herman affirmed that will be the case. If the code amendment is adopted, then that page and administrative policy are adopted by reference.

Alderman Seils thanked Attorney Herman and Cathy Dorando, the Town Clerk, for their work on this item. He appreciates inclusion of language regarding conflict of interest.

Mayor Lavelle clarified with Nick Herman that while the Administrative Policy (Attachment C) will be incorporated by reference, the Town of Carrboro Advisory Board Recruitment and Appointment Policy (Attachment D) will not be.

Nick Herman confirmed this is the case.

David Andrews thanked the Board for establishing this policy to provide a set of operating guidelines.

Alderman Haven-O'Donnell wanted to confirm that with regard to the meeting agenda it is clear that the staff liaison is preparing the agenda and that the chairs do not unduly influence what is on the agenda or add ad hoc items to the agenda.

Nick Herman stated that he felt that it is covered in Section 4. It can only be changed if a majority of members vote. A Chair cannot make unilateral changes without violating this document.

David Andrews stated that if a Chair wants to add something at the last minute, the staff has clear direction that they cannot do it, and the policy explains why. This document protects staff liaisons.

Mayor Lavelle suggested that the Board chairs be provided a copy of this document.

David Andrews agreed with Mayor Lavelle and recommended that staff, boards, and commission members understand this and sign a copy saying they have read and received it.

Alderman Seils stated that staff liaisons review with board or commissions at upcoming meetings.

Alderman Slade asked for clarification about meeting agenda additions. Nick Herman explained that this section belongs to committees. This says Committees may not change the agenda. This is not in reference to Advisory Boards. Alderman Chaney suggested that this wording is targeted at protecting a town from subverting a process by adding an agenda item to committee meetings. Nick Herman stated that if a committee posts a public notice of a committee meeting then they cannot start adding items to the agenda.

Alderman Slade asked for clarification about why there are different roles for liaisons on Advisory Boards. He said that it should be consistent that members may participate but shall not have a vote.

Alderman Seils explained that there was an inconsistency in regard to the Transportation Board, but that this policy cleans it up and makes it consistent.

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

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

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

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

The motion carried by the following vote:

Aye: Alderman Randee Haven-O'Donnell, Alderman Sammy Slade, Alderman Bethany Chaney,
Alderman Damon Seils and Mayor Lydia Lavelle

Absent: Alderman Jacquelyn Gist

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

AN ORDINANCE AMENDING CHAPTER 3 OF THE CARRBORO TOWN CODE TO CLARIFY
THE STATUS OF BOARD OF ALDERMEN LIAISON MEMBERS ON ADVISORY BOARDS AND
COMMISSIONS
Ordinance No. 9/2017-18

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

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

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

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

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

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

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

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

Section 3: A new Section 3-44 is added to Article VIII, Chapter 3 of the Carrboro Town Code as follows:

Section 3-44 Advisory Boards and Commissions Subject to Rules of Procedure

All advisory boards and commissions established by this Chapter are subject to the Rules and Procedure for the Town of Carrboro Advisory Boards and Commissions adopted as Administrative Policy # 14.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this the 21st day of November, 2017.

The motion carried by the following vote:

Aye: Alderman Randee Haven-O'Donnell, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Damon Seils and Mayor Lydia Lavelle

Absent: Alderman Jacquelyn Gist

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

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SEILS TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A) (3) (4) AND (5) VOTE: AFFIRMATIVE ALL

OPEN SESSION

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN CHANEY TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL

ADJOURNMENT

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