

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 24, 2002 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Mark Dorosin
	Jacquelyn Gist
	John Herrera
	Diana McDuffee
	Alex Zaffron
Town Manager	Robert W. Morgan
Deputy Town Clerk	Richard White
Town Attorney	Michael B. Brough

CERTIFICATE OF APPRECIATION

Fire Chief Rodney Murray spoke of Mr. Daniel Mangum's heroic deed on August 15, 2002 when he rescued a young woman from her burning car. Mayor Nelson presented Mr. Mangum with a Certificate of Appreciation from Governor Michael Easley.

CARRBORO MUSIC FESTIVAL

Mayor Nelson reminded everyone of the Carrboro Music Festival and clock dedication scheduled for September 29th.

PEDESTRIAN SAFETY

Julian Serano, a Carrboro resident, addressed the Board of Aldermen in January about pedestrian safety. He requested that the Town impose a \$100 fine for drivers who do not yield to pedestrians. He suggested that signs warning drivers of potential fines be placed at Greensboro and Weaver, Weaver and Main, and Greensboro and Main.

Mayor Nelson referred these concerns to Public Works (signs) and the Town Attorney (fines).

GENERAL ASSEMBLY REPORT

Alderman Zaffron reported that the General Assembly passed the ½ cent sales tax and local government revenue protection act.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO APPROVE THE SEPTEMBER 17, 2002 MINUTES. VOTE: AFFIRMATIVE ALL

MID-AUGUST TO MID-SEPTEMBER ACTIVE PROJECTS REPORT

The Zoning Division of the Town of Carrboro is responsible for preparing a monthly report outlining the construction activities of various projects of interest within the Town of Carrboro's jurisdiction. The report for the period of August 16 – September 15, 2002 was presented.

A REQUEST TO ADOPT AN ORDINANCE AMENDING THE TOWN CODE TO PROHIBIT LOITERING IN THE TOWN COMMONS, CENTURY CENTER, TOWN PARKING LOTS, AND BUS SHELTERS

Police and Chapel Hill Transit personnel have noticed increased loitering in town bus stop shelters since the advent of fare-free bus service. Generally, persons loitering have no specific intention to ride the bus. Chapel Hill Transit personnel and citizens who legitimately use the bus shelters while waiting for the bus have asked Police Officers to remove loiterers from the bus shelters. Currently, we have no specific authority to prohibit loitering at town bus stop shelters. This proposed ordinance amends the current ordinance simply by adding the Century Center, Town Commons, town-owned or leased parking lots, and town bus stop shelters to the list of other Town of Carrboro property upon which loitering is prohibited (including the Town Hall, Police and Fire stations, and the Public Works building). The administration recommended adoption of the proposed ordinance.

Alderman Broun requested that this item be scheduled for a future meeting for a more thorough discussion.

PUBLIC HEARING/ORANGE COUNTY ORDINANCE REGULATING RECYCLABLE MATERIALS

At their regularly scheduled meeting on September 3, 2002, staff presented to the Board of Aldermen a summary of an ordinance passed by Orange County to regulate certain recyclable materials. In order for the County to enforce the ordinance within Carrboro, the County would need authorization from the Town Board. The Board set a public hearing for September 24, 2002 to receive public comment on implementation of the ordinance. The Administration recommended that the Board adopt a resolution that would authorize Orange County to enforce the County ordinance in Carrboro.

Phil Prete, the town's Environmental Planner, made the presentation.

David Ghiradelli, with Orange County Solid Waste Management, addressed the Board concerning the 60-day delay for demolition projects.

Gale Wilson, with Orange County Solid Waste Management, addressed financing for the enterprise fund.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Mark Dorosin.

A RESOLUTION AUTHORIZING ORANGE COUNTY, WITH CERTAIN EXCEPTIONS,
TO ENFORCE THE COUNTY ORDINANCE REGULATING RECYCLABLE MATERIALS
AND LICENSING THE COLLECTION OF REGULATED RECYCLABLE MATERIALS
WITHIN THE TOWN OF CARRBORO
Resolution No. 22/2002-03

WHEREAS, the Carrboro Board of Aldermen has reviewed the Orange County Ordinance regulating recyclable materials and licensing the collection of regulated recyclable materials, and

WHEREAS, the Carrboro Board of Aldermen has received public input on implementation of said ordinance, and

WHEREAS, the said ordinance is found to be consistent with the goals of the Town of Carrboro as relates to improving the rate of recycling of waste materials from commercial sources and from construction and demolition activities.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Mayor and the Board of Aldermen that the Aldermen hereby authorize Orange County to enforce the Regulated Recyclable Materials Ordinance within the corporate limits of Carrboro as follows;

Section 1. A Recycled Material Permit is required before a Building or Zoning Permit may be issued. The fee for Recycled Material Permits is established at 10% of the total of assessed building permit fees and shall be added to the fee schedule accordingly.

Section 2. Authorization for County enforcement is exclusive of residential roll-out container users and town vehicles servicing those users, and is limited to only the materials specified in the ordinance adopted by the Board of Commissioners on December 11, 2001, unless resolved otherwise in future action by the Board of Aldermen.

Section 3. All provisions of any Town Ordinance in conflict with this resolution are hereby repealed;

Section 4. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24th day of September, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: None

VOLUNTARY ANNEXATION OF WINMORE/UNC HOMESTEAD AND HORACE WILLIAMS AREA

The purpose of this item was to provide the Board of Aldermen with additional information and an opportunity to vote on the annexation ordinance. The town staff presented three memos responding to a request for a general cost/revenue analysis, a report on a purported dumpsite, and information regarding the town's stream buffer requirements.

Mayor Nelson stated that the Board of Orange County Commissioners was not able to furnish comments for tonight's meeting. Barry Jacobs stated that the County would provide a courtesy review.

David Bleicher requested that Carrboro continue to develop as a walkable community.

Donald McDonnell, Carrboro resident, spoke in opposition of annexation. He requested a joint planning review.

Brian Voyce stated that the staff report does not answer if annexation will increase taxes.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING THE WINMORE/UNC HOMESTEAD AND HORACE WILLIAMS AREA." VOTE: AFFIRMATIVE ALL

(Alderman Herrera abstained because he is concerned that this decision may negatively impact the Board of Aldermen's relationship with the Board of Orange County Commissioners. (According to the Town Attorney, an abstention on this matter counts as an affirmative vote.)

A REQUEST TO ADOPT REVISIONS TO THE TOWN'S ANIMAL CONTROL ORDINANCE

The Mayor and Board of Aldermen have been requested to consider adopting an ordinance prohibiting the display of wild and exotic animals within Orange County. The town staff recommended that the animal control ordinance be amended to include the requested changes. In addition, the town staff requested that the Board approve additional modifications to the current ordinance and that Chapter 5 of the Town Code (Noise Generally) be amended to include barking dogs.

Amanda Stipe, the town's Animal Control ordinance, answered the Board's questions.

Mayor Nelson requested that staff review how other jurisdictions deal with pit bulls and schedule a Board discussion of this matter at a later date.

Alderman McDuffee requested that the staff consider ways to publicize existing ordinances that deal with clean up. She also requested a further discussion of requiring residents to clean up after dogs.

Alderman Dorosin suggested amending the ordinance to allow residents to keep nonpoisonous, non-giant, non-crushing snakes and reptiles, but that there will be no displaying of any kind.

Alderman Broun requested some restraint on cats.

Ms. Stipe pointed out the sections of the ordinance dealing with cats.

Alderman Herrera requested the number of pet owners in Carrboro.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY MARK DOROSIN TO ADOPT THE REVISED ANIMAL CONTROL ORDINANCE AND THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO CLARIFY THAT THE LIST OF PROHIBITED NOISES INCLUDES DOGS AND OTHER ANIMALS THAT ENGAGE IN REPEATED BARKING OR OTHER NOISE MAKING BETWEEN THE HOURS OF 11:00 P.M. AND 7:00 A.M." VOTE: AFFIRMATIVE ALL

A REPORT ON IMPLEMENTING THE CARRBORO ZERO WASTE RESOLUTION

As an element of the 2002-2003 *Action Agenda* the Board of Aldermen instructed staff to study and make recommendations on appropriate steps to move toward zero waste. A report was presented that included policy and program strategies and recommendations. A resolution to receive this report and to direct staff to convene a meeting of appropriate officials for further exploration was recommended for the Board's adoption.

Phil Prete, the town's Environmental Planner, made the presentation.

Mayor Nelson and Alderman Gist requested that this report be shared with the Environmental Advisory Board (EAB) and the Solid Waste Advisory Board (SWAB).

Alderman Gist suggested that staff invite Orange County and Chapel Hill counterparts to a meeting to discuss the report. In addition that a meeting be held with the commercial sector, the Chamber of Commerce and the Downtown Development Commission.

Alderman Broun suggested incorporating some of the recommendations in the development ordinance to make it easier for residents to recycle.

Alderman Zaffron suggested determining where the uses fit into the zoning ordinance. He suggested publicizing oil collectors.

Alderman Broun requested information on why only three restaurants participate in composting.

Alderman McDuffee suggested that the Environmental Advisory Board review the report and set implementation priorities.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION RECEIVING THE STRATEGY REPORT ON IMPLEMENTING CARRBORO'S ZERO WASTE RESOLUTION Resolution No. 21/2002-03

WHEREAS, the Carrboro Board of Aldermen passed a resolution on September 22, 1998 in support of creating a "*Zero Waste Plan* in order to eliminate waste and pollution in the manufacture, use, storage, and recycling of materials," and

WHEREAS, the Carrboro Board of Aldermen, as specified in the Action Agenda for 2002-2003, have continued to seek opportunities to implement appropriate strategies toward that end, and has instructed staff to prepare a report to outline strategies for implementing the Zero Waste Resolution.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen have reviewed the report provided by the Planning Staff on strategies for implementing the town's Zero Waste Resolution.

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Aldermen receive the report, and direct staff to convene a meeting of appropriate representatives of the interested local governments within the County to explore further the strategies contained in the report.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24th day of September, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: None

TRAYMORE WEST

Mayor Nelson requested that a Board discussion be held on traffic calming devices in the Traymore West development.

ONE-HALF CENT SALES TAX LEGISLATION

Alderman Zaffron thanked the town's legislative delegation, the League of Municipalities and the Metropolitan Coalition for their work on the budget. The Mayor thanked Alderman Zaffron for his work on this matter.

Alderman Zaffron requested that the Town Attorney prepare a memo that provides an interpretation of H.B. 1490. He would like to know if the Governor could take local government reimbursements as a last resort.

PUBLIC WORKS MARKET ADJUSTMENT

The Board requested an opportunity to discuss the cost to move up the Public Works market adjustment and the unfunded list of needs.

PATRIOT ACT RESOLUTON

Alderman Dorosin announced that Carrboro is receiving praise from around the country for passing the Patriot Act Resolution. He stated that he would be discussing the resolution on WBAI radio in New York this morning. The program can be accessed via the Internet.

WEST POPLAR TRANSIT SERVICE

Alderman Broun requested that staff prepare a response to a request relating to transit service on West Poplar Street.

TRANSPORTATION ADVISORY BOARD BY-LAWS AMENDMENT

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY JOAL BROUN TO APPROVE THE AMENDMENTS TO THE TRANSPORTATION ADVISORY BOARD'S BY-LAWS AS FOLLOWS:

“A regular member who is unable to attend a meeting due to temporary illness or physical incapacitation may participate by telephone and will be considered present and able to vote, subject to approval by the chair. A member wishing to participate by telephone should contact the chair at least 24 hours prior to the meeting.”

VOTE: AFFIRMATIVE ALL

CARR COURT SIDEWALK

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY JOAL HALL BROUN TO REQUEST THAT THE MAYOR PREPARE A LETTER IN SUPPORT OF NCDOT GRANT TO FUND SIDEWALKS IN THE CARR COURT NEIGHBORHOOD. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 9:53 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Deputy Town Clerk