

A worksession of the Carrboro Board of Aldermen was held on Tuesday, September 13, 2011 in the Board Room of the Carrboro Town Hall.

Present and presiding:	
Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Randee Haven-O'Donnell
	Sammy Slade
Interim Town Manager	C. Matthew Efird
Town Clerk	Catherine C. Wilson
Town Attorney	Michael B. Brough

LETTER IN OPPOSITION TO GENERAL ASSEMBLY VOTE REGARDING MARRIAGE AMENDMENT

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN LAVELLE FOR THE MAYOR TO SEND A LETTER FORMALLY EXPRESSING THE BOARD’S DISAPPOINTMENT IN THE GENERAL ASSEMBLY’S VOTE REGARDING THE MARRIAGE AMENDMENT AND THAT THE LETTER HIGHLIGHTS THE ECONOMIC IMPACT OF THE VOTE. VOTE: AFFIRMATIVE ALL

100 BLOCK OF MAIN STREET SEWER LINE

Mr. Jacques Menache, owner of the Armadillo Grill building, spoke on behalf of the property owners of the 100 block of Main Street between Armadillo Grill and the Friendly Barber Shop. The sewer line had a catastrophic over-flow on August 26, 2011 and an ad-hock pumping station was installed by diverting the sewer to the Bank of America lateral line. Mr. Menache requested that the Board consider designating an emergency fund of \$60,000 to deal with the problem, taking over the repair and maintenance of the sewer line, and advocating for OWASA to adopt the project. He stated that the sewer line is a private line and that if urgent action is not taken, existing businesses will have to close and future businesses will not be licensed to open.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN FOR MAYOR CHILTON AND ALDERMAN BROUN TO ATTEND THE NEXT OWASA MEETING TO ADVOCATE FOR OWASA’S ASSISTANCE IN PAYING FOR THE REPAIRS AND ADVOCATE FOR OWASA TO ASSUME THE FUTURE MAINTENANCE OF THE LINE. THE COUNTY SHOULD ALSO BE CONSULTED FOR THEIR ASSISTANCE IN RESOLVING THIS MATTER. TOWN STAFF SHALL MAKE A SPECIAL REQUEST FOR BANK OF AMERICA TO EXTEND THE TIMELINE FOR THE AD-HOC SEWER CONNECTION. THE BOARD OF ALDERMEN SHALL EXPLORE OPTIONS FOR A SOLUTION DURING THEIR MEETING ON SEPTEMBER 27, 2011. VOTE: AFFIRMATIVE ALL.

FOLLOW-UP REPORT ON THE LIMITED ANTI-LINGERING ORDINANCE FOR THE AREA NEAR THE INTERSECTION OF JONES FERRY ROAD AND DAVIE ROAD

The purpose of this item was to provide a follow-up report to the Board of Aldermen on the limited anti-linging ordinance approved by the Board on November 20, 2007.

Carolyn Hutchison, Police Chief, made the presentation.

The Board discussed the issues related to the area near the intersection of Jones Ferry Road and Davie Road, at length. Aldermen Gist and Broun commented on complaints of illegal and nuisance behaviors that occur in the area. Aldermen Lavelle and Broun spoke on the constitutionality of the ordinance. Alderman Haven-O'Donnell mentioned that she is involved with several non-profit groups that are working to eliminate the illegal and nuisance behavior at the site. Alderman Coleman commented on the issue of public safety in the area and the need for a police presence to deal with the illegal acts. He explained that there is a cost related to having a police presence and that the Board needs to understand what that cost is and if they are going to be willing to pay it. Alderman Slade stated that it is the lawbreakers that are causing the issues. He also asked if benches could be made available for anyone that would like to use them.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Haven-O'Donnell:

A RESOLUTION RECEIVING THE FOLLOW-UP REPORT ON
THE LIMITED ANTI-LINGERING ORDINANCE FOR THE AREA NEAR
THE INTERSECTION OF JONES FERRY ROAD AND DAVIE ROAD
Resolution No. 16/2011-12

WHEREAS the Board of Aldermen has expressed interest in the problems occurring at and near the corner of Davie Road and Jones Ferry Road; and

WHEREAS the Board of Aldermen has expressed interest in receiving a follow-up report on the limited anti-lingering ordinance for the area near the intersection of Jones Ferry Road and Davie Road; and

WHEREAS, Town staff have prepared a report;

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

Section 1: They receive the follow-up report and discussed the issues presented; and,

Section 2: The Board recommends the following action(s):

1. That staff research the possibility of an outreach person being on-site at the intersection of Jones Ferry and Davie Roads (report should include costs and possible resources for providing the personnel); and,
2. That staff research the possibility of implementing an ordinance that would limit the hours in which employers may solicit work at the intersection of Jones Ferry and Davie Roads; and,
3. That staff research the possibility of implementing a “no-stopping” zone along Davie Road during hours of the day in which the Anti-Lingering Ordinance is not in affect; and,
4. That staff research Orange County’s role in providing Social and Employment related services in the area; and,
5. That staff provide a map that clearly depicts the Town’s right-of-way along both sides of Davie Road; and,
6. That the item be brought back to the Board of Aldermen during a regular business meeting in November of 2011.

Section 3: This resolution becomes effective immediately upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 13th day of September 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O’Donnell

Noes: None

Absent or Excused: None

REPORT ON AN ORDINANCE PROHIBITING THE TETHERING OF DOGS EXCEPT IN LIMITED CIRCUMSTANCES

The purpose of this item was to provide a staff report on an ordinance prohibiting the tethering of dogs except in limited circumstances, to allow the Board of Aldermen to discuss the issue, and to decide whether to hold a public hearing on the matter.

Carolyn Hutchison, Police Chief, made the presentation.

The following ordinance was introduced by Alderman Broun and seconded by Alderman Gist:

AN ORDINANCE AMENDING CHAPTER 10 OF THE CARRBORO TOWN CODE TO PROHIBIT THE
TETHERING OF DOGS EXCEPT IN LIMITED CIRCUMSTANCES
Ordinance No. 4/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 10-1 (Definitions) of the Carrboro Town Code is amended by adding a new definition to read as follows:

(21.1) 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).

Section 2. Article V of Chapter 10 of the Carrboro Town Code is amended by adding a new Section 10-17.2 to read as follows:

Section 10-17.2 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.
- (3) The dog must be tethered in such a manner that it has access to food, water, and shelter.

Section 3. Subsection 10-25(g) is rewritten to read as follows:

(g) No person may keep a dog outdoors within an enclosure such as a fence, kennel, or other device unless the enclosure contains at least one hundred (100) square feet of unobstructed area per each dog weighing twenty (20) pounds or less and at least two hundred (200) square feet of unobstructed area per each dog weighing more than twenty (20) pounds).

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. 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 13th day of September 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

REQUEST TO MAKE APPOINTMENTS TO THE GREENWAYS COMMISSION

The purpose of this item was for the Mayor and Board of Aldermen to consider making appointments to the Greenways Commission.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN BROUN TO APPOINT THE GROUP OF: CHARLIE HILEMAN, GARY JUNKER, MARY PARKER SONIS, AND LINDA HAAC TO THE GREENWAYS COMMISSION. MOTION FAILED. VOTE: AFFIRMATIVE THREE, NOES FOUR (COLEMAN, SLADE, LAVELLE, CHILTON).

The following resolution was introduced by Alderman Lavelle and seconded by Alderman Coleman:

A RESOLUTION MAKING APPOINTMENTS TO THE
GREENWAYS COMMISSION
Resolution No. 12/2011-12

WHEREAS, the Planning Board, Transportation Advisory Board, and four At-Large seats on the Greenways Commission have expired or expiring terms; and

WHEREAS, the Planning Board voted to recommend that Damon Seils be appointed as their representative and the Transportation Advisory Board has not selected a representative member at this time; and

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES;

Section 1. The Board of Aldermen hereby appoints the following applicants and recommended representatives to the Greenways Commission:

Seat Designation	Appointee	Term Expiration
Planning Board	Damon Seils	7/1/2014
Transportation Advisory Board	None	7/1/2014
At-Large	Gary Junker	7/1/2014
At-Large	Charlie Hileman	7/1/2013
At-Large	Mary Parker Sonis	7/1/2014
At-Large	Marc Desormeau	7/1/2013

Section 2. 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 13th day of September 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: Mark Chilton, Joal Hall Broun

Absent or Excused: None

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN BROUN TO ADJOURN THE MEETING AT 9:45 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk