

**TOWN OF ELON
BOARD OF ALDERMEN
REGULAR MEETING MINUTES
July 10, 2018**

CALL TO ORDER

The regularly scheduled meeting of the Town of Elon Board of Alderman was convened on July 10, 2018 at 6:00 p.m. in the Elon Municipal Building located at 104 S. Williamson Avenue. Mayor Jerry Tolley presided. Mayor Pro Tem Ron Klepcyk, Aldermen Mark Greene, Davis Montgomery and Alderwoman Emily Sharpe were present. Alderman John Peterson was absent.

Staff present included Town Manager Richard White, Assistant Town Manager/Planning Director Pam Graham, Town Attorney Joe Kalo, Police Chief Cliff Parker, Downtown Development Administrator Kathleen Patterson and Deputy Town Clerk Crystal Maurer.

Others present included, Tony Krasienko with Republic Services, Attorney Ginger Booker, *The Alamance News* reporter Ashley Ramey, and citizens Sue Brown, Jim Chanas, George Ebinger, and Kim Hensley.

Mayor Tolley called the meeting to order at 6:00 p.m.

PUBLIC HEARING – Continued from June 25, 2018 meeting

Town of Elon Code of Ordinances Revision

Alderman Montgomery made a motion to reopen the public hearing on the Town of Elon Code of Ordinances Revisions. Mayor Pro Tem Klepcyk seconded the motion. The motion to reopen the hearing carried 4-0.

Mayor Tolley opened the public hearing for citizen comments.

Kim Hensley, 810 Wagoner Road referenced the revision in Section 22.6 that receptacles must be at curbside no earlier than the evening before. He said the majority of residents on Wagoner Road, are elderly and since recycling and garbage collection are on consecutive days often when they go to pick up their trash can after collection they put their recycling can out at the same time. He asked that it be clarified that the receptacle can be placed out within reason. Mayor Tolley agreed with the suggestion.

Sue Brown, East Summerbell Road, pointed out that her street has the opposite problem in that cans are left out for long periods of time. Mr. Hensley said he understood the requirement to bring the receptacles in from the curb within a certain timeframe, but he believes it can be revised within reason to accommodate senior citizens.

Mayor Pro Tem Klepcyk suggested that the ordinance be revised to say the “day before and the day after”. He said he felt that would offer the flexibility Mr. Hensley was requesting.

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Mr. Hensley also requested a clarification on Section 22.14 Scavenging in regards to tampering with garbage or recyclables placed in the right of way or dumpsters. He said he provided Downtown Development Administrator Kathleen Patterson with case law regarding this issue. He said if he puts something large out on the curb and someone else picks it up before collection, he felt it was common sense to let the person have it and keep it out of the landfill. He pointed out that if something is clearly marked and a person removes it from another person's property then it can be prosecuted under the law.

Alderwoman Sharpe pointed out the ordinance revision prohibits scavenging "in containers".

Town Manager White explained the intent of the ordinance was to prevent people from going through containers and creating a nuisance. Mr. Hensley agreed if the Town wanted to prohibit people from going into containers that was understandable, but he wanted to allow people to take items that were sitting out if they wished to.

Attorney Ginger Booker, Codes Revision Consultant, stated that as the ordinance was currently worded it would accommodate Mr. Hensley's concern.

Mr. Hensley also requested clarification on the definition of golf carts as an unregistered car with the State. He said he has spoken with Ms. Patterson prior to the meeting about this issue.

Mr. Hensley finally asked for rewording of Section 24.34 regarding parking within ten feet on either side of the mailbox being prohibited. He said in certain areas of the Town, the majority of driveways are within ten feet of the mailbox so he asked for the language "on the street" to be added. Mayor Pro Tem Klepcyk responded that was the intention of the ordinance and he agreed with the suggested edit. Ms. Booker said she can add "on the street" to the revision to make the intent clear.

George Ebinger, 107 Running Brook Road, asked for the definition of yard waste. Alderman Montgomery responded it was his understanding yard waste included trimmings, limbs, and grass clippings.

Alderwoman Sharpe asked if grass clippings were required to be bagged and if it was clear in the ordinance that only during posted times can yard waste be un-bagged during leaf pick up season.

Town Manager White pointed out that yard waste was defined in Section 22.1 in the ordinance and under Section 22.9 yard waste does not go to the landfill and shall be therefore separated from all other refuse prior to collection. He added that under (C) of the same section it states that grass trimmings must be bagged and placed curbside for removal.

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Town Manager White referenced (B) under section 22.9 that states leaves must be bagged and placed curbside and in addition, periodically in the fall and spring the Town will vacuum leaves piled at the curbside and periods during which leaves will be vacuumed will be posted on the town's website.

Alderwoman Sharpe asked if (C) would be kept as is in that grass trimmings must be bagged for collection, regardless of the time of year. Town Manager White confirmed it would remain as is.

Mr. Ebinger asked about heavy pickup items and complained that sometimes large items may remain out for a week before collection. Mayor Pro Tem Klepcyk responded a number of people go through regularly looking for large items to be picked up and very little of those items remain until the pick-up day. He said that in his experience, citizens have come to expect these items won't remain out long so they aren't concerned about the schedule for pickup.

Mr. Ebinger asked if construction materials like doors were considered heavy waste for pickup. Mayor Pro Tem Klepcyk responded construction materials are not considered heavy waste.

Alderwoman Sharpe referenced Section 22.10 and asked if there needed to be clarification that it be during regularly scheduled timeframe for heavy pickup and items can't be placed out a week in advance, for example. Mayor Pro Tem Klepcyk replied that he felt a specific timeframe might be unrealistic as most people won't pay attention to it. Town Manager White explained the schedule for heavy pick up was approximately on the second and fourth Thursday of the month and citizens had been made aware of the schedule.

Alderwoman Sharpe expressed concern that large items could be left out and pose a safety issue if in the street.

Alderman Greene said to require items only be placed out the day before scheduled collection is in his opinion not realistic to enforce but if they see it being abused then it can be addressed.

Ms. Brown asked for the clarification for the definition of curbside. Alderman Montgomery said typically curbside was in the street next to the curb or in front of the lawn. Ms. Brown expressed concern about water runoff being blocked by cans or waste. Mayor Pro Tem Klepcyk explained that Republic and Waste Industries have trucks with machines that pick up the cans so the cans must be close enough to the curb to be picked up.

Ms. Brown asked if there was another time that the Town cleaned out the gutters outside of leaf season. Mayor Pro Tem Klepcyk said there is a schedule, but if public works staff sees a problem, they will note it and address it. Town Manager White invited Ms. Brown to call the Town if she sees a problem and town staff will come out and look at it.

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Jim Chanas, 705 Wagoner Road, said he has put out his trash and it was not picked up and he was told he did not put it out in time but he was very certain it was put out in time. Mayor Tolley asked the Town Manager to look into this situation and told Mr. Chanas to call Mr. White if it is not picked up again so they can contact the service provider.

Mr. Hensley asked for clarification on when grass clippings needed to be bagged. Alderwoman Sharpe responded the ordinance states grass clipping must be bagged at all times. Town Manager White explained leaves may be un-bagged during leaf season, but grass clippings must always be bagged in order to be picked up.

Hearing no other comments, Mayor Tolley closed the public hearing.

ORDINANCE(S) AND RESOLUTION(S)

Approved Town of Elon Code of Ordinances Revision Effective August 1, 2018

Attorney Booker noted the two revisions that were requested. She said she would add that receptacles at curbside may be the day before and the day after and add the language “on the street” for parking within ten feet of a mailbox.

Alderwoman Sharpe noted that she received an email from a resident who was out of town for the hearing but she wanted to address the issue. She said the proposed ordinance prohibits bicycles on the sidewalk on North Williamson Avenue between Lebanon Avenue and Haggard Avenue. A citizen asked if there was any potential to have an age limit so that small children would still be able to ride their bikes on the sidewalk in that area. Alderman Montgomery said he was concerned for both pedestrians and children so from a safety standpoint it was better to leave it as is. Alderwoman Sharpe agreed.

Town Manager White also asked that the resolution to adopt the codes be revised to be effective August 1, 2018 to give staff more time to get it ready.

Mayor Pro Tem Klepcyk made a motion to adopt the revised Code of Ordinances for the Town of Elon including the revisions proposed at this meeting. Alderman Montgomery seconded the motion. The motion carried 4-0.

NEW BUSINESS

Approved Contract with North State Water and Sewer for Forestview Drive Storm Drainage Improvements Bid Award

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Town Manager White stated this was an informal bid, but it has been the town's practice to bring informal bids to the Board for approval. He explained that funds for the Forestview Drive project were in the FY 2018-19 budget.

Alderman Montgomery moved to award a contract to North State Water and Sewer, Inc. in the amount of \$159,805.50 to improve storm drainage along Forestview Drive and authorize the Town Manager to execute the associated documents. Alderwoman Sharpe seconded the motion. The motion to approve carried 4-0.

ADJOURNMENT

With no further business, Mayor Tolley asked for a motion to adjourn. Mayor Pro Tem Klepcyk moved adjournment. Alderman Montgomery seconded the motion. The motion carried 4-0. The meeting adjourned at 6:28 p.m.

Mayor

Attest:_____