

Minutes of the Meetings of the Board of Aldermen, Book 4, Page 39.

February 1, 1926

There was a regular meeting of the Board of Aldermen on the above date at 7:40 P.M. Alderman Hogan, Mayor pro-tem, presided, and the following Aldermen were present: Messrs. G.M. Braune, R.D.W. Connor, C.T. Durham, B.S. Williams and C.L. Wills.

The minutes of the meetings of the Board of Aldermen on January 4 and January 21 were read and approved.

The Manager stated that there were several important matters to come before the Board at this meeting and suggested that the question of making an appropriation to defray a part of the salary of the colored community nurse be considered first. Mrs. H.D. Carter, Mrs. J.E. Lear and Mr. George Lawrence were present at the meeting to request an appropriation from the Board of Aldermen of \$450. for this year. Mrs. Carter made a talk to the Board and stated that the various Women's Clubs of the Town proposed to donate \$450., the negro organizations and churches, \$300, and the Town was requested to make up the difference of \$450. Mrs. Carter further stated that the negroes were behind in their payments for the past year but that Mr. Comer was now engaged in organizing the various negro clubs for a drive and that she was certain that their allotted portion of the nurse's salary would be raised. During the past year the various Women's Clubs and the negroes have raised the entire salary for the nurse but this year several of the sources from which funds have been obtained, are materially reduced. Mr. George Lawrence, County Welfare Officer, and Dr. S.A. Nathan, Health Officer, both stated that they had observed the work that the nurse has been doing and that it was practically indispensable to the community. There was much general discussion by members of the Board and other persons present. Upon motion of Alderman Connor, seconded by Alderman Braune, the following resolution was duly adopted.

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

Section 1. That Dr. S.A. Nathan, Health Officer, is hereby instructed to make a through investigation of the whole situation and report to the Board of Aldermen as soon as possible.

Section 2. That the said Board of Aldermen shall meet in special session when the report of this matter is ready for presentation.

The QUESTION OF AMENDING THE LICENSE ORDINANCE AS DISCUSSED PREVIOUSLY AT THE MEETINGS OF THE BOARD OF ALDERMEN ON OCTOBER 5 AND OCTOBER 10, 1925, was brought up for consideration. Mr. McIntosh, Attorney for the Town, was present and stated that he had made a through study of the whole situation and that there were several clearly defined points of law involved

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in the proposed ordinance to tax all persons renting space to agents for the display of merchandise. Mr. McIntosh stated that a tax upon the business of the salesmen from another state would not be valid because it would be in conflict with the Interstate Commerce Law; a tax upon salesmen from other places within the state would be discriminatory; the proposed ordinance is a revenue measure and not a police regulation; the Town can levy no taxes for revenue without expressed authority; license taxes must be uniform upon all persons engaged in the same business but reasonable classification may be made. Mr. McIntosh pointed out that the general law provides that the Town may place a tax on all trades, business or professions being carried on within the Town unless otherwise paid for by law and that the Revenue Act of 1925 does not contain any provision which would cover that particular subject. Mr. McIntosh stated that the main points of the issue were:

1. Is the proposed tax reasonable and not prohibitive?
2. Is it in any sense discriminatory?
3. Does it apply to all persons who rent a room or space for a temporary trading purpose?
4. If so, does it apply to a sample room in a hotel?
5. Does it apply to a room in a boarding house?

After much discussion a motion to reinact the amendment passed at the meeting of the Board of Aldermen on the 5th day of October was brought up for consideration and upon motion of Alderman Connor, seconded by Alderman Wills, was duly adopted, all the Aldermen present voting in the affirmative therefor, to-wit: Aldermen G.M. Braune, R.D.W. Connor, C.T. Durham, C.L. Wills and B.S. Williams, said ordinance being as follows:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

Section 1. That the License Ordinance is hereby amended by adding thereto the following:

All merchants or landlords engaged in renting space to agents or itinerant salesmen for the display of merchandise of other lines or character than that regularly carried in stock and for which a regular retail merchant's license has been issued, shall pay an additional license fee of \$5.00 for each and every day such display is made. Provided, that this ordinance shall take effect upon its passage. Provided further, that the same general clauses, with the conditions and penalties included within the general license ordinance, shall apply hereto.

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The Manager brought up for discussion the question of paying Mr. McIntosh a salary or fee for the large amount of work which he has done in investigating the law for the Board at various times, and stated that Mr. McIntosh had steadfastly refused to accept any fee for his services and that it was felt that Mr. McIntosh should not be required to devote his time to this work without remuneration of some kind. Upon motion of Alderman Connor, seconded by Alderman Braune, and duly adopted, the Mayor was requested to take up this matter with Mr. McIntosh and attempt to work out a plan in accordance with statements made.

THE QUESTION OF INOCULATION AGAINST RABIES OF ALL DOGS WITHIN THE TOWN was brought up for consideration. Dr. S.A. Nathan stated that in the preparation to assist in the enforcement of the ordinance passed at the meeting of the Board on January 4, he had consulted Dr. Shore, Director of State Laboratory of Hygiene, and that the State Board of Health did not furnish serum of any type for animals, making it necessary to purchase the rabies serum at a cost of approximately 40¢ per dose. In conference with Dr. Nathan, Dr. Shore stated that the serum for the prevention of rabies in dogs was only about 60% efficient and that he had estimated that about 3% of the cases inoculated, the serum actually produced rabies and was to some extent, dangerous. Dr. Shore stated further, that he hoped that we would carry out our ordinance requiring the inoculation of all dogs, but that he felt that the Board of Aldermen should fully realize the true status of the danger of rabies inoculation. After much general discussion the following ordinance was made by the motion of Alderman Braune, seconded by Alderman Wills, and duly adopted.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

Section 1. That the ordinance passed at a regular meeting of the Board of Aldermen on the 4th day of January, 1926, requiring that all dogs within the Town be inoculated with a serum to prevent rabies, is hereby rescinded, made null and void.

THE QUESTION OF REQUIRING ALL DOGS WITHIN THE TOWN TO BE MUZZLED was then brought up for consideration and upon motion of Alderman Connor, seconded by Alderman Williams, was duly adopted, said ordinance being as follows:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

Section 1. That all dogs within the Town shall be muzzled at all times.

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Section 2. That a committee composed of Alderman C.T.Durham, Health Officer S.A.Nathan and Chief of Police G.T.Featherston is hereby appointed for the purpose of investigating the various types of dog muzzles on the market and to report to the Board of Aldermen their opinion of the type of muzzle which should be used in Chapel Hill.

Section 3. That this ordinance shall take effect after the report of said committee.

Section 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. That any owner of a dog who shall allow his dog to run at large without wearing a proper muzzle, shall, upon being convicted, be subject to a fine not in excess of \$50.00.

Section 6. That all dogs which shall be found on the streets of the Town without proper muzzles after this ordinance takes effect, shall be taken to the dog pound and shall be released only upon the payment of costs, and any person who shall wilfully open and take away a dog from the pound without authority from the Chief of Police, shall be guilty of a misdemeanor and shall be subject to a fine of \$50.00

THE QUESTION OF CHANGING THE ORDINANCE IN REGARD TO THE OPENING OF STORES ON SUNDAYS was brought up for consideration and upon motion of Alderman Durham, seconded by Alderman Connor, the following ordinance was duly adopted, all the Aldermen present voting in the affirmative therefor, to-wit: Aldermen G.M.Braune, R.D.W.Connor, C.T.Durham, C.L.Wills and B.S.Williams.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

Sunday Ordinance
Section 1. That no person, firm or corporation shall open any store or place of business on Sundays for the sale or purchase of any merchandise except in case of necessity and as defined hereafter.

✓ Section 2. That soda fountains, fruit stands, tobacco stores, confectionery stores, and stores of like nature may remain open for business on Sundays, except during the hours from 11:00 A.M. to 12:30 P.M. and from 6:30 P.M. to 8:30 P.M.

Section 3. That this ordinance shall not apply to restaurants, cafes, cafeterias nor other places making a regular business of furnishing meals continually, nor shall it apply to the sale of drugs, newspapers, garage supplies, nor to the sale of ice and milk, provided, that the cafes or other places of business allowed to remain open during

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the entire day, shall sell no soft drinks, cigars, cigarettes or tobacco or anything which is not classed as a food, during the hours from 11:00 A.M. to 12:30 P.M. and from 6:30 P.M. to 8:30 P.M.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. That any person guilty of violating any section of this ordinance shall be subject to a fine of \$50.00

Section 6. That this ordinance shall be in full force and effect immediately after its adoption.

The Manager brought up for consideration the appointment of Mrs. Dewey Merritt as Clerk to the Board of Aldermen and tendered his resignation as same. After much discussion and upon motion of Alderman Braune, seconded by Alderman Durham, the following resolution was duly adopted:

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

Section 1. That the resignation of E.M.Knox as Clerk to the Board of Aldermen is hereby accepted.

Section 2. That Mrs. Dewey Merritt is hereby appointed Clerk to the Board of Alderman to take effect on March 1, 1926.

Having no further business the Board of Aldermen of the Town of Chapel Hill adjourned at 10:15 P.M.

W.S.Roberson, Mayor

E.M.Knox Clerk