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Interstate 40

Mayor Lee read a resolution opposing Interstate 40, Alternate I. Alderman Smith said that Interstate 40

and the alternates will be discussed by the COG on Wednesday evening. He described the link between N.C. 54 and Interstate 40. Van Opdenbrow showed the proposed route for Interstate 40 and the North-South freeway on an aerial map. Alderman Smith said he was concerned about how I-40 will affect the rest of the region and requested holding public hearing in Chapel Hill and in Durham for citizen input. Alderman Nassif said the state cannot afford to build interstates with unlimited mileage and must determine the best location for them. He said that they should be located in area that need them, and that Orange and Durham County are not areas needing a stimulus for development. Mayor Lee said that he would like Orange County, Chapel Hill and Durham to cooperate in opposing I-40 and he encouraged members of the Board of Aldermen to attend the COG meeting Wednesday night. Alderman Nassif recommended that the Board oppose all the alternates proposed and recommend that the interstate be built through the southern route.

Recreation
Open Space
Ordinance

Alderman Smith asked if the Town had standards for Recreation Open Space in writing. Town Attorney Denny and Town Manager Kendzior said

that it does. Alderman Smith said that these should be made available. Alderman Scroggs said he was not satisfied with the ordinance but did not have an alternative to suggest. Mayor Lee said he was concerned about density credit trade-offs with Recreational Open Space. Town Attorney Denny said that a developer would compute the units possible in the zone and allocationg open space would not reduce the number of units. Alderman Nassif inquired about the difference between private and public open space. Mayor Lee requested that further discussion of the proposed ordinance be delayed until the next meeting, at which time recommendations by the Planning Board and the Recreation Commission would be available.

Sister City

Mayor Lee said he had been asked whether Chapel Hill would like to participate in the Sister City

program and refered the inquiry to the Town Manager for consideration.

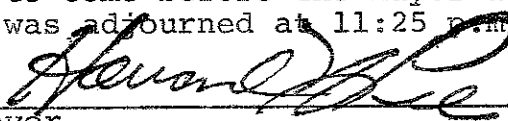
Parking Parks

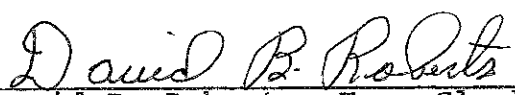
Mayor Lee said he would refer an inquiry concerned with parking parks to the Town Manager.

Lake Forest, Section 13 -
Preliminary Plats

The Town Manager requested that this item be delayed until a drainage plan is submitted. There were no objections.

There being no further business to come before the Mayor and Town Board of Aldermen, said meeting was adjourned at 11:25 p.m. E.D.T.


Mayor


David B. Roberts, Town Clerk

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING
OF THE BOARD OF ALDERMEN HELD IN THE COURT ROOM
MONDAY, OCTOBER 22, 1973 AT 7:30 P.M.

The Mayor and Board of Aldermen met at a public hearing on October 22, 1973 at 7:30 p.m. in the Court Room of Town Hall, at 100 W. Rosemary Street. The roll was reported as follows:

Present:

Howard N. Lee, Mayor
Thomas Gardner
Shirley E. Marshall
Joseph L. Nassif
Ross E. Scroggs
R. D. Smith
Alice M. Welsh

Absent:

None

A quorum of the Board was present and in attendance at the meeting. Also present were Town Manager C. Kendzior, Town Clerk D. Roberts, and Town Attorney E. Denny.

PUBLIC HEARING

Mayor Lee said the purpose of the public hearing was to consider the assessment roll for the sidewalk improvement on Willow Drive. He read the names of the property owners notified of the assessment and described the procedure for the public hearing. Town Clerk Roberts said that 50% of the total cost of the sidewalk improvement would be assessed against the eight lots on the side of Willow Drive where the sidewalk was constructed. He said the assessment would be \$221.98 per lot. Mayor Lee asked if there were any objections to the assessment roll. There were none. Town Attorney Denny said that only property owners on the side of Willow Drive on which the sidewalk was constructed will be assessed. Mayor Lee asked if anyone wanted to speak in favor of the roll. Alderman Scroggs said that Mr. Foskey had been in favor of the sidewalk, but was not included in the list read. Town Clerk Roberts said that he was the eighth property owner, and had received the notice of the assessment, and would be assessed. Alderman Smith asked how this assessment would affect future petitions for sidewalk improvements. Town Attorney Denny said that there had been a problem with the procedure requiring the holding of a public hearing, and not with the petition. He said that this would not affect any future petitions or assessments. Alderman Scroggs moved, seconded by Alderman Welsh, to confirm the assessment roll as read. Said motion was unanimously carried at 7:47 p.m.

Mayor Lee said that the next portion of the public hearing was being held to consider the street improvement for Pritchard Avenue Extension and West Longview Street. Town Manager Kendzior described the project and said that the property owners would be assessed \$6.00 per linear foot of road frontage on each side of the street. Mayor Lee asked if there were any objections to the street improvements. There were none. Mayor Lee asked if anyone wanted to speak in support of the proposed improvements. Mr. Paul Seibel said that he favors the project, that it is needed to reduce the dust and improve the environment. Alderman Nassif asked if the owners there had been notified. Town Clerk Roberts said yes. Alderman Welsh asked the size of the sidewalk to be constructed. Town Manager Kendzior said that it would be a five-foot graded sidewalk. Town Attorney Denny read a resolution for the proposed street improvement. Alderman Nassif asked if the improvement was being made as a result of a petition. Town Manager Kendzior said yes. Alderman Smith moved, seconded by Alderman Gardner, to adopt the following resolution:

ASSESSMENT RESOLUTION

Pritchard Avenue Extension and West Longview Street

1. The Board of Aldermen of the Town of Chapel Hill hereby directs project improvements to Pritchard Avenue Extension and West Longview Street, public streets within the corporate limits of the Town of Chapel Hill be undertaken;
2. The project shall consist of the widening, curbing, guttering, and paving of said streets, 27' back to back of the curb, and the installation of necessary storm drainage;
3. The basis for assessing said project cost against the abutting

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property owners shall be \$6.00 per linear foot of road frontage on each side of said street so improved, and any excess of said total cost above the amount of said assessment shall be borne by the Town;

4. The amount of said assessment may be paid in full without interest at any time before the expiration of 30-days after the date that the notice of confirmation of said assessment has been published, or may be paid in 10 equal annual installments each bearing interest on the unpaid balance at the rate of 6% per annum from the date of said confirmation.

This the 22nd day of October, 1973.

Mayor Lee asked if the sidewalk would be five feet or eight feet. Mr. John McAdams, consulting engineer, said that the sidewalk would be graded at less than eight feet on Longview, and a sidewalk could be considered for Pritchard Avenue in the future, but not now due to a problem with the right-of-way for it. Alderman Welsh asked how many property owners would be involved on Pritchard Avenue. Mr. McAdams said one, Mr. Seibel. The Board asked Mr. Seibel if he would consider the possibility of providing a sidewalk on Pritchard Avenue. He said yes. Said motion was unanimously adopted.

The public hearing was adjourned at 7:50 p.m.

REGULAR MEETING

Alderman Welsh moved, seconded by Alderman Smith, to approve the minutes of the meeting of October 15, 1973 as corrected. Said motion was unanimously adopted.

School Art Guild

Town Manager Kendzior said there was a petition from the School Art Guild for permission to use the

municipal parking lot. Alderman Welsh moved, seconded by Alderman Smith, to receive the petition and place it at the end of the agenda. Said motion was unanimously carried.

Sidewalk Priorities

Town Manager Kendzior requested that this item be considered at the meeting of November 5. There were no objections.

Parking Lot - Columbia Street, Contract

Town Manager Kendzior said that the small parking lot north of the Police Station on Columbia Street has been sold and the new owner requests that the Town terminate

the lease. Town Attorney Denny said that the terms of the contract had not been met. Town Manager kendzior recommended that the Board grant the request to terminate the contract. Alderman Gardner said that perhaps the new owners of the property would be willing to work with the Town during an interim period. Town Manager Kendzior said that he would approach them about that possibility. Alderman Nassif asked if the cars using that lot could be accommodated in the Police Department Parking Lot. Town Manager Kendzior said this is being considered, but that the parking lot would have to be paved and marked. Alderman Nassif asked if this was in the budget. Town Manager Kendzior said no, that something else would have to be deleted. Mayor Lee suggested using railroad ties instead of paving and marking. Alderman Smith moved, seconded by Alderman Gardner, to approve the request from Mr. I. W. Pritchard for terminating the contract for leasing parking spaces in the lot on N. Columbia Street. Said motion was unanimously approved.

Uniform Rental Bids

Town Manager Kendzior said that bids were received for a uniform rental contract. He reviewed the

bids, and recommended that the low bid submitted by Quality Cleaners be accepted. Alderman Welsh moved, seconded by Alderman Smith, to accept the low bid from Quality Cleaners for a Uniform Rental Contract for a two-year period. Said motion was unanimously adopted.

Noise Report

Mayor Lee recommended that this item be delayed until the November 5 meeting if Dr. Alvis G. Turner could be present then.

Housing Authority
Trust Fund; Street
Improvements - NDP Area

Mayor Lee recommended that these items be postponed until a representative from the Housing Authority can be present. Alderman Smith moved, seconded by Alderman Gardner,

to postpone discussion of these items until a representative from the Housing Authority can be present. Said motion was unanimously carried. Town Attorney Denny asked if the Board intended for this delay to affect the bids that were requested. Mayor Lee said no.

Open Space
Regulations

Mayor Lee said the Planning Board recommended that the proposed Open Space regulations be advertised for the November public hearing with

the deletion of Section F(4). Alderman Smith asked about Section F(4). Town Attorney Denny said it was concerned with private open space and also recommended that it be deleted from the open space regulations. Alderman Smith moved, seconded by Alderman Welsh, to advertise the open space regulations with the deletion of Section F(4) for the November public hearing. Alderman Scroggs said that he was not satisfied with the arithmetic in the regulations, that they would promote cluster developments. Town Attorney Denny asked if the Board wanted the regulations to be advertised for the fourth Monday in November, or if they preferred holding a special public hearing. Mayor Lee said they could be advertised for the fourth Monday in November. Said motion was unanimously carried.

Zoning Violation:
Travel-On Motorcycle Co.

Mayor Lee referred to a transmittal from the Appearance Commission indicating that the Travel-On Motorcycle Co. was in violation of the Zoning

Ordinance and recommended that the Aldermen take appropriate action to enforce compliance with it. Town Clerk Roberts said that no license had been issued to the Travel-On Motorcycle Co., that it was outside of the corporate limits. Alderman Scroggs asked why the Appearance Commission was specifically citing this business when others were also in similar violation. Alderman Marshall said the sign ordinance is not clear and suggested that this be referred to the Board of Adjustment for clarification. Alderman Nassif asked if this business was in violation of the ordinance. Town Attorney Denny said that it and others appear to be. Alderman Scroggs said that there is a question of the definitions of stored, displayed, and parked, and he asked why Harris-Conners Chevrolet was not also cited. Alderman Welsh said a committee had been appointed to discuss the ordinance with automobile dealers, and that the Board has never received a report from it. Mayor Lee said the Board requested that the ordinance be reviewed and up-dated. Town Attorney Denny said that a number of meetings had been scheduled, but were postponed. Mayor Lee urged the study of the ordinance as soon

RESOLUTION FORMING A CHARTER COMMISSION
FOR THE TOWN OF CHAPEL HILL, NORTH CAROLINA

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that there be formed a commission consisting of the Mayor, the Town Manager, the Town Attorney, and such further persons as the Board of Aldermen may see fit to appoint to be charged with the following duties and responsibilities:

1. To make a complete, general, and overall review of the Town Charter as it relates to the present contents versus new demands, to make recommendations to the Board of Aldermen for appropriate changes, to add, delete, clarify and strengthen any section to cause a smoother functioning of government in Chapel Hill with fair and equitable representation.
2. Review the current size of the Board of Aldermen with regards to making a determination as to whether or not the Board should be increased, remain the same, and make any and all other determinations that might seem appropriate as relates to the term of office for the Board of Aldermen and all other aspects that might improve the functionability of this Board.
3. Review the Mayor's position as relates to his duties, responsi-

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bilities, term of office, and to make recommendations that may be appropriate to improve the ability of the Mayor to perform the duties, responsibilities, and expectations of this office.

4. Review the electoral process as relates to at-large versus district representation and make appropriate recommendations.
5. Review the responsibilities of the Town Clerk and Tax Collector and make some determination as to the appropriateness of the establishment of these positions and make any recommended changes deemed appropriate.
6. Review the status of Chapel Hill as a Town versus a City using as the basis State Statute 160A-1.
7. Evaluate the administrative set-up of the Town of Chapel Hill and make helpful recommendations as to its department and administrative reorganization with any stipulations deemed appropriate.
8. Make an ultimate review of the entire charter with regards to the responsibilities of rewriting the charter for the Town of Chapel Hill in order that it may become a tool to aid better governmental response to new demands and needs.
9. Hold public hearings, which will make it possible for citizens to have input into the deliberations of the Charter Commission, and to have a continuing understanding of the process and deliberations of the Charter Commission and be aware of the decisions being made.
10. Review all existing Committees, Boards, Commissions as relates to their duties, responsibilities, and the basis upon which they were established as well as to make some determination as to their usefulness to the Town at this point; and make recommendations with regards to the continuation of any and all of these Committees, Boards, or Commissions, or deletion of any and all of the Committees, Boards, or Commissions, or some recommended changes with regards to the future establishment of future Committees, Boards, and Commissions, etc.

All recommendations of the Charter Commission must be sent to the Board of Aldermen for its ultimate approval and appropriate action thereof.

The Charter Commission's action should be divided into three priority categories:

1. The legislative category--requiring action by the General Assembly.
2. The referendum category--requiring a vote of the people.
3. The local (Board of Aldermen) category--requiring action only by the Board of Aldermen.

The appointments to the Charter Commission ought to be made in the following fashion, which has already been approved by the Board of Aldermen. Nine members to be appointed by the Board of Aldermen, and six members to be appointed by the Mayor, which includes the Chairman of the Commission. The Mayor's appointment will follow those of the Board of Aldermen and be done with the concurrence of the Board of Aldermen as it relates to rounding out the Commission and insuring adequate and fair representation for the total community.

The Charter Commission, during its life, will make a minimum of three interim reports to the Board of Aldermen, and then a final report; these reports should come in the following order on a minimum basis with interim report number one being made on January 7, 1974; interim report number two on April 8, 1974; interim report number three on July 9, 1974; and a final report on October 7, 1974 or at some appropriate date thereafter.

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The Chairman of this Commission has already been appointed, and approved by the Board of Aldermen and is therefore named in this resolution as current Alderman Joseph L. Nassif.

BE IT FURTHER RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that the Charter Commission should be established for a period of one year and begin its work with the installation of its members not later than November 1, 1973. This Commission is established to consist of fifteen (15) members, representing a cross-section of the Community. At the end of one year, this Commission has an automatic life extension of a maximum of six (6) months which can be awarded by the Board of Aldermen upon request and adequate reason as given by the Commission for the purpose of requesting the extension. At the end of eighteen (18) months, the Charter Commission of the Town of Chapel Hill will have completed its work and submitted all of the required documents and changes, and will automatically be inactive.

This is the twenty-second day of October, 1973.

Said motion was unanimously adopted.

Mayor Lee recommended that the following people be appointed to the Charter Commission: Joseph Nassif, Chairman; Lee Corum; Roland McClamroch; Adelaide Walters; Ross Scroggs; Rev. Charles Helton; Paul Morris; Richard Quinney; Jonathan Howes; Barbara Booth; and Barbara Cleaveland. He said that four other people would be recommended to serve on the Commission. Alderman Welsh moved, seconded by Alderman Nassif, to appoint the ten people named to serve on the Charter Commission and to appoint the ten people named to serve on the Board has already agreed, but who have not yet been contacted. Said motion was unanimously carried.

Recreation Board -
Appointment

Mayor Lee said that Mr. Roger Lotchin submitted his resignation from the Recreation Commission, and that the Recreation Commission

recommended the following people be considered to fill the vacancy: Mr. Willis Weaver and Mr. Lewis Rubin.

Housing Authority -
Contract for Social Services

Mayor Lee referred to a proposed contract for consultant services to be provided by the Town Department of Human Services. Alderman

Scroggs questioned the last paragraph providing that new members of the Social Service staff, hired by the Director of Human Services, be subject to the approval of the Housing Authority Director. Town Attorney Denny recommended deleting that paragraph. Alderman Smith moved, seconded by Alderman Marshall, to approve the following resolution for approving the contract between the Department of Human Services and the Chapel Hill Housing Authority:

R E S O L U T I O N

WHEREAS in the course of its mission the Chapel Hill Housing Authority becomes involved in needs which are more human than structural; and

WHEREAS the Town of Chapel Hill has already formed a Department of Human Services to coordinate the various phases of social work throughout the Town; and

WHEREAS the Department of Human Services is the logical vehicle to supply social work support to the Chapel Hill Housing Authority;
NOW, THEREFORE,

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the attached contract between the Department of Human Services and the Chapel Hill Housing Authority be approved.

This the 22nd day of October, 1973.

Said motion was unanimously carried.

Town Attorney Denny recommended corrections in the proposed Animal Control Ordinance. Alderman Nassif

asked if the Dog Warden is satisfied with the ordinance. Mr. Shoffner said yes, that it is a good ordinance and enforceable. Alderman Welsh asked how referrals would be made about dogs not under control. Mr. Shoffner said that anyone could call reporting a dog not under control and an investigation would be made. Alderman Smith expressed concern about Section 4-27 regarding the options available for considering a dog under restraint. He said that he questions voice control as an option and recommended that it be deleted. He said that in Section 4-32 (F) the number of dogs should not be limited to four per household, and that in Section 4-36 that the inspection by veterinarians should be rotated among the veterinarians in Orange County. Gus Shoffner said that the arrangement proposed in the ordinance was included to avoid problems with the practicing veterinarians. Alderman Smith said that the proposed ordinance is not a true leash law when it has a provision for voice control. Mayor Lee said that the Board is trying to bring the animals in Town under control, that great strides and progress has been made, and that a total and absolute leash law will be the last resort. He said the problem is not with the animals, but with the owners. Alderman Scroggs questioned Section 4-32 (E), recommending that the word "given" be deleted. Town Attorney Denny said the intent of the ordinance was to limit transactions involving animals in business districts in the Town. Alderman Smith moved that the proposed ordinance be adopted with the deletion of Section 4-27 (C)(3). Said motion died for lack of a second. A citizen asked if the Animal Control Officer had the authority to diagnose rabies, if the Board thought the adoption fees proposed were reasonable, and if the Board thought an animal should be destroyed without the consultation of a veterinarian. He also complimented the Board on the changes made in the proposed ordinance. Mayor Lee asked the Animal Warden to comment on the diagnosis of rabies. Mr. Shoffner said that he had been certified by the Communicable Disease Center in Atlanta to diagnose rabies. Alderman Scroggs said that he was concerned about the definition of "custodian" in Section 4-27 (A) because it places a good Samaritan in the position of being responsible financially for an animal. He recommended deleting the words "taking care of." Town Attorney Denny said that anyone could turn an animal in and would not be held responsible for it financially. He recommended that in 4-27 (C), adding to the last sentence: "as defined in Section 4-27 (C)(4) or (5)." A citizen asked if every case of rabies is reported to the State. Gus Shoffner said yes. Mayor Lee said that in cases where there is a question about an animal, a qualified veterinarian would be called in. A citizen requested that consultation with a veterinarian be added to the ordinance. Alderman Marshall moved, seconded by Alderman Gardner, to adopt the following Animal Control Ordinance, effective January 2, 1974:

AN ORDINANCE TO AMEND ARTICLE II, CHAPTER 4, SECTION 4-24 THROUGH 4-39 INCLUSIVE, CODE OF ORDINANCES, TOWN OF CHAPEL HILL

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

SECTION I

That Article II, Chapter 4, Section 4-24 through 4-39 inclusive, Code of Ordinances, Town of Chapel Hill, hereby amended to read as follows:

SECTION 4-24 - OFFICE OF ANIMAL CONTROL CREATED

There is hereby created the office of Animal Control for the Town of Chapel Hill. It shall be the duty of the Animal Control Officer to perform all of the duties incident to the administration and enforcement of this article, and to perform such other duties as by general law or ordinance may be imposed.

SECTION 4-25 - CREATION OF ANIMAL CONTROL DIVISION

There is hereby created an animal control division of the Chapel Hill Police Department, which shall be composed of the Animal Control Officer, and such employees as shall be determined by the Board of Aldermen. The said employees shall be appointed and compensated in accordance with the Personnel Ordinance of the Town.

SECTION 4-26 - DUTIES OF ANIMAL CONTROL DIVISION

The Animal Control Division shall be charged with the responsibility of:

- (A) Enforcement of the Town laws, ordinances, and resolutions relating to dogs or to the care, custody and control of animals;
- (B) Cooperation with the Health Director and Assistance in the enforcement of the laws of the State of North Carolina with regard to dogs; the vaccination of dogs against rabies; and to the confinement and leashing of vicious animals. Reference is particularly made to the state laws as set out and contained in Section 67-1 to 69-29 and 106-364 to 106-387 of the General Statutes of North Carolina;
- (C) Investigations of reported and observed cruelty or animal abuse with regard to dogs and other animals, pursuant to the provisions of section 14-360 of the Statutes of North Carolina.

SECTION 4-27 - DEFINITIONS

For the purposes of this article the following definitions shall apply:

- (A) CUSTODIAN: The custodian shall be the person owning, keeping, having charge of, sheltering, feeding, harboring, or taking care of any animal.
- (B) AT LARGE: Any animal shall be deemed to be at large, when it is off the property of its custodian, and not under restraint as defined in Section (C).
- (C) RESTRAINT: An animal is under restraint within the meaning of this article if:
 - 1) it is controlled by means of a chain, leash or other like device; or
 - 2) it is at a heel position with custodian and is obedient to his commands; or
 - 3) it is in the immediate vicinity of and visible to custodian and is under his direct voice control and obedient to his command; or
 - 4) it is on or within a vehicle being driven or parked; or
 - 5) it is within a secure enclosure.

In the Central Business District, under restraint shall mean by hand-held leash only, or is under restraint as defined by Section 4-27 (C) (4) or (5).

- (D) VICIOUS ANIMAL: Any animal that has made an attack on a human being by biting or in any manner causing abrasions or cuts of the skin; or one which without provocation attacks other pets.
- (E) STRAY DOG: Any dog within the Town, off the premises of the owner, and not under restraint.

SECTION 4-28 - RESPONSIBILITY OF CUSTODIAN

The custodian of every animal shall be responsible for the care licensing, vaccination and behavior of such animal.

Every dog housed in the Town shall be licensed by the Town. Tags shall be issued at the Municipal Building or by the Animal Control Officer, and the record of the tag number, the owner's name and address, telephone number, and the breed and description of the dog will be kept. A license fee of three dollars (\$3.00) for dogs that have been spayed, and five dollars (\$5.00) for dogs that have not been spayed shall be charged. The charge for replacing a lost tag will be three dollars (\$3.00).

SECTION 4-20 - PUBLIC NUISANCE

The following acts are hereby declared a public nuisance for which an animal may be impounded:

- (A) any dog or other animal which by frequent or habitual howling, yelping, barking, or the making of other noises shall disturb the neighborhood;
- (B) any animal which chases, snaps at, or attacks a pedestrian; bicycle rider or vehicles;
- (C) any animal which turns over garbage pails, damages gardens, flowers, vegetables or personal property of another;
- (D) a female dog in heat not under restraint;
- (E) any stray dog running at large within the Town;
- (F) any dog off the premises of custodian not wearing current tax tags and rabies vaccination tags;
- (G) any animal involved in a violation of Section 4-32 (E).

SECTION 4-31 - RABIES CONTROL

- (A) VACCINATION: Every dog or cat housed in the Town shall at all times be currently vaccinated against rabies. The custodian of all such animals shall provide proof of such vaccination upon demand of the animal control officer. Failure to provide such proof may result in such animal being impounded subject to redemption in the manner provided in this article.
- (B) CONFINEMENT: Whenever any person or animal is bitten by a dog, cat, or other animal within the Town, the Animal Control Officer shall have the right and authority to examine such animal to determine whether it has hydrophobia. In such case, upon demand of the Animal Control Officer, the custodian of such animal shall deliver it to the Animal Control Officer who may impound such animal during such period as may be necessary to determine whether it has hydrophobia, such period being not less than ten (10) days. If the Animal Control Officer finds that such animal has hydrophobia or any symptoms thereof, then said officer shall cause such animal to be destroyed; otherwise it shall be returned to the custodian at the time it was delivered up for examination, provided said custodian of it shall pay the expense of keeping said animal in confinement. If said custodian fails to pay for the upkeep of said animal upon demand, the Animal Control Officer is empowered to proceed as otherwise provided in this article.

SECTION 4-32 - PROHIBITED ACTS

It shall be unlawful for any person within the Town to do any of the following:

(A) VICIOUS ANIMALS

To keep or cause to be kept any vicious animal, as defined in this Ordinance, unless confined with a secure building or enclosure, or under restraint.

(B) HOWLING AND BARKING DOGS, CATS, OR OTHER ANIMALS

To keep or harbor any dog, cat or other animal which, by frequent or habitual howling, yelping, barking or the making of other noises shall annoy or disturb the neighborhood.

(C) INJURY

To injure a cat, dog, or other animal by running over, or into the same with an automobile, motorcycle, or other vehicle and fail to notify immediately the owner, Animal Control Officer or the Police Department.

(D) STRAY DOGS

To cause, permit, or allow a dog to be away from the premises of the owner, or to be in a public place, or on any public property in the Town, unless such dog is under restraint.

(E) SALE OR GIFT OF ANIMALS

To sell or cause to be sold, any dog, cat, or other animal within any area zoned by the Town for business, provided this Subsection shall not apply to any business licensed by the Town or State of North Carolina for such purposes.

(F) NUMBER OF DOGS

To have custody in one household of more than four (4) dogs over the age of three (3) months.

(G) INTERFERENCE WITH ANIMAL CONTROL OFFICER

To interfere with, hinder, or molest the Animal Control Officer, or other authorized officer, or person, in the performance of any duty authorized by this Article, or to seek to release any animal in the custody of such persons.

SECTION 4-33 - IMPOUNDING ANIMALS

Any animal that in the considered judgement of the Animal Control Officer as strayed, or which is found not to be wearing a currently valid tax tag and rabies tag, or is deemed a public nuisance, may be impounded and confined in the Town pound in a humane manner for a period hereinafter prescribed, for redemption, adoption or destruction.

(A) OWNER NOTIFICATION. Immediately upon impounding any animal, the Animal Control Officer shall attempt to notify the owner by telephone and inform him of such impoundment, and the conditions whereby the animal may be redeemed. An official dated written notice shall be mailed to the registered owner by Certified Mail, Return Receipt Requested giving notice of the impoundment and the conditions whereby the animal may be redeemed.

(B) REDEMPTION. Except as provided in Subsection (E) animals shall be held up to three (3) working days for redemption after the date shown on the return receipt of receipt or refusal of said notice.

(C) ADOPTION. If an impounded animal is not redeemed by the owner within three (3) working days, it may be offered for sale to any responsible adult, not associated with the pound, who is willing to comply with the animal control laws, and sold to such person first paying for it as hereinafter provided. An organized Humane Society may adopt animals in its own name upon fulfilling all the requirements of this article.

(D) SALES OR DESTRUCTION. If an animal is not redeemed within the redemption period or sold within a period of two (2) working days thereafter such animal may be destroyed in a humane manner.

- (E) DISEASED OR INJURED ANIMALS. Severly diseased or badly injured animals may be destroyed in a humane manner without waiting the required redemption or adoption periods.
- (F) TIME LIMITS. The time limits set forth in this section shall be exclusive of all Saturdays, Sundays and Town Holidays.

SECTION 4-34 - REDEMPTION PROCEDURE

The custodian shall be entitled to resume possession of his animal except as already provided for certain animals, upon compliance with the provisions of this article and payment of pound fees:

Redemption by custodian	\$ 10.00
Adoption fee	\$ 10.00

In addition to other fees set out herein, a boarding fee at the rate of two dollars (\$2.00) per day shall be paid.

In the event the custodian redeems his animal within one (1) work-in day after impoundment, the redemption fee shall not apply. Before any animal is released from the pound, evidence must be presented that the animal has a current rabies vaccination.

SECTION 4-35 - RECORDS

It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of:

- (a) Impoundment and disposition of all animals coming into the pound which may be inspected by Humane Society representatives at the pound between the hours of 3:30-4:30 p.m.
- (b) Bite cases, violations and complaints and investigation of same;
- (c) All monies belonging to the Town which were derived from impoundment of animals in the Town pound, fees, penalties and sale of animals.

SECTION 4-36 - INSPECTION OF MUNICIPAL POUND AND FACILITIES.

The Municipal Pound and related facilities shall be inspected at least three (3) times annually by a licensed doctor of Veterinary medicine not engaged in private practice within Orange County who shall submit a written report to the Board and Animal Control Officer with his recommendations.

SECTION 4-37 - PENALTIES.

Any person violating the provisions of Section 4-32, Subsection D of this ordinance, shall forfeit and pay a penalty for the first such offense of fifteen dollars (\$15.00), and a penalty of twenty-five dollars (\$25.00) for each subsequent offense as well as the other fees as provided in this Article.

SECTION 4-38 (RESERVED)

SECTION 4-39 - (RESERVED)

SECTION II

All Ordinances and portions of Ordinances in conflict herewith are hereby repealed.

SECTION III

This Ordinance shall be effective from and after the 2nd day of January, 1974.

This the 22nd day of October, 1973

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Said motion was approved by a vote of five to one with Alderman Smith opposing.

Mayor Lee said that three years ago the Board of Aldermen began dealing with the problem of animals in Chapel Hill with the intent to assure animals of proper care and encourage owners to be responsible for their animals. He commended Gus Shoffner for his work as the Dog Warden and for his recommendations on the proposed ordinance. He also thanked the citizens who have worked to help develop the Animal Control Ordinance.

Rezoning - R-4a

Town Attorney Denny recommended that this item be postponed until the next meeting. There were no objections.

Lake Forest, Section 13 - Preliminary Plat

Town Manager Kendzior referred to a report prepared by the Director of Public Works and Engineering Services, and a letter from Mr.

J. P. Goforth regarding this section. He outlined the recommendations and recommended that the Board approve the preliminary plat with stipulations. Alderman Welsh asked if the pavement would be satisfactory given the existing soil conditions. Town Manager Kendzior said yes, and that a detailed construction plan would be submitted and approved prior to construction. Alderman Smith asked if a thirty foot strip of trees had to be removed or whether the swale proposed was excessive. Mr. Joseph Rose, Director of Public Works and Engineering Services, showed plans of this section. Alderman Scroggs moved, seconded by Alderman Smith, to approve the preliminary plat for Lake Forest, Section 13 with the following stipulations.

1. STREET IMPROVEMENTS:

Install 4" drainage tile under the curb and gutter, back-fill with pea gravel and connect with storm drainage.

Pavement shall be:

- 1½" - finish-asphaltic concrete I-2
- 3½" - black base material of an asphaltic concrete type
- 4" - wash stone for under drainage 50 4" tile.

2. DRAINAGE SWALE:

Recommend 54½" pipe full length of section #13 into an existing swale to the rear or east of Booker Creek Road. Additional engineering required before a firm decision can be reached, and if piping is not possible, open ditch will be required adjacent to Booker Creek Road and connected to an existing swale to the east. If the open ditch is required a minimum of a 30' strip of trees must be removed behind the east street right-of-way line.

3. FOOTERS FOR HOUSES:

All footers must be a minimum of 10" thick and double reinforced with 2 #4 bars continuous top and bottom, with #2 ties at 5' o.c. All questionable soil conditions encountered during construction will require the inspection and supplementary tests of a qualified engineer.

4. UTILITIES:

All underground utility lines (gas, water, electric, and sanitary sewer) shall be brought to property line.

5. PLANS:

Detailed construction plans must be approved by the Town Manager before construction is started.

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6. BOND:

Property bond or cash bond to cover the complete section is required if construction of houses is started before completion of street.

Town Manager Kendzior said that additional information regarding where the water will flow after it leaves this property has been requested. Said motion was unanimously adopted.

School Art Guild

Mayor Lee said that the School Art Guild requests permission to use the municipal parking lot next to the Post Office lot on E. Rosemary Street one Sunday afternoon per month to hold a flea market. Alderman Welsh asked the Town Manager if he saw any problems with the request. Town Manager Kendzior said he recommended that requests be made on a month-to-month basis. He said the Police Department had contacted the businesses near that lot and there were no objections to the proposed use of the parking lot. Alderman Smith asked how extensively the parking lots were used on Sunday. Town Manager Kendzior said that this would be studied. Alderman Welsh moved, seconded by Alderman Nassif, to approve the request from the School Art Guild to use the Municipal Parking Lot next to the Post Office Parking Lot on Sunday, November 4, 1973 for a flea market. Said motion was unanimously adopted. Alderman Smith suggested that similar requests be made at least fifteen days in advance.

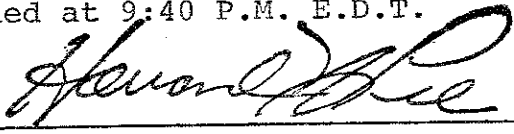
Interstate 40


Alderman Welsh said that the resolution that was adopted opposing I-40 was to be sent to the Governor and a number of other people. She asked if it had been sent. The Assistant Town Manager said yes.

Transportation Board

Mayor Lee said that he intends to send a letter to Secretary Lentz of the Department of Transportation requesting an appearance before the Transportation Board.

There being no further business to come before the Mayor and Town Board of Aldermen, said meeting was adjourned at 9:40 P.M. E.D.T.


Mayor


David B. Roberts, Town Clerk

MINUTES OF A REGULAR MEETING OF THE MAYOR
AND THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL
HELD IN THE MUNICIPAL BUILDING,
ONDAY, NOVEMBER 5, 1973 AT 7:30 P.M.

The Mayor and Board of Aldermen met at a regular meeting on November 5, 1973 at 7:30 p.m. in the meeting room of the Municipal Building at 306 N. Columbia Street. The roll was reported as follows:

Present:

Howard N. Lee, Mayor
Thomas Gardner
Shirley Marshall
Joseph L. Nassif
R. D. Smith
Alice M. Welsh

Absent:

Ross E. Scroggs

A quorum of the Board was present and in attendance at the meeting. Also present were Town Manager C. Kendzior, Town Clerk D. Roberts, and Town Attorney E. Denny.

On motion by Alderman Smith, seconded by Alderman Nassif, the minutes of the meeting of October 22, 1973 were approved as circulated. Said motion was unanimously carried.

Street Name Change -
Edwards Alley

Alderman Smith read a petition from citizens of Edwards Alley requesting