

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, DECEMBER 8, 1980, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

- Marilyn Boulton
- Joe Herzenberg
- Jonathan Howes
- Beverly Kawalec
- R. D. Smith
- Joe Straley
- Bill Thorpe
- Jim Wallace

Also present were Town Manager E. Shipman and Town Attorney E. Denny.

Petitions

Mr. Shipman asked that item 8, regarding stop sign regulations, be delayed so that interested citizens could be heard by the Streets and Public Safety Committee. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, TO STRIKE ITEM 8 FROM THE AGENDA. THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

On motion by Councilmember Boulton, seconded by Councilmember Kawalec, the minutes of November 10, 1980, were approved as corrected. On motion by Councilmember Smith, seconded by Councilmember Kawalec, the minutes of November 24, 1980, were approved as corrected.

Councilmember Straley noted that although the resolution on the airport task force had been tabled until this meeting, it was not listed on the agenda. He asked that it be on the agenda for the January 12, 1981, meeting.

Ordinance to Revise and Rewrite Portions of Chapter 4 of the Code of Ordinances (Animal Control)

Mr. Shipman stated there had been a hearing on the proposed ordinance at the last meeting. There had only been a few minor changes in the copy of the ordinance discussed at the hearing.

Councilmember Straley asked that all references to men be changed to refer to men or women.

Mayor Nassif asked about the procedure to be followed when a complaint was filed. Mr. Shipman explained that the animal control officer would go to the owner of the dog and warn the owner that a complaint had been received. If several complaints were received, the animal control officer would issue a citation. For a serious violation such as a bite, the animal control officer would pursue the dog. If the animal control officer was off duty, the police would respond in serious cases, but routine calls would be referred to the animal control officer the next day.

Mr. Denny explained that in some instances, complaining citizens would have to be witnesses in court. He added that these problems should be solved as neighborhood problems; District Court should be used as a last resort.

Councilmember Howes agreed with Mayor Nassif that enforcement was a problem. Other communities had strict leash laws however, and if the community wanted the law enforced, it could be enforced.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO REVISE AND REWRITE PORTIONS OF CHAPTER 4, ARTICLE II, CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL (80-O-69)

BE IT ORDAINED by the Council of the Town of Chapel Hill:

76

SECTION I

That the below stated portions of Chapter 4, Article II of the Code of Ordinances of the Town of Chapel Hill be, and the same is hereby rewritten to read as follows:

ARTICLE II. ANIMAL CONTROL

Sec. 4-24 Office of Animal Control Created; Duties

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.

Sec. 4-25 Creation of Animal Control Division; Composition; Appointment and Compensation of Personnel

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 Town Council. The said employees shall be appointed and compensated in accordance with the Personnel Ordinance of the Town.

Sec. 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 Sections 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.

Sec. 4-27 Definitions

For the purpose 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 subsection (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;
 - (2) It is on or within a vehicle being driven or parked; or
 - (3) It is within a secure enclosure.
- (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 attacked other pets.
- (e) Stray dog. Any dog within the Town, off the premises of the owner, not under restraint.

Sec. 4-28 Responsibility of Custodian of Animals

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

Sec. 4-29 License Tags Required; Issuance; Fees

Every dog over three (3) months old housed in the Town shall be licensed by the Town. A license fee of three dollars (\$3.00) will be charged for dogs under nine (9) months old and for dogs nine (9) months or more old which have been neutered or spayed. A license fee of five dollars (\$5.00) will be charged for dogs nine (9) months old or more which have not been spayed or neutered. These license fees are collected by Orange County and the County will issue an Orange County license tag upon payment of the license fee. The charge for replacing a lost tag will be three dollars (\$3.00).

Sec. 4-30 Certain Acts Declared 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 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 license tags and rabies vaccination tags if required by this ordinance.
- (g) Any animal involved in a violation of section 4-32(e).

Sec. 4-31 Rabies Control

- (a) Vaccination. Every dog or cat four months of age or older 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 such custodian of it shall pay the expense of keeping said animal in confinement. If such 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.

Sec. 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 article, unless confined within 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 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, give, or cause to be sold or given, 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 person.
- (h) Rabies vaccination. To have custody of any dog or cat over the age of four months which is not currently vaccinated against rabies.

Sec. 4-33 Impounding Animals

Any animal that in the considered judgement of the animal control officer has strayed, or which is found not to be wearing a currently valid license tag and rabies tag, or is deemed a public nuisance, may be impounded and confined in the animal pound in a humane manner for a period hereinafter prescribed, for redemption, adoption or destruction;

- (a) Owner notification. Immediately upon impounding any animal, the supervisor of the pound shall attempt to notify the owner by telephone and inform that person of such impoundment, and the conditions whereby the animal may be redeemed. If unable to give notice by telephone, 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 five (5) days for redemption after the date shown on the return receipt or refusal of said notice.
- (c) Adoption. If an impounded animal is not redeemed by the owner within five (5) working days, it may be offered for adoption to any person who meets the animal pound adoption criteria and who is willing to comply with the animal control laws.
- (d) Sale or destruction. If an animal is not redeemed within the redemption period such animal may be destroyed in a humane manner or held for adoption for a period determined by the supervisor of the pound.
- (e) Diseased or injured animals. Severely diseased or badly injured animals may be destroyed in a humane manner without waiting the required redemption or adoption period.
- (f) Time limits. The time limits set forth in this section shall be exclusive of all Sundays and Town holidays.

Sec. 4-34 Redemption Procedure

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

Redemption by custodian -----	\$5.00
Adoption Fee -----	\$7.00 plus spay/neuter deposits \$10.00 cats \$15.00 dogs

In addition to other fees set out herein, a boarding fee at the rate of three dollars (\$3.00) per night shall be paid. The owner of any animal confined at the pound pursuant to 4-31(b) of this article will be exempt from the redemption fee but liable for the boarding fee. Before any animal is released from the pound, evidence must be presented that the animal has a current rabies vaccination. The supervisor of the pound may release an animal without such proof if the owner has agreed in writing to have such vaccination performed within 72 hours of redemption. Failure to present proof of rabies vaccination to an animal control officer within 72 hours of redemption may result in the issuance of a criminal summons for violation of state law and Chapel Hill code 4-32(h).

Sec. 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 picked up by the animal control officer.
- (b) Bite cases, violations and complaints and investigations of same.

Sec. 4-36 Reserved

Sec. 4-37 Penalty for Violation of Section 4-32

- (a) Any city official authorized by the Town Manager or his/her designated agent may issue to the known owner or person having custody of any dog, or to any other violator a ticket giving notice of the violation of Section 4-32 herein. Tickets so issued may be delivered in person or mailed by registered mail to the person charged if that person cannot readily be found. The ticket issued shall impose upon the owner a civil penalty of twenty dollars (\$20.00) which may, in the discretion of the violator be paid to the Town Revenue Collector within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty. This penalty is in addition to any other fees authorized by this article.

In the event that the owner of a dog or other violator does not appear in response to the above described ticket or the applicable civil penalty is not paid within the time period prescribed, a criminal summons may be issued against the owner or person having custody of a dog for violation of this ordinance and upon conviction, the owner shall be punished as provided by State law.

- (b) This Ordinance shall be effective January 1, 1981.

SECTION II

All ordinances and portions of ordinances in conflict herewith are repealed effective January 1, 1981.

This the 8th day of December, 1980.

Councilmember Wallace said he would vote for this ordinance on a trial basis. If there were too many difficulties, the Council could revoke the ordinance.

Councilmember Boulton thought the effective date of January 1, 1981, too soon for residents to have time to make provisions for confining their pets. SHE MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO AMEND THE ORDINANCE TO BECOME EFFECTIVE FEBRUARY 1, 1981. Councilmember Smith objected to this. If citizens wanted the ordinance to work, they could make provision by January.

THE ORDINANCE WAS AMENDED BY A VOTE OF FIVE TO FOUR WITH COUNCILMEMBERS BOULTON, HOWES, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBERS HERZENBERG, KAWALEC, SMITH, AND THORPE OPPOSING.

THE FOLLOWING ORDINANCE WAS ADOPTED BY UNANIMOUS VOTE.

AN ORDINANCE TO REVISE AND REWRITE PORTIONS OF CHAPTER 4, ARTICLE II, CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL (80-O-69)

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- (c) Adoption. If an impounded animal is not redeemed by the owner within five (5) working days, it may be offered for adoption to any person who meets the animal pound adoption criteria and who is willing to comply with the animal control laws.
- (d) Sale or destruction. If an animal is not redeemed within the redemption period such animal may be destroyed in a humane manner or held for adoption for a period determined by the supervisor of the pound.
- (e) Diseased or injured animals. Severely diseased or badly injured animals may be destroyed in a humane manner without waiting the required redemption or adoption period.

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Adoption Fee -----	\$7.00 plus spay/neuter deposits
	\$10.00 cats
	\$15.00 dogs

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Sec. 4-36 Reserved

Sec. 4-37 Penalty for Violation of Section 4-32

(a) Any city official authorized by the Town Manager or his/her designated agent may issue to the known owner or person having custody of any dog, or to any other violator a ticket giving notice of the violation of Section 4-32 herein. Tickets so issued may be delivered in person or mailed by registered mail to the person charged if that person cannot readily be found. The ticket issued shall impose upon the owner a civil penalty of twenty dollars (\$20.00) which may, in the discretion of the violator be paid to the Town Revenue Collector within fourteen (14) days of receipt in full satisfaction of the assessed civil penalty. This penalty is in addition to any other fees authorized by this article.

In the event that the owner of a dog or other violator does not appear in response to the above described ticket or the applicable civil penalty is not paid within the time period prescribed, a criminal summons may be issued against the owner or person having custody of a dog for violation of this ordinance and upon conviction, the owner shall be punished as provided by State law.

(b) This Ordinance shall be effective February 1, 1981.

SECTION II

All ordinances and portions of ordinances in conflict herewith are repealed effective February 1, 1981.

This the 8th day of December, 1980.

Sewer Assessments

Mr. Shipman said there were no changes in the assessment as offered at the public hearing. He had contacted all citizens raising issues at the public hearing. The memorandum to the Council outlined options which were available to the Council.

Councilmember Straley inquired about the Trimble property. Mr. Hooper explained that the lot was buildable. The \$600 valuation was that of Mrs. Trimble, not the County. Mr. Denny pointed out that the charge was against the lot. If the owner chose not to pay the assessment, she did not have to do so. The Town would eventually foreclose. There would be no net cost to the owner.

Mr. Denny advised that a discussion on the options available for assessing should be held before a project was begun, not after completion.

Councilmember Straley asked who would pay for any assessment which the Council deleted from the roll. Mr. Denny said the town would have to pay that cost. The Council could reallocate the cost to other residents being served, but that would require another public hearing.

Mr. Hooper commented that the sewer fund balance had been used to construct the sewer line. The sewer fund was now out of existence. And, as OWASA now had assessment powers, the Town would probably not construct any more sewer lines.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR SANITARY SEWER IMPROVEMENTS SERVING THE SMITH/COOLIDGE AREA (80-R-227)

BE IT RESOLVED by the Town Council of the Town of Chapel Hill that the Council hereby confirms the following as the Final Assessment Roll for Sanitary Sewer Improvements serving the Smith/Coolidge area in accordance with North Carolina General Statutes 160A-228.

<u>LOT #</u>	<u>OWNER</u>	<u>ADDRESS</u>
88 - G - 2	Mrs. Harvey Daniell	804 Pittsboro Road
G - 3	M.S. & M.B. Julian	Box 46
G - 4	Lee D. & Alice Wellon	4219 Henderson Road Greensboro, N.C. 27410
G - 5	Maurice & Mary B. Julian	Box 46
89 - A - 1	Anne Harding Flash	416 Smith Avenue
A - 2	H. Arnold Perry	414 Smith Avenue
A - 4	G.T. Schwenning	412 Smith Avenue
B - 1A	Lamar Flem Hubbard	811 Woodland Avenue
B - 2	W.F. Pendergraft	815 Old Pittsboro Rd.
B - 3	Margaret L. Chapman	2704 Varsity Place Tampa, FLA. 33612
B - 4	Maurice & Mary B. Julian	Box 46
89 - C - 3	Alfred B. & Pamela Cooper, Jr.	Box 99 Atlantic Beach, N.C. 28512
C - 4	Joseph John Capowski	819 Old Pittsboro Rd.
C - 5	W. G. Dooley	Football Office, VPI Box 158 Blacksburg, VA 24068
C - 5A	Luna H. Cheek Hrs.	Football Office, VPI Box 158 Blacksburg, VA 24068
89 - G - 1A	Dennis J. Zaborowski	1001 Dawes Street
G - 2	Wesley W. & Ruth Egan, Sr.	1303 Mason Farm Road
G - 3	Wesley W. & Ruth Egan, Sr.	1303 Mason Farm Road
G - 4	Wesley W. & Ruth Egan, Sr.	1303 Mason Farm Road
G - 4A	Wesley W. & Ruth Egan, Sr.	1303 Mason Farm Road
G - 4B	Wesley W. & Ruth Egan, Sr.	1303 Mason Farm Road
G - 5	Joseph S. Pagano	114 Laurel Hill Road
G - 6	W. G. & Nanette Fields, Jr.	1003 Dawes Street
G - 7	Esper Holleman	1008 S. Columbia St.

G - 10	Harvey D. Bennett	1011 Dawes St.
G - 11	W. G. & Nanette Fields, Jr.	1003 Dawes Street
G - 12	Harris A. & Carolyn B. Sturgess, Jr.	1009 Dawes St.
89 - H - 1	Virginia L. Weaver	250 S. Estes Drive
H - 2	Barbara Park Johnson	413 Smith Avenue
H - 3	Richard G. & Suzanne Cashwell	409 Smith Ave. #2
H - 4	Nancy R. Rogers	182 Ridge Trail
H - 5	Warren S. & Barbara Perry	Box 607, 106 W. Gordon Kinston, N.C. 28501
H - 6	Bonnie Faith Whitehead	818 Old Pittsboro Road
H - 7	Dorothy S. Adams	400 Coolidge St.
H - 7A	Thelma Harms & Edward Tostanoski, Jr.	402 Ridgecrest Drive
H - 7B	Joseph J. Capowski	819 Old Pittsboro Road
H - 8	Arthur L. Housman	408 Coolidge St.
H - 9	Nancy Rogers Rogers	182 Ridge Trail
H - 10	Edward A. Cameron	404 Laurel Hill Rd.
89 - I - 2	Sally Carter Skinner	902 Dawes Street
I - 3	Albert M. Rosemond	209 Ridgecrest Drive
I - 3A	A. M. & Jocelyn Rosemond	209 Ridgecrest Drive
I - 4	E. P. Douglass	711 Bradley Road
I - 5	Bruce David & Christine Egan	1303 Mason Farm Rd.
89 - J - 1	Hazel M. Rosemond	501 Coolidge St.
J - 2	Hazel M. Rosemond	501 Coolidge St.
J - 3	Hazel M. Rosemond	501 Coolidge St.
89 - K - 1	Richard I. & Charlotte Levin	2131 N. Lakeshore Dr.
K - 2	Kate L. Lee	505 Pine Bluff Trail
K - 3	Brian & Moyra Kileff	403 Clayton Rd.
K - 4	W. Frank Pendergraft	815 Old Pittsboro Rd.
K - 5	Frederick W. & Mary Frances Vogler	1010 Dawes St.
K - 6	Bron D. & Margaret Skinner	1008 Dawes St.
K - 7	Frederick W. & Mary Vogler	1010 Dawes St.
K - 8	Sydenham B. Alexander, Jr.	407 McCauley St.
K - 9	Helen Miller Costello	507 Monroe St.
90 - A - 15	Dolly C. Sanders	606 Coolidge St.
A - 16	Dolly C. Sanders	606 Coolidge St.
A - 17	Dolly C. Sanders	606 Coolidge St.
A - 17A	Venitah S. Barbour	606 Coolidge St.
A - 17B	Britton & Margaret Sanders Withers	5844 Batiavisia St. Sarasota, FLA. 33582
A - 17C	Julia H. S. Shealy	109 Walnut Ridge Road Wilmington, Delaware 19807
A - 18	Hazel T. & Sally M. Trimble	232 Glandon Drive

This the 8th day of December 1980.

THE RESOLUTION WAS ADOPTED AT 8:19 P.M. BY A VOTE OF EIGHT TO ONE WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, THORPE, WALLACE, AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBER STRALEY OPPOSING.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR SANITARY SEWER IMPROVEMENTS SERVING THE SOURWOOD AREA (80-R-228)

BE IT RESOLVED by the Town Council of the Town of Chapel Hill that the Council hereby confirms the following as the Final Assessment Roll for Sanitary Sewer Improvements serving the Sourwood area in accordance with North Carolina General Statutes 160A-228.

50

<u>LOT #</u>	<u>OWNER</u>	<u>ADDRESS</u>
68 - D - 1	Marjorie H. Hawkins	1102 Sourwood Circle
D - 2	Herbert S. & Jean Harned Jr.	Springdell Lane #1
D - 3	Herbert S. & Jean Harned Jr.	Springdell Lane #1
D - 4	Robert G. & June Bratcher	Springdell Lane #2
D - 8	Frank J. Schwentker	1101 Sourwood Drive
68 - E - 1	John L. Sanders	1107 Sourwood Drive
E - 2	Barbara W. Page	1103 Sourwood Circle
E - 3	Roy S. & Jane Mitchell Jr.	1101 Sourwood Circle
E - 4	John Parks Rogers & Jane R.	Sourwood Drive
E - 5	Helen N. Gillin	1115 Sourwood Drive
E - 6	Robert Davis & Ruth S. Boyce	Sourwood Drive
E - 7	H. Russell Bixler	1111 Sourwood Drive
E - 8	Michael W. & Jeanine Zenge	1109 Sourwood Circle
68 - F - 1	Dorothy J. Kiester & Elizabeth M. Fink	1128 Sourwood Circle
F - 2	Carlyle J. & Ursula Stehman	1126 Sourwood Drive
F - 3	C.E. & Catherine Schweitzer	1124 Sourwood Drive
F - 4	Sarah F. Bell	706-H Milton St. Greensboro, N.C. 27403
F - 5	Anders S. & Eleanor Lunde	1120 Sourwood Drive
F - 10	Vincent J. Maginn	1112 Sourwood Circle
68 - G - 1	W. Edwin & Shirley Clapham	5 Bartram Drive
G - 2	Gustavus H. & Elva Miller	Bartram Drive
G - 3	Tomas & Carol Baer	2 Bartram Drive
G - 5	Mary C. Gore	Shady Lane
G - 6	Dietrich & Edna Schroeer	21 Shady Lane
G - 7	Arthur R. Ringwalt	Shady Lane
G - 8	Peter Elzer & Anne B. Caldwell	906 Kings Mill Road
G - 9	Barry H. & Constance Margolin	908 Kings Mill Road
G - 11	Gustavus H. & Elva Miller	Bartram Drive
69 - B - 7	James J. & Patricia Johnston	P.O. Box 2839
B - 10	George L. Wheless	712 Coker Drive
B - 11	Kim W. Simmons	Anderson Rd. Morris, CT. 06703
B - 12	G. Phillip & Ruth Manide	Box 41 Bynum, N.C. 27228
B - 13	Marion H. Crossen	1104 Sourwood Circle
B - 14	Harold E. & Jane Edell	43 Sylvan Road North Westport, Ct. 06880
B - 15	Robert G. & Tova Heyneman	1108 Sourwood Drive
B - 16	David F. Freeman	Ashe Place
B - 19	Richard A. & Margaret King	1110 Sourwood Circle

This the 8th day of December 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Amend Chapter 10 of the Code of Ordinances (Secondhand Precious Metal Goods)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO REGULATE THE PURCHASE AND SALE OF SECONDHAND PRECIOUS METALS (80-O-80)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Chapter 10 of the Code of Ordinances of the Town of Chapel Hill by adding the following:

ARTICLE VI: DEALERS IN SECONDHAND PRECIOUS METALS

Section 10-100: Definitions

- a. "A Secondhand Precious Metal Dealer" is a person or firm whose business is the purchase or trade of secondhand articles made, in whole or in part, of gold, silver or platinum.
- b. "Secondhand Article" means any article which has been previously used, traded or sold by a retailer, provided, however, "secondhand article" does not mean any coin or any gold or silver ingot or bar.

Section 10-101: Records Required by Dealer

- a. Every secondhand precious metal dealer shall keep a tightly bound book with sequentially numbered pages in which shall be legibly written at the time of any purchase or trade of any secondhand article made, in whole or in part, of precious metals, the following information:
 1. A description of the article including, if applicable, the manufacturer's name, the model, model number, serial number and any engraved number, initial or marking;
 2. The price paid for the goods;
 3. The date of the transaction;
 4. The full name, residence address, date of birth of seller and source of identification of seller.
- b. The records required by subsection (a) must be kept on the premises of the dealership for a period of one year from the date of purchase or trade of the goods. The records must be available for inspection during business hours by any law enforcement officer with arrest jurisdiction in Chapel Hill.

Section 10-102: Storage of Purchased Articles

Every secondhand precious metal dealer shall keep all secondhand articles made in whole or in part, of gold or silver or platinum available for inspection during regular business hours by any law enforcement officer with arrest jurisdiction in Chapel Hill for a period of ten (10) days after the trade or purchase of the articles. During this period, the appearance of such articles may not be altered in any way.

Section 10-103: Penalties

Violation of any section of this Article shall constitute a misdemeanor and each violation is punishable by a fine of up to fifty dollars (\$50), imprisonment for up to thirty (30) days, or both.

Section 10-104: Effective Date

This article shall become effective January 1, 1981 and shall apply to transactions that occur on or after that date.

This the 8th day of December 1980.

Councilmember Straley inquired whether the purchaser of secondhand goods would be recorded. Chief Stone explained that in any report of stolen goods, the police would investigate anyone who handled the goods. While dealers did not have to say to whom they sold goods, most would cooperate with the police. Councilmember Howes pointed out that the ordinance was to try to deal with sellers of stolen goods, not the purchasers who were buying from reputable dealers. Councilmember Straley thought the ordinance might encourage people to melt down the goods. Mr. Hunter responded that the ordinance would not stop professional thieves, but would help to catch teenagers trying to make easy money.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Regarding Disposition of the Old Transit Garage on Plant Road

Councilmember Boulton asked if the cost to move the old garage would be \$26,000. Mr. Shipman agreed with this amount, but added that it would not include wiring or insulation. A new building of lesser quality would cost approximately \$25,000. Mr. Hooper added that the Town would have capability in the future to retro-fit the shell for active use.

Councilmember Boulton pointed out the Community Center had been reduced from its original size. The old garage could provide space in the future. She suggested the Town wait a few months before making a decision with regard to the old garage, to monitor the center operation. Mr. Shipman indicated he would not object to a delay, and the garage could be dealt with in the context of the CIP budget.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, TO REFER THE MATTER BACK TO THE MANAGER TO BE CONSIDERED IN THE CONTEXT OF THE CIP BUDGET.

Mayor Nassif commented that after years of lacking space for recreational programs in Chapel Hill, he could not believe the Recreation Department could not use the building. Although it was unsightly now, it could be renovated. Councilmember Kawalec disagreed. She believed the issue one of aesthetics, not of space. She would act on the matter now.

Councilmember Howes stated the garage would detract from the community center. However, he would support the motion to discuss the matter in the CIP budget.

Ms. White said the Recreation Commission was not trying to get rid of the space, but the Town needed an outdoor basketball court.

Councilmember Smith said that the Town for years had dropped from the budget storage for Public Works machinery. He believed this the cheapest way to get a multi-purpose building for storing the machinery which could be changed in the future. The Town would not incur utility bills for the storage. He added that the building had not been designed for recreation and he could not vote for delaying this matter.

Councilmember Straley stated the concrete floor had bays for greasing cars. This would take a large amount of money to fill in these bays to use the facility for basketball. He agreed to wait before making a decision.

THE MOTION WAS CARRIED BY A VOTE OF SIX TO THREE WITH COUNCILMEMBERS BOULTON, HOWES, STRALEY, THORPE, WALLACE, AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBERS HERZENBERG, KAWALEC, AND SMITH OPPOSING.

Resolution Calling a Public Hearing on a Redevelopment Plan

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION CALLING A PUBLIC HEARING (COMMUNITY DEVELOPMENT SMALL CITIES REDEVELOPMENT PLAN) (80-R-230)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 p.m. on January 12, 1981 in the Meeting Room of the Chapel Hill Municipal Building, 306 North Columbia Street, to consider the adoption of a Redevelopment Plan for the Community Development Small Cities Program of the Town of Chapel Hill.

This the 8th day of December, 1980.

Councilmember Smith asked where the public hearing before the Housing Authority was held. Mr. Hooper said it had been held at the Housing Authority building. Although many people had been there, they had been interested in another item on the agenda. Councilmember Smith asked that the Council be given all pertinent information before the public hearing to be held in January.

Councilmember Kawalec objected to the hearing being held on a regular meeting night. The Council agreed to January 12, but instructed the Manager this was to be the only hearing scheduled on that night. THE MOTION WAS CARRIED UNANIMOUSLY.

Bids

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR STEEL-TOED SAFETY SHOES (80-R-232)

WHEREAS the Town of Chapel Hill has solicited formal bids on November 13, 1980 and the following bids have been received:

Bidders and Bids

<u>Item</u>	<u>W.E. Burroughs Co., Inc.</u>	<u>Endicott-Johnson Corp.</u>
20 pr. Oxfords	\$ 600.00	\$ 628.80
88 pr. Brogans	<u>2,992.00</u>	3,290.32
74 pr. Men's "Chukka" Boots	No Bid	<u>2,578.16</u>
4 pr. Women's "Chukka" Boots	No Bid	<u>132.56</u>

Underlined items recommended for award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid W.E. Burroughs Co., Inc. for the underlined items in the amount of \$3,592.00 and the bid of Endicott-Johnson for the underlined item in the amount of \$2,578.16.

This the 8th day of December 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR COMMUNICATIONS EQUIPMENT (80-R-233)

WHEREAS the Town of Chapel Hill has solicited formal bids on November 13, 1980 and the following bids have been received:

<u>Items</u>	<u>General Electric Company</u>	<u>Motorola, Inc.</u>
1 Portable Radio	\$ 916.00	\$1,799.00
1 Vehicular Charger	\$ <u>372.00</u>	\$ 233.00
2 Motorola Desk Chargers	No Bid	\$ <u>238.00</u>
1 G.E. Desk Charger	\$ 87.00	No Bid
8 Monitor Pagers	\$1,864.00	<u>\$1,966.00</u>
8 Pager Chargers	\$ 208.00	<u>\$ 536.00</u>

Electric Compan

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of General Electric Company for the underlined items in the amount of \$1,375.00 and the bid of Motorola, Inc. for the underlined items in the amount of \$2,740.00.

This the 8th day of December, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE HOT PAINT STRIPPING MACHINE (80-R-234)

WHEREAS the Town of Chapel Hill has solicited formal bids on November 14, 1980 and the following bids have been received:

<u>Bidder</u>	<u>Bids</u>
Kelly-Creswell Co., Inc. Xenia, Ohio	\$5,280.00
Prismo Universal Corp. Parsippany, N.J.	5,040.00
Walker Bros., Inc. Lexington, S.C.	5,270.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Walker Bros., Inc. in the amount of \$5,270.00.

This the 8th day of December, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR REINFORCED CONCRETE PIPE OF VARIOUS SIZES (80-R-235)

WHEREAS the Town of Chapel Hill has solicited formal bids on November 17, 1980 and the following bids have been received:

<u>Item</u>	<u>Bidders and Bids</u>			
	<u>Gary Concrete Pipe Co., Inc.</u>		<u>N.C. Products Corp.</u>	
	<u>Unit</u>	<u>Total</u>	<u>Unit</u>	<u>Total</u>
100' - 12" Pipe	\$ 3.52	\$352.00	\$ 3.56	\$ 356.00
200' - 15" Pipe	4.26	852.00	4.26	852.00
200' - 18" Pipe	5.44	1,088.00	5.46	1,092.00
200' - 24" Pipe	8.20	1,640.00	8.42	1,684.00
100' - 30" Pipe	11.53	1,153.00	11.40	1,140.00
100' - 36" Pipe	16.65	<u>1,665.00</u>	16.82	<u>1,682.00</u>
Totals		\$6,750.00		\$6,806.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the above unit price bids of Gray Concrete Pipe Co., Inc.

This the 8th day of December, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting the Audit Report for the Fiscal Year Ended June 30, 1980

Councilmember Thorpe stated the committee had met with the auditor and reviewed the audit report. He emphasized that the audit had been done by an independent firm.

Mr. Jim Ross, of Peat, Marwick, & Mitchell, gave an overview of the report. The financial statements had been distributed to the Council.

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING THE 1979-80 FINANCIAL AUDIT REPORT (80-R-236)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby accepts the report on the 1979-80 Financial Statements of the Town of Chapel Hill, prepared by Peat, Marwick, Mitchell and Company.

This the 8th day of December, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman reported that he had received a request from the City of Gastonia to lease buses as several of theirs had been destroyed in a fire. With the new buses, Chapel Hill now had extra buses. He intended to honor the request with the usual cost of leasing buses.

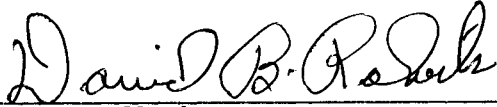
Notification of One Vacancy on the Parks and Recreation Commission

The Council was notified of the resignation of Robert Powell from the Recreation Commission.

There being no further business to come before the Council, the meeting was adjourned.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk

(next page is numbered 61)

