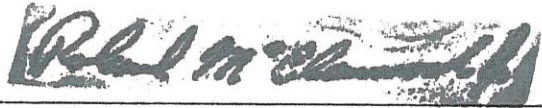



POLICE OVERTIME

Alderman Giduz moved, seconded by Alderman Prothro, that a proposal be made to compensate the Police for the extraordinary services. Alderman Kage made a substitute motion, seconded by Alderman Prothro, that the Police Department be given across the Board a one step raise. The substitute motion was defeated by a vote of 5-1. The original motion was carried unanimously.

The Meeting was adjourned at 10:37 P.M.



Mayor



Town Clerk

MINUTES

BOARD OF ALDERMEN

TOWN OF CHAPEL HILL

The Board of Aldermen met at a regular meeting on Monday April 22, 1968 at 7:30 p.m. with the following members present: Mayor McClamroch; Aldermen Varley, Smith, Giduz, Ethridge and Kage. Alderman Prothro was absent. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINUTES

Alderman Giduz moved, seconded by Alderman Varley, that the minutes of the meeting of April 8, 1968 be approved as corrected. This was unanimously carried.

WATERSHED PROTECTION

Mayor McClamroch read a petition from Lawrence Slifkin asking that the Town take action on a proposed trailer park west of Chapel Hill in the watershed of University Lake. He also read a copy of a letter to the County Planning Board, Chairman, from the State Board of Health suggesting that the proposed density within the trailer park was probably not appropriate for use of septic tanks. It was pointed out that this was a matter of zoning control for the County and was beyond the jurisdiction of the Town. Pearson Stewart suggested that the Town could reiterate its expression of concern adopted at a previous meeting. Alderman Giduz moved that the Town write to the County Planning Board and the County Commissioners expressing their concern for the elimination of potential danger of septic tank pollution in the University Lake watershed, noting the Chapel Hill standards for approval of septic tanks, and ask the County to make an effort to maintain a safe watershed through their zoning authority. This motion was seconded by Alderman Smith and unanimously carried. The Town Manager was also asked to keep up with the developments in this area and report to the Aldermen as he felt necessary.

Housing

Mayor McClamroch called on Attorney Denny to discuss a suggested ordinance on open housing. Mr. Denny told the Board that the legal authority of the Town to adopt such an ordinance was questionable, that the Attorney General and the Counsel for the League of Municipalities both felt that the Town did not have such authority but that other knowledgeable persons had felt otherwise. He told the Board that no definite determination could be made except by a case carried to the Supreme Court. Alderman Ethridge asked if the Town Attorney felt that he could defend such an ordinance in court. The answer was yes, but that an ordinance carefully prepared with the necessary findings of facts and possibly a hearing might be a stronger

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ordinance. Attorney Denny then discussed the suggested ordinance that had been distributed to the Aldermen and proposed a number of changes. Mayor McClamroch then read a letter from Alderman

Prothro supporting the adoption of an ordinance. Alderman Kage moved, seconded by Alderman Varley, that because of the importance and wide spread affect of this ordinance that a public hearing should be held prior to any vote on the adoption. In answer to a question, Attorney Denny said that he would recommend a hearing. Alderman Ethridge stated that, in his opinion, the petition supporting an open housing ordinance received at the previous meeting would serve the purpose of a hearing. Alderman Smith agreed with this and said that if enough people in the audience would be willing to speak, it could constitute a hearing at this time even though one had not been advertised. Alderman Ethridge proposed a substitute motion that the ordinance as discussed by the Attorney be introduced and adopted immediately. This was seconded by Alderman Smith, Alderman Kage said that he felt that this was too important to rush consideration. (At this point it was necessary for the Mayor to reprimand the audience on their bad manners). Alderman Giduz spoke for the consideration of the ordinance at this time but stated that he would not act under pressure from the persons in the audience. He noted that the ordinance might have its short comings but probably would not be improved by a public hearing or by public emotion. Alderman Varley noted that he had two days to consider the proposed ordinance and asked that consideration be delayed until the next meeting. Judge Phipps asked the Board to include a penalty clause in the ordinance. This was agreed. The motion was carried by a vote of 3-2 with Alderman Ethridge, Smith and Giduz for and Kage and Varley voting against. Mayor McClamroch told the Board that, as it was not a two-thirds vote, the ordinance could not be passed and would come up for consideration at the next meeting.

POLICE BONUS

The Town Manager recommended a bonus be approved for the Police Department for the exceptionally fine job done by them early in April. He recommended that the patrolmen be given a bonus of \$100.00, Sgts. \$125.00, Lts. \$140.00, Capt. \$175.00 and the Chief \$200.00 with the exception that the two men who were unable to participate because of sickness not receive the bonus that one man who was absent during a good part of this period receive a bonus of \$35.00 only. Alderman Varley moved, seconded by Alderman Kage, that this bonus be approved. This was unanimously carried.

HOUSING CODE

Alderman Smith moved, seconded by Alderman Ethridge, that revised Minimum Housing Code be approved as recommended at the last meeting. Alderman Kage noted that he was skeptical of some of the provisions in the ordinance but that he would support it on the Manager's recommendation. The ordinance was unanimously adopted. (See attached Minimum Housing Code)

ZONING-EUBANKS PROPERTY

Mayor McClamroch noted that this ordinance had been approved by a 4-3 vote on April 8th therefore had to be returned at this meeting. Alderman Giduz moved, seconded by Alderman Kage, that an ordinance rezoning the Eubanks property and the Queen property be adopted:

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", AS ADOPTED MARCH 14, 1955, AND AS SUBSEQUENTLY AMENDED, SO AS TO REZONE THE AREAS HEREINAFTER DESCRIBED

WHEREAS, a written petition including a precise description of the proposed change was duly filed with the Town Manager more than three weeks prior to the meeting of the Board at which the petition was to be heard; and

WHEREAS, the Manager gave notice of a public hearing for the petitioned changes as provided by law; and

WHEREAS, after said due advertisement as provided by law, a joint public hearing was duly called and held by the Board of Aldermen and the Planning Board of the Town of Chapel Hill on March 11, 1968 to consider the rezoning of the area hereinafter described, and included in said petition; and

WHEREAS, following said public hearing, the Planning Board of the Town of Chapel Hill made recommendations to the Board of Aldermen concerning the rezoning of the areas hereinafter described; and

WHEREAS, THE Board of Aldermen considered the recommendations of the Planning Board on the matters brought forth in the public hearing concerning this rezoning request; NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I.

That the "Ordinance providing for the zoning of Chapel Hill and surrounding areas", as adopted on March 14, 1955, and as subsequently amended, be, and the same is hereby further amended as follows:

a. That the following area be, and the same is hereby rezoned from RA-10A & RA-6 to Central Business District and the use permitted in the area designated as Central Business District, as set forth in said Zoning Ordinance, shall hereafter apply to the following described area:

A Portion of Lot 23, Block C, Orange County Tax Map #86 (revised to 1/1/66) described as follows: BEGINNING at the N. E. corner of Lot 23, known as the Eubanks property then along the eastern side line of this property S 25 degs 00' E 160.82 feet; then S 65 degs 00' W, parallel to and 130 feet from the northern right of way line of Cameron Avenue about 273.5 feet to a point on the extension of the western line of Lot 23 (rear portion); then N 25 degs 06' W about 160 feet, along a side lot line of Lot 23, and its extension, to the N. W. corner of Lot 23; then N 63 degs 26' E, 86.89 along the rear property line of Lot 23 to a property corner; then N. 64 degs 45' 11" E 186.66 feet along the rear property line of Lot 23, the present district line of the C.B.D. to the point of BEGINNING.

b. That the following area be, and the same is hereby rezoned from RA-10A & RA-6 to Limited Business, and the uses permitted in the area designated as Limited Business, as set forth in said zoning ordinance, shall hereafter apply to the following described areas:

Tract 1

A portion of Lot 23, Block C, Orange County Tax Map #86 (revised to 1/1/66) described as follows: BEGINNING AT a point on the eastern property line of Lot 23, known as the Eubanks property, said point being 10.0 ft. from the northern right of way line of Cameron Avenue; then S 65 degs 00' W parallel to and 10.0 feet from the northern right of way line of Cameron Avenue 333.16 feet to the western property line of lot 23; then N. 24 degs 53' W 129.89 feet along the western line of Lot 23 to a corner; then N 67 degs 42' E 59.70 feet to a corner; then S 25 degs 06' E about 9.8 feet to a point; then N 65 degs 00' E, parallel to and 130 feet from the northern right of way line of Cameron Avenue about

273.5 feet to the eastern property line of Lot 23, then S 25 degs 00' E 120.0 feet along the eastern property line of Lot 23 to the point of BEGINNING.

Tract 2

All of Lot 28, Block C, Orange County Tax Map #86 owned by Anne Queen being a rectangular lot on the north side of Dawson Alley with a frontage of 54 feet and a depth of 124 feet, adjacent to the western boundary of University Square.

SECTION II.

All ordinances or portions of ordinances in conflict herewith are hereby repealed.

SECTION III.

This ordinance shall be effective from and after the _____ day of _____, 1968

This the 22nd day of April, 1968.

This was carried by a vote of 3-2 with Alderman Giduz, Kage and Varley voting for the motion and Aldermen Ethridge and Smith opposing.

PARKING LOT-WEST ROSEMARY STREET

Carl Smith told the Board that he would like to develop his property at 117 W. Rosemary Street for public parking. This is now occupied by Kappa Psi Fraternity. He told the Board that this could be developed for 37 to 40 parking spaces, that he would develop the lot if the Town would purchase and install the meters, that he would contract with the Town to operate the lot on the 25-75 split now used for other lots, that he would give the Town an option to purchase the lot at any time during the first five years, and that he would buy the revenue bonds necessary for the Town to purchase the lot if they decided to do so. The Town Manager recommended acceptance of this proposal. Alderman Varley moved, seconded by Alderman Kage, that this proposal be accepted and the details worked out by the Town Attorney and Town Manager. This was unanimously carried. Alderman Kage suggested that the Town try to get access from this lot to Franklin Street.

LIBRARY REGULATIONS

Mayor McClamroch read a letter from Mrs. Welsh, precinct Chairman in the East Chapel Hill Precinct, to the Library Board of Trustees, asking permission to hold a precinct meeting in the Chapel Hill Library. He then read the rules of the Library which would prohibit political meetings. The Aldermen discussed the rules for operation of the Library adopted by the Library Trustees, and asked that the Trustees be asked to re-consider certain of these regulations particularly pertaining to use of the kitchen for meetings and the prohibition of all political meetings and certain labor meetings.

ELECTIONS

Town Clerk Roberts told the Board that the Registrars had asked for increased pay for the election for themselves and the Judges and presented a schedule suggested by the County Election Board. Alderman Giduz moved, seconded by Alderman Varley, that the schedule for payments presented be accepted. This was unanimously carried.

CURFEW LAW

Alderman Giduz asked Police Chief Blake his opinion on the need for a curfew law. Chief Blake said that he thought one

should be available as it would be the best and quickest way to put a stop to rioting. He noted that it had been very useful in other cities in the State during the month. Mayor McClamroch then read a proposed curfew law prepared by the Town Attorney:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE TOWN OF CHAPEL HILL TO PROCLAIM THE EXISTENCE OF A STATE OF EMERGENCY AND TO IMPOSE CERTAIN RESTRICTIONS DURING THE SAME

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

Section 1. State of emergency; curfew authorized.

(a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

(b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the Town of Chapel Hill, or threatening damage to or destruction of property, the Mayor of the Town of Chapel Hill is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the Town of Chapel Hill to place in effect any or all of the restrictions hereinafter authorized.

(c) The Mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the corporate limits of the Town of Chapel Hill and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, newspapers and magazines operated for profit; radio broadcasting and television broadcasting corporations and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the Town of Chapel Hill.

(d) The Mayor shall proclaim the end of such state of emergency or all or any part of the **restrictions** imposed as soon as circumstances warrant or when directed to do so by the Board of Aldermen.

(e) During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:

[1] Prohibit or regulate the possession off one's own premises of explosive, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof;

[2] Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind or narcotics except by prescription and their possession or consumption off one's own premises;

[3] Prohibit or regulate any demonstration, parade, march vigil, or participation therein from taking place on any of the public ways or upon any public property;

[4] Prohibit or regulate the sale or transportation of gasoline, kerosene, naptha, or any other explosive or inflammable fluids or substances;

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[5] Prohibit or regulate travel upon any public street, alley or roadway or sidewalk or upon any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;

[6] Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.

(f) Any proclamation may be extended, altered, or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

(g) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this ordinance.

Section 2. Severability. The sections, paragraphs, sentences, clauses, words, and phrases of this ordinance are severable, and, if any word, phrase, section, paragraph, sentence, clause shall be declared unconstitutional or invalid by any valid judgement or decree or any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, words, clauses, sentences, paragraphs, or sections of this ordinance.

Section 3. Penalty. The violation of any provision of this ordinance, or of any provision of any restriction imposed by any proclamation authorized by this ordinance, shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding fifty dollars (\$50) or imprisonment not exceeding thirty (30) days, as provided by G.S. 14-4.

This the 22nd day of April, 1968.

Alderman Giduz moved adoption of this ordinance. This was seconded by Alderman Varley and unanimously carried.

FIRE BOMB ORDINANCE

In reply to a question by Alderman Giduz, Chief Blake recommended the adoption of an ordinance prohibiting possession of manufacture of fire bombs, or possession of the materials for making them. Mayor McClamroch then read an ordinance prepared by the Town Attorney which would meet the Chief's recommendations.

AN ORDINANCE MAKING THE POSSESSION AND MANUFACTURE OF "MOLOTOV COCKTAILS" OR OTHER FIREBOMBS UNLAWFUL AND RESTRICTING THE POSSESSION OF MATERIALS USED IN MANUFACTURING "MOLOTOV COCKTAILS" OR OTHER FIREBOMBS.

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

Section 1. Definitions. For the purposes of this ordinance, the following terms shall have the meanings herein ascribed.

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

Section 2. Prohibited Acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

Section 3. Possession of Materials Restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Section 4. Severability. The sections, paragraphs, sentences, clauses, words and phrases of this ordinance are severable, and, if any word, phrase, section, paragraph, sentence, or clause shall be declared unconstitutional or invalid by any valid judgement or decree or any court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining phrases, words, clauses, sentences, paragraphs, or sections of this ordinance.

Section 5. Ordinance Cumulative. The provisions of this ordinance shall be cumulative and in addition to any other ordinance or General Statute of North Carolina on this subject.

Section 6. Penalty. The violation of any provision of this ordinance shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding fifty dollars (\$50) or imprisonment not exceeding thirty (30) days, as provided by G.S. 14-4.

Alderman Giduz moved adoption of this ordinance. This was seconded by Alderman Ethridge and unanimously carried.

REFUNDS & RELEASES

Alderman Ethridge moved, seconded by Alderman Smith, that the following refunds and releases be approved as having been erroneously charged. This was unanimously carried.

<u>NAME</u>	<u>REC. #</u>	<u>AMOUNT</u>	<u>REASON</u>
Bruce K. Eckland	1065	\$ 14.25	Property not connected to sewer.
J. S. Harder & S. N. Bryant	4582	30.00	Double Listed.
Harwell Trustees	1605	13.35	Error in computing rent.

REFUND

L. H. Rhew	4306	22.77	County reduced valuation from 29,460 to 27,480
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TOWN-UNIVERSITY PLANNING

Alderman Giduz called the Board's attention to a letter from Dr. Wiley asking for better coordination with University and the County in general long range planning. Alderman Giduz asked that this be sent to the Planning Board for their consideration. Alderman Ethridge said that a proposal for a grant for a pilot program of cooperative planning was being prepared and that he hoped to have it ready by the next meeting.

HUMAN RELATIONS COMMITTEE

Alderman Smith asked that the Human Relations Committee be reactivated as soon as possible and asked that it be enlarged.

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EASTGATE

Mayor McClamroch read a letter from the Chairman of Community Appearance Commission to B.K. & R. Rentals concerning the appearance of Eastgate and offering the assistance of the Appearance Commission. Mrs. Welsh read the reply from Mr. Mitchell, Bankruptcy Trustee from B.K. & R. Rentals, telling the Board that some improvement was being made and that they hoped to sell the property soon and that more work would be done and that he supported the efforts of the Appearance Commission.

Alderman Smith moved the adoption of the following resolution:

WHEREAS the events of early April, 1968 led to certain emotional actions throughout the country that were detrimental to order and public safety, and

WHEREAS there were certain groups in the Chapel Hill area that attempted, unsuccessfully, to promote disorder among the citizens of Chapel Hill, NOW, THEREFORE,

BE IT RESOLVED that the citizens of Chapel Hill be commended on their actions during this period, particularly their resistance to pressures to demonstrate violently and destructively, with special commendation to the Chapel Hill Police Department for the manner in which they operated during this period.

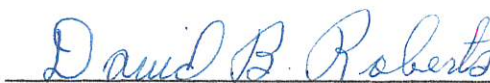
This the 22nd day of April, 1968

This was seconded by Alderman Ethridge and unanimously carried.

The Meeting adjourned at 10:35 P. M.



Mayor



Town Clerk

MINUTESBOARD OF ALDERMENTOWN OF CHAPEL HILL

The Board of Aldermen met at a Special Meeting on Tuesday May 7, 1968 at 4:30 P. M. with the following members present: Mayor McClamroch; Aldermen Prothro, Ethridge, Smith, Giduz and Varley. Alderman Kage were absent. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

BOND ELECTION

The Town Clerk presented a report of the Board of Canvassers on the Bond Election held May 4, 1968. Alderman Varley moved, seconded by Alderman Smith, that the report be accepted. This was unanimously approved.

SEWER OUTFALLS

Alderman Prothro moved, seconded by Alderman Ethridge, that Rose & Pridgen be authorized to proceed with the preparation of plans and specifications for the sewer outfalls on Morgan Creek and Bolin Creek to be financed with the sewer bond money. This was unanimously carried.

MUNICIPAL BUILDING

Alderman Smith moved, seconded by Alderman Varley, that City