

Minutes of the meeting of the Board of Aldermen, Book 4, Page 178

April 19, 1927

There was a meeting of the Board of Aldermen of the Town of Chapel Hill at 8:00 P. M., Mayor Roberson presided and the following Aldermen were present:- Messrs. C. L. Wills, M. E. Hogan, C. L. Eubanks, R. D. W. Connor and B. S. Williams.

~~The minutes of the meeting of the Board of Aldermen on April 2nd were read and approved.~~

The Manager read the following letter from the Chapel Hill Welfare Council regarding the jail facilities for women prisoners:-

"Within recent months the Chapel Hill Welfare Council has become interested in the local lock-up and a committee was appointed to go into the situation carefully. This committee visited the building and reported favorably on the good condition in which they found the cells and on the accompanying officer's information that prisoners of both sexes were never confined in jail at the same time, the men being transferred to Carrboro when such emergencies arose. The Council believes these conditions praiseworthy but it is also of the opinion that more adequate provision should be made for the care of women prisoners at all times; therefore, the Chapel Hill Welfare Council wishes to go on record as desiring jail facilities for both sexes in the Chapel Hill Jail without having to rely on the town of Carrboro for the care of men prisoners when women are also incarcerated, but more as especially desirous of having adequate provision for the custody of women prisoners. To this end, we the undersigned members of the Chapel Hill Welfare Council do make the following petition to the Chapel Hill Board of Aldermen:

"That they provide for the use of women prisoners in the Chapel Hill Jail a special room with adequate sanitary equipment and entirely separate from the apartment assigned to men prisoners.

"It is suggested that a portion of the room on the second floor of the jail building in front of the present cages might be partitioned off for this purpose."

Respectfully submitted,

Lillian Long, Mrs. Isaac Manning, Mrs. W. P. Jordan, George H. Lawrence, Anne Ruth Wedcolts, S. Lawrence, Bruce Stowd, C. B. Griffin, J. T. Steiner, Mrs. Joseph Archer, Mrs. G. H. Paulsen, Mrs. R. H. Weltach, Carl Durham, Marian G. Simmons, Wit B. Sanders, Mrs. G. K. G. Heuret, Mrs. H. D. Carter, and Mrs. Walter Patten.

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Upon motion duly passed this matter was referred to the Committee of Public Safety with the request that a report be made on the same at the next meeting of the Board of Aldermen.

The Manager read a report from the State Board of Health of the City Milk Supply Rating for 35 North Carolina cities made last summer by a representative of the U. S. Public Health Service in cooperation with that Bureau; the said report being as follows:

"Chapel Hill City Milk Supply ranks 8th in the list of cities surveyed during the summer of 1926, which is a very good rating for a city without pasteurization facilities. It is to be regretted that figures for 1925 were not available since the comparison would have shown the great increase that has been made not only in sanitation, but in the daily consumption.

"At the time of the survey the weak spots were cleanliness of the milk stools, compliance with the cooling requirement, and complete record of health examinations of employees.

"With the great improvement that has unquestionably been made in the sanitation of the milk supply, and with the hardest part accomplished - providing proper equipment - further improvement can be made by concentrating on the few low spots. There is no reason why Chapel Hill's milk supply can not maintain a very high rating for Retail Raw Milk, though until pasteurized milk is sold the General Rating can not go over 50".

In connection with this report the Manager recommended that the ordinance covering the selling of milks in Chapel Hill be amended so as to allow the sale of Grade "A" milk only. There was much discussion regarding this subject and the reported practice among the dairymen of buying milk and selling the same as their own product. The following ordinance was introduced by Alderman Hogan, seconded by Alderman Wills, and duly adopted:

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

Section 1. That the licensed dairy selling milk in Chapel Hill shall not offer for sale any milk having a rating less than Grade "A".

Section 2. That the licensed dairy shall sell only such

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Dairy
Ordinance

Grade "A" milk as is produced at their own dairy or at some other licensed dairy.

Section 3. No person shall sell milk which is purchased from cattle that have not been inspected and tested in accordance with the provision in the Ordinance covering the inspection of cattle at licensed dairies, and that the cost of such inspection and testing shall be paid by the owner of such cattle.

Section 4. That copies of this Ordinance shall be sent to all the licensed dairymen and all persons in town known to be selling milk other than licensed dairymen.

Section 5. That all ordinances or parts of ordinances in conflict therewith are repealed. **Book 4 - Page 180**

Section 6. That any person, firm or corporation convicted with violating this section of this Ordinance shall be subject to a fine of \$50.00 for each and every offense.

The Manager brought up for discussion the complaints which have been received at his office regarding the blasting being done by the contractors in the excavation for the Memorial Stadium and stated that on Saturday this matter had been discussed at a meeting of the Improvement Committee and that this Committee had instructed the Manager to ask all persons interested in this matter to come to this meeting of the Board. In accordance with this plan Mr. J. A. Page, Superintendent of the T. C. Thompson & Brothers Construction Company, was present and the following letter was read from Mr. T. C. Atwood of the Atwood & Nash Company:-

April 19, 1927

Mr. E. M. Knox, City Manager,
Chapel Hill, N. C.

Dear Mr. Knox:

Confirming our conversation in regard to the blasting at the new Stadium site, we have been doing everything possible to try to get this work through with as little disturbance as possible, as is evidenced by the fact that we have asked the contractor to cut the charges in half some time ago, and again, later, to cut them in half once more,

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so that the charges now being used are only about one-fourth the maximum in use two or three weeks ago. Occasionally, however, an extreme condition arises, as happened last Saturday, when a piece of ledge is encountered which the drills refuse to penetrate on account of sloping seams, which causes the drill steel to stick; and the only recourse in such cases is to put some heavy charges on top of the rock to shatter it. This was done Saturday, first trying the regulation small charges, which had no effect, and then increasing the charge to a point which shattered the rock. One of these blasts released three drill steels which had become stuck in attempting to drill the ledge.

"The contractor has met us half way in our attempt to ameliorate conditions, and we are in hope that very few heavy charges will be set off in the future, and every effort will be made to get along without setting off any of these. It is only extraordinary conditions which necessitate these heavy charges, and we hope to strike no more of them. It is certain that the bulk of the blasting is done, and we expect that from now on conditions will be much easier. You may rest assured that we shall use every effort to do as little blasting, and with as light charges as possible."

Very truly yours,

ATWOOD & NASH, INC.

BY T. C. Atwood

Many citizens of the town were present and took part in the discussion which followed. It was claimed that the blasting was causing considerable damage to certain houses by creating cracks in plastering and masonry^{work} and that the extent of such damage could not be very well determined. In the discussion which was brought out pieces of rock has been thrown considerable distance, in one case little over one quarter of mile and that there was possibly considerable danger to the lives of the citizens of the town in case a reoccurrence if this was not prevented. There followed much informal discussion regarding the whole situation with out reaching any definite conclusion. One citizen requested that the Ordinance of the Town of Chapel Hill requiring an inspection of each individual blast be put into effect in this situation and that a representative of the town be placed on the work. However, it was pointed out that due to the lack of knowledge concerning the amount of dynamite which might be shot at one time without injury to property, very little could be secured by placing an inspector on the work without definite instructions to him regarding the amount of dynamite to be discharged.

Upon motion of Alderman Connor, seconded by Alderman Hogan, the following resolution was duly adopted.

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

Section 1. That the Manager in connection with Alderman Braune is hereby instructed and authorized to take such steps as he might deem necessary to prevent blasting being done in the excavation of the Memorial Stadium which would endanger the lives of persons or cause damage to the property of persons.

Section 2. That the Manager is instructed and authorized to secure such expert advice on this matter as he might deem necessary in determining the amount of dynamite which might be exploded in one blast without causing damages mentioned in Section 1.

The Manager asked the Board of Aldermen to instruct him regarding the decision made by the Improvement Committee in connection with the Improvement on the Gingham Road and the damage claimed to have been sustained to a rock wall owned by Dr. W. H. Marshall. The Manager stated that the Improvement Committee had agreed that it was impossible to raise Dr. Marshall's wall as high as the curb along the same, but that the Committee had assured him that the town would repair such damage in-so-far-as possible. Following this statement Dr. Marshall had begun the construction of a rock wall adjacent to the curb and on the sidewalk which would be about 1 ft. higher than the curb and 6 to 8" higher than the sidewalk and that he was expecting the Town to bear the cost of the construction of this wall. Several citizens from this district were present and took part in the discussion. After much discussion and upon motion of Alderman Wills, seconded by Alderman Hogan, the following resolution was duly adopted.

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

Section 1. That the Town of Chapel Hill will pay for the construction of a rock wall along the property of Dr. A. H. Marshall on the Gingham Road provided that the same is constructed on the property of the said Dr. Marshall and along his property line.

Section 2. That the Town of Chapel Hill will not pay for or allow the construction of a wall higher than the sidewalk and adjacent to the curb along this property.

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The Manager reported that in accordance with an ordinance duly adopted at a previous meeting of the Board of Aldermen that he had received bids on the purchase of a two ton truck for the Public Works Department and that the Highway Commission had made an offer to sell to the Town a five ton used Packard Truck for the sum of \$500, a body for which could be secured for \$200, making the total cost of this truck \$700.00. Whereas the bids received on the new trucks of a two ton capacity range from \$2150 to \$4676. The Improvement Committee which had been delegated to make this purchase had failed to agree unanimously on the truck to be purchased and the Committee had a minority report recommending the purchase of the truck from the Highway Commission. The majority report recommended the selection of one of the following trucks; Graham, G. M. C., or Republic, and recommended further that the final decision should not be made until these trucks have been brought to Chapel Hill and the relative merits of these compared. Upon motion of Alderman Williams, seconded by Alderman Connor, the majority report of the Improvement Committee was accepted and that a new truck would be purchased.

The Manager reported for the local Improvement Committee the approval of the construction of concrete curb and gutter on Roberson Street from Franklin to Rosemary Street. After much discussion and upon motion of Alderman Cannon, seconded by Alderman Hogan, the following resolution was duly adopted, all the aldermen present voting in the affirmative therefor:

Whereas it appears to the Board of Aldermen of the Town of Chapel Hill that a petition has been lodged with the Clerk of the said Board, requesting that certain local improvements be made on Roberson Street from Franklin to Rosemary Street, the said improvements consisting of the construction of concrete curb and gutter and the necessary installation of storm sewers and changing of the present street surface:

And, whereas, from the certification of the Clerk this day submitted, it appears that the said petition in every particular conforms to the requirements of Chapter 56 of the Public Laws of North Carolina, 1925, and amendments thereto, by Consolidated Statutes 2703 etse, and are signed by a majority of the property owners, representing a majority of all lineal feet of frontage on said streets; therefore,

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

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Section 1. That the said petition is hereby determined to be sufficient and to be in full conformity with the provisions of the law above referred to, to-wit:- Chapter 56 of the Public Laws of 1915 and amendments thereto.

Section 2. That the Manager is hereby instructed and authorized to immediately take such steps as may be necessary to have the said improvements constructed in accordance with contracts and previous resolutions of the said Board of Aldermen.

Section 3. That 50% of the total cost of the said improvement, exclusive of such costs as are incurred at street intersection, be especially assessed against the property owners of all the abutting property on the said street, proportionately, as provided by law, and that the assessment hereby provided for shall be payable in ten equal annual installments to be paid with the municipal taxes and due and payable, beginning with the year 1927 and ending with the year 1936.

Section 4. That the owners of all abutting property on said street within the said limits, shall connect their premises with the water lines and sewer mains located in said street adjacent to their premises in the manner prescribed by the ordinances of the Town.

Section 5. That assessments shall be made, as provided in Section 3, against the property owners of their property, and notice shall be given when such assessment shall have been made as required by the said Chapter 56 of the Public Laws of North Carolina and amendments thereto; and these notices shall be published as required by the said act, and such publication shall constitute notices to all property owners on said street as required by law.

Section 6. That the said local improvements shall not be made until bonds of the Town of Chapel Hill shall have been authorized for the purpose.

THE QUESTION OF AUTHORIZING THE ISSUANCE OF \$12,000 STREET IMPROVEMENT BONDS was then brought up for consideration and upon motion of Alderman Wills, seconded by Alderman Hogan, was duly adopted on its final reading, all the Aldermen present voting in the affirmative therefor, to wit:- Aldermen E. L. Eubanks, M. E. Hogan, C. L. Wills, B. S. Williams, and R. D. W. Connor; said ordinance being as follows:

AN ORDINANCE
AUTHORIZING \$12,000
STREET IMPROVEMENT BONDS

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

SECTION 1. That the Town of Chapel Hill does issue its bonds pursuant to the Municipal Finance Act to an amount not in excess of \$12,000 for the purpose of constructing or reconstructing or surfacing its streets therein, including grading, and including the contemporaneous construction or reconstruction of curbs, gutters, drains and sidewalks, at least one-fourth of the cost of such local improvements, exclusive of the costs of paving at street intersections, is to be especially assessed.

SECTION 2. That a tax sufficient to pay the principal and the interest of said bonds shall be annually levied and collected.

SECTION 3. That a statement of the debt of the Town has been filed with the Clerk and is now open to public inspection.

SECTION 4. That this ordinance shall take effect upon its final passage and shall not be submitted to the voters.

THE QUESTION OF BORROWING \$12,000 in ANTICIPATION OF THE RECEIPTS FROM THE PROCEEDS OF THE SALE OF \$12,000 STREET IMPROVEMENT BONDS was then brought up for consideration and upon motion of Alderman Hogan, seconded by Alderman Connor, the following resolution was duly adopted, all the aldermen present voting in the affirmative therefor, to-wit:- Messrs. C. L. Wills, E. L. Eubanks, M. E. Hogan, B. S. Williams and R. D. W. Connor; the said resolution being as follows:

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

SECTION 1. That in order to anticipate the proceeds from the sale of \$12,000 Street Improvement Bonds of the Town of Chapel Hill, authorized by the Board of Aldermen on the Nineteenth day of April, 1927, said ordinance having duly taken effect upon its passage, it is necessary to borrow the sum of \$12,000 for the purpose of carrying on and completing the said work.

SECTION 2. That a temporary loan of \$12,000 shall be made bearing interest at not more than 6% per annum and maturing not later than April 19, 1928, said loan to be evidenced by a note and the Mayor and the Clerk are hereby instructed to fix the face amount of said note and the rate of interest it shall bear and with the power to dispose of said note to the best advantage.

SECTION 3. That the said note shall be signed by the Mayor and countersigned by the Clerk under the corporate seal of the Town and shall be substantially in the following form:

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
TOWN OF CHAPEL HILL

BOND ANTICIPATION NOTE

No. _____

KNOW ALL MEN BY THESE PRESENTS that the Town of Chapel Hill in the State of North Carolina for value received hereby promises to pay to _____ on _____ the principal sum of _____ DOLLARS with interest _____ per cent per annum, payable at the Town Office, Chapel Hill, N. C., in advance.

THIS NOTE IS GIVEN FOR MONEY borrowed in the amount of the face of this note in anticipation of the receipts of the proceeds from the sale of bonds in full compliance with the Municipal Finance Act and resolutions duly passed by the Board of Aldermen of said Town.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the laws and the constitution of the State of North Carolina to happen, exist, and be preformed precedent to and in the issuance of this note, have happened, exist and have been performed in regular and due form and time, as so required, and that the total indebtedness of the Town, including this note, does not exceed any constitutional or statutory limitations thereon.

IN WITNESS WHEREOF the Town of Chapel Hill has caused this note to be signed by its Mayor and countersigned by its Clerk, under the corporate seal of the Town, all as of the _____ day of _____, 1927.
Countersigned

Clerk

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Mayor

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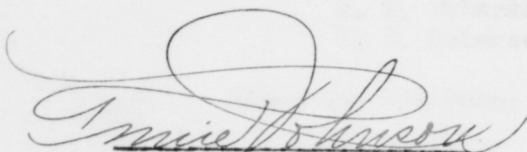
SECTION 4. That before the said note is issued, it shall be approved by the Attorney for the Town, and his approval endorsed on said note in substantially the following form:

I, _____, Attorney for the Town of Chapel Hill, N. C., do hereby approve the within note and do state that said note constitutes a binding obligation of the Town of Chapel Hill.

Attorney

There being no further Business the Board adjourned at 10:30 P. M.

W. S. Roberson, Mayor


Emmett Roberson
Acting Clerk