

Minutes of the Meeting of the Board of Aldermen, Book 5, Page 207.

October 14, 1929.

There was a regular monthly meeting of the Board of Aldermen of the Town of Chapel Hill at 8:00 P.M., with R. D. W. Connor presiding in the place of Mayor Council, and the following Aldermen present;- to wit: Messrs. Burch, Braune and Thompson. Town Attorney Sawyer and J. T. Harris, H. A. Whitfield and Fred Ames were also present.

The Town Manager read the minutes of the regular monthly meeting of September 9th, and of the special meeting held on September 16th,- both of which were approved by the Board.

Attorney Whitfield spoke for his client, Mr. Fred Ames, in regard to selling sandwiches to fraternity houses,- Mr. Whitfield stated that the City Manager had prohibited Mr. Ames from peddling sandwiches after 6:30 in the evening, as there is a Town Ordinance which prohibits peddling after 6:30. Mr. Whitfield contended that the Ordinance against peddling was a Police Regulation and that it did not apply to any business unless it was detrimental to the welfare of the citizens. Mr. Whitfield quoted the Statutes to prove that anyone had a right to make and sell his own products.

Mr. Whitfield contended that his client did not "peddle", as he delivered only to fraternities, and only upon invitation from them.

Town Attorney, Sawyer, ruled that if Mr. Ames had a standing order from the fraternities that he was not peddling.

Alderman Braune moved that Mr. Ames be allowed to continue his usual work. The motion was seconded, and all the members present voted in the affirmative therefor.

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Mr. J. T. Harris called the attention of the Board to the petition he had presented to the City Manager.

The Manager read the following petition:

(Petition)

To the Honorable Board of Aldermen,
Town of Chapel Hill,
Chapel Hill, North Carolina.

The undersigned petitioners and resident owners of property situated on West Franklin Street, between Columbia and Church Streets on the north side, most respectfully petition your Honorable Body that lots now built on, and to be built on, on the north side of the street, be allowed to erect filling stations if they so desire.

The following owners of said property believe it will be to their advantage to have the above change made.

Signed:

J. T. Harris,
Mrs. F. C. Smith, Jr.,
A. M. Harris.

The Manager gave his reasons for refusing to grant a permit to Mr. Harris, quoting from the Zoning Ordinance, Section #6 as follows:

SECTION #6. SPECIAL REGULATIONS RELATIVE TO GARAGE AND SERVICE STATIONS.

Under no circumstances shall a permit be issued for the erection or enlargement of a garage for more than five motor vehicles, a group of garages for more than five motor vehicles, or a motor vehicle service station, or for the conversion of any premises not so used to be used for such purposes, in any business zone, if any part of the lot or plot in question is situated within a distance of two hundred feet, as measured along the public streets in which portion there exists:

1. A Public School
2. A duly organized school, other than a public school, conducted for children under sixteen years of age and giving regular instructions at least five days a week for eight or more months a year.
3. A hospital maintained as a charitable institution.
4. A Church.
5. A theater containing at least 300 seats.
6. A public library.

The restriction of Paragraph One of this section shall not apply to garages located near churches, but instead, the following restriction shall apply:

No permit shall be issued for the erection or enlargement of a garage if any part of the lot or plot of the garage is situated within a distance of 200 feet from a church:

No exception shall be made to the provisions of this section by the Board of Adjustment."

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Mr. Whitfield stated that Mr. Harris secured a Building Permit for a garage prior to the passage of the Zoning Ordinance, and that Mr. Harris should be allowed to build under this Permit. Mr. Whitfield showed that Mr. Harris had undertaken a logical development of his property, that he had borrowed \$20,000 and had improved the back part of his lot first, as this part of his property was vacant and the front part was occupied by his home place. Mr. Harris paid \$12.50 for his permit, and it was claimed that he should be allowed to use it.

Town Attorney Sawyer pointed out that Mr. Harris's permit was no good, and quoted from the Zoning Ordinance, Section #18, Paragraph 1, which states as follows:

SECTION 18.

"Completion and Restoration of Existing Buildings.
(Paragraph No.1, only.)

Nothing herein contained shall require any change in the plans, construction, or designated use of a building for which a Building Permit has been issued at the time of the passage of this Ordinance and the construction of which, in either case, shall have been diligently prosecuted within a year of the date of such Permit, and the ground-story framework of which, including the second tier of beams, shall be completed within such year, and which entire building shall have been completed according to such plans as filed within two years from the date of the passage of this Ordinance."

Mr. Whitfield stated that no provision of law should affect the rights of a citizen, and that no Ordinance could be retro-active.

This filling station would be immediately opposite the High School, and the question of safety for the school children was discussed at great length.

The property in question is in Business Zone Number 1, which permits the erection of garages and filling stations. The issue narrowed down to an interpretation of "Section No.6", - the Special Section in regard to Garages and Service Stations, which prohibits a garage or service station in any part of the lot or plot in question if it is situated within a distance of 200 feet, as measured along the public street, in which portion there exists a public school, etc. There was quite a discussion as to the meaning of the word "along", as to whether it applied only to the side upon which there exists a school, or, whether it applied to the other side of the street as well.

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After much discussion, and upon the motion of Alderman Burch, seconded by Alderman Thompson, the following motion was passed, that the Town Attorney be instructed to investigate and hand in to the Board of Aldermen a written opinion as to the proper construction of "Section No. 6" of the Zoning Ordinance, - all members present voting in the affirmative therefor, and none voting in the negative.

Acting Mayor, Connor, called a Special Meeting to be held Wednesday night, October 16th, at which time Mr. Harris would be given an answer to his petition.

Mr. Frank Leath appeared before the Board in behalf of the Student Council and the Athletic authorities, requesting that the Board of Aldermen pass regulations preventing the peddling of colors upon the streets of the Town during football games. There was much discussion, and Town Attorney Sawyer was instructed to draw up an ordinance and present it at the next meeting.

The following Ordinance, upon motion of Alderman Braune, seconded by Alderman Burch, was passed in regard to Dry Cleaning Establishments, all the members present voting in the affirmative therefor:

Ordinance.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL THAT Buildings used for Dry Cleaning Plants shall be built of standard brick construction, with windows made of metal frames and wire glass construction, and no such building shall be built until the location has been approved by the Chief of the Fire Department and by the Inspector of Buildings.

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Upon motion of Alderman Burch, seconded by Alderman Thompson, it was moved that the Street Assessment against Sigma Chi Fraternity be re-instated, all installments and penalties to date having been paid. The motion was carried, all the members of the Board of Aldermen present voting in the affirmative therefor.

Upon motion of Alderman Braune, seconded by Alderman Connor it was moved that a street light be placed in front of the Pi Kappa Phi House, on the Pittsboro Road, all members present voting in the affirmative therefor.

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At the request of Dr. S. A. Nathan, Health Officer, the following Ordinance, upon the motion of Alderman Burch, seconded by Alderman Thompson, was passed, - all the members of the Board of Aldermen present voting in the affirmative therefor. Said Ordinance being as follows:

MILK ORDINANCE.

It shall be unlawful to distribute, sell or offer for sale within the Town of Chapel Hill, any milk, cream or buttermilk in any bottle or receptacle bearing in any manner thereon the name or names of any person, firm, or corporation other than or different from the name or names printed or inscribed upon such cap or cover of such receptacle or bottle.

It shall be unlawful for any consumer or dealer who receives milk, cream, or buttermilk from any dairyman, milk distributor or dealer, in bottles cans or other receptacles, which are to be returned or exchanged, to return, or offer to return same, until or unless such bottles, cans, or receptacles have been made free of milk adhering to the surface thereof, and unless free from dirt or other filth. No dairyman, milk dealer, or milk distributor shall receive from any consumer or dealer, any unwashed, filthy or dirty milk bottles, cans or other receptacles, nor shall such bottles, cans or receptacles be transported, conveyed or carried on any milk wagon, truck or other vehicle used for the delivery of milk within the Town of Chapel Hill, or its Police jurisdiction.

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There was much discussion in regard to the use of firemen as special police. No action was taken.

The appointment of Miss Josephine A. Osborne as Clerk of the Recorder's Court and as Town Clerk was approved.

Upon motion, the meeting was adjourned.

--- ZEB P. COUNCIL, --- MAYOR

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Josephine A. Osborne 10-14-29
CLERK.