

Minutes of the Meeting of the Board of Aldermen, Town of Chapel Hill, January 28, 1931.

Book 6, Page 74.

There was a called meeting of the Board of Aldermen, Town of Chapel Hill, held at the Town Office on January 28th, 1931, at 8:00 o'clock P. M. with Mayor Council presiding and the following Aldermen present: Messrs. Hogan, Burch, Thompson, Connor and R. M. Trimble. Town Attorney Sawyer and Messrs Louis Graves and D. D. Carroll were also present.

The Manager read the minutes of the last regular meeting of January 14th, which were corrected and approved.

The Town Manager made the following Report:

Chapel Hill, N. C.
January 28, 1931.

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

Gentlemen:

As requested by the Board of Aldermen at the last meeting, held on January 24th, 1931, to submit a report in connection with consolidating and reducing the Town Expenditures for the coming fiscal year, I wish to submit the following report:-

A reduction in the Town's Expenditures will not mean a reduction in taxes, if there is a corresponding reduction in income.

I will therefore consider first the relation between the Town and the University. For the present fiscal year ending May 31st, 1931, the University contributed \$6,000.00 for Police and Fire Protection. The University and Town jointly employ a Health Officer, the Town paying \$1200.00 and the University paying \$2400.00, and you will see that this contribution from the University directly affects our Tax Rate.

The \$6,000.00 for Police and Fire Protection is equivalent to a property tax of 16¢, - in other words, our Tax Rate would have been 16¢ higher last year had it not been for the contribution of the University.

If the University should cut out this \$2400.00 for the health officer, it will mean that the Town will not be able to employ a full time health man for this work.

(Continued next page)

(Mgr's Report Contin.)

Book 6, Page 75

In getting estimates for next year's budget, Mr. C. T. Woollen, the University's Business Manager, informs me that the University's tentative budget for next year does not include an item of \$2400.00 for the Health Officer, and that the payments for the Police and Fire Protection have also been reduced by \$2400.00. It does not seem just that the University should decrease its contribution to the Town at this time, and thereby increase the tax burden of our people.

Should the University let the College Physician act as Town Health Officer, by letting the advanced medical students assist in making the 400 health examinations, and have the milk testing done by the Department of Sanitary Engineering, then the Town could possibly get along for several years. Of course this arrangement would not be so satisfactory as having one man devote his entire time to the work.

If the University must cut down its appropriation for the Police and Fire Protection, then perhaps the Fire Hydrant Rental and Street Light Rental could be reduced to make up for lost revenue.

I have conveyed the above thoughts to Mr. R. B. House, Executive Secretary of the University, and he has promised to take the matter up with President Graham immediately.

The present Town Charter was drawn up by Mr. J. L. Morehead of Durham, N. C., with the advice and assistance of Mr. E. M. Knox, the former City Manager. of Chapel Hill.

The City Manager Form of Government is conceded to be the most business like and non-political form of government yet devised. The economy of this form of government over a period of years cannot be questioned. I do not feel that a change of the Town Charter is either necessary or expedient.

After a careful survey of the Town Government I would like to recommend the following changes:

1. That the Mayor act as Judge of the Recorder's Court. In former years the Mayor acted as judge of the police court, and I do not feel that taking over these duties would be a hardship on the Mayor.
2. That a member of the University Law School should be asked to assume the position of Town Attorney without pay. I have discussed this point with Mr. Sawyer, our present attorney. A member of the Law School faculty has agreed to take over this work should we so desire.
3. That the Town Manager, in addition to his present duties, take over and keep the control accounts now handled by the University's Accounting Division. It is a logical conclusion that all town records should be kept at the Town Hall.

(Contin. on next page)

Minutes of the Meeting of the Board of Aldermen, Town of Chapel Hill, January 28, 1931.

Book 6, Page 76.

(Mgr's. Report Contin.)

4. That the present Police Department as now constituted be continued.
5. That if the University Physician take over the town health work, the present office of the Town Health Officer be abolished, and the sanitary inspection work be entrusted to the Chief of Police, under the supervision of the Town Manager.
6. That the salary of the Colored Nurse be cut one-half, insofar as the Town's participation in the matter be concerned.

The above items will effect the following savings:

1,-	\$600.00
2,-	300.00
3,-	600.00
4,-	600.00
5,-	900.00
6,-	300.00
Total	\$3,300.00

A budget decrease of \$3300.00 means a tax decrease of about Nine Cents on the Tax Rate. If the University will give the Town the same support next year as this year, the Town Tax Rate will be reduced at least 10%.

Certain savings in the Department of Streets, Street Sprinkling, Garbage Collection, Street Cleaning, Mosquito Eradication, and Sewer Plant Operation can be counted on, due to a decrease in the cost of labor. But I feel that these savings should be reflected in increased services, rather than in a reduction in the Tax Rate.

Respectfully submitted,

(Signed) John M. Foushee, City Manager.

Alderman Hogan moved that the above report be accepted for future consideration. Mr. Connor seconded this motion, and all present voted in the affirmative therefor.

Town Attorney Sawyer presented a new charter, embodying as near as possible the ideas expressed to him by the Board of Aldermen. The Charter was then discussed in detail by sections, with the following results:

Sections No.1, 2, and 3, to remain as before.

Minutes of the Meeting of the Board of Aldermen, Town of Chapel Hill, January 28, 1931.

Book 6, Page 77.

(On New Charter, Contin.)

Section No. 4 to be changed to provide for the appointment of any elected town official in case of the death of an official serving.

Section No. 5 to remain unchanged.

Section No. 6 amended so that the Town Clerk and Town Treasurer could be one and the same person, if desirable. ~~to~~

Section No. 7 changed so that in the discretion of the Board of Aldermen, the Mayor may be appointed City Manager.

Paragraph 5 of Section 8, be amended by inserting the words "By and with the approval of the Board of Aldermen".

Section 9, be amended to include the Prosecuting Attorney and Clerk of Recorder's Court, and to make all appointments of the manager subject to the immediate approval of the Board of Aldermen.

Sections No. 10 and No. 11 to remain unchanged.

Section No. 12 to be so amended as to allow the Town of Chapel Hill to use the ~~an~~ County Abstracts for the purpose of listing Taxes.

Section No. 13 to be amended to include Street Assessments as well as Sewer Rent.

Section No. 14 to be so amended so as to allow a 1% discount up to and including December 10th, and no penalty from December 10th through January 10th. A 1% penalty to be added on January 11th, and an additional 1% to be added on the 11th day of each succeeding month until date of Tax Sale.

Section No. 15, No. 16, No. 17, No. 18, No. 19, No. 20, and No. 21, no change to be made.

Upon motion of Alderman Connor, seconded by Alderman Burch, it was moved that Town Attorney Sawyer be authorized to re-write the proposed Charter with all the changes and amendments that had been passed upon at this meeting, and when approved by the Mayor, and Clerk, that it be turned over to the General Assembly in Raleigh. All the members present voted in the affirmative therefor.

Alderman Hogan suggested that Town Attorney Sawyer send to each member of the Board of Aldermen a copy of the Charter as revised at this meeting, and then if there were no objections to the Charter by members of the Board of Aldermen for a period of two days, that then the Charter be forwarded to the State Legislature for action.

Meeting of the Board of Aldermen, Town of Chapel Hill, N. C., January 28, 1931.

Book 6, Page 78.

Town Attorney Sawyer stated that he had prepared a resolution requesting the repeal of the State Law in regard to bowling alleys, pool rooms and other similar entertainments. Upon motion of Alderman Connor, seconded by Alderman Hogan, it was moved that the Attorney take the necessary steps to have this obsolete law repealed. All the Aldermen present voted in the affirmative therefor.

Upon motion of Alderman Connor, seconded by Alderman Burch, it was moved that the Town Manager be authorized to refund \$140.00 to the order of Gimghoul for the connection of the Murchison Sewer on Senlac Road. The said refund to be made from the unexpended improvement fund. All the Aldermen present voted in the affirmative therefor.

The above refund of \$140.00 was in accord with an Ordinance passed by the Board of Aldermen on May 19th, 1928.

There being no further business, upon motion, the meeting of the Board of Aldermen adjourned.

ZEB P. COUNCIL, MAYOR

By *J. A. Debornes* CLERK.

O.

AN ACT TO REVISE, CONSOLIDATE and AMEND

THE CHARTER

OF

THE TOWN OF CHAPEL HILL.

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(8 pages attached)

(From Book 6, Minutes)

ing upon any sidewalks to repair same at such owner's or lessee's expense, and to require that the same be kept in good passible condition; or it may require the owners of property to pave at their own expense, the sidewalks immediately fronting said lot, or upon the failure of the owner, after due notice to so pave such sidewalk, such work may be done by the town, and the cost thereof assessed against the lot immediately abutting said sidewalk, and such assessment shall be a Lien against such abutting lot, collectible as and when the taxes for the next fiscal year are due.

Section 18. That all ordinances, rules, resolutions and regulations of the Town of Chapel Hill in force at the time of taking effect of this act, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

Section 19. That all laws and clauses of laws in conflict with this act are hereby repealed.

Section 20. That this act shall be in full force and effect from and after its ratification.

Ratified this the

JSS P. 122

Section 14. On or before the first day of August of each year the Board of Aldermen shall lay and extend for collection the taxes on such subjects of taxation as are allowed by law. On all taxes paid on or before the 10th day of December, there shall be allowed a discount of one per cent; all taxes paid after the 10th day of December and before the 11th day of January shall be payable net; and on all taxes unpaid on the 11th day of January there shall be added a penalty of one per cent, and a like penalty for all taxes unpaid on the 11th day of each calendar month thereafter. Except as herein otherwise provided, the General Law of the State governing the levy and collection of municipal taxes, and the duties of the officer charged therewith shall apply in the Town of Chapel Hill.

Section 15. That if any person liable for taxes on subjects to be listed shall fail to pay them on or before the first day of May of the year next succeeding the day of listing, the officer charged with the collection of taxes shall proceed forthwith to collect the same in the manner authorized for the collection of County Taxes.

Section 16. The Town of Chapel Hill may issue its Negotiable Notes or Bonds for any or all purposes authorized by the general law of the State, and such Notes or Bonds shall be issued in accordance with and pursuant to the general law of the State then in effect governing the issuance of Notes and Bonds.

183
Section 17. The governing Body shall cause to be kept clean and in good repair the streets, sidewalks and alleys of the town. It may establish the width and ascertain the location of streets already provided, and may lay out and open others. It may also lay out, open and regulate public grounds or parks, and care for the same, and protect the shade trees of the town. It may require the owner or lessee of the land abutt-

Meet

dollar on the one hundred dollars of said valuation of property, and one dollar on each poll, notwithstanding any other law, general or special, heretofore or hereafter enacted, except a law hereafter enacted expressly repealing or amending this section; (2) and shall annually levy and collect a tax ad valorem and without limitations as to the amount, upon all the taxable property within the municipality sufficient to pay the principal and interest of all bonds of the town now outstanding or which may hereafter be issued, as such principal and interest become due; (3) for the purpose of levying the tax on property located within the corporate limits of the Town of Chapel Hill, the tax abstracts made for the County of Orange, may be used by the Town of Chapel Hill, in so far as they apply to property situated within the Town and the Town shall have the right to force a collection on these taxes in the same manner as if a separate listing of the property was had for the Town; (4) and may annually lay a tax on all trades, professions and franchises carried on or enjoyed within the town, unless otherwise provided by law; (5) and may lay a tax on all shows and exhibitions for reward and on all dogs as are taxed by the General Assembly. The governing body shall have the power to graduate any of the license taxes on trades, professions, franchises or any subject of taxation by dividing same into classes, but the said taxes shall be uniform to all or any class.

Section 13. The governing body shall have the authority to charge and collect a sewer rental or fee on all houses connected with the municipal sewer system, and to levy special assessments as is provided by the General Law, which rentals and assessments are hereby declared a Lien against the property served and the officer charged with the collection of the same shall have the power to collect by distress and sale as provided herein for the collection of ad valorem taxes.

Meeting

He shall hold office during the pleasure of the Governing Body and shall receive such compensation as it shall fix by ordinance.

by sections two thousand six hundred and twenty-three (2,623) and two thousand seven hundred and eighty-seven (2,787) of the Consolidated Statutes of the State of North Carolina, but the granting of such powers herein shall not be construed as a limitation, but the said Town shall have all powers now or hereafter conferred by the general law of the State of North Carolina, and shall especially have the power to acquire property by condemnation of the same for public uses, such acquisition to be made in the same manner and under the same procedure as is provided under article two (2) of chapter thirty-three (33) of the Consolidated Statutes entitled, "Eminent Domain."

Section 11. That in the absence of any contracts with said town in relation to the lands used or occupied by it for the purpose of streets, sidewalks, alleys, or other public works of said town signed by the owner or owners thereof, or his agent, it shall be presumed that the said land has been granted to the said town by the owner or owners thereof, and said town shall have good right and title thereto, and shall have, hold and enjoy same. Unless the owner or owners of said land, or those claiming under them shall make claim or demand, in writing addressed to the board of aldermen, for compensation within two years next after said land was taken, he or they shall be forever barred from recovering said land or having any compensation therefor: Provided, nothing herein contained shall affect the right of females covert or infants until two years after the removing of their disabilities.

Section 12. (1) For the purpose of raising revenue for defraying the general expenses incident to the proper government of the municipality, the board of aldermen shall have the power to levy and collect an annual ad valorem tax on all taxable property within the municipality, at a rate not exceeding one

He shall hold office during the pleasure of the Governing Body and shall receive such compensation as it shall fix by ordinance. Provided, the Governing Body may in its discretion appoint the Mayor City Manager. Orders to the employees of the Town shall be given only through and by the City Manager. Body shall remain, and constitute the governing body of the town.

Section 8. The City Manager shall: (1) be the administrative head of the municipal government; (2) see that within the town the laws of the State and the ordinances, resolutions, and regulations of the governing body are faithfully executed; (3) attend all meetings of the Board of Aldermen, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the governing body from time to time upon the affairs of the town, keeping the governing body fully advised of the town's financial condition and its future financial needs; (5) he shall, under the control of the Governing Body, supervise the work of all heads of departments, superintendents, and other employees of the town, unless otherwise provided herein. He shall

Section 9. Such officers and employees as the Governing Body shall determine are necessary to the town, including the Prosecuting Attorney and Clerk of the Recorder's Court, shall be appointed by the City Manager, by and with the advice and approval of the Governing Body, and any such officers or employees may be removed by him; but the City Manager shall report to the Board of Aldermen at their next meeting every such removal for such Board's approval or rejection, and the action of the said Board thereon shall be final. The officers and employees of the Town shall perform such duties as may be required of them by the City Manager under general regulations of the Governing Body.

Section 10. The general powers of the Town shall specially include those powers conferred upon municipal corporations and departments. He shall be appointed with regard to merit only, and he need not be a resident of the Town when appointed.

unexpired term of the officer whose office shall have been vacated. Until Tuesday after the first Monday in May, one thousand nine hundred and thirty-one, the present governing body shall remain, be and constitute the governing body of the town.

Now 10 Days
See Ordinance

Section 5. The names of any candidate for mayor or aldermen of the Town of Chapel Hill shall be printed upon an official ballot: Provided there is filed with the Town Clerk, not less than five days previous to the holding of such election, the names of such candidate and the office for which he is candidate. The official ballot shall be in such form as the Board of Aldermen may determine, and shall bear instructions to the voter as to the number of candidates to be voted for and the method of designating his choice. Nothing herein shall be construed as preventing any qualified elector from becoming a candidate for any office at any election, but unless the notice of such candidacy shall be filed with the clerk as herein provided, such candidate shall, at his own cost and expense, prepare ballots bearing his name.

Section 6. The governing body at its first meeting after the election, or as soon thereafter as convenient, shall fix stated dates for the meetings, which shall be not less than once in ever calendar month, and shall provided by resolution for the calling of special meetings whenever same may become necessary; they shall appoint a Clerk and Treasurer, and in their descretion may appoint the same individual to fill both offices, who shall hold office at the will of the Board, fix the compensation to be paid such officers and the amount of Bond to be furnished by them.

Section 7. The governing body shall appoint a City Manager, who shall be the administrative head of the City Government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the Town when appointed.

and pointers; thence in a Southeasterly direction at right angles to the main part of Franklin Street fifteen hundred and forty-nine (1,549) yards to a marked stone and pointers; thence two thousand six hundred and twenty-two (2,622) yards in a Southwesterly direction parallel to the main part of Franklin Street to a marked stone and pointers; thence Northwesterly fifteen hundred and forty-nine (1,549) yards at right angles to the main part of Franklin Street to the beginning.

Section 3. That the governing body of the Town of Chapel Hill shall consist of a Mayor and six Aldermen, who shall exercise the corporate powers of said town, and provide by ordinance, rule or resolution for the proper and efficient management of said town. They shall have and exercise all powers now or hereafter conferred upon governing bodies of municipalities by the general law of the State.

Section 4. The mayor of the Town of Chapel Hill shall hold office for a term of two years and until his successor is elected and qualified. He shall be elected ^{bi}annually. ^(means every 2 years) Aldermen shall be elected for a term of four years, and shall hold office until their successors are elected and qualified; the Judge of the Records ~~Col. J. T. Smith~~ shall be elected biannually and hold office until his successor is elected and qualified. Biannually, beginning on Tuesday after the first Monday in May, one thousand nine hundred and thirty-one, there shall be held an election which shall be conducted in the manner provided for by the general law of the State governing elections in municipalities, for the purpose of electing a mayor and three aldermen for the terms herein set forth, to succeed the mayor and aldermen whose term of office expires at such time. If there shall become a vacancy in any office due to the death, resignation or otherwise, of the Mayor or Board of Aldermen or any office to which the Officer is elected by a popular vote of the people the Governing Board shall elect a successor to fill the vacancy until the next regular municipal election at which time a person shall be elected by a vote of the qualified voters to fill the

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