MINUTES OF THE SPECIAL MEETING OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL HELD NOVEMBER 3, 1941

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The Board of Aldermen of the Town of Chapel Hill held a special meeting in the Town Hall on Monday night, November 3rd. with Mayor Foushee presiding and Alderman Hobbs, Burch, Fitch and Bowman present. Also present were C. P. Hinshaw and J. L. Caldwell.

Subject: Cooperative Housing Project on Mallett Street in Conflict with Zoning Ordinance.

A group of students who had leased a house from Miss Lentz on Mallett Street for the purpose of living there together appeared before the Board asking for a clarification of the zoning ordinance and to answer the complaint from other residents on Mallett Street. Mr. Whitfield, attorney for the group, and other interested parties attended the meeting. Mr. Whitfield, in reviewing the case, brought out that Mr. Martin, now a resident of Chapel Hill, had leased the house and held sole responsibility for payment of rent, and legally is to be considered a resident family with privileges pertaining thereto, and that one of these privileges was to rent his home to this group of boys.

The complaint is that the group is technically the same as a club or fraternity and therefore not permitted in Residence Zone A.

After considerable discussion the Board of Aldermen, upon motion by Alderman Bowman and seconded by Alderman Burch, referred the matter to the Zoning Board for advice and an interpretation of the ordinance and to make a recommendation back to the Board of Aldermen.

Subject: Hazzard Motor Company Request Suspension of Provision of Zoning Ordinance.

Mr. Caldwell reported that Hazzard Motor Company had bought the lot on the corner of Roberson Street and Franklin Street and wished to build a filling station on the premises. Since it would be within 200 feet of the Colored Baptist Church, a filling station or garage is prohibited by the Zoning ordinance and therefore they request the Board to suspend the provision in this case and allow the filling station.

The Board of Aldermen refused the request in view of the Zoning Ordinance.

Subject: Request to Suspend Provision of Zoning Ordinance for Curb Market.

Mayor Foushee reported that the ladies at the curb market wished to put up a new building on the lot below the telephone exchange, but since that lot is in residence zone B, businesses are prohibited there.

The Board of Aldermen agreed that the market would have to be in a business district and that an exception could not be made to the zoning ordinance.

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Subject: Planning Commission.

Upon motion of Alderman Bowman, seconded by Alderman Hobbs, all members being present voting in the affirmative, the following ordinance was adopted:

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

Section 1. There is hereby created a Board consisting of five members consisting of citizens of the Town of Chapel Hill and of citizens living within one mile thereof to be known as the Chapel Hill Planning Board, whose duty it shall be to make a careful study of the resources, possibilities and needs of the Town, particularly with respect to the conditions which may be injurious to the public welfare or otherwise injurious, and to make plans for the development of the municipality.

Section 2. That in addition to the duties set out in the above section, said board is invested with the authority to perform the following duties and such others as may be assigned to it by the Board of Aldermen in the future:

a) To recommend the acquisition of the property in the stream valleys around Chapel Hill that are unsuitable for building sites but suitable for parks, and to develop and care for such parks;

b) To study and plan the future zoning of the Town as it grows, leaving, however, the carrying out of the zoning ordinances to the existing Board of Adjustment;

c) To stimulate the improvement of the appearance of the streets, especially in the business section, after securing the advice of the best available consulting architect, whose duty it would be to pass upon the elevations of all renovated or newly erected buildings before they are renovated or erected, with a view to securing harmony in the designs of the various architects employed by the owners;

d) To work in close cooperation with the property owners, the Merchants Association, and the Civic clubs.

Section 3. That said Board shall elect its own chairman who shall preside at all meetings and who shall notify both the Mayor of Chapel Hill and the City Manager of each meeting, who may attend such meeting if they desire.

Section 4. The Board shall make an annual report to the governing body of the Town, giving information regarding the condition of the Town, and any plans or proposals for the development of the Town and estimates of the cost thereof.

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Section 5. The governing body may appropriate to the said Planning Board such amount as it may deem necessary to carry out the purposes of its creation or the improvement of the municipality, and shall provide what sums, if any, shall be paid to said Board as compensation.

Section 6. That the following members are appointed to the first Planning Board who shall serve from one year to five years respectively:

a) Colonel Joseph Hyde Pratt, who shall serve for a period of one year,

b) J. P. Harland, who shall serve for a period of two years,

c) L. J. Phipps, who shall serve for a period of three years,

d) H. G. Baity, who shall serve for a period of four years,

e) Collier Cobb, Jr., who shall serve for a period of five years.

Each year hereafter there shall be some one appointed by the Mayor with approval of the Board of Aldermen to serve on this Board for a period of five years in the place vacated by the member whose term has expired, Provided, said member whose term has expired may be elegible for re-appointment.

This the 3rd. day of November, 1941.

Subject: Report by Alderman Bowman.

Alderman Bowman stated that he would be unable to attend the regular meeting and would like to give his report.

He reported that Mr. Caldwell was working on the sewer survey and when the results were tabulated, a report of the findings would be given.

The matter of O. A. Hamilton's old balance for 1935 taxes which had been in controversy for several years has been settled.

He also reported that he and the Town Attorney were appointed on a committee some time ago to ascertain the proper legal method to extend the City limits of the Town of Chapel Hill. He stated that he had consulted the Attorney General who advised him that there were some methods available, but he would wait until the Legislature meets, at which time a petition by the governing body of the Town of Chapel Hill could be filed asking that the charter be amended so as to include teritory desired to be embraced within the City limits of the Town. The committee recommended that this be handled at the meeting of the next Legislature.

There being no further business, the meeting adjourned.

Town Clerk