

MINUTES OF THE REGULAR MONTHLY MEETING OF THE
BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL
OCTOBER 10, 1945

P. 216

Mayor Madry presided over the meeting with the following members of the Board of Aldermen present: Burch, Fitch, Hobbs, Lanier, and Strowd. Others present were Mr. C. P. Hinshaw, Town Attorney, Mr. E. E. Peacock, Town Auditor, Dr. H. D. Meyer, L. J. Phipps, Giles Horney, C. S. Bartlett, Thurman E. Best, and Jim P. Johnson. The minutes of the preceding meeting were read and approved.

RECREATION CENTERS

Dr. H. D. Meyer appeared before the Board to discuss the continued operation of the white and colored Recreation Centers in Chapel Hill. He stated that with the Navy personnel leaving Chapel Hill, the funds heretofore granted by the United Service Organization would be substantially cut for the remainder of the year and would be cut off altogether with the beginning of 1946. Dr. Meyer stated that they were asking for \$1,460 from the United War Fund, and the six hundred dollars from the Town, and with the possibility of raising a small amount of revenue from charging rent to the Girl and Boy Scout organizations, the Recreation Committee would probably have about \$2,200 to operate on. The Recreation Committee feels that a minimum of four thousand dollars will be needed to operate the two recreation centers effectively. Alderman Hobbs brought up the question of insurance on the building, stating that since the building used ~~by the~~ for the negro recreation center was the property of the Town, the Town would certainly have to pay the insurance on the building. He pointed out that possibly the town would insure and heat the Building, and if the University continued to furnish water, lights and telephone possibly the center could continue operation. Mayor Madry called attention to the fact that only nineteen hundred dollars was set aside in the budget for contingencies and that three hundred dollars had already been spent. Alderman Fitch stated that even though the Board wanted to see the Recreation Centers continue operation, the question confronting the Town was whether or not they could give additional funds at this time. Alderman Lanier made the motion that a committee be appointed to work with Dr. Meyer and to report back to the Board at the next meeting every phase of the problem of the negro center. Seconded by Alderman Hobbs and unanimously passed.

Mayor Madry appointed Aldermen Burch, Fitch and Lanier with Mr. Hinson, Town Manager as Chairman of this Committee.

315

Mr. Giles Horney appeared before the Board to ask that something be done to prevent the washing on his property off Rosemary Street. He stated that during the recent heavy rains much damage was done. Alderman Burch stated that he thought the University was almost wholly responsible for this situation. It was decided that Mr. Hinson would again take

this matter up with Mr. Teague at the University. The Town will bear the expense of the work if the property owner and the University will furnish the materials.

PROPOSED TAXICAB ORDINANCE

Mr. L. J. Phipps appeared in behalf of Carolina Cab Company to present to the Board of Aldermen a proposed ordinance for the regulation of taxicab companies. This ordinance is recommended by the North Carolina League of Municipalities, a copy of which is attached to these minutes. Mr. C. S. Bartlett, owner and manager of Carolina Cab Company was in favor of adoption of this ordinance. Mr. Thurman E. Best owner of The City Cab Company was not in favor of its adoption. After much discussion of the various points of the ordinance, Alderman Hobbs made the motion that the Town Attorney study this ordinance and report his findings to the Board. Seconded by Alderman Fitch and unanimously passed.

CHARGE OF SEWER RENTAL

Mr. Jim P. Johnson appeared before the Board to object to the \$1.50 monthly sewer rental charged to him. He stated that the sewer line was placed across his property without his permission and he did not feel that he should pay the \$1.50 charge. He told the Board that he was informed at the time he was connected with the sewer that the charge would not be more than \$1.00 per month. Alderman Burch made the motion that the matter be turned over to the City Attorney for consideration. Seconded by Alderman Fitch and passed by the Board.

BUSINESS LICENSE FOR MRS. BASON

Mr. Hinson brought up the matter of a business license for Mrs. Basen. Mr. Hobbs stated that the license should be collected. Alderman Strowd was opposed to this because of the fact that Mrs. Basen was operating the business, with permission of the Board, in violation of the zoning ordinance. Mayor Madry ask for a vote of this question. Those voting for the securing of license were Aldermen Burch, Fitch and Hobbs. Those opposed were Strowd and Lanier.

PROPOSED HIGHWAY

Mr. Hinson read the following resolution with respect to a proposed highway:

The Board of Aldermen of the Town of Chapel Hill respectfully urges the Highway Commission of North Carolina to build a hard surfaced road from Chapel Hill to Siler City. Such road would if

connected with the proposed road from Chapel Hill to Durham reduce the congestion, delay and danger, when our roads are subject to their heaviest traffic, particularly at this time of year. Such a road would greatly benefit farmers in serving the growing produce market in Chapel Hill. It would also be of material advantage to dairymen in bringing milk to the new creamery now being constructed in Chapel Hill. Such a road would doubtless be an important feeder to the proposed Super Highway at Durham, for traffic originating from and destined to the Southwestern part of the state."

Alderman Hobbs moved the resolution be adopted, seconded by Alderman Fitch and unanimously passed.

Mr. Hinson gave the Fire Department report which is attached to these minutes. He also read the police department report.

Mr. Hinson read a letter from Mr. J. A. Williams asking that the unpaid taxes on the Ceasar Cone property be waived in view of the fact that the property was sold to the University and then given by the University to the Chapel Hill City Administrative Unit as a site for the new high school building. Alderman Burch made the motion that the taxes be waived; seconded by Alderman Hobbs and passed unanimously.

Mr. Hinson reported that there were a number of erroneous listings and charges of various property taxes and sewer rentals. Alderman Hobbs moved that the following be stricken from the tax scroll because of erroneous listings. Seconded by Alderman Burch and unanimously adopted:

Thomas J. Braxton
Mary C. Cokey
W. E. Glenn
Henry C. House
S. H. Hopper
Troy Hogan
Alfred Hamilton
C. P. Hinshaw
G. F. Horner
L. E. Jones
D. C. Johnson
F. J. LeClair
William Markham
J. W. McCauley
George Poe
W. W. Rabb
Agnes Shuman
Sam Sparrow
James Trice
F. E. Traver
John C. Stick
University Cleaners
Allen Durham
Leuco Lloyd

Charged Poll Tax - In Army
Out of Town
Should have been Oakwood St., Carrboro.
Out of Town
Duplicate Listing with Dorothy Branch
Out of Town
Error in listing
Error in listing
Left Town
Listed in Carrboro
In Washington, D. C.
Out of District
Error in listing poll tax
Charged with two sewers. Has only one.
Error in listing poll tax
Left Town
Left Town
Error in Sewer Rent Charged
Error in listing. Out of Town
Duplicate with R. W. Foister
Out of Town
Property located in Carrboro
Change to G. S. D. Other property in
Carrboro.
Out of Town

Two additional listings, P. B. Abbott and O. R. Yearger are to be transferred from the Town Tax Ledger to Greater School District. Mr. Hinson also read a letter from Mrs. J. D. Dixon asking that she be relieved of the School tax charged against her as she is not living in the District. It was decided that Mr. Hinson would investigate this property to ascertain if she is living out of the district.

RESIGNATION OF ALDERMAN WETTACH

Mayor Madry read a letter of resignation from the Board of Alderman of R. H. Wettach. Mr. Wettach's letter stated that it was written, after much thought, because of the fact that his duties on various committees and his work in connection with the University made it impossible for him to render his best service as a member of the Board. All members of the Board expressed their sincere regret and the matter was held open until members of the Board could talk with Mr. Wettach to see if he could possibly see his way clear to remain with them for the remainder of this term.

MEMORIAL FOR WORLD WAR II

Upon motion made by Alderman Lanier, seconded by Alderman Hobbs and unanimously passed it was decided that a committee consisting of one or two members from the Board of Aldermen and representatives from other Civic and Social Groups in Chapel Hill, be appointed to consider the advisability of erecting an appropriate memorial to those who served in World War II. This is a substitute motion to the one made by Alderman Lanier at the meeting of June 13, 1945.

There being no further business the meeting adjourned.

Mae Wilkie
Mae Wilkie
Clerk to Board

AN ORDINANCE REGULATING THE OPERATION OF TAXICABS
PROVIDING FOR THE ISSUANCE OF CERTIFICATE OF CON-
VENIENCE AND NECESSITY AND OTHER MATTERS.

Be it ordained by the Board of the Town of Chapel Hill.

Section 1. Definitions.

- (a) "Person". When used in this ordinance shall mean and include both the singular and plural, and shall also mean and include persons, individuals, firms, corporations, partnerships, and associations.
- (b) "Taxicab". When used in this ordinance shall be defined as any motor vehicle seating nine or fewer passengers operated upon any street or highway on call or on demand, accepting or soliciting passengers indiscriminately for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported, and shall not include motor vehicles or motor vehicle carriers as defined in Subsection (k) of Section 62-103 of the General Statutes of North Carolina.

Section 2. Unlawful to Operate Without Certificate.

That on and after the ____ day of _____ it shall be unlawful for any person to operate a taxicab upon and over the streets of the Town of Chapel Hill without first having applied for and secured from the Board a Certificate of Convenience and Necessity as hereinafter set forth.

Section 3. Application Required.

Every person desiring to operate a taxicab upon and over the streets of the Town of Chapel Hill shall file on forms supplied by the Town Clerk an application for a Certificate of Convenience and Necessity.

Section 4. Board Issues Certificates.

The Town Board shall have power and it shall be its duty to order certain certificates issued or to refuse to issue certain certificates or to issue certificates for a partial exercise only of the privileges sought and may attach to the exercise of the rights granted by such certificate such terms and conditions as in their judgment the public convenience and necessity may require.

Section 5. Duration of Certificate.

A Certificate shall constitute a franchise from the Town for the operation of taxicabs within the Town of Chapel Hill subject to the provisions of this ordinance for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and hearing conducted as herein provided.

Section 6. Determination of Convenience and Necessity.

In determining whether the public convenience and necessity require the franchising of such taxicab or taxicabs, the Town Board shall among other things take into consideration the following factors:

- (a) Whether or not the public convenience and necessity requires such proposed or additional taxicab service within the Town of Chapel Hill.
- (b) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory.
- (c) The number and condition of equipment.
- (d) The schedule of proposed rates to be charged.
- (e) The number of taxicabs now operated and the demand for increased service, if any, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved, and whether or not adequate provision has been made for off-street parking of said taxicabs.
- (f) The experience of applicant in the taxicab business.
- (g) Such other relative facts as may be deemed necessary and advisable.

Before making any decision with respect to the issuance of a Certificate of Convenience and Necessity, the Town Board, or a committee thereof, shall make a full and complete investigation of all facts, and may, if it so desires, subpoena witnesses and utilize the services of the Chief of Police or any other officer or employee of the Town.

Section 7. Hearings, Notices:

Each application for a Certificate of Convenience and Necessity shall be scheduled for a hearing not later than 20 days after the same is filed, and the applicant shall be notified by the Town Clerk by mail to the business address set forth in the application of the date and time of such hearing, such notification to be sent at least 10 days before the date set for the hearing. The Town Clerk shall also, within the same time, notify all persons, who at that time hold Certificates of Convenience and Necessity for the operation of taxicabs within the municipality, of the date and time of such hearing, and the name of the applicant. In addition, the Town Clerk shall cause to be published at least once in a newspaper of general circulation at least 10 days before said hearing, a notice setting forth the name of the applicant and the date and time of the hearing. The cost of said publication to be paid by the applicant.

Section 8. Burden of Proof.

The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicab or taxicabs specified in his application, and all other facts required for the granting of a Certificate.

Section 9. Failure to Begin Operations.

If a Certificate is granted to an applicant, and said applicant shall fail, in accordance with the provisions of the Certificate, to begin operations within sixty days after the date of said Certificate, then said Certificate shall become null and void.

Section 10. Transfer.

A Certificate is not transferable without the consent of the Town Board. Applications for a permit to transfer shall be filed in the same manner as an

application for a Certificate of Convenience and Necessity. The proceedings upon such application for a transfer shall be the same as those described for the issuance of a Certificate, except that the question of public convenience and necessity need not be proved.

Section 11. Revocation of Certificate.

The Town Board may at any time after a public hearing revoke any Certificate issued by authority of this ordinance for any one, or more, of the following causes:

- (a) Failure to operate the taxicabs specified in the Certificate in such manner as to serve the public adequately and efficiently.
- (b) Failure to maintain motor equipment in good repair.
- (c) Failure to carry liability insurance or bond as required by ordinance.
- (d) Failure to pay to the Town taxes or license fees of \$15.00 imposed upon said taxicabs.
- (e) Repeated and persistent violation by the taxicab drivers of traffic and safety ordinances, or state laws relating to alcoholic beverages on prostitution;
- (f) Failure to report accidents.
- (g) Willful failure to comply with any provision of this ordinance or other ordinance or state laws relating to the operation of taxicabs.

No Certificate shall be revoked until the owner has had at least five days notice by personal service or registered mail of the charges against him, and of the time and places of the hearing. If, after the hearing, it is found that the owner is guilty of one or more of the offenses listed herein, the Board shall have the power to revoke the certificate, or to condition a revocation upon compliance of its order within any time fixed by it.

Section 12. Substitution of Vehicles.

The person to whom a Certificate has been issued may, by appropriate endorsement thereon by the Town Clerk, substitute another vehicle or other vehicles for the vehicle or vehicles for which Certificate was granted. In such instance, the liability insurance or bonds shall also be transferred to such substitute vehicle or vehicles.

Section 13. Certain Operators Entitled to Certificate.

All persons operating taxicabs on January 1, 1945, shall be entitled to a Certificate of Convenience and Necessity for the number of taxicabs operated by them on such date: Provided, however, any person operating a vehicle on that date whose right to operate a taxicab has been revoked or withdrawn, shall not be entitled to a Certificate unless and until provisions of this ordinance have been complied with, and the same has been issued by the Town Board.

Section 14. Penalty.

Every person, firm, corporation, or partnership violating the provisions of this ordinance, or failing, neglecting, or refusing to comply with its provisions shall upon conviction be guilty of a misdemeanor. Each day a violation continues shall constitute a separate offense.

Chapel Hill, N.C.
October 10, 1945.

Mr. T. E. Hinson, Mgr.,
Town of Chapel Hill,
City:

Dear Mr. Hinson:

Following is a report of the activities of the Chapel Hill Fire Department for the months of June, July, August, September, and to the 10th of October.

June 1945 No Alarms

July 18th 5:30 P. M. Call to Woollen Gym. Car on Fire in front of Gym. Very little damage to Car.

Aug. 4th 9:15 A. M. House on Fire 111 Basnight Lane. Owned by Brady McLendon. Damage about \$10.00 Defective Flue.

Aug. 28th 7:45 P.M. Old East Dorm. Table on Fire, Caused by electric Lamp cord. No Damage to Building.

Sept. 26th 4:35 P. M. Car on fire University Service Station. No Alarm sounded on this.

October 3rd. 5:15 A. M. Call to Kappa Sigma Frat on Cameron Ave. Colored Janitor's bed in basement on fire. Cause Carelessness.

October 5th 7:00 P. M. Airplane at Airport. Completely destroyed.

October 8th 6:40 P.M. Car on East Franklin St. No Damage. Fire out when truck arrived.

I have put posters in both schools and some of the windows on Franklin Street stressing Fire Prevention Week. Also have made some inspections and hope to complete inspection of the town during this month.

We had quite a bit of excitement the night of V-J Day but there were no fires although the Truck was called out several times.

Respectfully Submitted,

P. R. Perry

P. R. Perry, Chief.

322

Chapel Hill, N. C.
Sept. 18, 1945

Mr. T. E. Hinson, City Manager
Chapel Hill, N. C.

Subject: Sewer connection and Rental
Samuel J. Sparrow's Residence
North Columbia Street

Dear Mr. Hinson:

At your suggestion I am writing this letter explaining the sewer rental and sewer connection at my home with the hope of clearing it up satisfactorily to both the City of Chapel Hill and myself.

I purchased my lot and built my home in 1922. At that time a sewer main crossed my lot and I purchased it with the understanding from Mr. Clarence Wills, real estate agent, that I would be allowed to connect to this sewer main on my property without rental charge. The connection was made without secrecy by the plumbing contractor and so far as I know, with the knowledge of the city officials.

There was nothing said about me paying sewer rental until Mr. Caldwell, City Manager, noticed the connection when some road grading was done near my home in 1942, after which I received a sewer rental bill from the city for \$60.00. I went to see Mr. Caldwell about the bill and told him the above story about my sewer connection. I told him that if I should pay sewer rental that I was willing to do so beginning with that year (1942), but under the circumstances it seemed somewhat unjust to charge me for years prior to 1942. At this time I paid Mr. Caldwell \$24.00, presumably for 1942-43 rental; he seemed to agree that I should not pay more and said he would straighten it out all right. I suppose Mr. Caldwell died before doing this.

According to a bill I received recently from the City of Chapel Hill, I owe \$70.20 sewer rental which confuses me somewhat, because if the original \$60.00 had been taken off I would only be due \$12.00 for 1944 and if it had not been deducted, the bill would be \$72.00. Assuming it was intended to make out this bill to include

323

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five years rental prior to 1942 plus 1944 rental making a total of \$72.00, I am respectfully asking the City of Chapel Hill to deduct \$60.00 from this bill and allow my sewer rental account to show only a balance due of \$12.00 which will be for the year of 1944.

Very truly yours,

Samuel J. Sparrow
Samuel J. Sparrow

324