

MINUTES OF ADJOURNED REGULAR MEETING
BOARD OF ALDERMEN TOWN OF CHAPEL HILL
SEPTEMBER 17, 1947

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The adjourned regular meeting of September 10, 1947 reconvened at the appointed time, to wit: September 17, 1947, at 8:00 P. M., those present being R. W. Madry, Mayor, R. J. M. Hobbs, R. B. Fitch, E. B. Patterson, E. S. Lanier, P. L. Burch, and G. O. Davis, Aldermen, with Mayor Madry presiding. Also present were Town Attorney C. P. Hinshaw, Town Clerk Mae Wilkie, and Town Manager, G. W. Ray. The meeting was held in the Board of Aldermen Room of the Town Hall, 100 W. Rosemary Street, Chapel Hill, North Carolina.

Alderman Davis moved that the following resolution be adopted:

WHEREAS, it is necessary to designate an officer of the Town of Chapel Hill to prepare and file sworn statements of indebtedness after the introduction and prior to the adoption of bond ordinances in accordance with The Municipal Finance Act, 1921; NOW, THEREFORE,

BE IT RESOLVED, that the Mayor be and he hereby is designated as the officer to prepare and file such sworn statements of indebtedness, and also to determine the amount to be inserted in any such statement as the estimated amount of any special assessments thereafter to be levied on account of local improvements for which any part of the gross debt set forth in such statement was or is to be incurred, and which, when collected, will be applied to the payment of such gross debt."

Alderman Patterson seconded the motion, and the motion was adopted. Those voting for the motion were Messrs. Hobbs, Burch, Lanier, Patterson, Davis, and Fitch. No one voted against it.

Alderman Davis introduced the following bond ordinance which was read at length to the Board:

"AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$12,000 OF BONDS OF THE TOWN OF CHAPEL HILL FOR THE IMPROVEMENT OF PUBLIC STREETS.

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill, as follows:

Section 1. The Board of Aldermen of the Town of Chapel Hill has ascertained and hereby determines that it is necessary that said Town construct or reconstruct the surface of public streets in said Town and contemporaneously grade such streets and construct or reconstruct thereon sidewalks, curbs, gutters and drains, and that it will be necessary to expend for said purpose not less than \$12,000.

Section 2. Said Board of Aldermen has also ascertained and

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hereby determines that the purpose hereinbefore described is a necessary expense of said Town within the meaning of Section 7 of Article VII of the Constitution of North Carolina, and is a purpose for which said Town may raise or appropriate money, and is not a current expense of said Town.

Section 3. In order to raise the money required for such purpose, bonds of the Town of Chapel Hill are hereby authorized and shall be issued pursuant to The Municipal Finance Act, 1921, of North Carolina. The maximum aggregate amount of bonds authorized by this ordinance shall be Twelve Thousand Dollars (\$12,000). No debt shall be contracted during any fiscal year by the issuance of bonds pursuant to this ordinance if the amount of such debt and of all other debt contracted during such fiscal year shall exceed two-thirds of the amount by which the outstanding indebtedness of said Town shall have been reduced during the next preceding fiscal year, unless the incurring of such debt shall be submitted to a vote of the people of said Town and shall be approved by a majority of those who shall vote thereon.

Section 4. A tax sufficient to pay the principal of and interest on said bonds shall be annually levied and collected.

Section 5. A statement of the debt of said Town has been filed with the Town Clerk of said Town, as required by said Act, and is open to public inspection.

Section 6. This ordinance shall take effect thirty days after its first publication unless in the meantime a petition for its submission to the voters is filed under said Act, and, in such event, it shall take effect when approved by the voters of said Town at an election as provided in said Act."

The Town Clerk then presented to the Board of Aldermen a sworn statement of indebtedness of the Town and stated that the statement had been filed in her office after the introduction of the bond ordinance introduced at this meeting. The statement was examined and considered by the Board of Aldermen.

Alderman Davis moved that the ordinance entitled "An Ordinance authorizing the issuance of \$12,000 of bonds of the Town of Chapel Hill for the improvement of public streets", heretofore introduced at this meeting, be adopted. Alderman Patterson seconded the motion, and the motion was adopted. Those voting for the motion were Messrs. Burch, Hobbs, Lanier, Patterson, Davis, and Fitch. No one voted against it.

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Alderman Burch moved that a copy of the bond ordinance adopted at this meeting with notice of adoption in the form required by law, be published once in each of two successive weeks in the Chapel Hill Weekly, a newspaper published in Chapel Hill, North Carolina.

Alderman Fitch seconded the motion, and the motion was adopted. Those voting for the motion were Messrs. Burch, Hobbs, Lanier, Patterson, Davis, and Fitch. No one voted against it.

Alderman Lanier moved that the following resolution be adopted:

"WHEREAS, the Board of Aldermen of the Town of Chapel Hill has duly adopted the bond ordinance hereinafter described and no bonds have been issued pursuant to said bond ordinance and no bond anticipation notes have been issued in anticipation of the issuance of the bonds authorized thereby, and the Board of Aldermen desires to make further provision for the issuance of the bonds authorized by said bond ordinance; NOW, THEREFORE,

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, as follows:

Section 1. Pursuant to the provisions of The Municipal Finance Act, 1921, of North Carolina, as amended, it is hereby determined and declared that the probable period of usefulness of the improvement for which bonds are authorized to be issued by the ordinance entitled "An Ordinance authorizing the issuance of \$12,000 of bonds of the Town of Chapel Hill for the improvement of public streets", adopted by the Board of Aldermen on the 17th day of September, 1947, is twenty years, computed from October 1, 1947. There shall be issued, pursuant to said ordinance, bonds of the Town of Chapel Hill of the aggregate principal amount of \$12,000 to be designated "Street Improvement Bonds".

Section 2. Pursuant to the provisions of The Municipal Finance Act, 1921, of North Carolina, as amended, it is hereby determined that the surface of the public streets, the improvement of which is to be financed with the proceeds of said \$12,000 Street Improvement Bonds, shall be constructed or reconstructed with bricks, blocks, sheet asphalt, bitulithic or bituminous concrete laid on a solid foundation or with concrete.

Section 3. Said Street Improvement Bonds shall consist of twelve bonds of the denomination of \$1,000 each, and shall be numbered from 1 to 12, inclusive, in the order in which they mature and shall be payable, in annual installments on April 1st in each year, as follows, viz.: \$1,000 in each of the years 1950 to 1961, inclusive.

Section 4. Said bonds shall be dated October 1, 1947. Each bond shall bear interest from its date until said bond shall be paid at a rate which will not exceed six per centum (6%) per annum, and such interest shall be payable semi-annually on each April 1st and October 1st subsequent to the date of such bond.

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Section 5. Said bonds shall be coupon bonds and shall be registerable at the option of the holder as to principal only. Said bonds shall be signed by the Mayor and by the Town Clerk of said Town, and the corporate seal of said Town shall be affixed to each of said bonds. The coupons to be attached to said bonds shall bear the lithographed or engraved fac-simile signature of said Town Clerk. Both principal of and interest on said bonds shall be payable at the principal office of The National City Bank of New York, in the Borough of Manhattan, City and State of New York, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Section 6. Each of said bonds shall be substantially the following form:

No. _____

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

No. _____

Street Improvement Bond

\$1,000

\$1,000

The Town of Chapel Hill, a municipal corporation of the State of North Carolina, located in the County of Orange in said State, for value received hereby promises to pay to the bearer of this bond, or, if it be registered, then to the registered owner, the principal sum of

ONE THOUSAND DOLLARS (\$1,000)

on the first day of April, 19____, and to pay interest thereon from the date of this bond until it shall mature at the rate of _____

per centum (____%) per annum, payable semi-annually on April 1st and October 1st in each year, upon presentation and surrender of the coupons therefor attached hereto, as they severally mature. Both principal of and interest on this bond are payable at the principal office of The National City Bank of New York, in the Borough of Manhattan, City and State of New York, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This bond may be registered as to principal only by the holder in his name on the bond register of said Town kept in the office of the Bond Registrar of said Town, and such registration

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shall be noted hereon by said Bond Registrar. If so registered, this bond may be transferred on said bond register by the registered owner in person or by attorney, upon presentation of this bond to the Bond Registrar with a written instrument of transfer in a form approved by said Bond Registrar and executed by said registered owner. If this bond be so registered, the principal shall thereafter be payable only to the person in whose name it is registered, unless this bond shall be discharged from registry by being registered as payable to bearer. Such registration shall not affect the negotiability of the coupons, which shall continue to pass by delivery.

This bond is issued pursuant to the Municipal Finance Act, 1921, of North Carolina, as amended, and an ordinance duly adopted by the Board of Aldermen of said Town, to finance the cost of improving public streets in said Town.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of said Town, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of said Town are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

IN WITNESS WHEREOF, said Town has caused this bond to be signed by its Mayor and by its Town Clerk, and the corporate seal of said Town to be hereunto affixed, and the annexed coupons to bear the fac-simile signature of said Town Clerk, and this bond to be dated October 1, 1947.

Mayor

Town Clerk

Section 7. Each of the interest coupons to be attached to

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said bonds shall be in substantially the following form:

No. _____ April, _____
On the first day of October, 19____, the Town of Chapel Hill,
North Carolina, will pay to bearer

_____ DOLLARS (\$ _____)

at the principal office of The National City Bank of New York, in
the Borough of Manhattan, City and State of New York, in any coin
or currency of the United States of America which at the time of
payment is legal tender for the payment of public and private debts,
being the semi-annual interest then due on its Street Improvement
Bond, dated October 1, 1947, and numbered _____.

Town Clerk

Section 8. There shall be endorsed upon each of said bonds
provisions for the registration of said bonds as to principal only,
in substantially the following form:

The within bond has been registered as
to principal only, as follows:

Date of	:	Name of Registered	:	Signature of
Registration	:	Holder	:	Bond Registrar
	:		:	
	:		:	
	:		:	
	:		:	
	:		:	

Section 9. There shall appear upon each of said bonds a
certificate for the use of the Secretary of the Local Government
Commission, in substantially the following form: *

The issue hereof has been approved under
the provisions of the Local Government Act.

W. E. EASTERLING,
Secretary of the Local Government Commission,

By, _____
Designated Assistant

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Section 10. The Town Clerk is hereby authorized and directed to provide a suitable bond register for the registration of said bonds and to act as Bond Registrar in registering said bonds and to carry out the provisions set forth in said bonds for the conversion of said bonds into registered bonds and for the transfer thereof.

Section 11. The Local Government Commission of North Carolina is hereby requested to sell said bonds in the manner prescribed by the Local Government Act of North Carolina, and to state in the notice of the sale of said bonds given pursuant to Section 17 of said Act, that bidders may name one rate of interest for part of said bonds and another rate or rates for the balance of said bonds. Said bonds shall bear interest at such rate or rates as may be named in the proposal to purchase said bonds which shall be accepted by said Local Government Commission in accordance with said Act.

Section 12. The Mayor and the Town Clerk are hereby authorized and directed to cause said bonds to be prepared and, when they shall have been duly sold by said Local Commission, to execute said bonds and to turn said bonds over to the State Treasurer of North Carolina, for delivery to the purchaser or purchasers to whom they may be sold by said Commission.

Alderman Burch seconded the motion, and the motion was adopted. Those voting for the motion were Messrs. Hobbs, Lanier, Burch, Patterson, Fitch, and Davis. No one voted against it.

Thurman Atkins, owner and operator of the Hollywood Cab Company, requested that two parking spaces be allotted to him on Columbia Street between Franklin and Rosemary Streets, in order to have space for his taxicabs. After discussion, Mr. Lanier made a motion that the request be granted. Mr. Davis seconded the motion. Those voting for the motion were Messrs. Lanier, Patterson and Davis. Those voting against the motion were Messrs. Fitch and Burch. The Town Manager was requested to designate the spaces to be used.

Due to several complaints coming from various citizens as to the number of parking spaces taken up by taxicab operators, Alderman Lanier made a motion that the Board take up for revocation the matter of special permanent parking spaces for taxis at a special meeting to be held in October. Seconded by Mr. Burch and carried.

Upon motion of Mr. Fitch, seconded by Mr. Patterson and unanimously passed, the Privilege Tax Ordinance was amended to lay a tax of \$50.00 per year on all peddlers on foot and of \$100.00 on peddlers traveling by vehicle.

It was reported to the Board that the Zoning Committee had

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approved the petition for a change in the Zoning Ordinance with respect to that area bounded ~~XXX~~ on the East by Graham Street, on the North by Rosemary Street and on the West by Merritt Street and on the South by Business Zone #2. The petition had requested that this zone be changed from Residence to Business #2. Upon motion of Mr. Lanier, seconded by Mr. Fitch, the Town Manager was asked to advertise for a public hearing on the matter to be held Wednesday, October 8th at 8:30 P. M.

Upon motion of Mr. Fitch, seconded by Mr. Patterson, the Town Manager was requested to advertise for bids to be opened at the next regular meeting for painting the outside and inside of the Town Hall.

Mr. Fitch made a motion that the two Town Police Cars and the Police office be equipped with 2 way short wave radio and that the Town Manager be authorized to expend \$350.00 toward the cost of the project, provided the University furnishes \$200 of this amount.

Mr. Ray presented a letter of Alton G. Saddler requesting stop signs be installed at Kenan Street and Cameron Avenue. The matter was referred to the Street Committee with the request that a report be made at the next regular meeting.

Upon motion of Alderman Lanier, seconded by Alderman Burch, all members present voting in the affirmative therefor, the meeting adjourned.

Town Clerk