

MINUTES OF REGULAR MEETING
BOARD OF ALDERMEN TOWN OF CHAPEL HILL
APRIL 14, 1948

The Board of Aldermen of the Town of Chapel Hill held its regular monthly meeting at the Town Hall Wednesday, April 14th at 8:00 P. M. Mayor Madry presided and the following members were present: P. L. Burch, R. J. M. Hobbs, E. S. Lanier, R. L. Fowler, G. O. Davis, and R. B. Fitch. Attorney Hinshaw, Town Manager Ray, and Health Officer Garvin were also present.

Dr. J. W. Lasley came before the board to request that parking signs on East Rosemary Street between Columbia and Boundary Streets be changed to permit parking on the North side of the street instead of the south side. He stated that there were twenty-eight houses on the north side, and only nineteen on the south side, and that there was no sidewalk on the south side of Rosemary Street. Dr. Lasley's son reported that trailer trucks serving stores from Rosemary Street had difficulty turning into alleyways because of cars parked on the south side.

Upon motion of Alderman Lanier, seconded by Alderman Hobbs, all members present voting in the affirmative, the following amendment was passed:

Sec. 1. That traffic ordinance appearing in Minute Book 7 at Page 401 is hereby amended by striking out that part of sub-section (b) of Section 2 which reads "south side" and inserting in lieu thereof "north side."

Sec. 2. That any ordinance in conflict herewith is hereby repealed.

Sec. 3. That any person or persons violating the terms of this Ordinance as amended shall forfeit and pay a penalty of One Dollar.

This fourteenth day of April 1948.

MICROFILMED BY

James Weather

Mac Wilkie

Mr. Francis Johnson, representing the Strowd Hill Development, presented a petition requesting that the private sewer line serving these properties be taken over and maintained by the Town. After much discussion, Town Manager Ray, Engineer Rose and the Health Department were requested to investigate and report back to the Board.

Dr. Garvin and Mr. Ray reported that there was still some difficulty in obtaining cooperation from the Alpha Tau Omega Fraternity with respect to garbage collection and other matters. Mr. Lanier suggested that if the fraternity persisted in its action, that the National Chapter be notified of such. Mr. Ray suggested that he and Dr. Garvin consult Mr. Erickson, faculty advisor of the group, and see if cooperation could not be obtained in this way.

Dr. Garvin stated that he and other property owners in his vicinity were concerned about a proposed development of property just outside the town limits, south of West University Drive, adjoining this property and that of others. Attorney Hinshaw was asked to investigate and see what legal rights, if any, the Town could exercise in property developments just outside the town limits, and report to the Board at the next meeting.

Mr. Phipps recommended that the Board study the possibility of developing park areas for the Town.

Attorneys Hinshaw and Phipps recommended that a settlement be made in the case of Lloyd vs. Town of Chapel Hill, if it was possible to do so for a reasonable sum. After much discussion, Alderman Burch made the following motion:

That the Attorneys for the Town and Manager Ray be authorized

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to negotiate a settlement with Mr. Lloyd's attorney, on the basis of the recommendations of Attorneys Hinshaw and Phipps, but that no settlement be made in the case of Mr. Tuck and his son. Alderman Hobbs seconded the motion and the motion was carried. Those voting for the motion were Aldermen Burch, Fitch, Hobbs, Lanier, and Fowler. Alderman Davis did not vote.

The committee composed of Aldermen Davis and Burch presented a written report in connection with the investigation of the application of Eftimios Mariakakis for a permit to sell beer. The report stated that the applicant had seemingly conducted himself and his business in a creditable way and recommended that the permit be granted if it could be done within the law. Attorney Hinshaw stated that under the law, Mr. Mariakakis could not be granted a permit to sell beer, in view of the fact that he had been convicted of a felony. The Board requested Mr. Ray to write the applicant of this provision of the law.

An application from T. T. Akins for a permit to sell beer was presented to the Board by Mr. Ray. Several members of the board stated that they did not favor granting this permit in view of the fact that the applicant was owner and operator of a local taxi company. The Board requested Mr. Ray to discuss the matter further with the applicant before any action was taken.

The Town Clerk presented the return showing the result of the Special Election held in the Town on the 6th day of April, 1948, filed by the Registrar and Judges of Election appointed to hold the election, and the return was read and considered.

Alderman Hobbs moved that the following resolution be adopted.

"WHEREAS, the officers appointed to hold the Special Election held in the Town of Chapel Hill on the 6th day of April, 1948, have held said election and have made a return of the result thereof which reads as follows:

Return of Special Election held in the Town of
Chapel Hill, North Carolina, on the
6th day of April, 1948.

We, the undersigned J. B. HOCUTT, V. A. HILL and MRS. E. R. HINTON, being the Registrar and Judges of Election appointed to hold the Special Election in the Town of Chapel Hill, in the State of North Carolina, on the 6th day of April, 1948, DO HEREBY CERTIFY as follows:

1. The polls for said election were opened at the Fire Station in the Town Hall in the Town of Chapel Hill on the 6th day of April, 1948, at the hour of 6:30 o'clock, A. M., (Eastern Standard Time) and were continuously kept open at said place until the hour of 6:30 o'clock, P.M.,

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(Eastern Standard Time) on said day.

2. Only persons who had been duly registered were permitted to vote at said election. The total number of voters who were registered and qualified to vote at said election was 1400.

3. All persons voting at said election were required to use ballots in the form prescribed by the resolution adopted by the Board of Aldermen of said Town on February 16, 1948, and bearing the fac-simile signature of MAE WILKIE, Town Clerk.

4. The total number of votes cast for Proposition No. 1 set forth in said ballots was 876. The total number of votes cast against said Proposition was 48.

5. The total number of votes cast for Proposition No. 2 set forth in said ballots was 818. The total number of votes cast against said proposition was 86.

6. The total number of votes cast for Proposition No. 3 set forth in said ballots was 798. The total number of votes cast against said Proposition was 92.

7. The total number of votes cast for Proposition No. 4 set forth in said ballots was 799. The total number of votes cast against said Proposition was 93.

IN WITNESS WHEREOF, we have hereunto set our hands for the purpose of making a return of the result of said election to the Board of Aldermen of said Town of Chapel Hill, this 6th day of April, 1948.

J. B. Hocutt
Registrar

Mrs. E. R. Hinton
Judge of Election

V. A. Hill
Judge of Election

and

WHEREAS, the Board of Aldermen has considered and canvassed the return: NOW, THEREFORE,

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that it be and hereby is determined and declared that the number of voters registered and qualified to vote at said election was 1400; and that the number of votes cast at said election for the ordinance entitled "An Ordinance authorizing the issuance of \$200,000 of bonds of the Town of Chapel Hill for the enlargement and extension of the sanitary sewer system of the Town of Chapel Hill", adopted by the Board of Aldermen on the 16th day of February, 1948, and for the proposed indebtedness to be incurred

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pursuant to said ordinance was 876, and that the number of votes cast at said election against said ordinance and against said proposed indebtedness was 48, and that a majority of the voters qualified to vote at said election voted to approve said ordinance and said proposed indebtedness.

FURTHER RESOLVED that it be and hereby is determined and declared that the number of voters registered and qualified to vote at said election was 1400; and that the number of votes cast at said election for the ordinance entitled "An Ordinance authorizing the issuance of \$35,000 of bonds of the Town of Chapel Hill for the improvement of public streets in the Town of Chapel Hill", adopted by the Board of Aldermen on the 16th day of February, 1948, and for the proposed indebtedness to be incurred pursuant to said ordinance was 818, and that the number of votes cast at said election against said ordinance and against said proposed indebtedness was 86, and that a majority of the voters qualified to vote at said election voted to approve said ordinance and said proposed indebtedness.

FURTHER RESOLVED that it be and hereby is determined and declared that the number of voters registered and qualified to vote at said election was 1400; and that the number of votes cast at said election for the ordinance entitled "An Ordinance authorizing the issuance of \$23,600 of bonds of the Town of Chapel Hill for the purchase of apparatus for said Town", adopted by the Board of Aldermen on the 16th day of February, 1948, and for the proposed indebtedness to be incurred pursuant to said ordinance was 798, and that the number of votes cast at said election against said ordinance and against said proposed indebtedness was 92, and that a majority of the voters qualified to vote at said election voted to approve said ordinance and said proposed indebtedness.

FURTHER RESOLVED that it be and hereby is determined and declared that the number of voters registered and qualified to vote at said election was 1400; and that the number of votes cast at said election for the ordinance entitled "An Ordinance authorizing the issuance of \$1,400 of bonds of the Town of Chapel Hill for the purchase of equipment for said Town", adopted by the Board of Aldermen on the 16th day of February, 1948, and for the proposed indebtedness to be incurred pursuant to said ordinance was 799, and that the number of votes cast at said election against said ordinance and against said proposed indebtedness was 93, and that a majority of the voters qualified to vote at said election voted to approve said ordinance and said proposed indebtedness.

FURTHER RESOLVED, that a statement showing the number of votes cast for and against each said ordinance and said proposed indebtedness, the number of voters qualified to vote at said election, and declaring the result of said election, shall be prepared and signed by at least a majority of the members of the Board."

Alderman Fitch seconded the motion, and the motion was adopted. Aldermen Burch, Hobbs, Lanier, Fowler, Davis and Fitch voted for the motion and no one voted against it.

The members of the Board of Aldermen voting for the adoption of the above resolution thereupon signed a statement of the result of the election and delivered the statement so signed to the Town Clerk. For the purpose of recording the statement as required by law the following copy

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of the statement so signed is inserted in the minutes:

STATEMENT OF RESULT OF THE SPECIAL ELECTION HELD IN THE
TOWN OF CHAPEL HILL, NORTH CAROLINA,
ON THE 6th DAY OF APRIL, 1948.

WHEREAS, by direction of the Board of Aldermen of the Town of Chapel Hill, in the State of North Carolina, a special election was duly called and held in said Town on April 6, 1948 for the purpose of submitting to the qualified voters of said Town the following propositions:

PROPOSITION NO. 1

SHALL the qualified voters of the Town of Chapel Hill approve the bond ordinance adopted by the Board of Aldermen of said Town on February 16th, 1948, which authorizes the issuance of bonds of said Town of the maximum aggregate amount of \$200,000 to finance the enlargement and extension of the sanitary sewer system maintained and operated by said Town, and authorizes the levy of a tax sufficient to pay the principal of and interest on said bonds; and also approve the indebtedness to be incurred by the issuance of said bonds?

PROPOSITION NO. 2

9 SHALL the qualified voters of the Town of Chapel Hill approve the bond ordinance adopted by the Board of Aldermen of said Town on February 16th, 1948, which authorizes the issuance of bonds of said Town of the maximum aggregate amount of \$35,000 to finance the construction or reconstruction of the surface of public streets in said Town and contemporaneous grading of such streets and construction or reconstruction thereon of sidewalks, curbs, gutters and drains, and authorizes the levy of a tax sufficient to pay the principal of and interest on said bonds; and also approve the indebtedness to be incurred by the issuance of said bonds?

PROPOSITION NO. 3

SHALL the qualified voters of the Town of Chapel Hill approve the bond ordinance adopted by the Board of Aldermen of said Town on February 16th, 1948, which authorizes the issuance of bonds of said Town of the maximum aggregate amount of \$23,600 to finance the acquisition of three motor trucks, one motor grader one tractor, and other vehicles for the Street Department, Sanitation Department and other departments of the Town of Chapel Hill, and authorizes the levy of a tax sufficient to pay the principal of and interest on said bonds; and also approve the indebtedness to be incurred by the issuance of said bonds?

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PROPOSITION NO. 4

SHALL the qualified voters of the Town of Chapel Hill approve the bond ordinance adopted by the Board of Aldermen of said Town on February 16th, 1948, which authorizes the issuance of bonds of said Town of the maximum aggregate amount of \$1,400 to finance the acquisition of equipment or apparatus for the use of the Street Department, Sanitation Department and other departments of the Town of Chapel Hill, and authorizes the levy of a tax sufficient to pay the principal of and interest on said bonds; and also approve the indebtedness to be incurred by the issuance of said bonds?

and said Board of Aldermen has duly canvassed the returns of the Registrar and Judges of Election appointed to hold said election and has determined the result of said election to be as hereinafter stated: NOW, THEREFORE,

Said Board of Aldermen hereby makes the following statement of the result of said special election, pursuant to The Municipal Finance Act, 1921, of North Carolina:

- (1) The number of voters registered and qualified to vote at said election was 1400.
- (2) The number of votes cast at said election for the ordinance described in Proposition No. 1 and for the indebtedness proposed to be incurred by the issuance of the bonds authorized by said ~~XXXXXXXX~~ ordinance was 876. The number of votes cast at said election against said ordinance and against said indebtedness was 48. A majority of the voters qualified to vote at said election voted to approve said ordinance and said indebtedness.
- (3) The number of votes cast at said election for the ordinance described in Proposition No. 2 and for the indebtedness proposed to be incurred by the issuance of the bonds authorized by said ordinance was 818. The number of votes cast at said election against said ordinance and against said indebtedness was 86. A majority of the voters qualified to vote at said election voted to approve said ordinance and said indebtedness.
- (4) The number of votes cast at said election for the ordinance described in Proposition No. 3 and for the indebtedness proposed to be incurred by the issuance of the bonds authorized by said ordinance was 798. The number of votes cast at said election against said ordinance and against said indebtedness was 92. A majority of the voters qualified to vote at said election voted to approve said ordinance and said indebtedness.
- (5) The number of votes cast at said election for the ordinance described in Proposition No. 4 and for the indebtedness proposed to be incurred by the issuance of the bonds authorized by said ordinance was 799. The number of votes

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cast at said election against said ordinance and against said indebtedness was 93. A majority of the voters qualified to vote at said election voted to approve said ordinance and said indebtedness.

IN WITNESS WHEREOF, we, the undersigned members of the Board of Aldermen of the Town of Chapel Hill, have hereunto set our hands this 14th day of April, 1948.

Members of Board of Aldermen

Mr. Burch moved that the Town Clerk be directed to file the original statement in her office and to publish a copy of the statement in the manner provided by law.

Mr. Davis seconded the motion and the motion was unanimously adopted.

In connection with the proposed construction of the new sewerage disposal plant, Mr. Hobbs stated that there would be a meeting of University officials on April 16th and that the University's participation in the program might be discussed. Mr. Hobbs was requested to call Town Manager Ray and Attorney Hinshaw to the meeting if the matter was to be discussed.

Mr. Ray stated that the possibility of obtaining an alleyway back of the West Franklin Street Stores now seemed certain and he recommended that Mr. Rose be employed as engineer for the project. The Board accepted this recommendation.

Mr. Ray presented to the Board statements showing information as to sewer rental charges for the year 1947, amount of water consumption for the year, and other pertinent information, secured from the Water Department for a selected list of property owners. Mr. Hobbs reported that the Finance Committee had studied the statement and that they recommended to the Board that an expenditure of \$200 be authorized in securing the information as to users of water, in order to get sewer rental charges on an equitable basis. Mr. Burch moved that the recommendation of the Finance Committee be accepted, seconded by Mr. Lanier and passed. Mr. Ray and Mr. Peacock were requested

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to work out a plan of securing the necessary information by using student help or by some other means.

Mr. Lanier made a motion that a special meeting be held Friday, April 16th in order to discuss the new construction program in detail. Seconded by Mr. Burch and passed.

Upon motion of Mr. Burch, duly seconded and passed, the meeting adjourned.

Max Wilkie

Clerk