

*Read by Mr. Phipps
to the Board of Aldermen
on June 18, 1951 - 8:00 pm.
S. Fawcett
6-18-51*

L. J. PHIPPS
ATTORNEY AT LAW
CHAPEL HILL, N. C.

June 18, 1951

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

Gentlemen:

The Planning Board has continued to function for the past year with change in personnel caused by the expired term of N. J. Demerath who was succeeded by S. H. Hobbs, by the resignation of W. M. Cochrane, who was succeeded by P. W. Wager.

The Board has considered and made its recommendation on all matters reported to it relative to business structures, subdivisions and zoning, and particularly did it consider and recommend extension of the zoning ordinance to cover the area which was annexed to the Town during the year.

In addition to normal functions of the Board, it has had completed a map covering approximately all of the area within the Town and approximately all of the area within the one-mile perimeter originally embraced within the Board's zoning powers. This map was made under the supervision of the Board by the University City Planning Department, and is in five sections. A composite of the map in five sections is on Exhibit in the Board of Aldermen's room.

The original drafting of these five maps is the property of the Town of Chapel Hill. Other prints can be made as needed.

In addition to the making of this map, the City Planning Department has made a land use map covering the same area, which map will be helpful in considering zoning for the outside area.

The Board was fortunate during the year in having tendered to it the services of Mr. J. W. Wilson and Mr. I. Jack Gural, graduate students in the Department of City and Regional Planning at the University of North Carolina, who made a study and proposed a plan for the future development of the Chapel Hill-Carrboro area, and based on these studies these two gentlemen prepared their theses.

These reports are highly technical, but about ten copies of the reports together with suggested proposed future developments of the streets, schools, industries and shopping districts will be available for the use of the Board and the Board of Aldermen. The cost of this report, which covers the reproduction of maps, drawings, etc. accompanying the report and reproduction of the ten copies of the report cost the Town \$250.00.

The remainder of the budget was spent largely in the completion of the maps to which reference has heretofore been made.

Under authority contained in Chapter 629 of the 1949 Public

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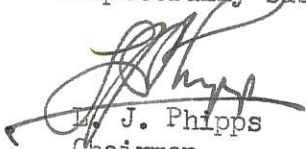
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Laws of North Carolina, a Committee was appointed by the Planning Board to study zoning of the one-mile perimeter area around the Town. This Committee was limited in its work because of a lack of maps, and the area involved, and did not get down to work in earnest prior to the Amendment of that Act by House Bill No. 408 of the 1951 General Assembly, which bill provided for "A. Zoning Commission Enlarged of the Town of Chapel Hill," and gave this Commission authority to zone the area within four miles of the corporate limits of the Town of Chapel Hill, but not beyond the boundaries of Orange County or within the corporate limits of the Town of Carrboro. This Commission by this Act is composed of the five members of the Town Planning Board and three members appointed by the Board of County Commissioners, which three members are Mr. Al Muirhead, Admiral D. W. Loomis and Dr. Lucy S. Morgan. This Board has had one preliminary meeting.

In order to continue the work of the Board during the next fiscal year, I estimate that appropriation for this year should be not less than \$1,000.00.

I call your attention to the fact that the term of Mr. Roland McClamroch terminates on July 1, 1951, and following the policy adopted some time back by this Board, we ask that someone else be appointed in Mr. McClamroch's stead. In this connection I call your attention to the fact that Mr. W. M. Cochrane, who served for a short time as Secretary to the Board and who resigned last year in order that he might do a years graduate work at Harvard, has returned to Chapel Hill and should again make an excellent member of the Board.


Respectfully submitted,


L. J. Phipps
Chairman,

Chapel Hill Planning Board

Mr. Phipps was asked, and agreed to do so, to submit as an appendix to the above statement a breakdown (details) for the \$1000 request.

540


6/18/51

Special Meeting
Board of Alderman--Chapel Hill, N. C.
June 18, 1951

A special meeting of the Board of Alderman was held in the Town Hall on June 18, 1951 at 8:00 P.M.

Present were Mayor Lanier, Aldermen Fowler, Fitch, Burch, Davis, Cornwell, and Putnam, Town Manager Rose, and Town Auditor Peacock.

Mr. L. J. Phipps, Chairman of the Chapel Hill Planning Board, read a written report of the work of the Chapel Hill Planning Board for the year 1950-51, and presented composite maps of Chapel Hill and Carrboro and their environs.

Mr. Phipps stated that Mr. Roland McClamroch's term on the Planning Board expires as of July 1, 1951, and requested that someone be appointed in his stead. Mr. Phipps reported that Mr. W. M. Cochrane had returned to Chapel Hill and should make an excellent member of the Planning Board. In Mr. Phipp's written report, the Planning Board asked for a minimum of \$1,000 for the year 1951-52. Mr. Lanier thanked Mr. Phipps for his report and expressed the Board's appreciation for the work that has been done during the year by the Planning Board.

The Planning Board members and their years of expiration are as follows: Mr. Roland McClamroch, July, 1951; Mr. L. J. Phipps, 1952; Mr. Paul Wager, 1953; Miss Elizabeth Branson, 1954; and Mr. S. H. Hobbs, 1955.

Mr. Phipps stated that the Planning Board has passed a Resolution that the members would not seek to succeed themselves, and asked the Board of Alderman to keep this in mind when making appointments.

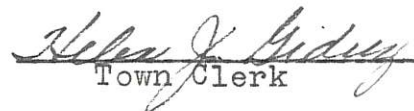
Mr. Lanier asked Mrs. Musella W. Wagner, Clerk of the Recorder's Court, for a general review of the work of the Clerk of Court, and requested that she go through one week's work for the members of the Board.

A discussion of the proposed budget for 1951-52 was led by Mr. Fitch, Chairman of the Finance Committee.

After discussing the salaries of the members of the Police and Fire Departments, Mr. Fowler moved that the Board of Aldermen accept the Finance Committee's report on yearly salaries for the Police and Fire Departments. This motion was seconded by Mr. Fitch and passed. Those voting for the motion were Fowler, Fitch, Burch, and Cornwell. Those voting against the motion were Davis and Putnam.

Mr. Burch moved that the budget as now written, with a tax rate of \$1.43 (\$1.10 for General Fund and \$0.33 for Debt Service) and filed herewith as a part of these minutes, be tentatively adopted for 1951-52. This motion was seconded by Mr. Putnam and passed unanimously.

Upon motion of Mr. Cornwell, seconded by Mr. Putnam, and unanimous consent, the meeting adjourned at 11:35 p.m.


Town Clerk



NORTH CAROLINA LEAGUE OF MUNICIPALITIES

MEMBER: AMERICAN MUNICIPAL ASSOCIATION
OFFICIAL PUBLICATION: "SOUTHERN CITY"
MRS. DAVETTA L. STEED, EXECUTIVE SECRETARY - GEORGE C. FRANKLIN, GENERAL COUNSEL
S. LEIGH WILSON, FIELD CONSULTANT
TENTH FLOOR RALEIGH BUILDING - RALEIGH, N. C. - PHONE 4-1311

June 22, 1951

Executive Committee

President:

BENJAMIN CONE
MAYOR,
GREENSBORO

First Vice-President:

ROY L. WILLIAMSON
CITY MANAGER,
ROCKY MOUNT

Second Vice-President

DAN K. EDWARDS
MAYOR,
DURHAM

Third Vice-President

J. W. HOFFLER
MAYOR,
WALLACE

Directors:

S. A. TWIFORD
MAYOR,
ELIZABETH CITY

GEORGE W. DILL, JR.
MAYOR,
MOREHEAD CITY

RANDY H. HAMILTON
CITY MANAGER,
CAROLINA BEACH

ZENO HOLLOWELL
CITY MANAGER,
GOLDSBORO

J. A. McDOWELL
TOWN CLERK,
SCOTLAND NECK

P. D. SNIPES
MAYOR, RALEIGH

F. R. KEITH
MAYOR, ST. PAULS

VICTOR SHAW
MAYOR, CHARLOTTE

C. A. PEELER
MAYOR, SALISBURY

GORDON H. WINKLER
MAYOR, BOONE

H. L. BURDETTE
CITY MANAGER,
HICKORY

WELDON WEIR
CITY MANAGER,
ASHEVILLE

Past President:

J. RAY SHUTE
MAYOR, MONROE

IMPORTANT -- READ CAREFULLY

TO: City Manager or City Clerk:

(After reading, Please Refer To City Attorney)

It has just come to my attention that there is a provision in the 1951 Act relating to the waiving of governmental immunity that requires the immediate attention of every municipality in the state.

This Act authorizes each municipality to waive its governmental immunity from liability for any damage to property or injury to persons caused by the negligent operation of any motor vehicle by any officer or employee of the municipality. The waiver is made by purchasing liability insurance to cover such operations. The liability, however, is restricted to the amount of the insurance purchased for such purpose. Municipalities which do not wish to waive their governmental immunity and be required to purchase insurance to cover such activities should immediately pass a resolution similar to the following:

WHEREAS, Chapter 1015 of the Session Laws of 1951 provides a method whereby municipalities may waive their governmental immunity; and WHEREAS, one provision of said law seems to require positive action on the part of this Governing Body with respect to whether or not it desires to waive such governmental immunity; and, WHEREAS, it is the opinion of this Governing Body that the waiving of such immunity is not to the best interest of this municipality; NOW, THEREFORE, be it resolved by the (Commissioners)(Aldermen) that the (City)(Town) of _____ does not under any circumstances or in any respect as suggested by Chapter 1015 of the Session Laws of 1951 or in any other manner waive its governmental immunity for damages to property or injury to persons as a result of its activities.

Section 1 of Chapter 1015, the section involved, states: "such immunity shall be deemed to have been waived in the absence of affirmative action by such governing body." Therefore, it is absolutely essential that positive action be taken with respect to this matter immediately, if the municipality does not wish to waive its immunity and make itself liable for injuries or damages occurring as a result of its governmental operations.

Very truly yours,

George C. Franklin
George C. Franklin
General Counsel

GCF:kc