

Minutes Special Meeting  
Board of Alderman--Chapel Hill, N. C.  
November 29, 1951

A special meeting of the Board of Alderman was held in the Town Hall on November 29, 1951 at 5:00 P.M.

Present were Mayor Lanier, Aldermen Fowler, Fitch, Burch, Cornwell, and Putnam, Town Manager Rose, and Town Attorney Hinshaw.

Mr. Lanier reported to the members of the Board that this special meeting had been called to discuss the following three matters of business: (1) a gas franchise with the Public Service Company of North Carolina, Inc., (2) contract with Greenwood Association, and (3) a report from Mr. Bonner D. Sawyer, Attorney.

Mr. Gale, an official of the Public Service Company of North Carolina, Inc., and Mr. F. O. Bowman, Attorney for the Public Service Company of North Carolina, Inc., came before the Board to discuss the matter of a gas franchise with the Town of Chapel Hill. Mr. Lanier explained to them that he had studied the law in regard to franchises and had found that under State Statute 160-270, a municipality cannot grant or renew a franchise without two separate readings of the proposed franchise at two separate meetings of the Board. He also explained that the proposed franchise did not make some provisions for the people of the Town of Chapel Hill that the Board would like for the people to be assured of. After discussing this matter, it was suggested that a committee from the Board of Alderman ~~and a committee from the Public Service Company of North Carolina, Inc. get together~~ and draft a franchise that would be satisfactory to both parties. Mr. Burch moved that a special committee consisting of two aldermen, the Town Manager, and the Town Attorney be appointed to draft a franchise for consideration at the Board's December 10th meeting, the special committee to call in any additional legal help it might deem necessary, and that the Mayor be an ex-officio member of the committee. This motion was seconded by Mr. Putnam and unanimously passed.

Mr. J. Q. LeGrand, Attorney for the Greenwood Association, came before the Board with the final copy of a contract between the Town and the Greenwood Association members for constructing a sewer line in the Greenwood area. After reading this contract and discussing it in full, Mr. Fitch moved that the Board of Alderman authorize execution of this contract in the name of the Town of Chapel Hill. This motion was seconded by Mr. Burch and unanimously passed.

November 29, 1951

Page 344

Mr. Bonner D. Sawyer, Attorney from Hillsboro, North Carolina, stated that he had nothing to report on the Pendergraft case. He stated that in the case of Mr. Grover C. Bush vs the Town, he thought that the Town had a situation that it would be wise to settle out of court if it is at all possible. He made it clear that settling this claim would not prejudice the rights of the Town, and thought that it would be more beneficial, financially, to settle out of court.

He reported that Mrs. Gladys H. Groves was anxious to get her case in the Supreme Court, but that it would not come up until 1952, and that the only thing left to argue in this case would be the point of law. He further reported that he was not, at this time, in any position to advise the Board as he had not studied the case thoroughly.

Mr. Lanier stated that Mr. E. E. Johnson, Manager of the Curve Inn, had been in the Town Manager's office to request a Privilege License for an additional 100 seats, and that Mr. Rose had refused to grant the permit, but would have to know what the Board wants him to do concerning this privilege license. No action was taken by the Board.

Upon motion of Mr. Putnam, seconded by Mr. Burch, and unanimous consent, the meeting was adjourned at 6:10 P.M. o'clock.

After hearing the minutes of the Board of Aldermen for November 29, 1951, read as amended, on motion made by Alderman Burch, and seconded by Alderman Putnam, the minutes were approved by vote of the Board of Alderman, this the 10th day of December, 1951.

Helen J. Liddy Town Clerk

\_\_\_\_\_  
Mayor

November 29, 1951

Page 345