

Minutes Regular Meeting  
Board of Aldermen--Chapel Hill, N. C.  
February 2, 1953

The regular meeting of the Board of Aldermen was held in the Town Hall on February 2, 1953 at 8 o'clock p.m.

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

The minutes for the regular meeting of January 12, 1953 were approved as read and amended.

Mr. Lanier welcomed visitors to the meeting from the Chapel Hill Planning Board, the Board of Aldermen of Carrboro, N. C., and members of a student government study group from Germany, accompanied by Dean of Students Fred Weaver of the University of North Carolina.

Mr. S. H. Hobbs, Chairman of the Chapel Hill Zoning Commission Enlarged, presented the first draft of a new enabling act to be presented to the Legislature as a substitute for the existing act.

Mayor Gibson of Carrboro, N. C. stated that he had received a letter from Mr. Hobbs and Mr. Lanier asking for the opinion of the Carrboro Board of Aldermen concerning an area west of Carrboro to be zoned. However, he explained that this letter was not presented as the Carrboro Board had not met. He stated that he was personally very much in favor of the zoning, but could not speak officially for the whole Board. He also stated that Carrboro did not have the authority to zone this area beyond the town and could not get this authority even if they wanted it, which they do not.

Mr. Roy Riggsbee, a member of the Board of Aldermen of Carrboro stated that he had no personal objection to the zoning and that he had not heard of any particular objection to it.

Mr. Phillip Green of the Institute of Government presented and interpreted the revised map of the zoning area and gave a summarization of the new proposed enabling act. This act would take the place of the 1949 Act and the 1951 Amendments. Mr. Green stated that this new map did away with more than one-half of the existing area to be zoned outside town, and that the question of districts could not come up until this enabling act is adopted, then the ordinance would have to be adopted again or modified.

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He explained that this act repeals the existing legislation and provides, within the area outlined, exclusive of Carrboro, that the Town Board of Chapel Hill shall have planning, zoning, and subdivision powers the same as exercised inside the Town at present. Also, in order to exercise these powers, the Town Board would have to create a new Planning Board composed of ten members--5 from inside town appointed by the Chapel Hill Board of Aldermen and 5 from outside Town appointed by the County Commissioners. He stated that the zoning ordinance would have to be presented to the Board of Aldermen, and if adopted, the Board would then have to set up a Board of Adjustment composed of ten members--5 from inside Town appointed by the Board of Aldermen and 5 from outside Town appointed by the County Commissioners, to hear appeals from the Building Inspector. It also provides that the Town Board can appoint a Building Inspector that may be the inside one or another one. After a full discussion of this matter, Mr. Cornwell moved that consideration and disposition of this matter be placed as the first item of business at the next meeting of the Board to be held on February 9, 1953. His motion was seconded by Mr. Putnam and unanimously passed.

Mr. Kenneth R. Davis came before the Board to present a sewerage problem in Oakwood and Rogerson Drives. He stated that he was a spokesman for the group and they had asked him to come before the Board to see if the Board would allow them to make an agreement with the Board similar to the one made with the residents of Greenwood. He stated that they would have to have a survey made to see if it would be feasible for them to tap on to the Town sewer line and they did not want to go to the expense of having the survey made if the Town would not let them tap on. He stated that the Health Department had given them 30 days to act as a group to take some action on this matter, or 60 days if they acted individually. Dr. Garvin, District Health Officer, explained to the Board that the soil in this area could not handle any more drainage from septic tanks, and that the only way to correct this situation would be to have them tap on the Town sewer line. After discussing this matter, Mr. Putnam moved that the Oakwood-Rogerson Committee make their survey for the sewer connection and offer the Town a contract similar to the contract entered into with the Greenwood Association. This motion was seconded by Mr. Burch, but was not put to a vote, and Mr. Cornwell made the following substitute motion which was seconded by Mr. Fowler and unanimously passed: That this group be given an answer on February 9, 1953 to their question of connection to the Town sewer line.

Mr. Peacock reported that he had examined the vouchers for the months of November, December, 1952, and January, 1953, and had found them to be in order.

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Mr. Rose presented 67 reports of buildings inspected by a member of the Chapel Hill Fire Department during the month of January, 1953.

Mr. LeGrand stated that the blanket bond under consideration does not cover the requirements of the amendment to the Town Charter. He suggested that the Board ask the Legislator to present a bill to repeal the present act. Mr. LeGrand was asked to draw a suggested bill and present it to the Board for consideration.

Upon motion of Mr. Burch, seconded by Mr. Putnam, and unanimous consent, the following Ordinance was adopted:

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

1. That from and after the 15th day of February, 1953 it shall be unlawful for any person to operate or cause or permit to be operated a motor vehicle of any kind at a speed greater than 20 miles per hour on the Pittsboro Road known as U. S. Highway 15-501, between a point on said road or highway located approximately 100 feet North of the Northern entrance to the parking area set aside for the North Carolina Memorial Hospital and another point on said road or highway located approximately 100 feet South of the Southern entrance to the parking area set aside for the North Carolina Memorial Hospital, each of said points being identified by highway markers bearing the words "Hospital" and "20 M.P.H."

2. That each and every violation hereof shall be a misdemeanor and punishable as such.

3. This ordinance shall be in full force and effect from and after the 15th day of February, 1953.

4. All laws and clauses of laws in conflict herewith, are hereby repealed.

Mr. Cornwell moved that the following Ordinance be adopted. His motion was seconded by Mr. Putnam and it was passed unanimously.

BE IT ORDAINED BY the Board of Aldermen of the Town of Chapel Hill:

1. That from and after the 15th day of February, 1953 it shall be unlawful for any person to park a motor vehicle or vehicle of any kind at any time on either side of the Pittsboro Road known as U. S. Highway 15-501 between a point on said road or highway located approximately 100 feet North of the Northern entrance to the parking area set aside for the North Carolina Memorial Hospital and

another point on said road or highway located approximately 100 feet South of the Southern entrance to the parking area set aside for the North Carolina Memorial Hospital, each of the said points being identified by markers bearing the words "No Parking."

2. That each and every violation hereof shall be punishable by a fine of \$1.00.

3. This ordinance shall be in full force and effect from and after the 15th day of February, 1953.

4. All laws and clauses of laws in conflict herewith, are hereby repealed.

Mr. Lanier brought up the question of allowing fire trucks, police cars, ambulances, etc. to disregard driving laws, especially stop lights. The Attorney was asked to investigate and report back to the Board.

Dr. Garvin stated that Orange County was planning to hire a dog catcher and he wanted to know if the Town would not cooperate with them. The Board asked Dr. Garvin to write a letter to them concerning this matter.

Mr. Rose reported that a representative from the Carolina Coach Company had been to see him and asked him to find out the sentiment of the Board if the bus station decided to close at 8 p.m. instead of 10 p.m. The Board took no action on this matter as they stated that it was not in their power to do so.

Mr. Rose reported that a man had been in to see him about putting a trailer on a lot in Town for residence purposes and that he had notified the man that he could not do this unless he put the trailer on University property. Mr. Rose said that the man had put this trailer on a lot owned by Mrs. Best on Pittsboro Street. Mr. LeGrand stated that if he continued to live there, that a letter should be directed to the occupant and property owner giving them a certain length of time to find another location and if this notice was not complied with, the occupant and property owner should then be indicted.

Mr. Rose stated that he kept getting complaints about the noise at the American Legion Hut and he wanted to know who was responsible when the Legion rented the hut out for parties. The Board asked Mr. Rose to notify the policemen to keep order and to make arrests, if necessary.

Mr. Rose presented an Accident Report Map for 1952 made by Sergeant C. E. Durham.

Mr. Rose stated that he had looked into the Government Bonds owned by the Town of Chapel Hill in the amount of \$3,000 earmarked for purchase of the new cemetery site and he reported that they were not selling for par at this time and that the Town would take a loss if they sold them now. He stated, however, that Dr. Foy Roberson would accept these bonds at par as part of the purchase price of the new cemetery site. Mr. Putnam moved that the Town Manager be authorized to transfer title of \$3,000 government bonds to Dr. Foy Roberson as a part of the payment of the cemetery site. His motion was seconded by Mr. Fitch and unanimously passed.

Mr. Rose recommended the employment of Mr. Howard R. Pendergraph as policeman for the Town of Chapel Hill at a salary of \$190.00 per month for a 90-day probation period. Mr. Cornwell moved that Mr. Pendergraph be employed for a 90-day period at a salary of \$190.00 per month. This motion was seconded by Mr. Burch and unanimously passed.

Mr. Cornwell recommended that a sewer line costing approximately \$750.00 be run on Cameron Court. Mr. John Newell appeared before the Board and stated that he had an easement from Ped Neville to run across his property and that he would be glad to give an easement for the line to go through his property. Mr. Cornwell moved that the line be put in and paid out of the Contingency Fund contingent on delivery to the Town properly executed easements from Mr. Newell and Ped Neville. This motion was seconded by Mr. Fitch and passed unanimously.

Mr. Fitch wondered what the Board thought about getting an enabling act providing for the same Prosecuting Attorney to serve in the County and the City courts. The Board asked that this matter be put on the calendar for the meeting to be held on February 9, 1953.

Mr. Cornwell said that Mr. A. W. Hobbs had asked him to see if the Town would extend their line to include all of his property on Gimghoul Road. He stated that part of Mr. Hobb's property is inside the Town limits now. No action was taken.

Upon motion of Mr. Burch, seconded by Mr. Putnam, and unanimous consent, the meeting was adjourned at 11 p.m. o'clock.

After hearing the minutes for the regular meeting of February 2, 1953, read as amended on motion made by Alderman Putnam, seconded by Alderman Cornwell, the minutes were approved by vote of the Board of Aldermen this the 9th day of February, 1953.

Elwyn S. Paine Mayor

Walter J. Paine Town Clerk

[REDACTED]

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of promoting the orderly growth, expansion, and development of the Town of Chapel Hill and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals, and general welfare of the citizens of the Town of Chapel Hill and of the territory and community beyond and surrounding the territorial limits of said municipality, as hereinafter defined, the Governing Body of the Town of Chapel Hill is hereby authorized and empowered to exercise any planning, zoning and subdivision-control powers conferred upon the Town of Chapel Hill and vested in its Governing Body by the Charter of the Town of Chapel Hill, the General Statutes of North Carolina, or any other statute applicable to the Town of Chapel Hill, not only within the corporate limits of the Town of Chapel Hill but also within the territory and community beyond and surrounding such corporate limits as hereinafter defined in Section 2. Such powers may be exercised to the same extent and according to the same procedures as are applicable to the exercise of planning, zoning, and subdivision-control powers within the corporate limits of the Town of Chapel Hill. Such powers shall specifically include, but shall not be limited to, the power to adopt such ordinances and regulations as may be considered necessary or expedient by said Governing Body to regulate, control, and restrict (a) the height, number of stories, and size of buildings and other structures, (b) the percentage of a lot that may be occupied, (c) the size of yards, courts, and other open spaces, (d) the density of population, and (e) the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

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Section 2. The boundaries of the territory within which the Governing Board of the Town of Chapel Hill may exercise the aforesaid powers shall be as follows:  
Beginning at  
~~thence~~/the point at which Morgan's Creek intersects the boundary between Orange County and Durham County/and running thence along a straight line generally southwestward to the point at which U. S. Highways 15 and 501 intersect the boundary between Orange County and Chatham County; thence along a straight line generally northwestward to the point at which North Carolina Highway 54 crosses Morgan's Creek; thence along a straight line generally northeastward to the point at which New Hope Creek intersects the boundary between Orange County and Durham County; thence generally southward along the boundary between Orange County and Durham County to the starting point; provided, however, that no such powers shall be exercised by the

Governing Body of the Town of Chapel Hill within the corporate limits of the Town of Carrboro.

Section 3.

If the Governing Body of the Town of Chapel Hill desires to exercise the powers granted by this Act, it shall by ordinance create a Planning Board whose members shall be appointed as follows: five members shall be appointed by the Governing Body of the Town of Chapel Hill and shall be citizens and residents of said town; five members shall be appointed by the Orange County Board of commissioners and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of Chapel Hill, as defined by this Act. This Planning Board shall be empowered to exercise the powers, duties, and functions of a municipal planning board, as defined in Sections 160-22 to 160-24 of the General Statutes, and of a municipal zoning commission, as defined in Article 14 of Chapter 160 of the General Statutes. Members shall be appointed for five-year terms and until their respective successors have been appointed and qualified; provided, that the initial appointees may be appointed to shorter terms of varying duration, to the end that the terms of no more than two members shall expire in any one year. The jurisdiction of this Board shall include all of the area defined in Section 2 hereof, including both territory within the corporate limits of the Town of Chapel Hill and the outside territory over which the Governing Body of said town is granted jurisdiction by this Act.

Section 4. If the Governing Body of the Town of Chapel Hill should adopt a zoning ordinance for the territory beyond the corporate limits of Chapel Hill, as authorized by this Act, said Governing Body shall create a Zoning Board of Adjustment whose members shall be appointed as follows: five members shall be appointed by the Governing Body of the Town of Chapel Hill and shall be citizens and residents of said town; five members shall be appointed by the Orange County Board of Commissioners and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of Chapel Hill, as defined by this Act. Such Board of Adjustment shall have and exercise all of the powers, duties, and functions enumerated in Section 160-178 of the General Statutes. Members shall be appointed for terms of three years and until their respective successors have been appointed and qualified; provided, that the initial appointees may be appointed to shorter terms of varying duration, to the end that the terms of no more than four members shall expire in any one year. There shall be a quorum of five members for the purpose of hearing cases. The



concurring vote of four-fifths of the members present for the hearing of any case shall be necessary in order (a) to reverse any order, requirement, decision or determination of any administrative official charged with enforcement of the ordinance or (b) to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or (c) to effect any variation in such ordinance.

Section 5. The Governing Body of the Town of Chapel Hill may appoint a Building Inspector to enforce in the area surrounding the corporate limits of the town any regulations adopted pursuant to this Act. Such inspector may be the same as the Building Inspector serving within such town limits.

Section 6. The Governing Body of the Town of Chapel Hill shall enact no ordinance or ordinances under the provisions of this Act without first holding a public hearing thereon, as provided in Section 160-175 of the General Statutes.

~~\_\_\_\_\_~~ No further public hearings with respect to the adoption of such ordinance shall be necessary.

Section 7. The powers granted to the Governing Body of the Town of Chapel Hill by this Act are intended to be supplementary to any powers which have heretofore been granted, or which may hereafter be granted, to such Governing Body under other provisions of law. The exercise of the powers granted by this Act shall be within the discretion of such Governing Body. Unless and until such Governing Body exercises these powers, this Act shall have no effect upon any existing or future ordinances of the Town of Chapel Hill. The adoption of any ordinance under the authority of this Act shall have no effect upon any litigation which is pending at the time of such adoption.

Section 8. All laws and clauses of laws in conflict with the provisions of this Act, except as indicated in Section 7, are hereby repealed to the extent of such conflict. Chapter 629 of the Session Laws of 1949 and Chapter 273 of the Session Laws of 1951 are hereby specifically repealed; but said repeal shall not invalidate any action heretofore taken by virtue of these laws.

Section 9. If any section, subdivision, clause, or provision of this Act shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, clause, or provision so adjudged, and the remainder of the Act shall be deemed valid and effective.

Section 10. This Act shall be in full force and effect from and after its ratification.

*Edwin S. Lamer, Mayor*

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