

Minutes Regular Meeting
Board of Aldermen--Chapel Hill, N. C.
February 10, 1953

The regular meeting of the Board of Aldermen was held in the Town Hall on February 9, 1953 at 8 o'clock P.M.

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

The minutes of the regular meeting of February 2, 1953 were read and approved.

Mr. S. H. Hobbs, Chairman of the Planning Board Enlarged, in the matter of outside zoning explained the proposed new enabling act, taking into effect changes suggested when the act was read before the Board of Aldermen at its last meeting. Mr. Hobbs stated that this act was in the form of a compromise.

Mr. Wager explained that the two principle objections to the original enabling act were that it covered too much territory and did not give the people outside town the same voice as it gave to the people inside town. He stated that these objections have been corrected in the new proposed enabling act.

Mr. Fitch said that he thought it was unfair to impose zoning on a large number of people that did not want it nor see the need for it and that he saw no reason to change the existing act.

Mr. LeGrand stated that he had contacted Mr. Love, an assistant to the Attorney General, and Mr. Love did not have a written opinion on the constitutionality of the act, but he thought that an act of this type would probably stand in the courts if the Town exercised these powers reasonably.

Mr. Fowler stated that he was in favor of block zoning, but he did not understand, when the Board first discussed this matter, that it was their intention to zone such a large area, and he wanted to know what the ordinance would be like when it comes back to the Board. Mr. L. J. Phipps reported that there was no way of knowing what the ordinance would involve since the act would do away with the present Planning Board and a new one would have to be appointed.

After much discussion, Mr. Cornwell moved that the representative from this district, John W. Unstead, be requested to present this enabling act to the State Legislature and to seek its passage. His motion was seconded by Mr. Putnam and passed by a vote of 4 to 2. A copy of this act is filed in the Town Hall in the Office of the Town Manager, and a copy is attached hereto as a part of this record.

Mr. Kenneth R. Davis came before the Board to ask for a decision on the question of letting the residents of Oakwood-Rogerson Drives tap on to the Town sewer line. He requested that the Town approve, in principle, the addition of this area to the city sewerage system providing, after the survey is made, the costs are feasible. Mr. Rose stated that he had checked on the pumps in Glen Lennox and that they are about ten years old, but seem to be running in very good shape. Also, that it is his opinion that these pumps will operate another ten years. After discussion of this matter, Mr. Burch moved that the Board go on record as saying that they would permit the residents of Oakwood-Rogerson Drives to enter the Town's sewerage system with reasonable terms to be agreed upon on a similar basis as the agreement made with the Greenwood Association. His motion was seconded by Mr. Putnam and passed unanimously.

Mr. Hook from the District Health Department came before the Board to ask them to consider a rat extermination program in Chapel Hill. He stated that the State Health Department would supply the first amount of Wafarin provided the Town would continue the program indefinitely. This matter was carried over for further consideration.

Mr. Rose read an application from Earl Litzenberger and Travis Porter to sell beer at the Colonial House. He stated that these boys were students and he had asked the police to check their records and they said their reputations were good. Mr. Lanier said that he had checked with the head of the ROTC and Capt. Keating would like to check to see if there were any regulations against ROTC students selling beer. This matter was carried over for further consideration.

The Health Department report for the month of January, 1953 was read by Mr. Rose.

A copy of the Police and Clerk of Court's report for the month of January, 1953 was presented to each member present.

Mr. LeGrand presented a copy of a Judgment of non-suit in the case of G. C. Bush vs. the Town of Chapel Hill.

Mr. Putnam moved the adoption of the following Act and requested that the representative from this district be asked to present it to the Legislature and try to secure the passage of same. His motion was seconded by Mr. Davis and passed unanimously.

A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL RELATING TO OFFICIAL BONDS OF OFFICERS AND EMPLOYEES

The General Assembly of North Carolina do enact:

Section 1. That Section 36, Chapter 193, Private Laws, Session of 1925, be and the same is hereby amended by striking out all of the following sentence as contained in said Section:

"Before acting, each of said officers shall be sworn to the faithful discharge of his duty, and shall execute a bond with justified securities residing within the limits of the Town of Chapel Hill, payable to the Town of Chapel Hill in such sum as the aldermen shall determine, conditioned for the faithful performance of the duties of said office: PROVIDED, that the bonds of clerk and treasurer, and of the chief of police and tax collector shall not be less than one thousand dollars respectively."

Section 2. That the officers and employees of the Town of Chapel Hill, both elective and appointive, shall execute only such official bonds in such amounts and upon such terms and conditions as the Governing Body of the Town of Chapel Hill may from time to time require.

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

Section 4. That this act shall be in force from and after its ratification.

Mr. LeGrand presented an enabling statute providing for the Town and County to have the same Prosecuting Attorney, if they desired to do so. After discussing this matter, Mr. Fowler moved that the following enabling act be approved provided it is approved by the County Commissioners and that the representative be asked to present it and secure its passage in the State Legislature. This motion was seconded by Mr. Fitch and passed unanimously.

A BILL TO BE ENTITLED AN ACT RELATING TO THE PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF ORANGE COUNTY

The General Assembly of North Carolina do enact:

Section 1. That the prosecuting attorney of the Recorder's Court of Orange County may, in addition to his present regular duties as such, prosecute cases on behalf of the State in the Recorder's Court of Chapel Hill when requested to do so by the Governing Board of the Town of Chapel Hill.

Section 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its ratification.

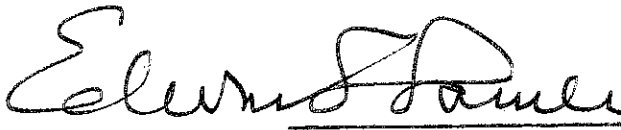
Mr. LeGrand presented a bill for attorney's fees for services connected with the new cemetery site. Mr. Fowler moved the payment of \$42.00 to Mr. LeGrand for examining the title and drawing the deed for the cemetery site purchase. Mr. Fitch seconded the motion and it was unanimously passed.

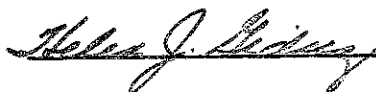
Mr. Rose recommended Miss Dorothy Durham be appointed as Town Clerk at a salary of \$200.00 per month to replace Mrs. Giduz. Mr. Putnam moved the appointment of Miss Dorothy Durham as Town Clerk at a salary of \$200.00 per month. Mr. Cornwell seconded the motion and it was passed unanimously.

Without objection, the Safety Committee was asked to check to see if additional street lights are needed on Tenney Circle, North Roberson Street, the alley behind Andrew-Henninger, and Cobb Terrace, and to report back to the Board.

Upon motion of Mr. Putnam, seconded by Mr. Cornwell, and unanimous consent, the meeting was adjourned at 10:30 p.m. o'clock.

After hearing the minutes for the regular meeting of February 9, 1953, read as amended on motion made by Alderman Cornwell, seconded by Alderman Putnam, the minutes were approved by vote of the Board of Aldermen this the 23rd day of February, 1953.

 Mayor

 Town Clerk