

Minutes Regular Meeting
Board of Aldermen--Chapel Hill, N. C.
June 29, 1953

The regular meeting of the Board of Aldermen was held in the Town Hall on June 29, 1953 at 8:00 o'clock p.m.

Present were Mayor Lanier, Aldermen Wager, Davis, Burch, Robinson, Cornwell and Putnam, Town Attorney LeGrand, and Town Auditor Peacock.

The minutes for the regular meeting of May 25, 1953, were approved as read and amended.

The Board of Aldermen and members of the School Board held a Joint Session to elect successors to Dr. E. M. Hedgpeth and Mr. Carl Smith, whose terms as members of the School Board expire June 30, 1953. School Board members present were Mr. Grey Culbreth, Dr. Fred Patterson, and Mr. O. David Garvin. Mr. LeGrand read letters from the Negro Men's Civic Club and the Secretary of the Council on Negro Affairs, suggesting Rev. J. R. Manley, Kenneth Jones for membership on the School Board. The members of the School Board present nominated Mr. Carl M. Smith and Dr. Gordon Blackwell. Mr. Putnam moved the nominations be closed. Mr. Cornwell seconded his motion and it was passed unanimously. Mr. Carl Smith and Dr. Gordon Blackwell were elected to the School Board for terms of six years each.

Mr. LeGrand read petitions for curb and gutter for the following locations:

Westwood Drive
Carolina Avenue
Roosevelt Avenue, from E. Franklin St. to Hillcrest
N. Roberson Street, from W. Franklin Street to W. Rosemary Street
Dogwood Drive
Woodland Avenue

A letter from Mrs. Ava Crawford, asking for curb and gutter on Carolina Avenue was read. It was suggested that she be notified to sign the petition.

Dr. Garvin read the Health Department report for the month of May. He suggested that a baracade should be placed at the corner of W. Franklin Street and N. Roberson Street to prevent someone from falling into the large ditch there. The matter was referred to Mr. Rose and Mr. LeGrand.

The Clerk of Court and Police reports for the month of May were presented to the Board.

Mr. Peacock gave the auditor's report for the month of May. He also stated that Mr. B. J. Howard, Clerk of Court had sometime ago given \$4.01 out of his cash box to a boy whom the money had been taken from by the Police at the time of his arrest. The boy contended the money when returned to him was \$4.01 less than what he had when arrested. The money had never been refunded to Mr. Howard, and Mr. Peacock suggested it be refunded. Mr. Robinson moved the money be paid out of Court Costs. His motion was seconded by Mr. Burch and passed unanimously. Mr. Peacock suggested that the Board set aside a \$25.00 fund as an Operating Fund for Mr. Howard. Mr. Burch moved the Operating Fund be provided. Mr. Putnam seconded his motion and it was passed unanimously.

Mr. LeGrand brought up the matter of changing the parking on Rosemary Street between North Columbia and Hillsboro Streets. Mr. Putnam moved the following ordinance be adopted. His motion was seconded by Mr. Davis and passed unanimously:

- I. BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that from and after the 15th day of July, 1953, it shall be unlawful for any person to park a motor vehicle or vehicle of any kind at any time on the South side of Rosemary Street between North Columbia and Hillsboro Streets. All parking in said area shall be on the North side of Rosemary Street only, with vehicles being parked parallel to the curb with one front wheel and one rear wheel thereof being within twelve (12") inches of the curb.
- II. Each and every violation of this ordinance shall be punished by fine of \$1.00
- III. All laws and clauses of laws in conflict herewith are hereby repealed.

This the 29th day of June, 1953.

The matter of changing the parking on Rosemary Street between Hillsboro and N. Boundary Streets was brought up. Mr. Putnam moved the following ordinance be adopted. Mr. Davis seconded his motion and it was passed unanimously.

- I. BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that from and after the 15th day of July, 1953, it shall be unlawful for any person to park a motor vehicle or vehicle of any kind at any time on the North side of Rosemary Street between Hillsboro and North Boundary Streets. All parking in said area shall be on the South side of Rosemary Street only, with vehicles being parked parallel to the curb with one front wheel and one rear wheel thereof being within twelve (12) inches of the curb.
- II. Each and every violation of this ordinance shall be punished by fine of \$1.00.
- III. All laws and clauses of laws in conflict herewith are hereby repealed.

This the 29th day of June, 1953.

Mr. Burch reported that contracts have been let for the installation of fire escapes on all fraternity and sorority houses.

The matter of appointing a policeman to replace C.J.W. Simpson and appointing a Prosecuting Attorney were discussed. The matter were deferred until the next meeting.

The following municipal officials were appointed for 1953-54 fiscal year:

Town Manager	Thomas D. Rose
Town Clerk	Dorothy Durham
Chief of Police	W. T. Sloan
Clerk of Recorder's Court	B. J. Howard
Town Attorney	J. Q. LeGrand
Town Auditor	E. E. Peacock

The matter of the Cemetery Attendant was brought up. After considerable discussion it was decided that Mr. Charles Suggs be retired June 30, 1953, or as soon thereafter as a suitable replacement can be found.

The Financial Statement to May, 1953, for 1952-53, was presented to the Board.

The Finance Committee presented a list of people to be put on an insolvent list. Mr. Cornwell moved that the list of insolvents be placed on the insolvent list and that they be written off against the reserve. Mr. Putnam seconded his motion and it was passed unanimously. The list is attached hereto as a part of these Minutes.

The Finance Committee presented a list of people who's taxes should be released. Mr. Cornwell moved that the tax charges be removed from the records because they were erroneously charged in the first place. Mr. Burch seconded his motion and it was passed unanimously. The list is attached hereto as a part of these Minutes.

The matter of making transfers from the Contingency Fund to other items in the 1952-53 Budget for clearing obligations under the 1952-53 budget, where in the opinion of the Auditor and the Town Manager such transfers are needed and may be made legally was discussed. Mr. Cornwell moved that the Town Manager and Auditor be authorized to make such transfers. Mr. Putnam seconded his motion and it was passed unanimously.

The Finance Committee presented the following Proposals: (on next page).

The Finance Committee recommended that the Privilege Licenses Ordinance as prepared by the N. C. League of Municipalities in Report #58, May, 1949, with the 1949 amendments, as adopted by this Board of Aldermen for the Town of Chapel Hill for 1952-53 be adopted for 1953-54 without change and by reference. Mr. Burch moved that the 1952-53 Privilege License schedule be adopted without change for 1953-54. Mr. Davis seconded his motion and it was passed unanimously.

The Finance Committee presented the 1953-54 Budget and Tax Rates for General Fund and Debt Service for approval and adoption on its second reading. Mr. Cornwell moved that the Budget for 1953-54 as amended, be adopted on its second and final reading. Mr. Putnam seconded his motion and it was passed by roll call and unanimous.

The matter of appointing a Citizens Advisory Committee on Cemeteries was brought up. Mr. Wager moved that the Mayor be authorized to appoint the Committee. Mr. Putnam seconded his motion and it was passed unanimously.

FIRST, The Finance Committee believes it is the judgement of this Board, and should be formally stated as the policy of this Board:

- (1) That, with rare exceptions in cases where there is a wide and firm road bed, no future paving of streets should be done prior to the installation of curb and gutter.
- (2) That street curb and gutter installations, when requested by petitions from 51% of the adjacent property owners, should be made as promptly as the necessary funds and weather conditions will permit--because curb and gutter borders for streets mean:
 - (a) less dust and less mud;
 - (b) smoother street surfaces;
 - (c) protection of private property (land) adjacent to the streets from ditch erosion, and protection of the public against such ditches;
 - (d) preservation of street surfaces, both soil and paved;
 - (e) economy in street maintenance costs, which costs come from tax receipts;
 - (f) better control of drainage water; and
 - (g) more attractive communities along the streets with such borders.
- (3) That it is equitable that the costs of street curb and gutter installations, as directed by the State Statutes, be assessed to the adjacent property owners--each to pay according to his land frontage on the street, and being allowed to retire the total assessment in not more than 10 annual payments with 6% interest annually to the municipality on the unpaid part of the total assessment.
- (4) That after a street has been equipped with curb and gutter and the road bed has settled to a firm base and surface *in the opinion of the Town's Engineer*, it should be paved, without special assessment against the adjacent property owners, as promptly as
 - (a) available funds and
 - (b) volume of traffic along that street, ~~compared with the volume of traffic along other unpaved streets,~~permit and dictate.

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MOTION:

By Alderman *Cornwell*....., seconded by Alderman

Putnam.....

That the above recommendation from the Finance Committee be adopted by this Board of Aldermen as a statement of the Board's policy, until changed by formal vote of the Board, concerning the installation of street curb and gutter, and concerning the paving of streets, effective this date and immediately.

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SECOND, in order to finance the installation of curb and gutter on the streets indicated below, the Committee recommends to the Board of Aldermen of Chapel Hill that the Board, in accordance with the provisions of the General Statutes of North Carolina, Chapter 159, Article 1, Sections 159-7 and 159-7.1, file notice with the Local Government Commission of North Carolina of the Board's intention to apply to the Commission for approval of the issuance of Bonds by the Town of Chapel Hill in the amount of \$60,000, which bonds shall be subject to the approval of the voters of Chapel Hill at an election; and that official notice to the voters of Chapel Hill of the Board's intention to apply to the Local Government Commission, Raleigh, N.C., be published in the Chapel Hill weekly in two successive issues beginning with the issue for Friday, July 3, 1953.

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| 1. For the purpose of installing curb & gutter on | <u>Westwood Drive,</u> | \$ 9000.00 |
| 2. (Same) | <u>Dogwood Drive,</u> | 11500.00 |
| 3. (Same) | <u>N. Roberson St., between W. Franklin & W. Rosemary Sts.,</u> | 1400.00 |
| 4. (Same) | <u>Woodland Avenue,</u> | 2700.00 |
| 5. (Same) | <u>Carolina Avenue,</u> | 1100.00 |
| 6. (Same) | <u>Roosevelt Ave., from E. Franklin St. to Hillcrest at Wolfe's</u> | 3100.00 |

\$28,800.00

Petitions are on file for the 6 items above.

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| 7. (Same, and work is completed) | <u>Davie Circle,</u> | \$11,000.00 |
| 8. (Same, and work is completed) | <u>James St. & Hill St.</u> | 2,800.00 |

\$13,800.00

Projects 7 & 8 above are completed and paid for out of General Fund account; the General Fund Account is being reimbursed as property owners on those streets pay the Town their assessments for the work.

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| 9. For installation of curb & gutter on: | <u>S. Graham Street between</u> | |
| | <u>W. Franklin St. & West Cameron Avenue,</u> | \$ 4,400.00 |
| 10. For installation of curb and gutter on - | <u>Briarridge Lane,</u> | 2,400.00 |
| 11. (Same) | <u>Roosevelt Avenue at Wolfe's corner to Hillview and</u> | |
| | <u>Hillview from Roosevelt Avenue to Plant Road,</u> | 10,100.00 |

\$16,900.00

Projects 9, 10, and 11 can be initiated only on petition of 51% of property frontage on each of those streets.

TOTAL.... \$59,500.00

Mr. Lanier brought up the matter of appointing a Citizens Advisory Committee on Care and Replacement of Trees During 1953-54. Mr. Cornwell moved that the Committee be appointed. Mr. Burch seconded his motion and it was passed unanimously.

The matter of having a special Committee of Aldermen to make a detailed study of the Police Department: its organization, activities, equipment, records, and needs was discussed. Mr. Putnam moved that the Mayor be authorized to appoint the Committee. Mr. Davis seconded his motion and it was passed unanimously.

Mr. Lanier recommended that the Board of Aldermen meet in Regular session on the Second Monday and the Fourth Monday of each month at 8:00 p.m., and that any Fourth-Monday meeting may be cancelled in the discretion of the Mayor and Town Manager, notice of such cancellation to be made public at least one week prior to the scheduled time for the meeting. Mr. Cornwell moved that the recommendation be adopted. Mr. Putnam seconded his motion and it was passed unanimously.

Mr. Lanier brought up the matter of electing a successor to Dr. Paul Wager for membership on the Town Planning Board. Dr. Wager nominated Stewart Chapin. Mr. Cornwell moved the nominations be closed. Dr. Wager seconded his motion and it was passed unanimously, and Mr. Chapin was elected.

Mr. Lanier brought up the matter of electing a successor to Mr. R. B. Vaughn whose membership term on the Board of Adjustments expires on June 30, 1953. Mr. Davis nominated Mr. Vaughn to succeed himself for a term of five years. The nominations were closed and Mr. Vaughn was elected.

Mr. Lanier brought up the matter of electing a ten-member Planning Board to get underway with the possible adoption of a Zoning Ordinance for Chapel Hill and adjacent lands under authority of House Bill No. 410, 1953 Session of North Carolina General Assembly (a copy of which is attached hereto). Mr. Cornwell moved that the Chapel Hill Town Planning Board serve as the five members of such Planning Board. Mr. Putnam seconded his motion and it was passed unanimously. Mr. Cornwell moved that the Board request the Board of County Commissioners to elect five members to serve on the Planning Board. Mr. Burch seconded his motion and it was passed unanimously.

Mr. Lanier brought up the matter of inviting residents of suburban area to appear before the Board to make proposals for fire protection service in the suburban area, within legal bounds and without cost to the municipality. Mr. Burch moved that the residents be invited to appear before the Board on September 14th at 8:00 p.m. His motion was seconded by Mr. Putnam and passed unanimously.

Mr. Lanier suggested that at the first regular meeting of the Board in October consideration by the Board of Aldermen be given of pertinent data relative to a possible offer from this Board to the residents of Greenwood, Glen Lennox, and Oakwood-Rogerson Drive to annex that whole area. Mr. Cornwell moved that data be gotten and that consideration of that data be made a special order of business in October. Mr. Putnam seconded his motion and it was passed unanimously.

Mr. Lanier suggested that the Carolina Trailways be asked for a schedule of all buses arriving and departing from the Chapel Hill Bus Station on Thursdays and Sundays, and a statement of the opening and closing hours of said station on Thursdays and Sundays. He stated that there have been complaints about women passengers being unloaded on the Chapel Hill Bus Station during night hours when the station is not open. Mr. Wager moved that Mr. Rose ask the officials of the Carolina Trailways for this information. Mr. Putnam seconded his motion and it was passed unanimously.

Upon motion by Mr. Burch, seconded by Mr. Putnam and unanimous consent, the meeting was adjourned at 11:00 P. M. o'clock.

After hearing the minutes for the regular meeting of June 29, 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 13th day of July, 1953.

Edwin S. Lanier Mayor

Sorathy J. Durham Town Clerk

H. B. No. 410

AN ACT RELATING TO THE PLANNING AND ZONING
POWERS OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do
enact:

Section 1. 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 purposes 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 and 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.

Sec. 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 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.

Sec. 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

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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.

Sec. 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. 96a

Sec. 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.

Sec. 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 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.

Sec. 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.

Sec. 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.

Sec. 9. If any Section, subdivision, clause, or provisions 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.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1953.

Luther H. Hodges
President of the Senate.

E. T. Bost, Jr.
Speaker of the House of Representatives.

Examined and found correct,

David P. Dellinger
For Committee.

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