

Minutes

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a special joint meeting with the Planning Board on January 13, 1964 at 7:30 P.M. with the following present: Mayor McClamroch; Aldermen Walters, Wager, Page, Robinson, Giduz, and Strowd; Town Manager Peck; Town Attorney LeGrand; and Town Clerk Roberts. Planning Board members present were: Chairman Scroggs, Lasley, Powell, Burns, Smith, and Dave Slater.

Rezoning of Ephesus Church Road

Town Manager Peck presented a request for rezoning on the north side of Ephesus Church Road from Durham County line westward about sixtenths of a mile by Mr. Powell. The request is for a change from Agriculture to RA-15 along Ephesus Church Road and from Agriculture to RA-10 in the balance of a proposed subdivision to a depth varying from 1500 to 3000 feet from Ephesus Church Road.

Alderman Giduz moved that the request be referred to the Planning Board for recommendation. Seconded by Alderman Strowd and unanimously carried.

Adjournment of the hearing was moved by Alderman Page. Seconded by Alderman Walters and unanimously carried.

Mayor McClamroch then called the regular meeting of the Town Board of Aldermen into session.

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Alderman Wager moved that the minutes for December 9th and 17th, 1963 be approved as distributed. Alderman Robinson seconded this motion, which was unanimously carried.

Human Relations

Mayor McClamroch stated that the Board felt that there had been a public hearing on the Public Accommodation Law and it will be discussed among the Board members.

Mayor McClamroch introduced a report from the Institute of Government concerning the legal aspects of a Public Accommodation Law.

Alderman Wager stated that the Board should express their appreciation to the Institute of Government for the work they have done in preparing this document.

Alderman Strowd moved that the petitions be received by the Board. Seconded by Alderman Giduz and unanimously carried.

Alderman Walters read the following statement and tentative draft of a Public Accommodation Ordinance, and moved that the Town Attorney be instructed to prepare an ordinance based on the tentative ordinance presented by her:

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## Statement on Public Accommodation Law

"The underlying idea of a Public Accommodation Law is so simple that it was expressed in one sentence by the President of the United States in his State of the Union Message before the Congress on January 9 - namely, 'All members of the public should have equal access to facilities open to the public.'

This statement seems reasonable to most people in Chapel Hill, since this is a University town where freedom flavors the spirit of a great University. It is likewise not surprising that Chapel Hillians are concerned that our Negro citizens often suffer personal embarrassment and shame from treatment received in some public places here.

We are all aware that some ninety per cent of our merchants subscribe to the principle of public accommodation. The Merchants' Association itself has gone on record in favor of open business for all citizens.

Why, then, is a Public Accommodations law necessary? Why was the Biblical commandment, 'Thou shalt not kill' ever put into law? It seems regrettable that we need legislation to enforce a plain truth. But because the bigotry of a few is poisoning the peace and harmony of community relationships, we are impelled to take action.

The Human Relations Committee set up by the Board of Aldermen and appointed by the Mayor, the Ministerial Association of Chapel Hill as well as many individuals have urged us to pass a Public Accommodations ordinance.

Some say that such an ordinance is an invasion of private property rights. Others point out that such rights have always been subject to the laws of the land - laws of ownership, sale, inheritance, zoning, sanitation, eminent domain.

For these reasons and more, it is my hope that the Board of Aldermen will pass a Public Accommodations ordinance and thus in part restore the damaged public image of what I truly believe is an enlightened community."

Mrs. Harold Walters  
January 13, 1964

Tentative Draft of Public Accommodations Ordinance

ORDINANCE: To amend the Ordinances of the Town of Chapel Hill by addition of new sub-chapter \_\_\_\_\_ to be entitled "Discrimination in Places of Public Accommodation."

WHEREAS, the practice of discrimination in places of public accommodation in the Town of Chapel Hill on account of race, color, religion, ancestry, or national origin, causes breaches of the peace, intensifies conflicts between groups and individuals, threatens the peace and good order of the Town of Chapel Hill, results in loss of business and other economic injury to the owners and operators of many business establishments in the Town of Chapel Hill, subjects many Town inhabitants to indignities, hardships and deprivations which are detrimental to their physical and mental health, is contrary to the nondiscrimination policy of the people and government of the Town of Chapel Hill, results in conditions which tend to reduce the revenues and increases the costs of Town government in dealing with the harmful effects of such discriminatory practices, undermines the foundations of a free and democratic country and thereby results in grave injury to the safety, peace, good government, health and welfare of the Town of

Chapel Hill, and its inhabitants, and in substantial harm to the good repute of the Town in the eyes of the people of the Town, the State of North Carolina, the United States, and the world, and

WHEREAS, the University of North Carolina, situated in this Town is adversely affected by such discrimination;

NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA,

That, pursuant to the Charter of the Town of Chapel Hill as revised and reorganized by the Central Assembly of North Carolina in 1961

Section 3.41 (b) "In addition to other powers conferred upon it by Law, the Board of Aldermen may adopt and provide for the execution of such ordinances, rules and regulations, not inconsistent with this Charter, as may be necessary or appropriate to protect health, life and property, or to preserve or promote the comfort, convenience, security, good order, better government or general welfare of the town or its inhabitants; may enforce the same by imposing penalties on such as violate them; and may compel the performance of the duties imposed upon others, by suitable penalties."

and section 5.41 which provides "The Board of Aldermen is authorized to regulate or to license any occupations, businesses, trades, or forms of amusement or entertainment in the interest of the public health, welfare, order or safety, and to provide such as may be inimical to the public health, welfare, order or safety."

It is hereby declared to be the public policy of the Town of Chapel Hill, North Carolina, that discrimination in places of public accommodation against any person on account of race, color, religion, ancestry, or national origin is contrary to the morals, ethics, and purposes of a free, democratic society; is injurious to and threatens the health, safety and welfare of persons within this Town; and is illegal and should be abolished.

#### Scope of Ordinance

This ordinance applies to discriminatory practices in places of public accommodation within the territorial limits of the Town of Chapel Hill and shall apply and be applicable to every place of public accommodation, resort or amusement of any kind in the Town of Chapel Hill, North Carolina, whose facilities, accommodations, services, commodities, or use are offered to or enjoyed by the general public either with or without charge, and shall include, but not be limited to, the following types of places, among others: all restaurants, soda fountains and other eating or drinking places and all places where food is sold for consumption either on or off the premises; all inns, hotels, and motels, whether serving temporary or permanent patrons; all retail stores and service establishments; all hospitals and clinics; all motion pictures, stage and other theatres, and music, concert or meeting halls; all sports areas and fields, amusement and recreation parks, picnic grounds, fairs and bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool rooms, and swimming pools, and all places of public assembly and entertainment of every kind.

#### Prohibited Acts

It shall be unlawful for any owner, lessee, operator, manager, agent, or employee of any place of public accommodation, resort or amusement within the Town of Chapel Hill, North Carolina to make any distinction with respect to any person based on race, color, religion, ancestry or national origin in connection with admission to, service or sales in, or price, quality, or use of any facility, or service of, any place of public accommodation, or amusement in the Town of Chapel Hill, North Carolina.

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Commission on Human Relations

There shall be duly constituted a Commission of Human Relations for the Town of Chapel Hill empowered to hear and negotiate in regard to any violation of this ordinance. If agreement is not reached within 30 days, the Commission shall so certify to the proper authorities of the Town which will then institute legal proceedings.

And be it further ordained that this ordinance shall take effect on \_\_\_\_\_ .

Alderman Robinson seconded this and read a statement to the Board.

Alderman Giduz asked the Town Attorney to express his opinion on the legality of the proposed ordinance. Mr. LeGrand answered that, as indicated in the Institute of Government report, only the North Carolina Supreme Court could rule on the legality and that until the Board agreed on details of a desired ordinance that he could not write one and they could not adopt one.

Alderman Walters suggested that the Board discuss the details of the proposed ordinance. She read the paragraph from her suggested ordinance relating to arbitration by Human Relations Commission for any violation prior to legal enforcement in the Courts. In reply to a question on this procedure Attorney LeGrand said that violation of a Town Ordinance was a misdemeanor, and not subject to negotiation, and that such a commission could not be substituted for the court.

Alderman Walters asked Mrs. Taylor, Chairman of the Human Relations Commission, how she felt about this provision. Mrs. Taylor made a statement in favor of passing a Public Accommodations Law.

Alderman Strowd stated that he felt the Negro race had made considerable progress up to now. He further stated that there was room for improvement, but did not feel Chapel Hill needed an accommodation law. That only about one-fourth of the supporters of a Public Accommodation Law whose names were listed in the paper were voters in Chapel Hill, which indicated to him that most of the people in Chapel Hill disapproved the law, and that he could not vote for a Public Accommodation Law at this time.

Alderman Robinson stated that he could see no way but to vote for the Public Accommodation Law. He said we have no other alternative but to pass it. "A lot of people think their business will be flooded by Negroes, but this is not true. If we don't pass this, we will have a lot of trouble," said Alderman Robinson.

Alderman Page stated that he did not think the Board could legally adopt such an ordinance according to the report.

Alderman Walters said that she felt that most businesses would abide by the law if enacted.

Alderman Wager stated that there was some disagreement among the Board, but that we should rejoice at the progress that has been made in Chapel Hill. He also stated that this is the most integrated city in the south, and we should not cease our work on this problem but work toward settling the problem. He felt that a Public Accommodation Law should be a last resort and that it was not yet time for such action, and that the proposed ordinance was too sweeping for consideration.

Alderman Giduz stated that he favored integration of all businesses and always would, but that he thought that the issue could be better settled through voluntary efforts rather than enacting a Public Accommodation Law. He stated that he was opposed to trespassing and other forms of civil disobedience and that the Board should not be influenced by threats of violence. He asked that volunteer efforts be increased and read the following substitute motion and moved its passage:

"That the Mayor head a committee of the Chapel Hill--Carrboro Ministerial Association, Chapel Hill--Carrboro Merchants Association, the Chapel Hill--Carrboro Chamber of Commerce, and the University faculty, composed of two persons elected from each group to serve as a mediation committee to resolve racial difficulties that currently beset this town and to which complaints of racial discrimination could be brought."

This was seconded by Alderman Strowd.

Alderman Robinson stated that last week we were in meeting and nothing happened, and that we are going right back where we were. He said that the Mayor and police have done a remarkable job, but that he speaks against this motion.

Alderman Wager favored this approach without a Public Accommodation Law. Alderman Walters said this would be weak and ineffective without the ordinance to back it up.

Mayor McClamroch said that he wanted to make his position clear. He said that he had spent much time on this problem, that he and other Board members had all worked for integration, that he had talked to a large number of citizens of Chapel Hill, to officials of other cities, and to state officials working with this problem. He said that he would accept chairmanship of the proposed committee but that he did not believe that passage of a Public Accommodation Law at this time was in the best interest of Chapel Hill, or North Carolina, and would hinder the progress for integration. He then called for a vote on the substitute motion.

Voting Aye--Aldermen Giduz, Page, Strowd, Wager  
Voting No--Aldermen Robinson, Walters

#### Subdivision--Lake Forest--Section 6

The Mayor read a transmittal from the Planning Board approving the final plat of this subdivision with certain reservations.

Alderman Strowd moved that the final plat of Section 6 of Lake Forest be approved subject to the following conditions:

- (1) That the bond be posted to cover required improvements.
- (2) That all streets be graded to a width of 48 feet.
- (3) That curb and gutter be constructed on all grades at excess of 8% and on Lake Shore Drive from Forest Hill Drive to the nearest natural drainage below Forest Hill Drive.
- (4) That information be provided on the proposed size of street drains and the areas served by them.
- (5) That written approval be obtained from the University Service Plants on the water system.
- (6) That paved streets without curb and gutter be paved to a 24 foot width and paved streets with curb and gutter be paved to a 32 foot width face to face of the curb.

Seconded by Alderman Page and unanimously passed.

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### Building Heights

The Mayor read a transmittal from the Planning Board approving the change of building height regulation. Alderman Giduz moved that Note 4 in the Notes Accompanying the Table of District Regulations be made to read, "In any Regional Commercial or Suburban Commercial District the maximum permitted height of any structure shall be equal to the shortest distance from the structure to the closest residential district line but in no case shall exceed 90 feet" and that an ordinance be drawn to accomplish this.

Seconded by Alderman Strowd and unanimously carried.

### Sign and Land Fills

Alderman Walters moved that the Planning Board's request for further study on sign and land fill regulations be granted. Seconded by Alderman Wager and unanimously carried.

### Annexation

Town Manager Peck stated that no action was recommended on annexation of the property being considered by the Housing Authority at this time.

### Off-Street Parking Meters

Town Manager Peck stated that he had received the following bids on parking meters:

Total cost of 70 meters, installed, with discount:

Parkometer--\$3,657.50	Duncan Duplex--\$3,627.17
Duncan 50--- 3,630.90	Mico--- 4,165.00
Duncan 60--- 3,797.36	

Town Manager Peck recommended that Duncan Duplex meter be purchased. Alderman Page moved that the Town Manager's recommendation be accepted. Seconded by Alderman Giduz, and unanimously carried.

### Ordinance to Amend the Personnel Ordinance

Alderman Walters moved adoption of the following ordinance:

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

#### SECTION I.

That the ordinance entitled "An Ordinance of the Town of Chapel Hill Providing for Personnel Policies, A Position Classification, and A Pay Plan Covering Employment By The Town of Chapel Hill" as adopted on June 27, 1961 and subsequently amended, be and the same is hereby further amended by adding to the Table entitled "Classes Grouped By Salary Ranges" under salary range 8 the classification "Records Clerk" and under salary ranges 12 the classification "Fire Lieutenant".

#### SECTION II.

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of January, 1964.

Alderman Robinson seconded this motion, which was unanimously adopted.

Firemen Pension Fund

Town Manager Peck read the roster of active firemen certified by the fire chief and asked that it be approved as presented and signed by the Town Clerk. Seconded by Alderman Giduz and unanimously carried.

Fire Protection Contracts

Mayor McClamroch read a contract for fire protection with the North Carolina Heart Association and with the Colony Co.

Alderman Wager moved approval of the two contracts with the proper signature. Seconded by Alderman Page and unanimously carried.

Tax Release and Refunds

Alderman Giduz moved that the following taxes be released or refunded as erroneously charged:

Glen Haydon	1388	13880.30	18.30	Not connected
Roland & Bet McClamroch	2032		12.60	This was combined int. one bill
W. S. & E. R. Kutz (1962)	1599		16.95	Not connected
(1963)	1830		12.00	
Horace D. Grockford	739		30.00	Not connected
Walter W. Baucom	180		12.00	Not connected
W. S. Kutz	1833		129.75	Not connected
Lena M. Williams	3462		23.88	Not in town
Lena M. Williams	3463		66.00	Not in town
Colonial Press Inc.	3617		59.80	Not in town
William Camero Padgett	2452		16.42	Property in Carrboro
Leonard Hampton	1316		14.25	Not connected
Russell B. Graves	1228		13.95	Not connected
Philip H. Kennedy	1768		24.84	County reduced val.
				<u>Refund</u>
Mrs. Else Couch	683		12.00	Charged with sewer; not connected
John N. Couch	687		4.20	Property not in town, charged in error

Alderman Strowd seconded this motion and was unanimously carried.

Parking

Town Manager Peck discussed the problem of parking on North Columbia Street from Airport Road to Clark Hill and Hillview Road at Valley Park Drive.

Alderman Giduz moved that an ordinance be drawn for control of both. Seconded by Alderman Strowd and unanimously carried.

Adjourned at 10:18 p.m.

*Roland M. McClamroch* Mayor  
*David B. Roberts* Town Clerk

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