

Minutes Regular Meeting
Board of Aldermen--Chapel Hill, N. C.
August 11, 1952

The regular meeting of the Board of Aldermen was held in the Town Hall on August 11, 1952 at 8:00 p.m.

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

The minutes of the regular meeting of July 14, 1952 were approved as read and amended.

In the absence of Mayor Edwin S. Lanier, Mayor Pro-Tem P. L. Burch presided over the meeting.

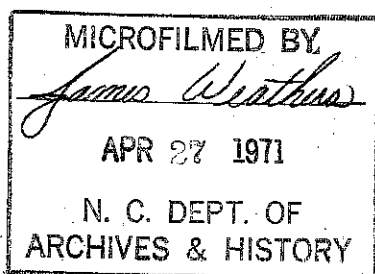
Mr. Y. Z. Cannon came before the Board to ask for a report on a request made by the Merchants' Association in connection with an ordinance applicable to signs in the Town of Chapel Hill. Mr. Burch reported that this matter had been referred to the Safety Committee and that this Committee had deferred action on this request until more definite plans were made concerning the question of outside zoning, which will be sometime in September.

Mr. Rose read an application from Mr. Paul Rea Caston to sell beer and wine on the premises at 115 West Rosemary Street. Mr. Rose reported that Chief Sloan had reviewed the application and saw no reason why the permit should not be granted. Mr. Putnam moved that the permit of Paul Rea Caston be granted. This motion was seconded by Mr. Davis and passed unanimously.

Mr. Rose read an application from Elwood J. Wishnov and Floyd May Pearce to sell beer on the premises at the corner of West Franklin and Kenan Streets. He stated that Chief Sloan had reviewed the application and approved it. Mr. Fowler moved that the permit be granted. This motion was seconded by Mr. Davis and unanimously passed.

Mr. Rose read an application from John Cramble Burnett to put a taxicab on Robert Pendergraft's taxi stand. After discussing this matter, Mr. Putnam moved that this application be referred to the Town Manager and the Utilities Committee for further study and investigation. This motion was seconded by Mr. Cornwell and passed unanimously.

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Mr. Grady Pritchard came before the Board and stated that when Mr. John M. Foushee was Mayor and Mr. Caldwell was Town Manager he made a verbal agreement with them that he would let the WPA put the Westwood Pumping Station and 75% of the sewer lines on his property or that of his father's estate, if the Town would give him six connections into that sewer system free of sewer rent. He stated that he had connected his home in 1950 and another house that he had built in 1940 and that when he was checking over his tax bill, he had been charged \$24.00 sewer rental on this property for 1950 and 1951. After discussing this matter in full, Mr. Fitch moved that this matter be referred to the Town Manager, Town Attorney, Utilities Committee, and Finance Committee for their study and investigation and requested that they report back to the full Board at their September meeting. This motion was seconded by Mr. Putnam and passed unanimously.

The Health Department report for the month of July, 1952 was read by Mr. Rose.

A copy of the Police and Clerk of Court's report for the month of July, 1952 was presented to each member present.

Mr. LeGrand reported that Mrs. Gladys H. Groves had been notified by registered mail that if she continued to make improvements to her accessory building, she would do so at her own risk. He also reported that she is not now renting this building and that there is nothing in the zoning ordinance to prevent the actual presence of this property, only against the wrongful use of the property. He stated that his advice to the Town would be to wait until she rents the property before taking any action against her. He presented a letter from John Manning, Attorney for Mrs. Groves, stating that she has a claim against the Town for damages in the amount of \$1,000. Mr. LeGrand recommended that the Town acknowledge the letter and deny the claim set forth in it. It is his opinion that the purpose of this letter is to discourage the Town from proceeding with the enforcement of the zoning laws. Mr. Cornwell moved that the Town Manager or the Mayor follow the recommendation of the Town Attorney. This motion was seconded by Mr. Putnam and passed unanimously.

Mr. LeGrand led a discussion on the proposed Equipment bond and the following resolutions and ordinances were adopted:

Alderman Putnam moved that the following resolution be adopted:

"WHEREAS, it is necessary to designate an officer of the Town of Chapel Hill to prepare and file sworn statements of indebtedness after the introduction and prior to the adoption of bond ordinances in accordance with The Municipal Finance Act, 1921: NOW, THEREFORE,

BE IT RESOLVED, that the Town Manager be and he hereby is designated as the officer to prepare and file such sworn statements of indebtedness, and also to determine the amount to be inserted in any such statement as the estimated amount of any special assessments thereafter to be levied on account of local improvements for which any part of the gross debt set forth in such statement was or is to be incurred, and which, when collected, will be applied to the payment of such gross debt."

Mr. Fowler seconded the motion, and the motion was adopted. Those voting for the motion were Messrs. Fowler, Fitch, Davis, Cornwell, and Putnam. No one voted against it.

Mr. Fitch introduced the following bond ordinance which was read at length to the Board:

"AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$12,500 OF BONDS OF THE TOWN OF CHAPEL HILL FOR THE PURCHASE OF FIRE AND GARBAGE COLLECTION TRUCKS.

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

Section 1. The Board of Aldermen of the Town of Chapel Hill has ascertained and hereby determines that it is necessary that said Town purchase a new fire truck for use in fighting fires and a new truck to be used in collecting and disposing of garbage, and that it will be necessary to expend for said purpose not less than \$12,500.

Section 2. Said Board of Aldermen has also ascertained and hereby determines that the purpose hereinbefore described is a necessary expense of said Town within the meaning of Section 7 of Article VII of the Constitution of North Carolina, and is a purpose for which said Town may raise or appropriate money, and is not a current expense of said Town.

Section 3. In order to raise the money required for such purpose, bonds of the Town of Chapel Hill are hereby authorized and shall be issued pursuant to The Municipal Finance Act, 1921, of North Carolina. The maximum aggregate amount of bonds authorized by this ordinance shall be Twelve Thousand Five Hundred Dollars (\$12,500.) No debt shall be contracted during any fiscal year by the issuance of bonds pursuant to this ordinance if the amount of such debt and of all other debt contracted during such fiscal year shall exceed two-thirds of the amount be which the outstanding indebtedness of said Town shall have been reduced during the next preceeding fiscal year, unless the incurring of such debt shall be approved by a majority of those who shall vote thereon.

Section 4. A tax sufficient to pay the principal of and interest on said bonds shall be annually levied and collected.

Section 5. A statement of the debt of said Town has been filed with the Town Clerk of said Town, as required by said Act, and is open to public inspection.

Section 6. This ordinance shall take effect thirty days after its first publication unless in the meantime a petition for its submission to the voters is filed under said Act, and, in such event, it shall take effect when approved by the voters of said Town at an election as provided in said Act."

The Town Clerk then presented to the Board of Aldermen a sworn statement of indebtedness of the Town and stated that the statement had been filed in her office after the introduction of the bond ordinance introduced at this meeting. The statement was examined and considered by the Board of Aldermen.

Mr. Davis moved that the ordinance entitled "An Ordinance authorizing the issuance of \$12,500 of bonds of the Town of Chapel Hill for the purchase of fire and garbage collection trucks," heretofore introduced at this meeting, be adopted.

Mr. Cornwell seconded the motion, and the motion was adopted. Those voting for the motion were Messrs. Fowler, Fitch, Davis, Cornwell, and Putnam. No one voted against it.

Mr. Cornwell moved that a copy of the bond ordinance adopted at this meeting with notice of adoption in the form required by law, be published once in each of two successive weeks in the Chapel Hill Weekly, a newspaper published in Chapel Hill, North Carolina.

Mr. Putnam seconded the motion, and the motion was adopted. Those voting for the motion were Messrs. Fowler, Fitch, Davis, Cornwell, and Putnam. No one voted against it.

Mr. Rose recommended that the Board refund \$14.30 to Mr. Jesse S. Cole for taxes erroneously paid in 1950. He presented a letter from Mr. Carl C. Davis, Orange County Tax Collector, stating that Mr. Cole's property had been valued in 1950 at \$6,000 and it should have been \$5,000.

Mr. Cornwell moved that a refund of \$14.30 be paid to Mr. Jesse S. Cole for taxes erroneously charged to him and paid by him in 1950. This motion was seconded by Mr. Putnam and unanimously passed.

Mr. Rose reported that the fire extinguishers had been installed in the Negro Community Center and that Mr. Boone had instructed them how to use them.

Mr. Rose stated that when the firemen attended the N. C. State Firemen's Convention in Greensboro, N. C. they took the Town's 1914 fire truck and put it in the parade, and that it had won second prize of \$15.00.

The matter of obtaining a blanket bond for the Town employees was deferred until the next meeting of the Board.

The bids on curb and gutter for Davie Circle were as follows:

Michael and Embree	\$13,792.00
Roy M. Homewood	12,720.00
William Muirhead	11,646.00

Mr. Rose stated that the amount for the curb and gutter would be paid out of the amount set up in the budget and the balance could be paid out of the Powell Bill Funds. The time set for completion of the job was 30 days. Mr. Fitch moved that the contract for curb and gutter for Davie Circle be awarded to William Muirhead at a cost of \$11,646, and that the Mayor and Town Clerk be authorized to execute the contract. This motion was seconded by Mr. Putnam and unanimously passed.

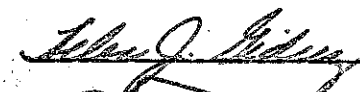
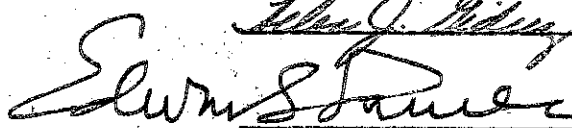
Mr. Rose presented an annual report of the Operations for the Town for 1951-52. The members of the Board thanked him for this report and stated that it was one of the best they had ever had.

Mr. Burch asked the members of the Board to be thinking of someone to replace Mr. Lloyd Roof on the Planning Board as Mr. Roof was being transferred the 1st of September. The matter was deferred until the next meeting of the Board.

Mr. Rose read a letter from Mrs. Nance asking the Town to name a street running from the Durham Road off Plant Road. This matter was referred to the Committee on Street Naming.

Upon motion of Mr. Cornwell, seconded by Mr. Putnam and unanimous consent, the meeting was adjourned at 10:05 p.m.

After hearing the minutes for the regular meeting of August 11, 1952, 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 25th day of August, 1952.


Town Clerk

Mayor