

# Proposed amendment will permit high tension lines

The Chapel Hill Planning Board will soon consider an ordinance to specifically authorize construction of high tension power lines in the local zoning district.

An amendment to the present zoning ordinance will be considered in light of the fact that the proposed new Duke Power Co. transmission line across south-side Chapel Hill, dropped this week, would have been prohibited under existing zoning legislation.

**Not at special meet**  
Planning Board Chairman Rosa Scroggs said the amendment had been drawn up by Board member Jack Lasley and the Board's attorney, Philip P. Green Jr. While the planners

have a special meeting next Monday they probably won't discuss the power line amendment before their next regular meeting on Feb. 5.

He said the Monday meeting would be for the purpose of hearing a report from region-of-planner Lucien Faust on a comprehensive long-range land use plan for the area, and to consider a recommendation on re-zoning for C. Whid Powell's 86-unit apartment project near Eastgate.

The planners have not yet had a chance to discuss the amendment, Mr. Scroggs said, though copies of it have been distributed to several Board members for their information.

**Authorize by vote**  
A note specially written into

the proposed amendment would designate the quadrant between University Lake Road and the Southern Railroad tracks into Carrboro — in which almost all of the existing high tension power transmission lines locally are located—as in an area in which electric transmission lines strung from pole structures could be put up.

It further provides that overhead power distribution lines could be constructed in any zone locally, as could underground power transmission lines. Power distribution lines are defined as those of less than 15,000 volts and transmission lines, those of higher voltage.

## Trustees Body requests speed-up in action

The Executive Committee of the University Board of Trustees has asked the Governor to request the State Attorney General to do what he can to speed up action on the 29-months-old Chapel Hill anti-fluoridation lawsuit.

Chapel Hill's John Umstead, veteran member of the Committee, introduced the motion at the Board's meeting in Raleigh last week, it was learned yesterday. The motion was seconded by George Watts Hill of Durham and unanimously passed. University President William C. Friday said the resolution had the backing of the UNC administration.

At request of Simons . . .

# Fluoride suit hearing is postponed again; for 'personal' reasons

A scheduled hearing in the 29-months-old Chapel Hill anti-fluoridation lawsuit was postponed again on Monday "for the personal convenience" of the complainant's attorney.

N. C. Assistant Attorney General James Bullock said in Raleigh yesterday that the 14-months-old motion for a demurrer in the case might be heard next month during a criminal term of Orange County Superior Court. But he said it would more likely be again calendared for trial in the next quarterly civil term of the court, which will open March 25.

**Filed in August, 1960**  
The suit was filed against the University in August, 1960 by Manning A. Simons of Chapel Hill to prevent fluoridation of the Chapel Hill public water supply. At stake momentarily is the University's motion — through the Attorney General's office — for a legal demurrer which would eliminate the case on technical grounds as having been illegally brought.

Questioned yesterday about the continuance of the scheduled hearing on the demurrer, Mr. Simons' attorney, Harold Edwards of Chapel Hill, said he called Assistant Attorney General Bullock about a week ago and requested that the case be continued "for my personal convenience." He said it was his understanding that it

could be calendared at the next civil term of the court in late March.

Mr. Bullock confirmed this. He said that Mr. Edwards indicated to him that he "wouldn't feel physically up to trying the case" during the current term. "When an attorney tells me he has good personal reasons for asking a continuance I don't go behind his reasons. I would expect the same courtesy from him," said Mr. Bullock.

**More likely in March**  
He added that while the presiding judge might consent to hear his motion during next month's criminal term of superior court that he felt it would more likely be the March civil term before it would be heard. It should not be heard by a judge outside Orange County, he said.

In superior court at Hillsboro on Monday Mr. Bullock told Judge Henry McKinnon that he understood Edwards was ill. Bullock obtained a continuance of the hearing on these grounds. Then a few moments later Mr. Edwards appeared in the courtroom. He was pointed out to Bullock, who introduced himself and talked to him briefly.

If a good face is a letter of recommendation, a good heart is a letter of credit.  
—Edward George Bulwer-Letton

## Morgan Creek line abandoned . . .

# Final word is awaited in resolving controversy

The attorney for most of the Morgan Creek area land owners embattled in the recent Duke Power line controversy said yesterday that they were waiting to hear from the utility firm to finally resolve the controversy.

The \$119,000 awarded the land owners by Orange County Superior Court as damages for constructing the proposed 100,000-volt transmission line across their property is still with the Clerk of Superior Court, said Chapel Hill attorney Gordon Battle.

**Wrote last week**  
He pointed out that he had last week written Chapel Hill Mayor Sandy McClamroch in behalf of his clients to assure that "so long as it remains reasonably possible that the line will not be constructed across the property they will not accept the sums awarded as damages.

"When Duke abandons the condemnation proceedings, thereby releasing the easements across our clients' property, the sums awarded as damages will be returned."

The controversy was resolved for all practical purposes last weekend when the utility firm wrote Mayor McClamroch that they were abandoning their plans for the line. Thus the only matter still to be decided was how the \$119,000 deposited with the clerk of court was to be returned, and the easements stricken.

**Announced Monday**  
The decision by Duke was announced Monday afternoon by the Mayor at a meeting of a negotiating committee, appointed by him on authorization with the town aldermen.

**Because of the Town's and**

the University's opposition to construction of the overhead line through the Morgan Creek area, Duke Power Co. President W. B. McGuire wrote the Mayor, his firm had "no desire to complete the section of line under discussion, which would provide loop service, and will not pursue it."

The utility firm, however, said it did not believe the town had authority to regulate a utility company through property zoning. A court test of this confrontation of powers issue became possible when the Chapel Hill Board of Aldermen decided to enforce a zoning ordinance that prohibits power line towers in residential districts.

Moreover, Duke Power said its only interest in the power line was in providing better service for Chapel Hill.

# Girl wanders off in sub-freezing weather; found by three Air Scouts in search party

A three and one-half year-old girl was found in the woods of Antioch Community west of Chapel Hill at dusk Monday, over seven hours after she wandered away from her home in 31-degree weather.

Three Air Scouts, members of the Chapel Hill Air Scout post, found Becky Edwards about a half-mile from her home, unharmed, about 5:15 p. m. They were among more than 70 persons who assisted in the after-

noon-long search.  
Mrs. John Henry Edwards, the girl's mother, said she missed her daughter about 10 a. m. and searched the surrounding area for about an hour before calling her husband, a University janitor. After he came home the sheriff's department was called in and Sheriff's Deputy Frank C. Maddry came to the scene to help search. The Edwards' live near Antioch Baptist Church about five miles west of Chapel Hill off the new Greensboro highway.

Chapel Hill police obtained the assistance of the local and nearby squadrons of the Civil Air Patrol and Air Scouts, who joined the hunt in mid-afternoon. CAP Communications Officer Jim Botsford set up his mobile radio rig at the Antioch Church and coordinated all communications to the searchers through his transmitter. One plane from the CAP was also used in the search.

The tot was found by Air Scouts Grant Wolslagel, 15, Bob Woodard, 15, and Cotton Tyler, 17. They said they spotted the girl standing by a tree not far from the road. They said that she seemed nearly frozen, in a condition of shock, and her legs were cut up from walking through the underbrush.

They wrapped her in a coat and carried her to the road where she was taken back to her home. After being treated at Memorial Hospital for exposure she was released. The officers expressed thanks to the Scouts and CAP members for their help.



**COLONIAL KITCHEN**—One corner of the newly-reopened Orange County Historical Museum on the second floor of the old courthouse in Hillsboro shows off a colonial kitchen with a collection of early utensils—candle molds, coffee grinder, warming oven, and flax wheel. In the foreground Mrs. Ben Johnston (left) and Mrs. William Hopewell inspect the newly-acquired portion of Mrs. Jessie Parker's historical doll collection. Mrs. Marvin Lockhart, another Museum volunteer helper, is at the fireplace in the background.

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