

**SUMMARY MINUTES OF A WORK SESSION  
OF THE CHAPEL HILL TOWN COUNCIL  
MONDAY, NOVEMBER 10, 2003 AT 5:30 P.M.**

Mayor Kevin Foy called the meeting together at 5:30 p.m.

Council members present were Pat Evans, Ed Harrison, Mark Kleinschmidt, Dorothy Verkerk, Jim Ward and Edith Wiggins.

Council Members Flicka Bateman and Bill Strom were absent, excused.

Staff members present were Town Manager Cal Horton, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Transportation Planner David Bonk, Transportation Director Mary Lou Kuschatka, Transportation Administrative Analyst Bill Stockard, Senior Long Range Planning Coordinator Chris Berndt, and Town Clerk Joyce Smith.

**Triangle Regional Transit Consolidation/Implementation Proposal**

Mayor Foy explained that this initiative had come up earlier in the year during discussions among the mayors of Raleigh, Cary, Durham and Chapel Hill. The mayors, as well as representatives of the North Carolina Department of Transportation (NCDOT), had found this proposal attractive, he said. Mayor Foy pointed out the Consolidation Plan was available on the Town's website.

**a. Introduction by the Manager.**

Town Manager Cal Horton introduced Transportation Planner David Bonk to make a brief presentation. Mr. Horton pointed out that Sanford Cross, who led this work on behalf of the Consortium, was available to answer questions. UNC Police Chief Derek Porch was also present, he said.

Mr. Bonk explained that the report outlined a framework for consolidating the Triangle Transit Authority (TTA), City of Raleigh, City of Durham, Town of Chapel Hill, Town of Cary and North Carolina State University transit systems. It lays out a schedule for full implementation by December 2007, he said. Mr. Bonk told Council members that the first stage would include consolidation of staff functions, which would lead to operation of regional transit service being under one organization. The report recommends that the TTA Board be that umbrella organization, he said.

Mr. Bonk mentioned two funding scenarios and an option for establishing a funding source. The report specifies a one-time, start-up cost of more than \$3 million, he said, pointing out that this would be associated with a full conversion of existing regional transit services to a single entity. Mr. Bonk reported that Durham, Cary and Raleigh had directed their staffs to begin negotiations with the TTA on a Memorandum of Agreement (MOA) that would accomplish the transfer. The TTA Board would act as the umbrella entity for the region, he said. Mr. Bonk noted that NC State University had received the report but had not yet taken action.

**b. Discussion by the Mayor and Council.**

Council Member Ward wondered what statement communities that had taken action were making to the process. Mr. Bonk replied that those communities had directed their staffs to explore details of what transferring their transit responsibilities to a regional entity would entail. Council Member Ward inquired about a timeframe and about possible implications for Chapel Hill's Town Operations Center (TOC) with regard to funding, scale, or design. Mr. Bonk responded that we did not yet know the other communities' timeframes.

Mr. Horton stated that implications for the TOC would depend to some extent on whether or not the Council decided to proceed with a new Transit Center. But that might not matter, he said, because there probably would continue to be separate maintenance facilities, storage and reporting facilities. The Town would continue to need a facility to serve Chapel Hill, Carrboro and the UNC vicinity, Mr. Horton explained, but he could not predict what effect that would have on funding.

Mayor Foy clarified that the Consolidation Plan did not have to be an all-or-nothing proposition from anyone's point of view. The choice that Council members make depends on what they think of this proposal, he said. Mayor Foy commented that Chapel Hill did not seem convinced that consolidating its system on this timeline would enhance its quality of service. But that does not preclude working with other communities to improve what it has, he said. Mayor Foy recommended that the Council get the information it needs to figure out whether, in what areas, and to what extent Chapel Hill might work with its neighbors on this.

Council Member Verkerk asked if Raleigh, Cary and Durham had the same commitment as Chapel Hill does to limiting parking to promote public transit. Mr. Bonk agreed that Chapel Hill was in the forefront of efforts to connect land use decisions with promoting alternative modes of transportation. Other communities' attempts to follow that course had been spotty and had differed from community to community and project to project, he said.

Mayor pro tem Evans wondered if consolidation could enhance what the Town already has. The Town/University fare free system has been fabulously successful, she said. She wondered if the Town would retain that responsive service with consolidation. Mayor pro tem Evans pointed out that Chapel Hill had the strongest system in the region. She suggested waiting to see whether consolidation brought the others up to a point where joining would not diminish what Chapel Hill already has.

Council Member Kleinschmidt expressed agreement with Mayor pro tem Evans's concerns. He noted that Chapel Hill had experimented with a late night route, had added a high school route, and had maneuvered resources to provide for a Halloween shuttle. He asked if a regional system could respond as effectively. Council Member Kleinschmidt wondered if there was a way to set standards, such as flexibility and fare free, that other communities would have to meet before the Town would consider consolidation. He wanted the other towns to be thinking about ways that they could be flexible to local needs, he said, and asked if there was a way to add that kind of instrument.

Mayor Foy suggested that Council members consider how consolidation might improve Chapel Hill's system. He asked for a staff opinion on areas, such as marketing, planning, purchasing and maintenance, that had been targeted for consolidation. Mayor Foy pondered the possibility of collaborating in a way that would make the Town part of the arrangement but not a full partner. But if the Town chooses not to participate at all, there would be a different way to monitor what goes on with the rest of the system, he said.

Council Member Kleinschmidt asked Mayor Foy if he meant there would be two scenarios, each requiring a different monitoring mechanism. Mayor Foy replied that being part of the collaboration would mean having staff interaction, which would put the Town in a different position than if it decided not to participate.

Council Member Verkerk asked about experimenting with "targeted interfaces" that would bring UNC employees in from places like Raleigh. Mr. Bonk replied that there was no initial regional funding source for that. Durham might negotiate a contract for TTA to run their system, he said. Mr. Bonk explained that Durham's and TTA's services might then be better coordinated. But the area of coverage would not change, and the Durham system would look the same as it does now, he said.

Council Member Verkerk, characterizing UNC as being "like a spider web" with employees everywhere, asked if the University was thinking regionally. Mr. Bonk said he did not think so, but Mayor Foy noted that having a regional funding source could change that. Mayor Foy pointed out that Attachment #1 of the materials in tonight's packet included potential funding sources totaling about \$70 million. That could change how much service everyone received, he said.

Council Member Wiggins expressed support for having the staff identify ways that the Town could participate in this regional effort. It might be done through joint marketing and advertising, she said, and she recommended not closing the door even if it did cost something to participate.

Council Member Harrison, the Council's liaison to the Transportation Board, expressed concern over Mr. Bonk's comment that Durham would carry on under consolidation just as it had before. There was an advantage to extending the Town's fixed-route service outside of Chapel Hill, he said, noting that many UNC employees live in Falconbridge and Downing Creek, which are not served by TTA. Council Member Harrison pointed out that no bus service connects the growing number of multi-family complexes on Old Durham-Chapel Hill Road with the UNC campus, even though many UNC students live there. Also, a large mixed-use area at the end of Ephesus Church Road will eventually need a route into campus, he said.

Council Member Harrison cautioned the Town against allowing other systems to make it impossible to extend Town service into their jurisdictions. He argued that Chapel Hill and UNC should not have to pay for getting passengers in from Durham. Council Member Harrison expressed hope that a system could be designed that would have route extensions. But, if early planning excludes the Town because the Town has not figured out how it will fit into it, then these useful extensions probably will not happen, he said.

Mr. Bonk replied that MOAs would be reached between the TTA and each individual entity. Therefore, it was not clear how an extension of Chapel Hill service into Durham, or the reverse, would come about, he said. Mr. Bonk stated that individual agreements would merely work out the details of how to provide the same, or a similar level, of service under a new paradigm in terms of who would provide it.

Council Member Ward commented that all were dubious at this point about where the improvements would be. He agreed that the Town should participate, but also agreed with Council Member Kleinschmidt's point about trying to form a consolidated system that looks like Chapel Hill's. Being there when the MOAs are formed would enable the Town to articulate its priorities and perhaps shape how the unified system might work regionally, Council Member Ward said. Mr. Bonk explained that the other entities would not agree to Chapel Hill participating in discussions because they would take place between TTA and each entity separately. There would be no format where all would sit down together, he said. Council Member Ward commented that even talking with the TTA would have value at this point.

Mr. Bonk commented on the role that the Metropolitan Planning Organization (MPO) would likely play in the process. He said that the MPO would have to look at the proposed consolidation at some point and determine whether it is in keeping with the overall goals of the region, such as air quality, land use, and congestion mitigation.

Council Member Wiggins suggested asking the staff to bring back information on areas where the Town could participate. She cautioned Council members not to miss the opportunity to keep the Town's options open.

Mayor pro tem Evans asked if there were ways, such as cooperative purchasing, in which the Town would benefit by participation. She pointed out that Chapel Hill's marketing efforts were unique to its service area. The TTA does not do the best job of marketing its services, she said. Mayor pro tem Evans pointed out that Chapel Hill had representatives on the TTA, so the Town would know what is going on unless they set up another TTA board.

Council Member Wiggins pointed out that just being a member of TTA's board does not make the Town part of the consolidated system.

Mayor Foy clarified that Mayor pro tem Evans had meant the Town would be kept informed. Council Member Wiggins argued for doing more than staying informed, since Council members had talked so much about regionalism and cooperation. Chapel Hill should be a role model with its excellent system, but should not present itself in an arrogant way, she said.

Council Member Harrison noted that the long-range transportation plan had been predicated on much more transit service and extensions of service. He wondered how consolidation would affect implementing that plan. Mr. Bonk replied that it was unclear how consolidation might support or detract from the plan. In the best case, it would facilitate implementation because it would allow the Town to have a rational system to provide service that is far more extensive than the current level, he said.

Council Member Kleinschmidt wondered if the Town would benefit from having a limited agreement with the TTA that did not include the cross-jurisdictional conversations that are needed when discussing regionalism.

Mayor Foy stated that this had been his first reaction too. But TTA would, in a sense, be Durham, he pointed out, because it would be the provider of the Durham service. Council Member Kleinschmidt proposed that this might argue for even smaller steps then, such as letting TTA and Durham work their MOA out first before talking with them. Perhaps the Council should just sit back now, and then later, look at what they've got, he stated.

Mayor Foy suggested thinking about what the next steps would be if one worked backwards from a goal of having a seamless, regional transit system in 2025. The Consolidation Plan seemed like an interim step, where one entity begins to find out how all of the systems run and ultimately has its own source of revenues, its own fare structures, and so forth, he said. Mayor Foy explained that the regions, such as Chapel Hill, Durham and Raleigh, could then purchase enhanced services to add on to one baseline service. Since a funding source does not yet exist, one cannot suggest consolidating under that paradigm, he said, so "you have to cobble the one where the money exists together and see where it goes." Mayor Foy explained that this was why he did not think it looked very good. But, there might not be other options for reaching the Town's goal 20 years from now, he said.

Council Member Verkerk asked if it was correct that Chapel Hill could not participate in only part of the program. Mr. Bonk replied that the first stage included a proposal to consolidate certain tasks, such as purchasing and advertising. The TTA might allow the Town to participate in one of those activities in the initial phases, but bigger steps would have to be taken at the later stages, he said.

Council Member Verkerk ascertained that the Town could negotiate an agreement with a clause that would allow removing itself.

Mayor pro tem Evans verified that the Town would remain a partner in TTA even if it did not participate in the program now. Chapel Hill could continue to participate on a regional basis, she said, but does not need help building a strong system because it already has one. Mayor pro tem Evans said there were no assurances that any aspect of consolidation would improve the Town's system.

Council Member Wiggins ascertained from Mr. Bonk that a community could stay at one level while other communities moved on. She then requested information from the staff as to whether there would be benefits to participating in that way. If there were, then she would like to do so, she said. If not, then the Town should participate at a minimal level. Council Member Wiggins said that the reasons for not participating were evident, and she recommended negotiating in a congenial or cooperative spirit. There would be a benefit to that, she said, even though it might not benefit the Town financially.

Mayor Foy asked Mr. Horton if consolidation would benefit the Town. Mr. Horton replied that some things could be potential benefits. Procurement, for example, stands out because one can negotiate a better deal on 150 buses than on 12, he said. Mr. Horton added that marketing services on a regional basis could benefit all of the systems. His areas of concern were governance and responsiveness to citizens, he said. Mr. Horton recommended that the Town retain governance so that it can be as responsive as it needs to be to meet the goals of the Town's Comprehensive Plan. He asked for the opportunity to review the list of other possibilities and to make specific recommendations. Mr. Horton noted that UNC and Carrboro would have specific concerns and might see specific opportunities. He'd like to have the benefit of their thinking as well, he said.

Mayor Foy suggested that the Council listen to what the staff and the Town's partners have to say and then respond to it. Or, the Council might want to say right now that it does not want to invest time in this, he said.

Council Member Ward replied that it was much too early for him to refuse. He pointed out that the goals and aspirations of the Consolidation Plan were exactly what Chapel Hill wanted. Getting there would be the hard part, he said, and he advised Council members not to curtail the conversation before knowing how the region might achieve that. Council Member Ward expressed interest in knowing how to incorporate areas beyond the Town's service area into the Consolidation Plan.

Council Member Kleinschmidt expressed eagerness to hear what Carrboro and UNC thought of the plan. Mayor Foy pointed out that both already had been included to a certain extent. Nobody knows where to get money for transit in this area, he said, adding that Orange County had been trying to identify a source for Phase II of the Regional Transit System. Mayor Foy noted that the report's suggested tax packages (retail fuels tax, vehicle registration tax, retail sales tax, or some combination) were ways that money could come into the region. He pointed out that this was just one pot of money that, if spent on this aspect of consolidation, would not be spent on Chapel Hill's transit corridor.

Mayor Foy stated that he did not want to see Phase Ia, Ib, Ic and Id of the regional transit system heading east of Raleigh. He wanted Orange County to be next in line, he said. Mayor Foy noted that Orange County had been helping to fund Phase I with tax dollars. It was now time for Phase II to be concentrated in Orange County, he said.

Council Member Wiggins inquired about the possibility that Orange County's federal funds to support transit could be in jeopardy. Mr. Bonk replied that the MPO would ultimately decide what portion of the money coming to the region would go to Durham, Chapel Hill, Carrboro, and northern Chatham County. Right now, distribution is based on a formula that mirrors the formula the federal government uses, he said. Council Member Wiggins asked the Manager to bring back a recommendation on how to ensure that this funding continues.

Council Member Ward inquired about Mr. Bonk's response to Mayor Foy's concerns about Phase II. Mr. Bonk explained that the report makes the point that a consolidated system is not dependent on a region funding source. The counties have also identified those sources for

schools and other things, he said, and it has been identified for transportation, not only transit, purposes. So the proportion of money raised in each county for transit could be radically different depending on local preferences, Mr. Bonk said.

Mayor Foy pointed out that once a regional funding source is in place the Town would pay for any upgrades to basic service. So the regional funding source might pay for the buses, he said, but using it to pay for buses might erode the Town's ability to pay for the train or other public transit corridors.

Council Member Ward said this sounded like an either/or decision, but Mayor Foy replied that he was not sure this was true. But, the Town should be vigilant about the money and where it goes because it cannot be spent more than once, Mayor Foy said.

Mayor pro tem Evans commented that the process might be changed so that Garner or someone else would be linked to the rail line next, rather than Chapel Hill. She inquired about the process to change that agreement. Mr. Bonk replied that the Metropolitan Planning Organization (MPO) at their last meeting requested that the TTA begin the NEPA process to do Phase II along Highway 15-501, since it already has a completed major investment study. A meeting had been scheduled to begin discussions at a staff level on how to proceed and how to pay for it, he said.

Mr. Horton explained that four different elements would have to be worked on:

- 1) Making it work at the MPO level requires negotiation among all partners there.
- 2) The State could slow things down, or speed things up, or make things happen in some regions and not others.
- 3) Things need to be done by established rules at the Federal level.
- 4) The Legislature, through the Transportation Oversight Committee and other committees there, has influence too.

Mr. Horton pointed out that it would take regular vigilance in all four of those spheres to keep moving the way the Town wants to. And, when others have ambitions for the same dollars, it gets tough, he said.

Mayor pro tem Evans commented that consolidation would create additional concerns.

Council Member Harrison pointed out that one goal had been to get more people on transit. Any of these processes could achieve that, he said, adding that consolidation was a much less direct means because the service extensions are not included.

Mr. Horton invited Sanford Cross to comment on what had been discussed. Mr. Cross stated that he had heard many of the same comments during presentations to the TTA, City of Durham, Town of Cary and the City of Raleigh. But, elected bodies in those areas had decided to move ahead because they feel there could be some benefit in looking at it regionally, he said.

Mr. Cross noted that much work needed to be done prior to the first consolidation in October 2004. The other governing bodies had designated a transit consolidation coordinator for their

areas, he said. Mr. Cross explained that the others do not want to be exclusive, but their staffs feel pressured to move ahead and think that the best way to do that is to include only those whose governing bodies have decided to move ahead with consolidation.

UNC Police Chief Derek Poch, representing the University, told Council members that his staff had been working on a draft to bring to the Public Transit Committee next week. There were opportunities and potentials for some partnerships, he said, such as advertising and procurement. But, he pointed out, the Council's comments had been similar to UNC's, particularly with regard to levels of service and responsiveness. The Manager's point regarding governance would also be in the letter from UNC, said Chief Poch. He noted that Chapel Hill would have only one voice in the system even though it is comprised of more than one entity.

The meeting adjourned at 6:48 p.m.

**SUMMARY MINUTES OF A WORK SESSION  
OF THE CHAPEL HILL TOWN COUNCIL  
MONDAY, NOVEMBER 24, 2003 AT 5:00 P.M.**

Mayor Foy called the meeting to order at 5:00 p.m.

Council members present were Pat Evans, Bill Strom, Dorothy Verkerk, Jim Ward, and Edith Wiggins.

Council Member Mark Kleinschmidt was absent, excused.

Council Member Ed Harrison arrived at 5:10 p.m.

Council Member Flicka Bateman arrived at 5:14 p.m.

Also present were Council Members-elect Sally Greene and Cam Hill.

Staff members present were Town Manager Cal Horton, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Town Attorney Ralph Karpinos, Engineering Director George Small, Traffic Engineer Kumar Neppalli, Planning Director Roger Waldon, Senior Planner Phil Hervey, Senior Long Range Planning Coordinator Chris Berndt, and Town Clerk Joyce Smith.

**Item 1 - Work Session on Suggested Policy and Procedures  
for Traffic Calming Measures**

Mr. Horton explained that the Council had traditionally considered traffic calming proposals on an ad hoc basis. There was a fairly long list of current requests, he said, so the Council might want to consider a more formal way of evaluating them and establishing priorities. Mr. Horton said that Engineering Director George Small and Traffic Engineer Kumar Neppalli had developed options for the Council's consideration. Mr. Small summarized the following three options:

- *Continue with the existing process.* This would mean continuing to consider requests on a first come/first served basis.
- *Establish a formal policy and procedure for traffic calming.* This would mean accepting requests over the year and bringing them forward as part of the Council's budgeting process. It would not include assessing costs to property owners.
- *Assess traffic calming project costs to property owners.* This would be similar to the second option, except that costs would be assessed to properties that benefit.

Council Member Verkerk asked how much more time option two would take than option one. Mr. Small replied that it would take a little longer because the applications would be addressed only once a year. Under the current process, he said, the staff brings requests to the Council when they receive them. If someone were to come in right after the assessments then it could take almost a year, Mr. Small explained.

Council Member Ward inquired about the current timeframe between when a request comes in and when something actually gets changed on the ground. Mr. Small replied that the staff usually does about six weeks worth of front-end work, and then they bring the request to the Council. If the Council chooses to proceed, he continued, there is about more six weeks before construction starts. Council Member Ward asked if there was an option that falls between the current three-to-six month process and the 12-month process recommended in option two. He wondered about cutting the time in half so the process would be more responsive. Mr. Small replied that the Town could collect requests for less than a year. He noted, however, that this would create difficulties with regard to funding allocations. But it might be possible to allocate funds and spend some at the halfway point and the rest at the end of the year, he said.

Mr. Horton commented that the Council could consider projects twice a year, using the funds that were available. But the funds could be exhausted after the first pass through leaving none to assign after that, he pointed out.

Council Member-elect Sally Greene noted that neighborhoods that had been through the process before could have advantages over others who might feel quite daunted by it. She asked which cities the staff had looked at and whether those were using a two-thirds majority standard. Mr. Small replied that the staff had looked at Greensboro, Charlotte and Cary, which had ranged from a simple 51% majority to 75%. He explained that the staff had recommended more than a simple majority because that would make it less likely that objections would arise later on.

Mayor Foy noted that, under the current system, one citizen may bring in a request, which the Council receives and then initiates the process. Mr. Small pointed out, however, that the staff would not normally proceed on the basis of a request from only one person. Determining whether or not more neighbors agreed would be part of the initial work, he said.

Mayor Foy verified that there was only \$4,000 in the Town budget for traffic calming. He noted that bond money would not immediately be used for this purpose. Funds would have to be appropriated over the next several years out of general revenues, Mayor Foy explained.

Mayor pro tem Evans remarked that some traffic calming measures cost little or nothing. For example, allowing parking on the street slows cars down, she said. Mayor pro tem Evans also pointed out that better traffic signals could help prevent people from taking shortcuts. And adding bike lanes gives the impression of narrower roads, which tends to lower speed limits, she said.

Mayor pro tem Evans expressed an aversion to speed bumps, which force drivers to slow down to 15 mph. They are not sending the right message, which is to drive at the speed limit, she said. Mayor pro tem Evans said that posted speed limits were not realistic. She hoped that there would not be speed bumps in every neighborhood, she said, and she suggested that neighbors talk among themselves about reducing speed in their neighborhoods.

Council Member Verkerk expressed reluctance to putting the Council in the position of choosing among a prioritized list of neighborhoods. Mayor Foy asked if she had an alternative approach,

and Council Member Verkerk replied that she merely wanted to point out that the Council might find itself in the uncomfortable position of mediating between neighborhoods.

Council Member Strom inquired about the ramifications of option two for the Town Engineering Department. Mr. Small replied that it would depend on how many requests come in. There was a glut currently, he said, but added that the Department should be able to handle requests with existing staff if requests come in on a regular basis. Mr. Horton commented, though, that the Town was not handling all of the traffic engineering issues as well as it should be. He noted that Town Traffic Engineer Kumar Neppalli had to do technician work on occasion even though he was a highly skilled engineer.

Council Member Harrison suggested that the Council consider hiring a consultant. He noted that there were neighborhoods where traffic calming measures could not be installed and others where traffic was controlled through multi-way stop signs. Council Member Harrison asked about the possibility of having a staged approach, whereby the Town would systematically look at having stop signs on cross streets "and such." Mr. Small replied that the Town probably would continue receiving requests for stop signs, and for adding or removing on-street parking, separately from these traffic-calming measures. If a request came in from a neighborhood that would be satisfied with a set of stop signs, then the staff probably would not run it through the process but would just try it, he said.

Council Member Harrison verified that such requests were handled on the Council's Consent Agenda or Information Reports. He asked for Mr. Horton's opinion on hiring a consulting firm. Mr. Horton replied that the answer would depend somewhat on how much work the Council wanted the staff to get done all at once. If the Council wanted a lot of work done quickly then that would take resources which the staff does not have, Mr. Horton explained.

Council Member Ward expressed support for the second option. He stated that the Council's decisions had tended to be arbitrary and lacking in a broad understanding of budgetary implications. Council Member Ward recommended using 51% of the service area rather than 66%. The level of neighborhood support would be one way of ranking neighborhoods, he said, but suggested that 51% would be adequate for a neighborhood to be considered.

Mayor Foy ascertained that the Council could initiate traffic claming for any Town-maintained road regardless of the policy it adopts. Mr. Horton pointed out that the Council could amend its policy any way it saw fit, either systematically or on a case-by-case basis.

Mayor Foy asked Mr. Small to comment on Key Point 2 under Service Area, in Option 2, which Mr. Small had referred to as "challenging" for the staff. He asked Mr. Small to encapsulate the challenges and explain how it would differ from the current situation. Mr. Small explained that traffic calming could sometimes dramatically affect other streets in the area, such as cul de sacs that must use the main street to get in and out. He noted that the extent of the "service area" would be highly subjective and that reasonable people could disagree about it.

Council Member Strom commented that such things could be polarizing. He was comfortable with the way the Town was doing it now, he said, but was willing to discuss it further. Council

Member Strom emphasized his view that the Town should require two-thirds on the petition process. The Council needs an indication of strong desire in the neighborhood before jumping into the process, he said. Council Member Strom asked that this be left open as a policy issue for the Council to discuss further. Mr. Small remarked that one problem is that it raises the question, "two-thirds of what?" Council Member Strom agreed, adding that the current system works in spite of its flaws.

Council Member Wiggins stated that some policy probably was necessary given the increased number of requests for traffic-calming structures. She suggested that the Council treat traffic calming requests in the same way they treat sidewalk requests. Collecting requests seemed fair, said Council Member Wiggins, noting that adding stop signs and controlling parking could be done as it has been, since that requires hardly any money. Council Member Wiggins suggested establishing a financial limit over which a traffic-calming request would go on a waiting list.

Council Member Bateman agreed with requiring a two-thirds majority because that would not polarize neighborhoods.

Mayor pro tem Evans added that many people sign petitions in order to be neighborly, but she agreed that requiring a larger percentage on petitions was important. Mayor pro tem Evans suggested that the police determine through surveillance whether or not there is a speeding problem. That might serve as a deterrent to speeding, she said.

Council Member Verkerk determined from Mr. Small that a neighborhood could languish on the priority list while others surpass it each year.

Council Member Ward pointed out the difficulty of establishing a service area. He wondered about capturing requests on a yearly basis and having the staff and Transportation Board evaluate the cost and number of people it would support and affect, and develop criteria for a priority list.

Council Member Wiggins suggested perhaps assigning points for how long a neighborhood has been on the priority list. That might keep the neighborhood from being bumped by others, she said.

BY A SHOW OF HANDS, COUNCIL MEMBERS STATED A PREFERENCE FOR OPTION #2 RATHER THAN OPTION #1. THE VOTE WAS 7-1, WITH COUNCIL MEMBER STROM OPPOSED. THERE WAS NO SUPPORT FOR PURSUING OPTION #3.

In response to Council Member-elect Greene's earlier comment about the task of contacting neighbors, Mr. Horton suggested that the staff might send out a survey so that all would have an opportunity to express their opinions without intimidation.

COUNCIL MEMBER WARD MOVED, SECONDED BY COUNCIL MEMBER STROM, TO REFER COUNCIL COMMENTS TO THE MANAGER AND TRANSPORTATION BOARD. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

## **Item 2 - Continuation of Work Session on Horace Williams Citizens Committee Report**

Mayor Foy asked if Council members wanted to continue discussing page 22, particularly with regard to the Transportation Board's comment on Strategy H, which he favored incorporating.

Council Member Ward remarked that some had wanted special attention given to Airport Road. He recommended that safety on Seawell School Road, Homestead Road and Estes Drive be addressed as well.

Mayor Foy noted that the Council already had included those roads. Mayor Foy ascertained that there were no comments on Goal 2B, Strategies A through G, on page 24-25.

### **FISCAL EQUITY PRINCIPLE.**

#### **Principle 1.**

Mayor Foy proposed that the staff comment reiterated what they already had said to the University.

#### **Goal 1.**

With regard to Strategy B, Mayor Foy commented that the Town should encourage UNC to explain its financial model so that the Town would have a much better idea of what to expect. He noted that Strategy C recommends that UNC provide a fiscal impact statement. This probably relates to a projection for what costs to the Town would be, he said.

Council Member-elect Cam Hill explained that the Committee had assumed the Town would have a good idea of what each project would cost and what kind of contribution it would make to the Town, through taxes or a payment in lieu of taxes.

Mayor Foy said that he was trying to understand whether that would be better than assessing the development at the property tax rate based on its value. Council Member-elect Hill replied that it would amount to the same thing since the impact statement would be limited to size, worth and property taxes paid by a building. Mayor Foy noted that UNC might not pay property taxes but would need to pay some equivalent. He anticipated that the property would be revalued every four years and the payment-in-lieu would then be equivalent to the tax rate, he said.

Council Member-elect Hill explained that the Committee had thought this would be discussed prior to zoning approval in order to know the value of the property in advance. Mr. Horton interjected that one advantage of using a payment-in-lieu was that some buildings would be used solely for University purposes and, consistent with NC law, the University might not be able to pay taxes or an equivalent amount on those. So, collecting a payment in lieu of taxes on every opportunity that it can helps the Town offset costs generated by buildings used solely for University purposes, Mr. Horton said.

Council Member Verkerk wondered who would define "non-academic purposes." Mayor Foy agreed that there had been a problem with the definition with regard to Elkin Hills.

Council Member Bateman said that the 1999 report on fiscal equity contained wording that might be appropriate.

Mayor Foy asked how comments from the Council would be transmitted to the Committee, and Mr. Horton replied that a transcript of the Council's discussions would be transmitted to the Committee, with summary comments. He pointed out that tapes would also be available.

Mayor Foy suggested that the calculation be relatively simple. He could imagine the University objecting to a fiscal impact statement on the grounds that it costs a lot of money, goes into details, and so forth, he said. Mayor Foy added that he did not object to assessing UNC at the same rate as everyone else. Council Member-elect Hill explained that the Committee had thought it would be possible to generate a table based on square footage and usage and then come up with a rough figure. It was not meant to be something that would require a great deal of study and expense, he said.

Council Member-elect Hill asked Mr. Horton if payment in lieu-of-taxes seemed preferable to him because the Town would not be limited in how much it received. Mr. Horton replied that getting a payment-in-lieu of taxes or of something that was the equivalent of taxes, on every building possible could generate a number in excess of what the fiscal impact might be of a particular building. There would be other occasions in which a building might generate costs but the Town would not receive anything because it would be a tax-exempt University operation, he said. Mr. Horton pointed out that any excess payment that the Town receives on one building would offset costs on another for which UNC would not pay anything.

Mayor pro tem Evans suggested that the Committee come up with a term other than "fiscal impact," since determining that is an arduous process. She recommended stating that the Town wants the equivalent to the property taxes that would be assessed for private property.

Mayor Foy noted the difficulty of identifying the fair market value of some properties. Mr. Horton suggested looking at the value established for insurance purposes in the State system. That had been a reasonably good indicator in the past for other purposes, he said.

Council Member Strom noted that Town services, such as fire protection, must be considered along with the site-by-site valuation. And there were other services that the Manager could list, which were part of the equation and should be specifically referenced, he pointed out.

Council Member Bateman explained that she had been referring earlier to a J J & R report. She recommended that the Citizens Committee look at that report to see if they could draw some suggestions from it.

## **WATER AND SEWER/STORMWATER MANAGEMENT/AIR QUALITY PRINCIPLES.**

### **Principle 1.**

Mayor Foy said that this Principle specifically addresses working with OWASA, funding for OWASA, and the capacity of OWASA to serve eight million square feet. This is a serious issue that the Town Council will have to address, he said.

### **Principle 2.**

Mayor Foy noted that the staff's main comment addressed the stormwater master plan for the site. He described the staff's recommendation as a good idea and suggested incorporating it.

Council Member Harrison expressed appreciation for the staff's references to "all existing intermittent and perennial streams..." when commenting on Goal 2. This is land where, by State law, the Town cannot explicitly apply the RCD, he said.

With regard to the staff comment on Goal 2, Strategy D, Council Member Ward suggested installing monitoring instruments on Bolin Creek as well as on Crow Branch.

Council Member Verkerk verified that the staff had walked all of that property at one time or another. It had been "pretty thoroughly mapped," Mr. Horton said.

Mayor Foy asked when the staff would know where all the intermittent streams were, according to the Town's new stormwater management guidelines. Mr. Horton replied that it would depend on what rules the Council decides on with regard to developing that property.

With regard to Council Member Harrison's earlier comment about the RCD, Mr. Horton pointed out that the Council had previously determined that they could establish a district that had the same basic requirements as the RCD. It would not be an overlay in that case, he said, so it would apply.

Council Member Strom asked if the language in the Staff Comment on Goal 2 could be expanded to discuss watersheds rather than the site. Mr. Horton replied that a stormwater master plan for this site that would achieve the Council's objectives would necessarily have to consider offsite impacts. Council Member Strom ascertained that Mr. Horton believed the Staff Comment adequately addressed offsite impacts.

Council Member-elect Greene asked why the Town could not apply an overlay zone to University property. Mr. Karpinos answered that it was State law.

Council Member Ward noted that capturing stormwater for reuse was different from capturing the cleanest wastewater. Referring back to the Staff Comment on Goal 2, Strategy C for Principle 1, on page 29, he suggested saying, "re-use wastewater and stormwater." Also, under

Goal 1, Strategy E, on page 28, Council Member Ward recommended including "water" as well. Those strategies should also include harvesting of stormwater for reuse, he said.

With regard to Goal 2, Strategy E, on page 29, Mayor Foy recalled that the Council had previously discussed an inspection position. Ms. Berndt agreed that this was the same position that the Council had addressed earlier.

Council Member Ward asked to return to the Fiscal Equity Principle, Goal 1, Strategy E, on page 27. He wondered if Council members thought this was important and inquired about the Committee's discussion regarding it. Council Member-elect Hill replied that a 1999 report had discussed UNC's contributions to the Town. Committee members felt it was time to do another report on the same topic with a different Committee makeup, he said. Council Member-elect Hill stated that many items had not been questioned or seemed excessively weighted in the first report. So the Citizens Committee thought the topic should be looked at more critically, he said.

Mayor Foy ascertained that Council Member-elect Hill was not referring to Carolina North alone but to "the whole picture."

Mayor pro tem Evans stated that a Strategy here should focus only on Carolina North because that's what the Citizens Committee had been asked to address. It would be inappropriate to ask for a rewrite, she said, but added that a new Committee, if one is necessary, should have broad representation and include people from the Town and University.

Mayor Foy had no objection to keeping this in the report, since it seemed like something the University and Town could agree to and which might be useful, he said.

### **Principle 3.**

With regard to the Transportation Board and Staff Comments on Goal 3, Council Member Harrison suggested that the University explore evaluation of particulate pollutants in the evaluation of air pollution.

With regard to Goal 3, Strategy H, Council Member Ward pointed out that only two buildings in the country had platinum certification. Platinum certification was so rare that it was not reasonable to ask that every Carolina North building achieve it, he said. Council Member Ward stressed that the Town should be prepared to abide by everything it asks UNC to do. Is the Town prepared to build all of its buildings to platinum certification, he asked.

Mayor Foy noted that Strategy H says, "in the long term." Council Member Ward remarked that that the Town was planning a new Operations Center and was not planning to run that through the Leadership in Energy and Design (LEED) process, let alone trying to achieve silver, gold or platinum. He recommended that Council Members read the LEED book before asking UNC to do reach that standard.

Council Member-elect Greene stated that she thought it seemed unrealistic when she first read Strategy H. But the Town should not give up on having some idealistic standard in there, she

said. Ms. Greene suggested saying, "in the long term, insure that buildings are as environmentally sustainable as possible." Also, she pointed out, the Town had not pursued some of the energy efficiency suggestions that a consultant had made earlier in the year. Ms. Greene emphasized making sure that the Town does not lose track of those goals in the long run.

Mr. Kabrick said that the Committee had seen Strategy H as a definable goal and a move by builders to a sustainable building program, whether it is silver, gold or platinum. The Committee was in favor of starting with that standard, he said, and he agreed that the Town should think about the way it conducts business as well. Mr. Kabrick explained that the Committee had seen this as an opportunity to set the tone for how the development would go forward.

Council Member Ward suggested leaving the first sentence, which asks that all buildings be LEED certified. He pointed out that UNC already does that. But it would be a significant challenge to make the University reach silver certification on all of its buildings, he explained. Council Member Ward added that UNC buildings, though less than platinum, probably outstrip the performance in terms of energy efficiency of every other building in Chapel Hill.

Mayor Foy suggested referring these remarks along with everything else and seeing what the Committee comes back with.

## **NATURAL AREAS/PARKS AND RECREATION FACILITIES PRINCIPLES.**

### **Principle 1.**

Mayor Foy described this as a key principle. He stated that the Town needed to know what its options were and what the legal basis could be for some kind of long-term commitment. Council Member Wiggins added that the Town also needed to know the process for getting this done. Since this is State property, the decision will be made somewhere other than this campus, she said. Council Member Ward commented that it was within the legal realm for UNC to protect property in perpetuity. He noted that NC State had done that with some of its land.

**Principle 2.** No discussion.

**Principle 3.** No discussion.

**Principle 4.** No discussion.

## **TRANSPORTATION AND LAND USE PRINCIPLES.**

### **Principle 1.**

With regard to Goal 1A, Strategy D, Mayor Foy suggested that the Council consider a strong statement of support for the public transit system that the Town has in place. He described it as a work in progress that the Town had been building for 25 years, with significant success over the last two years. Mayor Foy noted that Carolina North, and all developments in Chapel Hill, present opportunities to continue building the Town's bus system. He stressed that this

development should support that bus system and not develop a private corridor between Main Campus and Carolina North. Mayor Foy urged the Council to take a firm position on this issue.

Council Member Harrison asked if that meant Chapel Hill Transit could convert to mass rapid transit for short stretches if a corridor were available. Mayor Foy replied that the Town has a public transit system and is encouraging more and more passengers to use it. The Town is building a network, he said, and Carolina North should be part of that network. Is the Town going to develop that corridor along the current rail system, or is it going to bring people into the current infrastructure of the transit system, Mayor Foy asked. He spoke against allowing a private corridor that serves only the two campuses and "turns its back on the Town." Council Member Harrison agreed.

Council Member Strom described this issue as "clearly the bone of contention on the Committee." He expressed agreement with Mayor Foy's comments, noting that Carolina North would present an opportunity to vigorously enhance and expand Chapel Hill Transit. The transit component of the plan should serve the most citizens and have the broadest benefit across the entire community, said Council Member Strom.

Council Member Verkerk pointed out that people generally stay at their workplaces on campus. The notion of thousands of people moving back and forth between campuses seemed unrealistic to her, she said. Mayor Foy relied that if what Council Member Verkerk was saying was true then that would mean even less reason to have a transit corridor between the two campuses. The corridor would be deserted, he said.

Mayor pro tem Evans remarked that the Town had not envisioned five million people using the bus system 20-25 years after it was started. She pointed out that UNC's plan is for 50 years and recommended keeping all options open. Mayor pro tem Evans added that, in the short term, the Town bus system would serve development there. She pointed out that both Chapel Hill and Carrboro had approved developments with the understanding that those neighborhoods would be connected to transit. Since the Town Council could not know what technologies might be in the future, she cautioned against closing off any options, including the rail corridor.

Council Member Ward described ignoring a transit corridor that the Town could have access to now as shortsighted. It could be used for a footpath, bike path, or for rubber-tire trains or buses, he said. Council Member Ward pointed out that the railway could be one loop of Chapel Hill Transit and agreed that the Town should keep that option open.

Council Member Wiggins stated her agreement with Council Members Ward and Evans.

Council Member Harrison pointed out that Mayor Foy had not suggested eliminating use of the corridor, but only that it be part of Chapel Hill Transit. Council Member Harrison described Ottawa's sophisticated bus system and proposed that a similar approach would be right for Chapel Hill. Carolina North should fit into the fabric of the community, he said.

Mayor Foy pointed out that even though Carolina North might be a 50-70 year plan the Town Council would have to address the first 10 or 20 years with specificity. The Town needed to

make sure that this connection, whatever it becomes, supports the Town's bus system, he said. Maybe there will be a rail system in the future, but the principle should be that Town wants this to be an opportunity to increase its public transit infrastructure, said Mayor Foy. He urged Council members to focus on this during initial development.

Council Member Wiggins agreed, and suggested referring Mayor Foy's recommendation back to the Committee as a Town principle. The Council seemed to agree with the idea of using Chapel Hill Transit in the short run, she said, adding that Chapel Hill Transit should be able to incorporate options other than buses and should be the leader in providing transportation, whatever it is.

Council Member-elect Greene noted that the theme of the Committee's report was that UNC should be part of the community. She recommended that the Town further educate citizens about the types of buses it is proposing. These buses are smaller, more nimble, and "just as cool as trains," she said.

Council Member Strom pointed out that the capital investment for rail infrastructure is dramatically higher than for a bus rapid transit system. He suggested that a point be added under Transportation Strategies that recommends some type of corridor and station location for a bus rapid transit stop on the Airport Road side of the Carolina North property. Council Members Harrison and Strom debated whether there were adequate signals to achieve that, but they agreed that the idea should be assessed. Council Member Harrison noted that the type of system needed on Airport Road was called "bus mixed transit." He urged the Town to study the signal prioritization soon.

The meeting adjourned at 6:50 p.m.

***EXCERPT FROM ADOPTED CHAPEL HILL TOWN COUNCIL MINUTES OF  
11/24/03***

**Item 8 - Principles, Goals and Strategies for Guiding  
Development of Horace Williams Property (Carolina North)**

**Strategy G, Page 37**

Mayor pro tem Evans described requiring UNC to make offsite sidewalk and bikeway improvements along Airport Road all the way from the northern end to the southern end of Town as "totally unreasonable."

Council Member Strom said that the Committee had felt confident a mixed use, transportation-oriented development of this size would have impacts on the community that would support this type of infrastructure improvement.

Mayor Foy remarked that there really were only a few gaps in the sidewalks and bikeways and that a good argument could be made for filling them in. Mayor pro tem Evans replied that those gaps were the Town's fault, not the University's, and it was the Town's responsibility to build and repair them.

Council Member Verkerk agreed that requiring this seemed unreasonable and inconsistent. The Town does not ask any other developer to go beyond the scope of their project, she said.

Council Member Harrison remarked that much of this would - and much would not - meet the rational nexus test when it comes to the permit stage. Mayor Foy pointed out that this was not a typical negotiation and said that a lot would depend on what one negotiates. Council Member Harrison agreed, adding that there would be an entirely new zone and that the Town does not know how facilities will "play out." But, looking at the way permits are done in this State, there is a test for improvements and the Town has done a marvelous job of "pushing the envelope," he said. Council Member Harrison added that, since it is a permit, there would be some limits to it.

Council Member-elect Hill stated that if there are not any sidewalks or bikeways between I-40 and this development, or south of it, then the Town needs to make sure that they are there. He pointed out that the University was creating the need and should, therefore, fill in the gaps. Council Member-elect Hill said it is "not a big deal," adding that UNC would get the opportunity to say how it feels about it and the Town was trying to say how it feels about it. Council Member-elect Hill agreed that UNC should supply that infrastructure.

Mayor Foy asked for a show of hands, and then commented that it appeared there was a 4-4 vote which meant that it would remain in for now.

Council Member Verkerk commented that consistency and credibility were important. Mayor Foy said that he did not think any other developer would be permitted to put eight million square feet there. And part of the reason is that the infrastructure cannot handle it, he said, so the Council needs to make sure that the infrastructure can handle it. Mayor Foy added that he did not see that request as unreasonable, adding that it might be different if the Town did not have bikeways and sidewalks from I-40 to 15-501. "But it does, and the Town is talking about filling in the gaps," he said.

Council Member Ward stated that the way it was written made it seem as though the request went beyond the rational nexus of this development. He pointed out that everyone in Town lives near the effects of Carolina North and that this is why there is a rational nexus for asking for this kind of infrastructure. Council Member Ward agreed with keeping the language and suggested that there also be language to address the need for sidewalks on other perimeter roads, such as Homestead Road, Sewell Road and Estes Drive.

Council Member Verkerk said that this logic would lead to saying that UNC should build every sidewalk in Town.

Council Member Wiggins asked if the Committee had discussed asking UNC to build sidewalks and bikeways from campus to campus. Citizens Committee Chair Randy Kabrick pointed out that Goal 1A, under Transportation and Land Use Principles, says that Carolina North would be built as a pedestrian, bicycle, and transit-oriented development from the start. This is what feeds Strategy G, he said, adding that the Committee had felt strongly that there must be some pedestrian improvements along Airport Road. But they had not discussed building infrastructure from campus to campus, he said.

Council Member Wiggins said that the Town would have more credibility if the request were confined to campus to campus. Mr. Horton proposed saying, "construct sidewalks offsite to fill gaps in pedestrian systems serving the development in affected neighborhoods." This would meet the normal test that the Town applies and would not put a limit on the scope except in the areas that are affected by it, he said.

Mayor Foy ascertained that there were no objections to substituting that language for Strategy G.

Council Member-elect Sally Greene clarified that the Planning Board's comment had meant 15% affordable housing as expressed in the LUMO, not as expressed in the Comprehensive Plan.

Mayor Foy read Principles 2 & 3. He said that Council members recognize that they need to create a new zone. This is part of what these principles are designed to help them facilitate, said Mayor Foy.

COUNCIL MEMBER STROM MOVED, SECONDED BY MAYOR PRO TEM EVANS, TO ADOPT R-14 TRANSMITTING COMMENTS TO THE ADVISORY COMMITTEE TO BRING BACK A FINAL REPORT IN JANUARY. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

**A RESOLUTION REQUESTING ADDITIONAL INPUT FROM HORACE WILLIAMS CITIZENS COMMITTEE (2003-11-24/R-14)**

WHEREAS, on October 8, 2003 the Committee submitted to the Council its report, "Recommended Principles, Goals and Strategies for Guiding the Development of the Horace Williams Property (Carolina North);" and

WHEREAS, the Council received comments on the report from citizens at the October 27, 2003 public forum, from Advisory Boards and from Town staff and discussed the report at work sessions on November 17 and November 24; and

WHEREAS, the Council desires additional input from the Horace Williams Citizens Committee after the University unveils its plans for Carolina North in December;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill, that the Council request the Horace Williams Citizens Committee review the Council revisions to date and make additional suggestions in light of the University's draft plans for Carolina North.

BE IT FURTHER RESOLVED that the Council schedules consideration of adopting principles, goals and strategies for the development of the Horace Williams property in January 2004.

This the 24<sup>th</sup> day of November, 2003.