

**DRAFT SUMMARY MINUTES OF A ASSEMBLY OF GOVERNMENTS
OF THE CHAPEL HILL TOWN COUNCIL
THURSDAY, MARCH 26, 2009, AT 7:00 P.M.**

Present were Chapel Hill Mayor Kevin Foy, Mayor pro tem Jim Ward, Council Member Matt Czajkowski, Council Member Laurin Easthom, Council Member Sally Greene, Council Member Ed Harrison, Council Member Mark Kleinschmidt, Council Member Jim Merritt, Council Member Bill Strom, Carrboro Mayor Mark Chilton, Carrboro Alderman Jacquelyn Gist, Carrboro Alderman Joal Hall Broun, Carrboro Alderman Lydia Lavelle, Orange County Commission Chair Valerie Foushee, Orange County Commissioner Alice Gordon, Orange County Commissioner Pam Hemminger, Orange County Commissioner Barry Jacobs, Orange County Commissioner Bernadette Pelissier, Orange County Commissioner Steve Yuhasz, and Hillsborough Mayor Tom Stevens.

Staff members present were None.

1. Welcome, Introductions, and Opening Remarks

Mayor Foy called the meeting to order. Mayor Stevens and Commission Chair Foushee welcomed everyone.

Mayor Foy said the assembly would take public comment.

2. Public Comment Period

Bonnie Hauser, Orange County resident, voiced her opposition to an airport. She said there were more than 1,000 members in opposition. She said they feel underrepresented, and that the challenge is the waste transfer station. She noted that a petition had been submitted regarding the waste transfer station.

Judith Ferter, Orange County Sierra Club, noted that she had emailed members of the assembly and was there to express support for the new Jordan Lake rules as submitted.

3. Receive a petition from Rogers' Road residents

Minister Robert Campbell addressed the petition submitted by Rogers' Road residents. He said the community had bore the burden of all of the community's trash and had been denied public services. He said each petition requesting services in the past had been delayed for some reason. He said the recommendation is that all entities should collaborate to find funds for the Rogers Road – Eubanks community. He said the petition submitted by the residents in December 2008 included a list of available funding sources. He said the residents were asking elected officials to commit to a specific date when services outlined in the petition will happen.

Council Member Kleinschmidt said he had chaired the taskforce appointed to address the Rogers Road requests for services. He said other elected officials as well as several members of the community, and at large members of boards and commissions had served on that taskforce for the last two years. He said they received information from Orange County, OWASA, and town governments, to achieve services and a vision for the community. He said the Rogers Road community was an old community that in recent years had experienced urban encroachment. He

said located in one part of the community is the dump, and that Carrboro had annexed a great deal of one side of Rogers Road. Council Member Kleinschmidt said the taskforce had charettes to determine a vision of how to incorporate the pressures of growth, and what elements make it a special place. He said the area was owned by the jurisdictions around the table. He said on page 25 of their materials there is a chart with a summary of the joint planning activities that refers the report to all entities including schools, the establishment of a community work group, and a funding and phasing plan for water and sewer services. He said the goal was to develop access to those services.

Alderman Gist said out of the group working on mitigation measures of living near the dump, came the running of water lines up Rogers Road. She said the problem was not so much getting the lines to the houses, but the water pressure presented problems for old plumbing fixtures. She cautioned that getting water into the houses was the issue, not running water lines down the road and to the houses.

Alderman Broun said they should constitute the work group and set a deadline for boards to come up with some plan.

Mayor Foy called for each separate board to review the information and take some kind of action. Mayor Chilton said the work group had done great work and the process for moving forward. He said he was prepared to move forward.

Commissioner Jacobs said he and Chair Foushee and Commissioner Cary had met with the community and a list of concerns had been raised at that meeting that should be incorporated into this report. He said they had looked into contracting with a plumbing company to do all the waterlines.

Commissioner Broun asked if each entity would go back and appoint people for this work group and set a deadline. Commissioner Gist said the smaller the group the better and suggested a core group with one member from each body and begin the process with a Saturday retreat to determine the next steps.

Mayor Foy said each board could develop its own process to appoint members. Mayor Chilton suggested one member and an alternate. Minister Campbell suggested there be a community resident and an alternate.

There was unanimous agreement from the Assembly.

4. Jordan Lake

Sally Kost, Chatham County Commissioner, gave Chatham County's perspective regarding the Jordan Lake Nutrient Rules. She read the written comments that noted the steps Chatham County has taken to be good environmental stewards. She said on February 16, by unanimous vote, the commissioners had passed a resolution supporting the proposed Jordan Lake Reservoir Water Supply Nutrient Strategy Rules. She asked the other governmental entities to join them in support of the rules as they have been presented.

a. Water Supply Nutrient Strategy

Sue Burke, Chapel Hill Stormwater Engineering, presented a PowerPoint presentation on the Jordan Water Supply Nutrient Strategy.

Mayor Foy noted that each unit had already taken action on these rules, noting there is a bill in the Legislature to kill the rules because there is opposition that will end up in modifying the rules.

Ted Voorhees, Durham Deputy Manager, gave Durham's perspective. He said there was strength in their partnership, and that he was not here to convince them of anything. He said he respects their positions, but he would like to put other things on the table. He said it was a complex issue and he did not know what the perfect answer is, and that is why they were seeking compromise. He referred to Mayor Bill Bell's letter, and said that they believe they are for the most comprehensive water protection program in North Carolina, but not for the Jordan Lake rules as currently drafted. He said the existing development rule is questionable, unreasonable, and most costly to impose on the City of Durham. Mr. Voorhees said they wanted to maintain a good relationship with all units here tonight. He said they were making progress working together even if not for the same decision, to move forward to development of drinking water rules for Jordan Lake. He said they would gain nothing by debating science, but Durham's position is that the model used by the Department of Environment and Natural Resources is based on very few data points, most of which were collected during drought, and should not be relied upon solely. Mr. Voorhees said Durham recognized the issue with Chatham County when the lake was placed in their yard. He said UNC had said that the Jordan Lake placement was wrong because of the water quality, and here we are today debating what they had predicted. He noted that from Fayetteville to the headwaters they couldn't have picked a worse place for the lake.

Voorhees said Durham was first to build a nitrogen reduction facility before it was required and they couldn't understand why there could not be different standards for different areas of the lake. He said they suggest they take a look at what was done in the Neuse Basin and adopt rules even more strict than those. He said they also agree with the adaptive management approach, and working with ordinances already in place, before going forward with these costly retrofits.

Mayor Foy said everyone had positions on this already – that Chatham was worried about water quality, and Durham is concerned about the cost.

Chair Foushee noted that on page 39 of the Orange County handout (in purple) included the revised rules for the county.

Commissioner Jacobs read a newspaper article from 1978 with comments from then Chapel Hill Mayor Jimmy Wallace about the location of Jordan Lake being the worst place to put a lake and that it would be costly to keep it clean.

Council Member Harrison said the bill is in the General Assembly, not an environmentally friendly General Assembly, and they didn't need any help in compromising the rules. He said Rep. Hackney and others could save the rules. He said the Chapel Hill storm water utility and master plan puts the Town ahead of the game. He added that when the bill emerges from the General Assembly they would have to prove they are in compliance. Council Member Harrison added that a funding stream hasn't been developed for this EPA mandate, and 30 years ago there was a funding stream. He said the General Assembly needed advice on the rules, not help in how to compromise them from local governments.

b. Water Intake

Ed Holland, OWASA, said there was a one page paper in the packet that talks about OWASA's water supply plan update. He said they had signed on to the Jordan Lake partnership and had made a financial commitment to participate.

Mayor Chilton said that Mr. Wallace had firmly believed that building and drinking water from Jordan Lake would be a mistake. He said Mr. Wallace had worked hard to move the water supply to the Cane Creek reservoir. He said the creation of that reservoir for use as a drinking water resource had been the crowning achievement of Mr. Wallace's life. Mayor Chilton said he did not know that the retrofit rules are perfect as drafted now, but they had to include some retrofit.

Council Member Harrison asked for OWASA updates.

Alderman Broun said that 75 percent of the world uses water to survive and we all need to think about what we use water for such as watering lawns, etc. She noted that they needed to pay close attention to the State controlling water, adding that if the State gets control, you could forget about what monies they may use to do away with pollution, because State control means more development with less pollution control.

Commissioner Jacobs asked about OWASA's updated water supply plan.

Randy Kabrick, OWASA, said they needed to be partners with each other in the watershed, because nobody in engineering or environment agrees with the Jordan Lake rules that will cost a lot of money with no certain benefit.

Commissioner Kost said Durham was scheduling a public hearing regarding the issue. She said they had committed to funding a survey of the lake.

Commissioner Gordon spoke in support.

5. Public Library Services and Funding

Mayor Foy said the Chapel Hill library is providing services to all of the community and will expand those services and operations. He introduced Kathy Thompson, Library Director, to provide information.

Ms. Thompson said that for every \$1 investment made to the library there was an \$8 return. She said people were relying on the library in this economic time seeking employment, and reading books instead of buying them. She said the library was a valuable resource in the area, and there had been a 20 percent increase in its use.

Ms. Thompson said 55 percent of the patrons were Chapel Hill residents, while the remaining 40 percent of patrons were Orange County residents. She said there has been a 6.5 percent increase in the use of materials, and the library is in a pinch because it has lost 34 hours of staff time. She said just when the public needs them the most they are having to cut back on services, while revenues remain the same. She said she had provided a breakdown of growth and cost issues in the meeting packets.

Mayor Foy said Chapel Hill was in a lull with its library expansion plans, and everyone had budget issues, so he thought this would be a good time to step back and look at this objectively. He said Chapel Hill supports 40 percent of the users (from Orange County) with only 11 percent of funding from the County. He said an option they were looking at and would like to consider it in conjunction with Carrboro and Orange County is charging \$150 for a library card. Mayor Foy said they did not want to do that but they need help. He said if we go in that direction we need to do it together, or if there are other solutions they need to be discussed.

Mayor Chilton introduced Orange County Library Director Lucinda Munger, who handed out statistics for Orange County branches and a budget summary outlining budget scenarios and service provision for the 2009-2010 budget. Mayor Chilton said they were still in the discussion stages.

Commissioner Broun said she had thought about this and it may be time to think about a unified library system. She said that would help them make decisions on where to place facilities. She said it was the wrong time to discuss a \$150 library card.

Mayor Foy said the argument is Chapel Hill citizens are paying for others to use the library. Right now none of us have money and we won't be expanding until things change, he added. Mayor Foy said they ought to take advantage of this. He said they have a huge capital investment that involves a significant amount of money.

Commissioner Broun said if an increase had to happen it would have to happen. She added that she had offered a proposal for discussion.

Mayor pro tem Ward said Chapel Hill has asked Orange County for increased contributions for years.

Commissioner Jacobs proposed they talk about a unified system, avoid tit for tat conversations, and approach this in a positive manner.

Mayor Chilton called their attention to the six different scenarios for Orange County library operations, all calling for the closing of the cybrary, which is central to services. Alderman Lavelle said if branches are closed and services cut back, Carrboro residents would have to go to Chapel Hill.

Mayor Foy said the operation of the library was approaching 15 percent of the property tax rate.

Chair Foushee said the document was draft, and commissioners had not had time to discuss it. She said the point about consolidating services needed to be discussed but this was not the place to do that. She said the issue needs a resolution. She added that she understood their position but tonight's not the place to discuss it, and they will do what they can.

Mayor Foy agreed, and said Chapel Hill would take the lead, if other boards would appoint members to a work group.

Commissioner Gordon said she supported planning a more integrated system.

Council Member Czajkowski asked that someone take a second look at the figures submitted by Orange County libraries and determine costs associated with each branch.

Mayor Foy adjourned the meeting at 9:20 p.m.