

**DRAFT SUMMARY MINUTES OF A BUSINESS MEETING  
OF THE CHAPEL HILL TOWN COUNCIL  
MONDAY, JUNE 9, 2008, AT 7:00 P.M.**

Present were 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 Bill Strom, and Council Member Bill Thorpe.

Staff members present were Town Manager Roger Stancil, Deputy Town Manager Florentine Miller, Assistant Town Manager Bruce Heflin, Town Attorney Ralph Karpinos, Public Information Officer Catherine Lazorko, Parks & Recreation Director Butch Kisiah, Human Resource Development Director Valerie Meicher, Police Chief Brian Curran, Planning Director J.B. Culpepper, Fire Chief Dan Jones, Public Works Director Lance Norris, Long Range & Transportation Coordinator David Bonk, Sustainability & Facilities Managing Supervisor John Newark, Financial Reporting Manager Jeanne Tate, Budget Analyst Rick Shreve, and Acting Town Clerk Sandra J. Kline.

**1. Ceremonies: None.**

**2. Public Forums and Hearings: None.**

**3. Petitions by citizens and announcements by Council members.**

a. Petitions by citizens on items not on the agenda.

1. Petition requesting a pilot program on Shady Lawn from Kenmore to Eastwood for alternative pedestrian travel lanes.

Mayor Foy said since no one was there to present the petition, he would entertain a motion to receive and refer 3a1 to the Manager and staff.

MAYOR PRO TEM JIM WARD MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO RECEIVE AND REFER THE PETITION TO THE MANAGER AND STAFF. . THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

\*2. Transportation Board petition regarding Pedestrian Safety.

Mayor Foy said the second petition was from the Transportation Board regarding pedestrian safety while construction is ongoing on the UNC campus. He asked for a motion to receive and refer this petition 3a2 to the Manager and staff.

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY COUNCIL MEMBER MATT CZAJKOWSKI, TO RECEIVE AND REFER THE PETITION TO THE MANAGER AND STAFF. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[\\*3. Petition regarding High Traffic Areas.](#)

Mayor Foy said the third petition was from Jack Chestnut regarding high traffic areas. Mr. Chestnut was not present, Mayor Foy asked for a motion to receive and refer the petition, to the Manager and staff.

MAYOR PRO TEM JIM WARD MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO RECEIVE AND REFER THE PETITION TO THE MANAGER AND STAFF. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

**4. [Consent agenda: action items \(R-1\).](#)**

Mayor Foy asked if there were items to be pulled from the Consent Agenda. Council Member Czajkowski requested to pull item 4m regarding healthcare for elected officials.

Council Member Strom requested to pull Item 4o on the Cemetery Advisory Committee.

Council Member Easthom requested to pull Item 4q on the People's Channel Performance Agreement.

**m. [Ordinance amendment regarding elected officials' health insurance. \(O-6\)](#)**

Mayor Foy stated they would discuss the items and began with Item m.

Council Member Czajkowski said he was surprised that it was in the Consent section because it warranted discussion in front of the electors, since it effected the Council as making a decision to spend the money, and whether it was fair or not. He added that in regard to both the healthcare and taxpayer subsidized campaigns, his view was that the Council should not approve or

disapprove of this; if they were determined to move forward with it, it should be brought in some form as a referendum. He said that in a budget period, and in an economy where everyone was feeling financial stress, it was the wrong time to bring this issue forth, even though he had been informed by other Council members that the expense was some time off. He said, never the less, he did not think that was the way they should look at things.

Council Member Thorpe stated that serving on the Council was a part-time job that turned into a full-time job, and he was surprised at the fight against the system. He said he wanted to make clear to the citizens of Chapel Hill that the item wouldn't help him because he already had coverage through his 30 years of service, but it would help the people coming along who might not be as fortunate to get a job with the state and remain in it for 30 years. He said that they receive the same benefits as the county and other officials, because it was a benefit for those who got elected.

Council Member Czajkowski asked Mayor Foy about the Mayor's Committee membership because their names were not in the memo.

Mayor Foy replied Council Members Thorpe, Harrison, Greene, and Strom.

Council Member Czajkowski said that he still stood by his view, and it was unwavering; this was not the time for the Council to be spending money on itself.

Mayor pro tem Ward asked if they had received more specific cost figures related to the decision, and the impact on the Town's budget.

Mayor Foy said there was no impact on the current year's budget. He said the information Mr. Robustelli received was that they couldn't predict it. He said they could over budget for it for the future, but there was no way for them to know who would need the coverage, or for how long.

Mayor pro tem Ward said while this was new to them, they had kept records; and other communities that had done this, had track records that could give them some sense of scale.

Mayor Foy stated that they didn't have that information, but Orange County and Durham County both had experience with it, as they both provided the coverage; however, they were all different in how they did it.

Mayor pro tem Ward said there was certainly a degree of uncertainty in his mind as far as supporting it, based on the fact that he didn't know more specifically the amount of money, but he took the actions of their neighboring governing entities in the Triangle, who had this in place for some time as a good indication of whether it was working well or not. He said that health care coverage was an issue that the Town of Chapel Hill had done a good job in terms of its employees, and extending it to term and beyond, Council Members were showing people the right way of going about it.

Council Member Czajkowski said he had an observation in terms of them not having data, and

how a 22 year old could run for the Town Council using taxpayer subsidized campaign money; spend two terms on the Council, become 30 years old and collect health insurance from the Town for the next 35 years. He said his scenario was extreme, but was not out of the question. He said he would certainly support the opportunity for two-term Council members to stay in the healthcare plan, but he didn't see why the Town should pay for 75 percent of it.

Richard Kryder asked if his comments mattered since the Council had already voted to approve it.

Mayor Foy responded that they could change the vote if the Council decided to.

Mr. Kryder stated this was an issue of fairness to the employees of Chapel Hill, and also to the taxpayers. He said that the Council members worked part-time, and he wasn't there to belittle all of the work that they put in; however, they had the best healthcare for a part-time person anywhere because it was completely paid. He said he wanted to point out that state healthcare had recently changed, in that a person had to work 10 years full time in order to receive 50 percent payment. He said it used to be five years and you had full coverage. He asked, why, because it was so expensive. He said if the Council voted to do it for themselves, then every single employee of Chapel Hill should have that right as well. Mr. Kryder said they should have the right to work for eight years and then have Chapel Hill pay for 75 percent of their health insurance. He said there was a concern about COBRA and the issue of pre-existing healthcare, but that was what COBRA was all about; if someone left their job they had the right to get COBRA, and their pre-existing conditions were all covered under the 18 months of coverage. He said he agreed that he didn't want a young person to serve eight years and he as a taxpayer, have to pay 75 percent of his or her healthcare as he thought it was atrocious.

Jim Postma stated that since the Council had already voted, he wanted to bring up the ethics involved. He said he took things logically because he was a residential appraiser, who specialized in unique and complex properties; but he had to abide by a code of ethics, and if he didn't he would lose his license and be thrown out of his profession. He added that the Council's funds came from taxpayers, so there had to be some ethical, moral, or legal obligation without just voting themselves a pay increase or a healthcare increase. He asked what would the next increase be that the Council would vote for themselves. Mr. Postma said they had an election coming up, and there were 40 million people without healthcare; and the concept that eight or nine of the Council thought it was okay to give themselves a big healthcare increase totally floored him.

Council Member Thorpe stated that he still wanted to thank the people that served on the committee that brought the issue forth and worked hard. He said that he was appalled that someone would think they were doing something unethical. He said the General Assembly gave them the authority to do it, and it wasn't just in Chapel Hill but all over the state.

Council Member Czajkowski stated that Council Member Thorpe made the request the last time they met in regard to an email they got from Del Snow, and that afternoon he saw a lot of emails on the topic. He asked that they ensure the emails were all on the record.

Mayor Foy stated that they had all of the emails on record.

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY COUNCIL MEMBER BILL THORPE, TO ENACT O-6. THE MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH MAYOR KEVIN FOY, MAYOR PRO TEM JIM WARD, COUNCIL MEMBER LAURIN EASTHOM, COUNCIL MEMBER SALLY GREENE, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARK KLEINSCHMIDT, COUNCIL MEMBER BILL STROM, AND COUNCIL MEMBER BILL THORPE VOTING AYE AND WITH COUNCIL MEMBER MATT CZAJKOWSKI VOTING NAY.

[AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES TO AMEND HEALTHCARE ELIGIBILITY FOR MEMBERS OF THE TOWN COUNCIL \(2008-09-06/O-6\)](#)

o. [Report on the Cemetery Advisory Committee. \(R-10\) \(O-8\)](#)

Council Member Strom replied that he pulled the item and knew there were citizens signed up to speak.

Steve Moore said the initial request was made, as far as a petition, last November, and in January the Council came back with a proposal that there be no advisory group. He said they took it back to reconsider, and came back with a proposal that was put on the agenda for that evening. He said he was requesting a reconsideration of exactly how the positions were to be set up. He added that the Cemetery Advisory Committee was set up to allow an opportunity for those with an interest in the cemetery to have input. He said they were including four cemeteries and the number of people involved directly was quite substantial. Mr. Moore said the way the proposal was set up by the Town staff there was only one position of the five that would be dedicated to a cemetery plot owner, or someone with a definitive interest in it. He suggested a proposal to make all five positions at-large positions, so they could see the number of people from a broad variety of interests that would apply for it, and the Council could then select the proper mixture to assure a wide variety of opinion; but not to limit the number of people who owned cemetery plots, or who could serve on such a group. He said he would also suggest as ex-officio members putting in writing the Preservation Society of Chapel Hill, which had come forward publicly and said they were willing to create an alternative friends to help raise funds and support this on an ongoing fashion, and UNC to ensure a long term relationship.

Council Member Strom said he wanted to thank the Manager for contacting UNC, and wanted to take him up on the offer to work over the summer and bring back a recommendation that would potentially be a partnership between UNC and the Town to work on maintenance issues at the Old Chapel Hill Cemetery, and do it collaboratively. He said it was a wonderful asset for both the University and the community. He added that he also wanted to endorse Mr.

Moore's and Ms. Clark's recommendation that there should be five at-large positions on the board, and he would be happy to move O-8 with the alternative language that Mr. Moore passed out as the recommendation. He said that having prescriptive seats on boards sounded a lot better than it actually was; it was hard to fill those slots, and as the Council they could keep an eye toward having all parties represented.

Mayor Foy asked Mr. Karpinos if that was sufficient.

Mr. Karpinos stated that he would rather bring it back on June 25 and have it rewritten.

Mayor Foy agreed that they would have it rewritten in a way that reflected the recommendation.

Council Member Strom asked if it would be back on the Consent Agenda.

Mayor Foy asked if they should pass R-10.

Mr. Karpinos said that R-10 stated that they had enacted the ordinance, and since they hadn't done that yet it should come back to the Council as well.

Mayor Foy stated it would come back on June 25, and they wouldn't appoint anyone until the fall, as they needed to solicit people over the summer.

q. [The Peoples Channel Performance Agreement. \(R-12\)](#)

Council Member Kleinschmidt stated that there were representatives from the People's Channel who wanted to speak.

Mr. Johnson, of the People's Channel, stated that their negotiating process had taken a long time, and the performance agreement for TPC was adequate. He said he was aware that the issues were very complex, but he hoped that some day they would be understood by everyone. He stated that under the state legislation that went into effect in January 2007, the Town had received approximately \$150,000 in revenue that must be spent on public education and government access. He said the Town would receive about the same amount in the coming year, and in the new performance agreement stated in consideration of the People's Channel's need to plan for its financial viability each year, the Town Council would determine the distribution of the funds in advance of the TPC's fiscal year. Mr. Johnson said what he wanted from the Council was help for those on the PEG channels to understand how they went about the process of demonstrating their need. He stated that the Council ultimately determined how the funds were spent; if the Town wanted channel money for its government Channel 18, or if UNC wanted channel money for student television, then it seemed fair that they should all go through the same process at the same time during the fiscal year. He added that he had worked with the Town staff for two years to determine a process to gain access to the funds to help support the Town's community media center. He said it would seem reasonable that they all had the same process. He stated that the funds could not be spent on roads or sidewalks; they must be set

aside, and not go into the general fund per the state's statute.

Mayor Foy asked Mr. Stancil if there was any circumstance under which the funds could be distributed without the Council approving the distribution.

Mr. Stancil responded that the only money that would not meet that requirement was on the Consent Agenda earlier. He said the Council approved a match for a grant from ENC to replace the cameras, and their recommendation was that the Town's match for the government channel, which was what the cameras were for, come from the PEG funds that were received this year. He added that everything else would be up to the Council's decision to spend, and they could refer it back to the staff, or create a process for everyone to know the rules. He said it was only reasonable so the Council could make the best decisions.

Mayor Foy asked if there was a motion to ask the Manager to develop a process for applications for the PEG funds.

Mr. Johnson stated that it would then be year two of the People's Channel that was part of a group that advocated really hard to make sure that PEG channels in the state were funded and existed and alive under this new legislation. He said if it was a process that would take them another year to figure out, it would be unfair that the Town could allocate the funds for its channel, but the People's Channel had to wait another year to receive theirs. He asked if they knew how long it would take to develop the process, and would it be another fiscal year.

Council Member Greene said she thought what was different now was that the Manager had a direction from the Council that called for him to create a process, and she thought it would happen reasonably soon.

Council Member Kleinschmidt asked if the PEG fiscal year was the same as the Town's. Mr. Johnson replied yes.

Mayor Foy stated that they had to keep in mind that the money they were currently getting for the People's Channel could go away quickly if someone decided to close up shop in Chapel Hill, because the legislature passed a law that abolished it as soon as competition arose. He added that would mean the only source of funding for the People's Channel would be the source they were discussing and it seemed that they had to keep it in reserve, because otherwise they wouldn't have any source of funds. He said the part of the process that they developed needed to recognize that.

Mr. Johnson replied that the agreement did address that issue.

Mayor Foy stated that he was talking about the reserved funds that the Town was holding; if they allocated \$100,000 and suddenly their funding was pulled, and they came to the Council because they needed the money, the Council wasn't going to have it. He said he was just cautioning that it should be part of the process they developed that there be sufficient reserve funds so the People's Channel wouldn't shut down the day that the revenues stopped being collected by Time Warner.

Council Member Easthom stated that she thought they already had plans for this year, and they had a certain amount that they were holding just in case.

Mr. Stancil stated she was correct, and he made the point that the performance agreement that the ordinance resolution authorized assured the People's Channel of the same level of funding for operations for the next three or four years as they had currently received with an adjustment for inflation. He added that the Town's challenge was when BellSouth or someone else entered into the competitive arena, and Time Warner declared that they had competition, then the local ordinance would go away, and all of their money would come from the state. He said Mr. Johnson had referred to it as a very confusing piece of legislation, and it was difficult to even project what their revenues would be based on when the changes were made. He stated in order to assure that they would have sufficient funds if that competition phase occurred during the coming fiscal year, they had set aside \$70,000 out of the PEG funds that Mr. Johnson referred to, that would allow the Town to meet its commitment to the People's Channel through the performance agreement. Mr. Stancil added that if it wasn't needed this year, then it could be money that could be considered for the next budget, and the process would be to consider expenditures over and above the performance agreement. He said part of the consideration could be for what happened when they went to that point when the revenue stream changed for the Town, and to make sure the Council had all of the information.

COUNCIL MEMBER MARK KLEINSCHMIDT MOVED, SECONDED BY MAYOR PRO TEM JIM WARD, TO ADOPT R-12. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION AUTHORIZING RENEWAL OF THE PEOPLES CHANNEL PERFORMANCE AGREEMENT \(2008-06-09/R-12\)](#)

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY MAYOR PRO TEM JIM WARD, TO ADOPT R-1 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ORDINANCES \(2008-06-09/R-1\)](#)

[A RESOLUTION NOMINATING APPLICANTS TO VARIOUS BOARDS AND COMMITTEES \(2008-06-09/R-2\)](#)

[A RESOLUTION ACCEPTING THE LOW BID FOR THE TOWN HALL HVAC REPLACEMENT PROJECT \(2008-06-09/R-3\)](#)



[A RESOLUTION AMENDING THE COUNCIL'S 2007-2008 MEETING CALENDAR \(2008-06-09/R-4\)](#)

[A RESOLUTION RECOMMENDING THE NAME OF MILDRED RINGWALT FOR PLACEMENT ON THE PEACE AND JUSTICE PLAZA MARKER \(2008-06-09/ R-5a\)](#)

[A RESOLUTION ADOPTING CRITERIA FOR THE PEACE AND JUSTICE PLAZA MARKER \(2008-06-09/ R-5b\)](#)

[AN ORDINANCE ESTABLISHING A PROJECT BUDGET AMENDMENT FOR A TRANSIT OPERATING GRANT \(2008-06-09/O-1\)](#)

[AN ORDINANCE ESTABLISHING A PROJECT BUDGET AMENDMENT FOR A TRANSIT CAPITAL GRANT \(2008-06-09/O-2\)](#)

[AN ORDINANCE ESTABLISHING A PROJECT BUDGET FOR A TRANSIT GRANT \(2008-06-09/O-3\)](#)

[A RESOLUTION APPROVING THE PURCHASE OF UP TO 9 FORTY-FOOT DIESEL LOW-FLOOR BUSES \(2008-06-09/R-6\)](#)

[AN ORDINANCE ESTABLISHING A PROJECT BUDGET FOR A TRANSIT GRANT \(2008-06-09/O-4\)](#)

[A RESOLUTION APPROVING ACTIVITIES FOR THE 2008-2009 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM \(2008-06-09/R-7\)](#)

[AN ORDINANCE ESTABLISHING THE 2008–2009 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE \(2008-06-09/O-5a\)](#)

[AN ORDINANCE ESTABLISHING THE 2006–2007 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE \(2008-06-09/O-5b\)](#)

[AN ORDINANCE TO AMEND THE 2005-2006 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE \(2008-06-09/O-5c\)](#)

[AN ORDINANCE TO AMEND THE 2004-2005 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE \(2008-06-09/O-5d\)](#)

[AN ORDINANCE TO AMEND THE 2003-2004 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE \(2008-06-09/O-5e\)](#)

[AN ORDINANCE TO AMEND THE 2002-2003 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE \(2008-06-09/O-5f\)](#)

[AN ORDINANCE TO AMEND THE 2001-2002 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE \(2008-06-09/O-5g\)](#)

[A RESOLUTION AUTHORIZING THE EXECUTION OF A PERFORMANCE AGREEMENT FOR AN ACTING TOWN ATTORNEY TO SERVE DURING THE ABSENCE OF THE TOWN ATTORNEY \(2008-06-09/R-8\)](#)

[A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A NEW HOME CONSORTIUM AGREEMENT FOR THE ORANGE COUNTY HOME PROGRAM \(2008-06-09/R-9\)](#)

[A RESOLUTION TO ACCEPT THE e-NC AUTHORITY GRANT AWARD \(2008-06-09/R-11\)](#)

[AN ORDINANCE TO AMEND “THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 \(2008-06-09/O-9\)](#)

[A RESOLUTION AWARDED BIDS FOR A FIRE PUMPER TO KME APPARATUS, INC. \(2008-06-09/R-13\)](#)

Ms. Paolicelli stated they had a new group of political constituents watching the meeting, and there were many Scroggs' 11 year-olds who embarked on a project with them at the Visitor Bureau. She said the award-winning Josephs family was there with them, and she thanked the

Council for making time for them. She stated that last year Mary Scroggs asked them to involve the fifth graders in a project that would help them communicate what was so special about Chapel Hill to the rest of the world, and the Visitor Bureau agreed to do it. She said the students loved their community so much and had a passion for Chapel Hill, and they wanted to show the rest of the world why they felt it was so special. She read some of the students' ideas, and said she was going to end with a two minute video produced by 11 year-old Chris Josephs with support from his sister Evie, and his parents David and Sally Josephs. She said Mayor Foy's visit was the highlight of their year. She displayed the Chris Josephs video, "Chapel Hill -- The Place 2 Be."

Mayor Foy thanked them for sharing the Josephs' video with them.

Council Member Strom asked if they could get a copy of the video to run on the government channel.

Council Member Easthom told Ms. Paolicelli that she did a good commentary on WCHL.

## 5. Information items.

Mayor Foy said they would move on to the Information Items, and asked if there was anything anyone wanted to discuss further on these. Council Member Easthom said i, b, and c were also pulled to discuss. He said they would start with b.

### b. Report on maintenance program for street stub-out signs.

Mayor pro tem Ward stated that he wanted clarification about the public notice of various corridors since the term stub-out, wasn't quite in the purview of the existing definition; and he wanted to take the opportunity to confirm it, and see that it got done. He said he thought the transit corridor through Meadowmont was very important, and that they let people know that the piece of property between the Cedars and the Rizzo Center was a corridor reserved for transit, and that it was assigned accordingly. He said he wanted confirmation of where it stood, because he drove by there a few weeks ago and he was unable to find any signage.

Mr. Neppalli stated there were two signs installed on the Meadowmont lane indicating there was future transit for the street.

Mayor pro tem Ward asked for their location.

Mr. Neppalli stated that he didn't remember, but he would be happy to send the location map to the Manager's office the next day. He added that if the two signs were missing they would make sure to have them replaced.

Mayor pro tem Ward stated they had placed public access corridors for bikes and/or pedestrians in various developments, and there were public access points that over time were blurred by neighboring property owner's landscaping. He added that without sign maintenance, the signage would quickly become unrecognizable; and he suggested that if the Town staff could provide an inventory of what should be there, then perhaps the Council could direct the Bike and Pedestrian Board to inventory their status on an annual basis to make sure the signs were kept up by the homeowner's associations or the Town. He said he could put it in the form of a petition that they could have the Council get the staff to provide an inventory of Bike and Pedestrian access points, and add it their list of responsibilities.

Council Member Harrison said if that was a motion, he would second it.

Mayor Foy asked if there was any further discussion, and since there was none, he took the vote.

Council Member Greene read that the Engineering Department would include the stub-outs for future maintenance and replacement as part of the traffic control maintenance program, and asked how often were the signs checked. She said she hoped it was once a year.

Mr. Neppalli said it was an annual program in operation for the past two years.

c. [Report on Tinkerbelle Road sidewalk and traffic calming.](#)

Stacy Palmer stated that she recognized the Council had a discussion about this issue a couple of months ago. She said the Colony Woods area was a very established neighborhood with very wide streets, and there was low traffic on Tinkerbelle and Fountain Ridge. She said they talked about spending money at a time when money was tight, and it didn't seem like a particularly good use of funds. She said it would be very disruptive to the citizens of the street if the Town was to come in and tear up their yards to install sidewalks.

Council Member Harrison said he had a lot of the same thoughts, and had voiced them in January and before. He said he had spoken with Council Member Thorpe who lived on Tinkerbelle, and what Ms. Palmer stated matched his experience from traveling around Colony Woods regularly for 18 years, mostly on a bicycle and on foot. He said the whole area was designed so it didn't need sidewalks. He added that he called long-time residents about the school children moving around the neighborhood, and they said there was no history of anyone in Colony Woods ever asking for a sidewalk. He said the community meeting wasn't well attended, but it was actively attended, and there was no support for any of this in Colony Woods or in Briarcliff.

Council Member Harrison stated that he went out and did a traffic count on a Friday morning late in the peak hour at Ephesus Church Road, and saw a car every six seconds and Tinkerbelle had a car every two minutes. He said he wanted to come back to the Council with a proposed process that would match the thoroughness they applied to traffic calming that Cal Horton and Kumar Neppalli created that was very thorough and examined how much traffic streets actually

had. Council Member Harrison said he loved sidewalks and had lobbied for them, but he thought that they needed to have a much more analytical process on where to have sidewalks, and where they were justified.

Council Member Harrison stated that the motion should be to actually cancel the project, and reminded the Council that they had the chance later in the year to issue bonds for over \$1,000,000 for sidewalks.

Mayor Foy said he would treat that as a motion to cancel the sidewalk project.

Council Member Thorpe thanked Council Member Harrison and said he thought that he should be chairperson of that committee. He said he was against it since they didn't need sidewalks that led to nowhere.

Council Member Czajkowski asked where was the impetus for this project which seems to have no support. He said it seemed that it was being presented to the Council by the staff.

Mr. Stancil answered that it was a project that came out of the Active Living by Design recommendation for sidewalks around schools, and was on the list of projects.

Council Member Czajkowski asked how did it end up with the priority that it has over other similar circumstances.

Mr. Stancil replied that he would have to defer to David Bonk who understands the process.

Mr. Bonk stated that Mr. Stancil was correct in the genesis of the project being a project that was identified during the course of a fairly extensive review of safe routes to school around the Ephesus Church School done by parents of children who attended the school, as well as the staff at the school. He said it was then entered into their overall priority list, and based not only on the proximity to the school, but also other factors including density of the residential area, and other things it was ranked fairly high on their overall list. He added that when the Council adopted a list of potential projects to be funded with the remaining bond money last year, they included it on the list with the recognition that they probably wouldn't be able to do all the projects on the list, but Council granted them the flexibility to choose those which were more feasible.

**COUNCIL MEMBER ED HARRISON MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO CANCEL THE TINKERBELL ROAD SIDEWALK AND TRAFFIC CALMING PROJECT. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).**

Mayor Foy said that Council Member Harrison suggested that they have a group to discuss setting standards, and he wasn't exactly sure what he was suggesting.

Council Member Harrison said he wanted to start conversations informally and then go to the Manager since there should be staff involvement because of their expertise. He added that he

thought the Council needed to rethink how it receives these projects.

Council Member Kleinschmidt stated that it was important to reflect that the Council had been engaged in conversations about sidewalk priorities for years, and since the voters approved a sidewalk bond years ago, they weren't voting for specific sidewalks. He added that the Town went through Mr. Bonk and other staff members in a long process with advisory boards, including Active Living by Design, and volunteers from the community to help set up a priority list. He said this conversation tonight showed them that sometimes it was difficult to become active in a decision on whether sidewalks should be added until it was actually time to add them. He said he was glad that citizens living in the community had done that. Council Member Kleinschmidt said there was also realization on the Town's part that when it was time to act on a particular idea, they needed to hear from the citizens. He added there were a lot of people around Town who were eagerly awaiting sidewalks, and he assumed the money that had been allocated from the bond issue that was for Tinkerbelle would then go to one of the other priorities.

d. [Response to Westside Petition.](#)

Pauline Grimson said she represented the Westside Neighborhood Association and she wanted to thank the Council and Town staff and the Historic District Commission for the attention that had been given to Dobbins Park property.

i. [Time Warner Cable Annual Report.](#)

Council Member Easthom said she had questions to ask the staff about Time Warner Cable complaints, and wanted to know if they could get a list of citizens' complaints regarding signal quality and outages. She said she would like to receive the results of the survey in September.

Catherine Lazorko, Public Information Officer, said she thought it was a reasonable request, and they had a representative from Time Warner Cable with them tonight: Cindy Keene. She said she had spoken with Ms. Keene before the meeting, and Time Warner was preparing the customer satisfaction survey, and they would be able to ask additional questions.

Ms. Keene explained their procedure, and said they would have the survey by September. She said as far as a list of complaints about signal quality, she would need to check on that; she said the complication is that there was only one phone number for people to call, so they could have a question about Internet service or an outage; it was not broken down. She said she would see what she could get for Council Member Easthom.

Council Member Kleinschmidt said he was concerned that some of the new neighborhoods in Town seemed to have inadequate infrastructure in place to serve what was predictable use of cable and Internet service. He asked if it was the developer's fault, or Time Warner's. He said he would like to know.

Ms. Keene said she would have to look into that and get back with him.

Council Member Easthom said a couple of her neighbors had said that Time Warner responded to several complaints about low signal quality that it would take a certain amount of phone calls with the problem to flag a particular area; and once that area was flagged they would make a special effort to look into it as a more geographical thing.

Ms. Keene said that did not sound right.

Council Member Easthom said that was why they needed to look into it.

Ms. Keene said they would get the information for them.

Brian Russel said he was glad they were bringing up the issues of service quality because he thought many times the concerns that people had with Time Warner service were not always addressed properly. He said he would like to see this process of discussing their agreement with them looked at with a little more scrutiny, because there were several things that connect to it, not the least of which are our Public, Educational, Governmental (PEG) channels, which is what he really wanted to talk about. Mr. Russel said he hoped the Town gives them all the money they are owed. He said the fact is without the hard work of their executive director, Chad Johnson, after the new state franchise agreement took away their rights to negotiate with them about the funds they were suppose to give them for using their public airways, it was really important that what money they did get from the state continues to go to the sources they intended.

6. **Consideration of Proposed Public Campaign Financing Program for Chapel Hill. (O-10) (R-14)**

Mayor Foy said this was going to be presented by members of the Council committee.

Council Member Strom said they often ask for legislative authority to do things in Chapel Hill, and were often frustrated by not getting positive responses; but they did ask for legislative authority to create publicly financed local elections in Chapel Hill, and he said, personally, as the convener of the committee, he wanted to thank Sen. Ellie Kinnaird, Verla Insko, and Speaker Joe Hackney for the work they did on a state level to allow them to have this authority. He said the State Board of Elections had been remarkably responsive and cooperative and encouraging with them. He said the League of Women Voters had also supported them. He said he could not say enough about the thorough, timely, and complete job their attorney, Ralph Karpinos, had done and the other committee members Mayor pro tem Jim Ward, Mark Kleinschmidt, and Sally Greene. Council Member Strom said they met several times and put a lot of work into this. He said Mr. Karpinos would give them the staff report.

Mr. Karpinos said this proposed ordinance comes back to the Council following the May

14 public hearing. He said at that hearing there were a number of issues raised. He said in the committee's report they identified those issues, and recommended some adjustments to the language following the hearing. He said there was concern raised about the accounting for tangible materials held by incumbents, and they included some language in the ordinance that required that those be accounted for by incumbents, as well as non-incumbents who had materials left over from a non-successful campaign. Mr. Karpinos said they had modified the language with respect to who may make qualifying contributions, to make it clear that it is people who were registered to vote, or will be registered to vote prior to the candidate filing for certification. He stated the criteria for automatic adjustments of the amounts of contributions and qualifying numbers had been adjusted; they made minor changes about how the adjustments for growth in the electorate were made. He said they now believe it is a \$40,000 threshold. He said they had included language in the ordinance that made it clear that the money must be for the expenses of the campaign, and not for a victory celebration or other post election expenditures. Mr. Karpinos said those were the changes to the ordinances. He said there were a couple of other things that the committee noted in their report; they had included some materials that had been received by the Town regarding the rise in expenditures in the campaign. He said the materials also included a proposed resolution that would call for educational meetings for candidates at the beginning of the campaign next spring. Mr. Karpinos said the committee was making a recommendation for funding to start this year, so there will be a pool of money available and the prospective candidates will know when they begin thinking about running next spring, that the Council has made a commitment financially to this program.

Landy Quails said she thought the duty of the Council was to spend the taxpayer's money for the community at large. She said she found voting health care, pay raises, and this issue to be very disturbing, because she thought those issues were so self-serving. She stated that tonight to hear that they were practically a done-deal upset her. She said the idea that in these economic times, when people were suffering, to take taxpayer money and raise taxes was not right. She said she would really like them to reconsider how much they wanted to be self-serving, instead of serving the community.

Thomas Roche said he would like to introduce some empirical evidence regarding the effect of public campaign financing on electoral competitiveness, turnout, and diversity, because those were essentially the three main objections raised at the May 14 discussion. He said the first objection was that it favored incumbents; the second claim was that it decreased competitiveness which would also decrease turnout, and lastly, that equal financing would tend to decrease diversity among the councilors. He said he wanted to find out what actually had happened when elections had been publicly financed. He said the results of his research proved that there was evidence that public funding causes marginal, but certainly real improvements in competitiveness. He said it was also wrong that decreasing competitiveness decreases turnout; in fact, there wasn't much of a relationship between public funding and turnout. Mr. Roche said public funding doesn't really increase the demographic diversity of the candidate pool, but it certainly doesn't decrease it.

Fred Black said this is the wrong time to publicly finance elections given the state of our economy. He said he would like the Council to continue to study this, and ask the General Assembly to allow the citizens to decide, not just future candidates; show citizens where your



priorities are.

Jim Postma said he thought about this whole proposal of voter funded campaigns, and was there a special interest problem with any of the Town Council members. He said it was basically two issues: trying to create a clean election, and then the person that got into office, not being supported by special interest. He said the concept doesn't seem to fit, does it. He said this program was in effect in Maine and Arizona, and he read excerpts about how most candidates take the subsidies rather than compete under the resulting handicap of raising voluntary contributions. He also read that in Maine the majority of the state legislatures take the government money. The same is true for a majority of the House in Arizona, including the current governor. Mr. Postma asked if that was where they wanted this to go for Chapel Hill.

James Bullard said he was there to speak against the taxpayer funded elections. He said he really did think it was the incumbents protection act, and that name recognition was very important. He said last year on the street many of the candidates of the incumbents were actually running as a slate, unofficially. He said it was almost impossible for anyone to have beaten that. He said there did not seem like there was a lot of diversity or real questioning of what was going on.

Kevin Wolf said he came with a petition; asking for four things 1) delay voting by the Mayor and Town Council on the proposed public campaign financing proposal program for at least three months, so that the public opposition can be fully considered and comprehended, 2) that the Mayor and Council disqualify themselves for approval of this proposal, because of the self-interest, bias, and prejudice toward the enacting of this proposal, and the proposal be placed on the upcoming November ballot, 3) that a group of concerned and effected citizens including himself be appointed to work with the Council committee on voter owned elections to come up with a better proposal, and 4) that the state legislature be requested to revise the enabling legislation, so that the proposal may reduce or eliminate funding of incumbents.

Doug Schworer said he was there to speak against the public financing. He said in Chapel Hill they were facing the highest tax increases that they have ever seen since he had been there, and the one thing he has not heard was what were they doing as a Town to cut taxes. He said he thinks it is time the Mayor and Town Council look at how to reduce spending. He said he did support this going on the ballot in November.

Lynne Kane said in the last election she had supported Jim Ward. She said it takes a lot of personal contact, and she heard he got the most votes with a \$400 expenditure. She said she just wanted to clarify that there was a lot more that was unpaid campaigning that went behind that particular election.

Mayor Foy explained how 10 years ago they decided to limit the amount of money people could contribute to individual campaigns; and he rejected the idea that this Council was trying to formulate an incumbent protection plan. He went on to explain the public financing program.

Council Member Czajkowski said he believed the difference in what the Council did before, with which he agreed, and what they were discussing here, involves spending the taxpayer money. He said this issue was coming before them when they were increasing taxes 11 percent, and his

question was how did they allocate scarce resources. He asked if they allocate them for needs which are very clear and defined, or for issues which are not clear they are problematic. He said nor was it clear that spending the taxpayer's money gives them the solution to the problem that was undefined to begin with.

Council Member Greene said this was not a new idea; and it was voluntary.

Council Member Kleinschmidt said he thought this was a Council that was very committed to keeping the political process as open as possible for all of its citizens; no doors are shut for anyone with approval of this program. He said the only thing it does is to make the process more transparent, and opens the door for those who believe there isn't any other way for them to enter into the game.

Mayor pro tem Ward said it was very clear to him that the amount and source of financial contributions in elections had poisoned the national elections; and he believed that it was happening at the state level. He said having the clarity of reporting what this ordinance includes is an important piece of this, so that all voters know before they cast their ballot where the funding came from.

Council Member Thorpe commented, and asked Bob Hall to come forward and say a few words about the judges.

Bob Hall, Executive Director of Democracy North Carolina, said he had been helping the Council develop a program that would fit the political culture of this Town. He said they have a program that began in 2004 for appellate judges, and it had helped incumbents and challengers. He said it was not free money. They all had to go out and get qualifying contributions first, and then you could have access to the public funds.

Council Member Strom thanked the Council Members for their comments. He said they had received the authority from the legislature to do this twice, in 2009 and 2011; then they have to go back and report on their findings. He said this is an experimental program, and he thought they should commit to having a public hearing before they go back to the legislature. He said twice he has been outspent by somebody who had had a seat on the Council, and he finished ahead of all of them, so he thought the notion that you had to spend the most to win a seat is hollow.

Council Member Czajkowski said he thought it was good to point out that participation in the funding is voluntary; paying for it is not, that's the issue. He said if they believe this is such a good thing, let's have the confidence to turn it over to the good people of Chapel Hill and allow them to vote on it.

Council Member Strom justified his position.

Council Member Czajkowski wanted to know why the citizens cannot vote on this issue.

Mayor Foy said all of the people of this community pay for the government of this community,

and the only privately funded aspect of that is the people who sit there today making policy. He said full funding of this government would mean that it includes the election that they have every two years.

Council Member Czajkowski said he would feel better if it was put on the ballot for a referendum.

Council Member Harrison suggested having a public hearing each year on this program, and they should consider capping the amount of money on the program.

Council Member Czajkowski made a motion to refer to the staff to put on a ballot for referendum. The motion failed.

Council Member Thorpe commented, and said this program was not for them; they have term limits, but it was a great thing for Chapel Hill.

Council Member Easthom said she supports it.

Council Member Czajkowski said he opposed it.

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY COUNCIL MEMBER BILL THORPE, TO ENACT O-10. THE MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH MAYOR KEVIN FOY, MAYOR PRO TEM JIM WARD, COUNCIL MEMBER LAURIN EASTHOM, COUNCIL MEMBER SALLY GREENE, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER MARK KLEINSCHMIDT, COUNCIL MEMBER BILL STROM, AND COUNCIL MEMBER BILL THORPE VOTING AYE AND WITH COUNCIL MEMBER MATT CZAJKOWSKI VOTING NAY.

[AN ORDINANCE ESTABLISHING THE TOWN OF CHAPEL HILL VOTER OWNED ELECTIONS PROGRAM \(2008-06-09/O-10\)](#)

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY MAYOR PRO TEM JIM WARD, TO ADOPT R-14. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION DIRECTING THAT PUBLIC INFORMATION SESSIONS BE SCHEDULED ON THE TOWN'S VOTER OWNED ELECTION PROGRAM \(2008-06-09/R-14\)](#)

7. [Consideration of Items regarding the 2008-2009 Budget.](#)

Mayor Foy said they would move onto the next item which is a consideration of the budget.

Mr. Stancil explained there was a resolution in their packet which would establish the budget for 2008-2009 and authorize actions in the budget. He went on to explain in detail.

Mayor Foy asked if there was a motion for R-15.

Council Member Czajkowski said the budget they had before them tonight appeared to be somewhat different from the one that was presented in the red folder. He asked if he had that correct. He questioned several items in the recommended budget presented tonight.

Mr. Pennoyer said they had changed movement of debt service from CIP into the debt service fund.

Council Member Czajkowski questioned that expenses in every department had gone up from the original budget.

Mr. Pennoyer explained.

Council Member Czajkowski suggested it would be helpful if in the future there were explanations why the numbers had changed.

Mayor Foy asked if they were ready to vote, and went through each ordinance and resolution to be sure everyone understood.

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY MAYOR PRO TEM JIM WARD, TO ADOPT R-15. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION ADOPTING THE BUDGET FOR 2008-2009 AND AUTHORIZING A VARIETY OF RELATED ACTIONS \(2008-06-09/R-15\)](#)

[AN ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 \(2008-06-09/O-11\)](#)

[A RESOLUTION ADOPTING USER FEE POLICIES AND SCHEDULES FOR VARIOUS TOWN DEPARTMENTS \(2008-06-09/R-16\)](#)

[A RESOLUTION APPROVING THE 2008-2023 CAPITAL IMPROVEMENTS PROGRAM \(2008-06-09/R-17\)](#)

[AN ORDINANCE ESTABLISHING A POSITION AND CLASSIFICATION PAY PLAN AND LONGEVITY PLAN FOR EMPLOYEES OF THE TOWN OF CHAPEL HILL AND BONDS OF OFFICIALS BEGINNING JULY 1, 2008 \(2008-06-09/O-12\)](#)

[AN ORDINANCE ESTABLISHING A POSITION AND CLASSIFICATION PAY PLAN AND LONGEVITY PLAN FOR EMPLOYEES OF THE TOWN OF CHAPEL HILL AND BONDS OF OFFICIALS BEGINNING OCTOBER 1, 2008 \(2008-06-09/O-13\)](#)

**8. [Continuation of a Public Hearing: Concept Plan for the Dry Creek Greenway. \(R-18\)](#)**

Mr. Kisiah explained this was a continuation of the Dry Creek Greenway public hearing, and they had made some superficial changes in the concept plan. He asked that the Council adopt this concept plan, and authorize the Manager to begin the detail design for phase one of the project.

MAYOR KEVIN FOY MOVED, SECONDED BY MAYOR PRO TEM JIM WARD, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

MAYOR PRO TEM JIM WARD MOVED, SECONDED BY COUNCIL MEMBER SALLY GREENE, TO ADOPT R-18. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION ADOPTING THE CONCEPT PLAN FOR THE DRY CREEK GREENWAY TRAIL \(2008-06-09/R-18\)](#)

**9. [Continuation of a Public Hearing: Residences at Grove Park Zoning Atlas Amendment and Special Use Permit. \(Delay requested by applicant\) \(R-19\)](#)**

Ms. Culpepper explained that the delay was at the request of the applicant to have an extension. The applicant had requested rezoning to a higher density residential zone, but that zoning district was not established. The Council had asked them to look at the existing zoning districts that they had. She said they had gone back and carefully looked at the land use management ordinance, and their recommendation tonight was that they consider amending an existing zone called the residential special standards conditional zoning district (RSSC). She said in addition to amending the intent of the zone, they were also recommending the floor area ratio

be updated as well; so tonight they were recommending that the Council accept the applicant's request for a delay, and also that they adopt the resolution that was in their packets.

Council Member Mark Kleinschmidt said he wanted to commend Ms. Culpepper and thought it's a wonderful way to approach this project.

John Florian with Ram Development Company said this project has a unique opportunity for helping to bring about housing in close proximity to downtown, and contribute to the revitalization efforts of downtown. He said part of the unique situation that this development opportunity has is smart growth and sustainable development. He said there have been studies done that indicate the need for certain levels of density in housing to support downtown and neighborhoods. He said there were also densities required to support public transportation. He stated the value of this redevelopment of properties will definitely increase the tax base.

Council Member Strom said the project had many positives, and he was happy to see it move ahead on this project.

COUNCIL MEMBER MARK KLEINSCHMIDT MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO ADOPT R-19. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION CONTINUING A PUBLIC HEARING TO CONSIDER THE RESIDENCES AT GROVE PARK REVISED REZONING AND THE SPECIAL USE PERMIT APPLICATIONS AND CALLING A PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO THE LAND USE MANAGEMENT ORDINANCE WITH RESPECT TO THE RESIDENTIAL-SPECIAL STANDARDS-CONDITIONAL ZONING DISTRICT \(2008-06-09/R-19\)](#)

#### **10. [UNC South Substation Special Use Permit.](#)**

Kendal Brown said at the May 12 public hearing, no issues were raised by the Council or the public. She said in the resolution there were three clerical corrections that had been made, and the applicant has a minor change to make to the site plan, which she will explain. Ms. Brown said the staff still recommends resolution A with the two corrections and the applicant's change.

Mary Jane Nirdlinger, with the University's facilities planning department, said they wanted to make a change to the impervious surface; some of the area they had wanted to change to grass will have to remain gravel, due to some underground utilities that they will need to be able to have access to. She said this change will result in a net reduction of 6.8 percent less, a total of about 2,000 sq. ft.

Mayor pro tem Ward said there were some site issues on the opposite sides of the project, and he would like to see some landscape buffering between it and the botanical garden to soften the view.

Ms. Nirdlinger said she believed they could look at putting some additional landscaping on that side, if the staff wanted to make this change to the resolution.

Mayor pro tem Ward said he wanted some clarification on the lightening.

Ms. Nirdlinger said there would be motion activated lighting at night.

COUNCIL MEMBER MARK KLEINSCHMIDT MOVED, SECONDED BY MAYOR PRO TEM JIM WARD, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER MARK KLEINSCHMIDT MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO ADOPT R-20A AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR THE UNIVERSITY OF NORTH CAROLINA SOUTH ELECTRICAL SUBSTATION \(2008-06-09/R-20a\)](#)

#### **11. Special Transit Advisory Commission Report. (R-21)**

David Bonk gave a report on the Special Transit Advisory Commission. He said their three primary focus areas of recommendations were: 1) Enhancement of regional-wide bus service, existing and proposed, 2) Creating circulators and connectors throughout the region, and 3) Rail or fixed guideway investment throughout the region. He said their report was released with its recommendations last month. He said they were recommending this report be referred to the Transportation Board and Planning Board for their comment, and then be brought back to the Council for their June 25 meeting for the Council to make final recommendations to the Metropolitan Planning Organization (MPO).

Mayor Foy asked Mr. Bonk what would the MPO then do and when.

Mr. Bonk said the MPO would then determine which elements of the recommendations should be incorporated into the 2035 plan revision that will also be moving forward at about the same time.

George Cianciolo, co-chair of the Special Transit Advisory Commission, said he specifically

wanted to ask the Council to endorse the recommendations of the STAC. He said regional transit was critical to the vitality and growth of Chapel Hill. He said the recommendation for express buses was to the airport from Durham, Chapel Hill, Cary, etc.; that was one of the things people wanted to make clear. Citizens had complained about not having a way to get to the airport.

Mayor Foy said just so the public understands this commission consists of 38 people around the region in Orange, Wake, and Durham counties who came together to try to come to a regional agreement. He said it required a lot of work, a lot of cooperation, a lot of data, input and understanding of their keen details, and they very much appreciate all the work the commission did.

Council Member Czajkowski said there was mention of one-half cent sales tax, and he did not know when they were asked to endorse this report, whether they will be endorsing this tax increase. He said he would like to have the staff help them understand when it would actually kick in.

Council Member Harrison said isn't it by referendum.

Council Member Strom agreed.

Mayor Foy said STAC and the 21st Century Commission's reports have converged, and there is legislation in the general assembly right now that would provide funding options for the Triangle and other counties. He said the legislation that had been submitted requires that the commissioners from each county put on the ballot a referendum for the half-cent sales tax to be used for regional transportation purposes. He said who knows if anything will come of that, but that is where they are right now.

Council Member Czajkowski said so there is no clear time expectation for when that may be on the ballot.

Mayor Foy said since it was brought up, the way the legislation is currently written, the half-cent goes to Triangle Transit; and he thinks the legislation should be written that some portion of the revenue from the sales tax goes to the local providers. He said he thought the Council should take a position on this. Mayor Foy said he believed the local providers needed to have a share.

Council Member Strom said his understanding was that the money would be allocated according to a specific spending plan that would be made public by commissioners prior to the referendum. He said it was unclear, and it needed to be specified, what revenues from the half-cent would go toward the Durham Area Transit Authority (DATA), the Capital Area Transit (CATS), and Chapel Hill Transit to run the circulator system. He said his understanding from Triangle Transit was about 20 percent of that money would go to local operators.

Council Member Harrison said he would like some clarification when this comes back about the \$10 increase in the vehicle registration fee, because they have a local bill that took them to \$25 with \$15 for transit, and he wanted to know how that related to this. He asked Mr. Karpinos how



that broke out.

Mr. Karpinos said they were at \$20 and would go to \$30, with the \$10 for public transportation. He said he believed theirs was on top of this; and their local bill took them to the total cap authorized by state law.

Mayor Foy asked the Council if they would be interested in asking their staff to draft a resolution for them to weigh in on the 21st Century legislation that was already in the general assembly, and specifically request that 20 percent of revenues be devoted to local transit, and that the legislation be written that way, with the option that the spending plan could change it. He said he would like to see that on the 25th.

Mayor pro tem Ward asked how that 20 percent got divided up between the municipal transit systems.

Mayor Foy said the way the legislation was written the money for the regional transit can be shared among the counties; but the way this would be written only money that was generated in Orange County would go to Orange County and only money from Durham County would go to Durham County, etc. Mayor Foy said the other 80 percent would go to Triangle Transit. He asked if they had a consensus to bring back something on the 25th.

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY COUNCIL MEMBER SALLY GREENE, TO ADOPT R-21. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

[A RESOLUTION REGARDING REFERRAL OF THE SPECIAL TRANSIT ADVISORY COMMISSION FINAL REPORT \(2008-06-09/R-21\)](#)

**12. [Appointments:](#)**

- a. Board of Adjustment.

[Board of Adjustment Ballot Results](#)

The Council appointed Mary Blake, Deborah Finn , John Noor, Claire Williams, and Richard B. Williams to the Board of Adjustment.

- b. Chapel Hill Downtown Partnership.

### [Chapel Hill Downtown Partnership Ballot Results](#)

The Council appointed Tommy O'Connell to the Chapel Hill Downtown Partnership.

c. Chapel Hill Public Arts Commission.

### [Chapel Hill Public Arts Commission Ballot Results](#)

The Council appointed Frank Webb, Megan McGuire, Helen Knapp to the Chapel Hill Public Arts Commission.

Council Member Czajkowski referenced a memorandum they had received that certain Council Members were not aware that Mr. Webb was a serving commission member was an insult that they did not need to hear. He said he voted against Webb because he did not think that some of the things the Public Arts Commission had done were things that most of the citizens appreciate.

d. Greenways Commission. (R-22)

### [Greenways Commission Ballot Results](#)

Mayor Foy said a recommendation was attached: the Greenways Commission requested the reappointment of Jim Ernhardt for a one-year extension because he is in the middle of a project they think is important.

MAYOR PRO TEM JIM WARD MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO ADOPT R-22. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

### [A RESOLUTION EXTENDING FOR ONE YEAR THE TERM OF GREENWAYS COMMISSION MEMBER JIM EARNHARDT \(2008-06-09/R-22\)](#)

e. Historic District Commission.

### [Historic District Commission Ballot Results](#)

The Council appointed Joseph Reckford to the Historic District Commission.

f. Library Board of Trustees.

#### [Library Board of Trustees Ballot Results](#)

The Council appointed Kimberly Call and Talmadge Neece to the Library Board of Trustees.

g. Parks and Recreation Commission.

#### [Parks & Recreation Commission Ballot Results](#)

The Council appointed Neal Bench, Terry Blalock and Erin Crouse to the Parks and Recreation Commission.

### **13. [Petitions:](#)**

a. By the Mayor and Council Members.

Mayor Foy said he had a written petition to the Council that they look at alternative sources of funding for the library. He said he talked to the commissioners last week and they will not help fund the library that 40 percent of the people who live in Orange County use. He said if they don't help fund the library, then they should pay for their library card. He suggested the Council find out what the costs would be to defray the expenses of 40 percent of the operating cost of the library.

MAYOR KEVIN FOY MOVED, SECONDED BY MAYOR PRO TEM JIM WARD, TO RECEIVE AND REFER THE PETITION ON ALTERNATIVE FUNDING FOR THE LIBRARY. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Mayor Foy said this petition had to do with the Downtown Partnership. He said the board requested that it be permitted to expand the size of their board, and it has some reasons for that.

He said his petition was to ask the staff to analyze it and get their input; then the Council can make their decision.

MAYOR KEVIN FOY MOVED, SECONDED BY MAYOR PRO TEM JIM WARD, TO RECEIVE AND REFER THE PETITION ON DOWNTOWN PARTNERSHIP EXPANSION TO STAFF.. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Mayor Foy said his last petition had to do with the Wallace deck and Kidzu. He said they had agreed to fund this assessment, as to whether the deck is an appropriate base for Kidzu, but that is not going to be finished by June 25. He said it will be finished sometime soon thereafter, so in the interest of keeping this moving along, he suggests that they appoint a small committee of Council members to work with staff and Kidzu and keep the ball rolling over summer. Mayor Foy said this would not be a decision making committee, but an option generating committee.

Council Member Strom said he had a petition that they ask the staff to consider coming back in September with options that will allow them to make all door to door solicitations that occur in Town require a consistent permit granted by the police department.

The Manager stated that staff would report back to the Council with a response.

Council Member Easthom said she had a request for an update on conversations with Duke Energy about their notification to homeowners for any tree cutting or riverside treatment; how that was going or where we were. She said it could be done by June, or September would be fine.

Council Member Thorpe said he would like for the Mayor's office to send a letter to Liz Parham on her new job. He said they did not normally do that, but because she had worked so closely with the Council, he would like it to be written.

The Mayor agreed to send the letter.

Council Member Strom said he had been watching the OWASA website and water use had spiked dramatically; he would like to ask at their June 25 meeting that they have OWASA give a verbal report on water conservation measures.

Mr. Stancil said he would contact OWASA and ask them to make a report at the June meeting.

The meeting adjourned at 10:48 p.m.