

**DRAFT SUMMARY MINUTES OF A BUSINESS MEETING
OF THE CHAPEL HILL TOWN COUNCIL
WEDNESDAY, OCTOBER 15, 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, and Council Member Bill Strom.

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, Police Chief Brian Curran, Assistant Library Director Mark Bayles, Senior Planner Phil Mason, Long Range & Transportation Manager David Bonk, Business Management Director Ken Pennoyer, Deputy Chief/Fire Marshal Matt Lawrence, Police Legal Advisor Terrie Gale, Public Works Director Lance Norris, Transportation Demand Management Coordinator Len Cone, Economic Development Officer Dwight Bassett, Engineering Services Manager Kumar Neppalli, Development Manager Gene Poveromo, Fire Chief Dan Jones, Human Services Coordinator Karen Rose, and Communications Manager/Deputy Clerk Sandra J. Kline.

Mayor Foy read a proclamation that the Council presented to Bill Thorpe's family in his memory, and honored him with a moment of silence; a power point slideshow of his life followed.

1. Guiding Development at Carolina North. (R-1)

Mayor Foy explained the adjustment of the evening's agenda regarding Carolina North. He said because it was so important, and he knew there was a lot of public interest in this topic, they moved it to the beginning of the meeting.

Mayor Foy stated they had entered a new phase where they have moved from theory to implementation of what the actual guidelines for development at Carolina North might be. David Owens is working with the University and the Council regarding this.

Mr. Owens gave a recap of the development review process, and responded to questions the Council raised. He said they have 10 guiding principles that they worked with in designing a process for the Town and Council to look at for the Carolina North project. He said the staff proposed the process move along in three broad steps: in the fall 2008 there would be an agreement on the general framework, and a target time-line for processing that; in the winter 2009 there would be specific proposal in front of the Council for a text amendment, and an initial draft of a development agreement; and in the spring 2009 there would be discussion of what the terms of approval should be, that a final version would be developed. He said it would go through the full review and approval process leading to a decision on whether to adopt the development agreement, the zoning text amendment, and the rezoning.

Mr. Owens said the timing typically takes eight to twelve months; this project should take about eight months, due to all the planning that has already taken place. He said the last question was the enforceability of the development agreement after the terms of the agreement expires, and he said yes, he believed all of the enforcement tools for any zoning violation would be applicable.

Cindy Henshaw said she lives off Piney Mt. Road which is directly opposite the proposed main

entrance to the Carolina North development. She said, while she and her neighbors support Carolina North, they would like to discuss some concerns about the impact on their neighborhoods. She read a petition to the Council with over 180 signatures.

Will Raymond said after reviewing how other states have used the development agreement process, he was feeling fairly comfortable that the development agreement provides a useful tool for going forward. He thanked Dr. Owens for his cooperation in answering questions. He said he was concerned about ex pa-rte communications. He said their schedule was very aggressive.

Joyce Brown read her letter of questions regarding Carolina North.

Julie McClintock said she was speaking on behalf of Neighborhoods For Responsible Growth (NRG). She said community involvement and information will be critical; many in the community do not yet understand the importance of what they were considering tonight. She made several suggestions to help increase the communications for the citizens including public hearings, and a website tracking and notification system notification.

Mayor Foy asked if there was only one development agreement.

Mr. Owens responded, and said the Town could have some flexibility in terms of how many Development Agreements.

Mr. Owens said yes.

Council Member Strom said he wanted to make three comments directed at Mr. Stancil, and the staff. He said he believed strongly that there does need to be the opportunity for citizens' input and evaluation. He said there were suggestions for two hearings, and a website presence for this project, and he strongly supports both of these. He said if it takes longer than June to get meaningful input from the citizens, that's what he supports. He said they need to be confident that they will have as much good information as they would in a Special Use Permit process. He said the citizens need to have a sense of what will be going on in their neighborhoods.

Council Member Strom said there are fees associated with the development applications, and he has not heard any conversation from their side about what appropriate fees will be; but they need to get an understanding of what this will cost, and have an agreement with the University that the fees will render this entire process revenue neutral for the Town.

Mayor pro tem Ward agreed with Council Member Strom about the time line. He asked Mr. Owens to give more information on the ability to incorporate a "do-over" when things were not going the way they anticipated, and they needed to renegotiate something.

Mr. Owens explained.

Council Member Easthom said she was generally in support of the development agreement because it provides a lot of flexibility; however, there was the potential for an omission. She asked what recourse would the Town have to cover them if something was not stated correctly, or just left out.

Mr. Owens said once the agreement was finalized, the Town and University were locked into that agreement for the term of the agreement; however, if both parties agree, they can amend the development agreement at any point.

Council Member Easthom said there will be areas of disagreement; what happens when this occurs.

Mr. Owens responded to her questions.

Mayor Foy suggested that they consider more options than just Council meetings, and public hearings; and how at each stage of this discussion they could make it clear to the people what is going on. He said he believed it would be very helpful if they held a workshop for the people to ask questions in an informal setting. He said he thought they should slot in that type of informal public involvement throughout this process. He said he believed the staff would bring back a more detailed timeline, and he wanted to request that they give them some dates for alternative forms of input and informal meetings.

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY MAYOR PRO TEM JIM WARD, TO ADOPT R-1 AND NOTE THAT THE UNIVERSITY TRUSTEES NEEDS TO BE CORRECTED, AND ALSO WITH THE UNDERSTANDING THAT THEIR AGENDA WILL BE TO DISCUSS SOME OF THE ISSUES THAT HAD BEEN BROUGHT UP. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ESTABLISHING THE DEVELOPMENT AGREEMENT AND A TARGET DATE FOR A PROCESS FOR GUIDING DEVELOPMENT FOR CAROLINA NORTH , AND SETTING THE DATE FOR THE NEXT JOINT WORK SESSION WITH THE UNIVERSITY OF NORTH CAROLINA TRUSTEES (2008-10-15/R-1)

Council Member Czajkowski said they had a dense agenda for the evening, and suggested deferring some of these discussions.

Mayor Foy said as a rule, anything removed from Consent Agenda or Information Items will be deferred until the end of the meeting; however, no new topic from the Consent Agenda will be brought up after 10:30 or 11:00; those things would just have to go on to another meeting.

Council Member Kleinschmidt said several people were there for Information Item 5f, and he did not want to delay it till 11:00.

Council Member Czajkowski said he wanted to pull 4k, but it was related to Information Item 5b, and he would suggest moving both of them to another meeting.

COUNCIL MEMBER MATT CZAJKOWSKI MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO ADOPT R-2 WITHOUT 4K. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Mayor Foy said Council Member Kleinschmidt wanted to pull item 5f, and Council Member Strom wanted to pull 5h, which will go to the end of meeting. He said they will discuss 5f at the beginning of the meeting, and they have to talk about agenda item #12, which they will move up at an appropriate time.

2. Public Forums and Hearings:

a. Public Forum: Sidewalk Construction Program.

Mr. Bonk said the main purpose for tonight was to hear from the public and Council Members as to additional projects they would like to add to the Sidewalk Construction Program.

Jeanne Brown spoke requesting sidewalks at the busy intersection of Mt. Carmel Church Road and Bennett Road.

Steve Wright said he was speaking as a homeowner living on North Graham St. He said he was requesting a sidewalk on North Graham St. between Rosemary St. and Whitaker be returned to the Town's plans.

Matt Modell, president of the Student Bar Association at the UNC School of Law, said he was there to ask for a sidewalk for Country Club Rd. between South Rd. and the outdoor Education Center, and the student parking lot.

Adam Brown, a Northside resident, reiterated what Steve Wright said, and said he would love for them to add North Graham St. back to the 2009 Sidewalk Construction Plan.

Mayor Foy said this is a public forum to get input, not to make decisions; but their staff will take these comments under advisement and come back with a recommendation.

Council Member Czajkowski asked Mr. Bonk if he would provide them with what the ranking criteria were; have it on web, and how they measure safety as a feature.

Mayor Foy said he wanted to ask a question about Gimghoul Road, and what their rules were regarding proximity to a school.

Mr. Bonk explained their criteria.

Mayor Foy explained the allocation of funds, and said he believed they should give Gimghoul Rd. some thought as it was unusual, and maybe they could figure something out.

Mayor pro tem Ward said he thought that was a good idea, and the criteria that was created for this point system was a creation of this community; and he would be happy to reopen the criteria up for review.

Council Member Harrison said the amount of traffic on a road was one logical important criteria on whether a road needs a sidewalk or not.

Mayor pro tem Ward said he would like the Council to consider some state roads for the sidewalk priority list. He said they have a number of state roads that have been high on this list for years and years, and never gotten anywhere.

Mayor Foy asked Mr. Bonk what was the connection between agenda #9 which is the TIP (Transportation Priority List) which includes some of the sidewalks that are listed. He asked how

does that work; were they actually making a decision on those this evening.

Mr. Bonk said only to request funds from the state to include them on their priority list for state funding through the TIP.

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY COUNCIL MEMBER MARK KLEINSCHMIDT, TO RECEIVE AND REFER THE COMMENTS TO THE TOWN MANAGER AND STAFF. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

3. Petitions by citizens and announcements by Council members.

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

1. Jill Ridky-Blackburn Petition regarding Accessory Apartments.

Jill Ridky-Blackburn presented the petition on Accessory Apartments, and said she hoped it could now go to the Planning Board for their review, and recommendations could come back to the Council in terms of how the Town's current ordinance on this can now be improved.

MAYOR PRO TEM JIM WARD MOVED, SECONDED BY COUNCIL MEMBER MATT CZAJKOWSKI, TO RECEIVE AND REFER THE PETITION TO THE TOWN MANAGER AND STAFF. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

2. Transportation Board Petition requesting Council declare a vacancy on its Advisory Board.

Mayor Foy said there was a petition from the chair of their Transportation Board requesting the Council declare a vacancy on its board. He asked who was their liaison.

Council Member Czajkowski said he moved that they declare a vacancy on the Transportation Board.

Council Member Strom asked if a reasonable attempt had been made to discuss this with Mr. Harris.

Council Member Czajkowski said when a person does not attend the meetings for a year, he believed he lost his position by default.

COUNCIL MEMBER MATT CZAJKOWSKI MOVED, SECONDED BY MAYOR PRO TEM JIM WARD, TO DECLARE A VACANCY ON THE TRANSPORTATION BOARD. THE MOTION WAS ADOPTED BY A VOTE OF 6-2, WITH MAYOR KEVIN FOY, MAYOR PRO TEM JIM WARD, COUNCIL MEMBER MATT CZAJKOWSKI, COUNCIL MEMBER SALLY GREENE, COUNCIL MEMBER ED HARRISON, AND COUNCIL MEMBER MARK KLEINSCHMIDT VOTING AYE AND WITH COUNCIL MEMBER LAURIN EASTHOM, AND COUNCIL MEMBER BILL STROM VOTING NAY.

3. Active Living by Design Petition requesting permanent advisory board designation.

Karen Bonardi said she was a member of the Active Living by Design advisory committee, and as their grant was coming to an end, they wanted to request a permanent advisory board

designation with continued Town support.

Council Member Harrison said he believed they should refer this petition to themselves with input from the Town manager and staff.

Mayor Foy said they could just ask the committee to continue its work on an interim basis, until they make a final decision, without any interruption on staffing or support.

COUNCIL MEMBER ED HARRISON MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO RECEIVE AND REFER THE PETITION TO THE TOWN MANAGER, STAFF AND COUNCIL. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

4. Francis Chan Petition regarding noise disturbance at apartments adjacent to Greenbridge Development construction site.

Mr. Chan's petition was regarding the noise level at his apartment next to the Greenbridge Development construction site between 2 a.m. and 7 p.m.

COUNCIL MEMBER MATT CZAJKOWSKI MOVED, SECONDED BY COUNCIL MEMBER MARK KLEINSCHMIDT, TO DIRECT MR. CHAN TO CALL THE POLICE DEPARTMENT, AND THEY WILL REFER IT TO THE STAFF WITH A REQUEST FOR EXPEDITED REVIEW. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

5. Andrew Dyker re: occupancy permit for a mobile log home.

Mr. Dyker's petition is due to the fact that he has been denied power and basic utilities for his mobile log cabin. Staff said they could not inspect it.

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY COUNCIL MEMBER MATT CZAJKOWSKI, TO RECEIVE AND REFER THE PETITION TO THE TOWN MANAGER AND STAFF. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

6. Eugene Farrar re: reconsideration of quote on Peace and Justice Marker.

Mr. Farrar said they recently organized Justice in Action, and he was there on behalf of the NAACP to reconsider the Ben Franklin quote previously approved by the Town Council for Peace and Justice Plaza.

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY COUNCIL MEMBER MARK KLEINSCHMIDT, TO RECEIVE AND REFER TO THE NAMING COMMITTEE. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

- b. Petitions by citizens on items on the agenda.

1. Residents of the Piney Mountain Road neighborhoods regarding Carolina North.

See Agenda Item #1, Carolina North for discussion regarding this item.

- c. Announcements by Council members.

Council Member Greene said on October 27, at 6:00 p.m. there will a ceremony of the Justice System's Drug Treatment Court, of which she is on the board. She invited the Council to the ceremony which she said would be very meaningful. It will be held at the Southern Human Services building she added.

4. Consent agenda: (R-2)

- k. Ordinance revising sections of the Town Code to eliminate or modify provisions in conflict with Constitutional or Statutory Provisions. (O-5)

This item was pulled and moved to another meeting.

A RESOLUTION NOMINATING APPLICANTS TO VARIOUS BOARDS AND COMMITTEES (2008-10-15/R-3)

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE LOCAL GOVERNMENT GREEN JOBS PLEDGE (2008-10-15/R-4)

A RESOLUTION ACCEPTING AN ACTIVE LIVING BY DESIGN SUSTAINABILITY GRANT FROM THE ROBERT WOOD JOHNSON FOUNDATION TO IMPLEMENT COMPLETE STREETS AND THE GO CHAPEL HILL ACTIVE BUSINESS TRANSPORTATION PROGRAM (2008-10-15/R-5)

AN ORDINANCE TO AMEND A PROJECT BUDGET FOR THE ACTIVE LIVING BY DESIGN SPECIAL OPPORTUNITIES GRANT (2008-10-15/O-1)

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES REGARDING PARKING AS TO PARTICULAR STREETS (2008-10-15/O-2)

A RESOLUTION ADOPTING REVISED USER FEE SCHEDULE FOR ENGINEERING DEPARTMENT (2008-10-15/R-6)

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF CHAPEL HILL AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION REGARDING REVISED REIMBURSEMENT RATES FOR COSTS INCURRED BY THE TOWN OF CHAPEL HILL FOR THE OPERATION AND MAINTENANCE OF FIELD TRAFFIC SIGNAL EQUIPMENT (2008-10-15/R-7)

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2008" (2008-10-15/O-3)

AN ORDINANCE TO AMEND THE CAPITAL PROJECTS ORDINANCE FOR VARIOUS CAPITAL PROJECTS (2008-10-15/O-4)

A RESOLUTION DIRECTING EXPEDITED PROCESSING OF A ZONING ATLAS AMENDMENT AND A SPECIAL USE PERMIT MODIFICATION APPLICATIONS AS

WELL AS A NEW SPECIAL USE PERMIT APPLICATION FOR THE COURTYARD OF CHAPEL HILL (2008-10-15/R-10)

A RESOLUTION CONTINUING A PUBLIC HEARING TO CONSIDER THE RESIDENCES AT GROVE PARK SPECIAL USE PERMIT APPLICATION (2008-10-15/R-11)

A RESOLUTION SUPPORTING SEVERAL ROADWAY IMPROVEMENTS TO SOUTH COLUMBIA STREET BETWEEN CAMERON AVENUE AND FRANKLIN STREET (2008-10-15/R-12)

AN ORDINANCE TO AMEND A CAPITAL PROJECTS ORDINANCE FOR STREETS FUNDED FROM 2003 BONDS (2008-10-15/O-6)

A RESOLUTION AUTHORIZING RENEWAL OF THE PEOPLES CHANNEL PERFORMANCE AGREEMENT (2008-10-15/R-13)

5. Information items.

- b. Response to Petition: Challenges Facing Downtown.

The item was pulled and moved to another meeting.

- f. Response to proposal regarding establishment of a Civilian Review Board.

Lucy Lewis said she was there speaking on behalf of the Women's International League of Peace and Freedom which unanimously supports the petition for a Civilian Review Board. She said the basic concept to address civilian complaints about the police is needed in Chapel Hill; it would strengthen police/community relations, and is the right thing to do.

Barry Freeman said he was there on behalf of Elders for Peace to testify on the establishment of a Civilian Review Board. He said they understand the state legislature must give approval of a Chapel Hill board, and they are prepared to help in seeking such approval. He said they ask the Town Council to move to get such approval and establish a Civilian Review Board.

Miriam Thompson said she was Secretary of the Chapel Hill/Carrboro branch of the NAACP that strongly supports, and urges the Council to endorse a community police review board whose members would be appointed with broad public input, and inspire community trust, and confidence.

Margaret Misch thanked the staff for reporting back to the residents of the community on the resolution to establish a Civilian Review Board proposed by the Orange County Bill of Rights Defense Committee supported by the NAACP, and other groups on April 28, 2008. She said the staff report dismisses the suggested ACLU Florida model, and implies the Chapel Hill Police Department Policy is adequate to address civilian complaints. She said she felt strongly the Police Department should not have the sole authority to investigate itself. She said they urge the Council to consider, and establish a review board, with the public involved to receive complaints, and report any instances of police misconduct.

Stevie Dee said she was one of the assistant public defenders in Orange County. She said as

James Williams, her boss could not be there tonight, she wanted to speak for him because she knew this was important to him, and wanted their voice to be heard. She said she believed the fact that Chapel Hill was as small as it was gives them more of an impetus to have a review council, because everyone knows everyone here, and those who were identified by the police feel like they don't have a voice, because the police know who they are; and she believed having some review of that action by a third party that was neutral would be a benefit.

Mayor Foy said he thought the Council should get a Council committee to think about this, and come up with a recommendation to the full Council.

Council Member Kleinschmidt said there was support throughout the community for such a review board, and he would like to get this on the legislative agenda.

Mayor Foy said they can put it in Mr. Karpino's file as one of the things to consider later for the legislative agenda.

6. Continuation of a Public Hearing: St. Thomas More Catholic Church and School, 920-940 Carmichael Street - Master Land Use Plan Modification and Special Use Permit Modification.

AGENDA ITEMS 6A AND 6B WERE COMBINED.

Phil Mason presented both applications in conjunction with each other for St. Thomas More.

Council Member Czajkowski asked about stipulation #17; the payment in lieu of for transit bus stop improvements, and where were they talking about siting the bus stop improvements.

Mr. Mason explained.

Brian Litchfield with the Transit Department responded about the bus stop locations.

Council Member Czajkowski said bus pull offs were a major discussion, and he would like to move this resolution with an amendment to stipulation #17, changing it so the applicant will provide a payment to the Town not to exceed \$10,000 to fund the costs of providing bus service to the church at the stop that all ready exists.

Mayor Foy said as a procedural manner they can take it once they adjourn the public hearing.

Phil Post, the applicant, said they are in support of Resolution A.

motion to adjourn mark, ward r-14 a resolution

Council Member Czajkowski proposed the change to Stipulation #17.

Council Member Strom commented; said he thought the bus stop was put there to maximize pedestrian safety, and he did not agree that there was no value to this applicant with the bus stop at the corner. He said pedestrian safety seems to be the main issue here, and they should hear from Mr. Neppalli on the safety.

Mr. Neppalli pointed out a map and gave information on the bus pull offs.

Council Member Czajkowski insisted that the funding of up to \$10,000 be for bus improvements at one of these two locations. He said the issue is what is the applicant getting for the money they pay; he said they ought to get bus service at a place which they paid \$25,000 for in the late 1990's.

Mayor Foy said a capital investment is not the equivalent of operating costs, so he believed they could both be addressed. He said if there should be bus service, then they should refer that to the Partners Committee, and get that in line. He said he supports Stipulation # 17, but he believed they should find out whether Council Member Czajkowski's proposal to use the money not for what is proposed here, but to provide bus service to a stop that has already been created has support.

Mayor Foy asked if there is support for Council Member Czajkowski's proposed amendment.

Council Member Easthom said she thought they could satisfy everyone if they took his amendment, and if that is not feasible, then the \$10,000 will be used as stated here.

Mayor Foy said he would take a straw vote to see if there was support for Council Members Czajkowski's and Easthom's proposal.

COUNCIL MEMBER MARK KLEINSCHMIDT MOVED, SECONDED BY MAYOR PRO TEM WARD, TO ADJOURN THE TWO PUBLIC HEARINGS FOR THE MASTER LAND USE PLAN MODIFICATION AND THE SPECIAL USE PERMIT MODIFICATION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

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

A RESOLUTION APPROVING AN APPLICATION FOR A MASTER LAND USE PLAN MODIFICATION FOR ST. THOMAS MORE CATHOLIC CHURCH AND SCHOOL (FILE NO. 9798-04-5260) (2008-10-15/R-14a)

MAYOR PRO TEM JIM WARD MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO ADOPT R-15A. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR ST. THOMAS MORE CATHOLIC CHURCH AND SCHOOL (2008-10-15/R-15a)

COUNCIL MEMBER MATT CZAJKOWSKI MOVED, SECONDED BY MAYOR PRO TEM JIM WARD, TO RECEIVE AND REFER COUNCIL MEMBER CZAJKOWSKI'S PETITION TO THE TOWN STAFF AND TO THE PARTNERS REGARDING BUS SERVICE. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

7. Library Expansion Project update and adoption of a resolution establishing a preliminary Project Budget. (R-16a, R-16b)

Mr. Heflin said he was there asking the Council to approve two resolutions tonight: 1) authorizing the development of detailed documents needed for bidding the project, and to approve the construction manager risk method of delivery, and 2) directing the Town Manager to prepare the budget that assumes a level of financial support for the project.

Mr. Pennoyer gave an explanation of debt service plus all planned debt service.

Mayor Foy asked, if by saying they were carrying a significant debt load for a town of their size, how should they take that information.

Mr. Pennoyer said he did not think it was significant having a higher debt load; it was just representative of the fact that the Town was making a larger investment in facilities, and capital investments. He said the important part was whether they had a stable revenue base that was able to service the debt going forward.

Council Member Easthom said she would like to suggest an information item with some questions that have been raised here to come up at a Council Meeting, so the Council can get a heads up to see where things stand as they start the budget process.

Council Member Czajkowski said the figures add up to \$600,000 for a year's delay; that troubles him. He said he would hate for the citizens to think they were ignoring a \$55,000 a month increase in expenses, in an environment where they may even have deflation.

Mr. Heflin said lumber, concrete, metal, and supplies continue in rise, and they do believe that a delay in the project will result in additional inflation that will diminish the overall value of the project budget.

Mayor pro tem Ward commented on the general community's question of can they afford this debt service. He said he communicated with the Town staff, that it was his belief they need to find a 2 per cent reduction in how they were living right now, which is what the state of North Carolina has done to their departments. He said they need to do something similar, and be on the front end of this. He said they have enough information right now to make a step like this, so he petitions the Council to ask the manager to begin to find ways to reduce their budget by this amount.

Manager Stancil said they have all ready instituted those steps to reduce their current expenditures.

Mayor Foy said he did not believe the Council was going to make a decision tonight; they would need to hear more information about their financial information.

Martha Diefendorf, chair of Chapel Hill Public Library Board of Trustees, said she would like to redirect the discussion to why the library expansion was needed. She said the lack of adequate space has really limited what the library can offer. She said a college town like Chapel Hill with its national reputation should have a public library that reflects their values and meets the educational needs of their citizens. She said even with the economic situation, the Board of Trustees believes that the Town should continue with the scheduled timeline, and have the ground breaking in the spring of 2009.

Martha Brunstein, President of the Friends of the Chapel Hill Public Library, said last year the friends gave \$50,000 to the library, and they intend to continue giving. She said the need for this expansion has continued to grow. She said to the Council for them please not allow the state of the moment to sacrifice the considerable resources they have spent already; please do not deny a well-recognized need to enhance one of the finest services provided to their citizens.

Mayor Foy said 40 percent of the users to not pay for the library; and all of them who live in Chapel Hill should not let that continue any longer. He said this is something that needs to get resolved.

Council Member Czajkowski said he thought they should ask to what extent do they need a library expansion of the magnitude that is planned, if they did not provide access to the 40 percent of the people, whose elected officials were choosing not to pay for them. He said should they not size the library for the people of Chapel Hill, and if they were to do that, would they come up with a different answer which would be easier to fund.

Council Member Easthom said she has been a friend, and a big supporter of the library, but she was hesitant to jump to do anything, because of the discussion of those that do not live in Chapel Hill, but use the library free, needs to be taken seriously; if they could charge those that don't live in Chapel Hill, but live in Orange County \$60 a year, they could offset almost 100 percent of the increase in operational costs.

Council Member Kleinschmidt agreed with her; but said it would not cover the costs. He said he thought they should consider charging them to come in the door; or that they understand their position in the community, as the provider of premiere library service in the state. He said the county of Orange does an inadequate job of funding the service for those people living outside their limits, and woe is them, but he does not think it is wise to change course right now.

Mayor Foy said they they were asking the taxpayers of Chapel Hill to make a significant investment in the library, and they have an obligation to look for every other potential source to mitigate that cost. He said the commissioners have failed to do that; and if they do not want to pay on their taxes, then they pay a user fee. He asked can they afford this debt, and how much tolerance is there for increasing taxes.

Gene Pease, President of the Library Foundation, said they have waited for years for the expansion, and the library is really struggling to meet high demands. He said there is clearly support for the library expansion, and in these uncertain times they would support the Council taking their time, and getting it right.

Fred Black said when they built the library in 1994 they knew it was too small when the ribbon was cut, so they have been behind the power curve ever since. He said he believes in this uncertain economy, they are right to take a hard look at this; but they also have to weight this against something else: when times are hard they need leadership that says they can point the way in a confident manner, and get us through this. He said building this library is one of those things that shows they were willing to invest in the future of this Town, and shows that they were confident that this was not going to be the prevailing situation. He said he believed it was very clear that Chapel Hill wants a larger library with more space; and all he was saying is use good judgement, but let's not take this off the burner.

Council Member Greene said they should think about part of library as civil space; part will be meeting space for Town needs, and she agrees with Fred Black that she hopes they can move forward.

Mayor pro tem Ward said that he wanted the Council to say to the community that they don't have as much information as they need to say yes, we are ready to sell those bonds; and fortunately, they do not have to sell them tomorrow. He said he is going to do everything he can to make sense of the economic times they were in, and figure out a way to take on the tax burden of this expanded library.

Mayor Foy said he has been a supporter of the library since the beginning, and he hasn't changed his mind about that; but how they were going to fund this into the future is another topic that they need to hash out. He said he thinks they need to put this back on their agenda for October 27, get any updated information, and try to get a better picture of what is going on.

The Council agreed by consensus to come back October 27, 2008 for further discussion.

8. Council Committee for Affordable Housing Recommendation on Proposal for Tax-Exempt Financing for Redevelopment of Timberlyne Apartments. (R-17)

It was the consensus of the Council to defer the item to another meeting.

9. Development of the 2011-2017 Transportation Priority List. (R-18)

By consensus of the Council item was deferred.

10. Human Services Agencies Application Process.

By consensus of the Council the item was deferred to another meeting.

11. Downtown Parking Study Presentation. (R-19)

George Draper, chair of the Downtown Partnership, thanked the Council for funding this study, one that is long past due as it pertains to economic development downtown. He said whether it pertains to the merchants, or the patrons parking, it is a hot issue, and he looks forward to the report. He said the Partnership has scheduled a public forum October 30 from 5:30 to 7 at the University Presbyterian Church.

Richard Rich gave an overview of the downtown parking study findings and recommendations. He said his analysis included parking supply and land use. He said their parking options included looking at better efficiency for parking, and additional public parking. He said the recommendations show that they really don't want someone to develop anymore surface parking in the downtown. He said they strongly recommend adding stalls on Franklin Street between Columbia and Church on the north side.

Council Member Harrison said Mr. Rich seems to be the source of the idea that the Downtown Partnership should take over the parking.

Mr. Rich said yes, since they don't have a DDA; other than that, they would have to assign

someone from their staff to actively manage it.

Mayor pro tem Ward said he agreed that turning the management of the parking over to someone who attends to it like a priority, such as the Downtown Partnership, would put it in the hands of someone who would be very invested in that operation.

COUNCIL MEMBER BILL STROM MOVED, SECONDED BY COUNCIL MEMBER MARK KLEINSCHMIDT, TO ADOPT R-19. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION AUTHORIZING THE MANAGER TO DEVELOP RECOMMENDATIONS FOR IMPLEMENTATION OF THE PARKING STUDY (2008-10-15/R-19)

12. Council Vacancy Discussion. (R-20)

Mayor Foy said this was the proposed process for filling the Council vacancy. He said tonight they are making a formal announcement that there is a vacancy on the Council, and they will be accepting applications through Friday, October 12, 2009.

Council Member Czajkowski asked if there was an opportunity in their calendar for the nominees to address their views on key issues that the Town is facing.

Mayor Foy said they could make it part of the application process to ask applicant to give a written statement of the key issues facing the Town and their views on them.

COUNCIL MEMBER MARK KLEINSCHMIDT MOVED, SECONDED BY COUNCIL MEMBER MATT CZAJKOWSKI, TO ADOPT R-20 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

13. Appointments:

- a. Justice in Action Committee.

The Council appointed to serve on the Justice in Action committee Arthur Finn, Jennifer Hagin, Kyle Kaplan, Mae McLendon, Kelly Reilly, Susan Stanton, Miriam Thompson, and Andre' Wesson.

h. Response to Petition regarding Town sprinkler requirements at 109-111 E. Franklin Street.

Mayor Foy said he thought they all knew what this was about, and said the staff recommends they take no action based on the Fire Marshal's recommendation. He said, however, if they want to take an action, they can: attachment #1 would permit a variance, and attachment #2 would grant a variance for a specific property.

Council Member Harrison asked if Mr. Karpinos knew if other local governments had this kind of variance involving fire safety.

Mr. Karpinos said he did not know. He said this ordinance was a local ordinance to require the

sprinklers.

Chief Jones asked the Council to support the staff recommendation. He reviewed past fires that led to the fire sprinkler ordinance.

Council Member Strom said he thought the Town code could use some rethinking, but he believed this particular circumstance is worthy of some flexibility on their part.

Council Member Kleinschmidt said he did not think it was good policy for them to put into the hands of the Council the ability to adjust safety regulations such as this.

Council Member Greene agreed with Council Member Kleinschmidt; she said she was also uncomfortable with giving the Council that power.

Council Member Czajkowski said he believed the core issue was what is the definition of value.

Mayor Foy said he agreed with him, and saw it as a matter of equity. He said there was a motion and a second on the floor.

Mr. Karpinos said with four ayes, it carries over to the second reading.

COUNCIL MEMBER MATT CZAJKOWSKI MOVED, SECONDED BY COUNCIL MEMBER BILL STROM, TO AMEND THE TOWN CODE TO GIVE THE COUNCIL AUTHORITY TO GRANT A VARIANCE. THE MOTION WAS ADOPTED BY A VOTE OF 4-4, WITH MAYOR KEVIN FOY, COUNCIL MEMBER MATT CZAJKOWSKI, COUNCIL MEMBER LAURIN EASTHOM, AND COUNCIL MEMBER BILL STROM VOTING AYE AND WITH MAYOR PRO TEM JIM WARD, COUNCIL MEMBER SALLY GREENE, COUNCIL MEMBER ED HARRISON, AND COUNCIL MEMBER MARK KLEINSCHMIDT VOTING NAY.

The meeting adjourned at 1:28 a.m.