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ATTACHMENT 4

I am a Millhouse Road property owner. Although my property abuts the proposed project, a letter received last Saturday about this meeting is the first notice I have received about this project. I have some questions.

Who authorized the Town of Chapel Hill to make governmental use of land lying outside the town's jurisdictional limits ?

Why was the first public meeting on this project held only after more than 6 months of planning ?

I understand that the next step will be to apply for a Special Use permit for this project. Who grants this permit ? What guarantee do I have that the consideration of this permit will be anything more than a rubber stamp for what appears to be a "done deal" ?

My neighbors and I have suffered through years of battles regarding the expansion of the Eubanks Road landfill... and now this. I am wearied and dismayed beyond belief at the short-sightedness of what purports to be "long range" planning. Look at a map. The town of Chapel Hill is confined by Durham to the east, Chatham County to the south, and Carrboro to the west. The only direction in which the town can possibly expand its tax base in the future is north. Have your financial projections included possible income to the town if this tract were annexed and used for high-end apartments or condominiums ? This is desirable real estate. Its proximity to I-40 and thus RTP increases its value. To use such a tract for parking buses, trucks, and equipment is short-sighted.

I realize that much time, money, and planning has gone into this project, but I urge you to reconsider.

In closing, I must question what kind of governing system puts property owners like myself in limbo when it comes to matters affecting our land. We live in Orange County, but the town of Chapel Hill is determining our fate. Decisions that affect the value of our property are being made by people for whom we cannot vote. This hardly seems just.

Kathleen Schenley

kschenley@cfsnc.org 286-2268



TOWN OF CHAPEL HILL

November 11, 2003

Kathleen Schenley
1213 Carolina Avenue
Durham, NC 27705

Dear Ms. Schenley:

I write to respond to your message delivered at the October 22, 2003 meeting of the Community Design Commission about the proposed Town Operations Center. Although I made an oral response to the group at the meeting, and you and I spent some time after the meeting discussing the issues you raised, I want to put my response in writing.

I regret that you did not receive a letter about the plans for the Town Operations site until the formal notice of the October 22 meeting of the Community Appearance Commission.

I want to assure you that there was no attempt to plan this project behind closed doors. On the contrary, in January we advertised in the Chapel Hill Herald for applicants for an ad hoc Town Operations Center Design Advisory Committee that would work with the Council, staff and consultants through the design process. We also mailed several hundred letters to owners of land in the vicinity that invited them to apply for membership in the group; I do not know why you did not receive that mailing. The membership was established to include three neighbors, as well as three other Chapel Hill residents, representatives of three advisory boards, our two transit partners and at least three Town Council members. I emailed you the names and contact information of the three neighborhood representatives, one of whom is a close neighbor of the land you own on Millhouse Road.

The advisory group met several times, with each meeting being noticed to the press. The Town Operations Center has been on the agenda of at least eight regular Town Council meetings between December 12, 2002 and October 22. The Council also attended design workshops in February and May, both duly noticed. There have been a number of articles in the Chapel Hill News and the Chapel Hill Herald, and recently in the News and Observer about this project.

You asked about the authority for the Town of Chapel Hill to make governmental use of land lying outside the Town's jurisdictional limits. The State of North Carolina grants such authority. The State also established the system of Extraterritorial Jurisdiction that allows a municipality to enforce its land use regulations outside its current borders on the


assumption that the land will eventually be annexed and that municipality will be responsible for providing urban services.

You also asked about who would issue the Special Use Permit. In this case, the Town Council has two roles related to the permitting of the Town Operations Center: Regulator and enforcer of the Land Use Management Ordinance as well as Owner and applicant for land use permits. The Council in its role as Owner applies for a Special Use Permit, and the Council in its role as Regulator acts on the application.

We try always to clarify which role the Council is playing when it takes action for this project. You may be interested that when the Planning Board performed an unofficial review of the concept plan last June, their comments included the admonition that the Town follow all of its own land use regulations. I believe that such has been the case. In fact, the Town Council voted on October 27, in its role as Owner, to adopt a preliminary budget that would allow the Town to go beyond the minimum requirements of the Land Use Management Ordinance for stormwater management, landscaping and off-site road improvements.

Your email address is on our distribution list of monthly status reports, so I know that you will be able to keep up with the general progress of this project. I invite you to contact me again with any questions or comments you may have.

Sincerely,



Sonna Loewenthal
Assistant Town Manager