

UNOFFICIAL TRANSCRIPT OF THE  
APRIL 28, 2003  
COUNCIL DISCUSSION  
REGARDING THE PETITION FROM THE  
CHAPEL HILL- CARRBORO SCHOOL BOARD  
REGARDING PROPERTY ON EUBANKS  
Prepared by Toni Pendergraph

Roger Waldon presented the Manager's April 28, 2003 Report on the School Board's Petition.

Gloria Faley, Vice Chair of the School Board spoke: The Chapel Hill School Board would again like to re-affirm our Petition to you to consider our need for a school site for the Buck Property. Our immediate need is we must build a high school for 1,000 students by 2005. That location, site has not been determined. The Orange County Commission has not approved the purchase of the Rock Haven high school site. By 2006 we will need to build a 10<sup>th</sup> elementary school, by 2007 we will need to build a 5<sup>th</sup> middle school, by 2011 we will need to build an 11<sup>th</sup> elementary school, by 2013 we will need additional high school space beyond the 1,000 students. These projections could change and in the past those projections have changed to the upper level. We requested that at least three school sites be identified for the Eubanks Road site. However, the definition of those facilities have not yet been determined due to the unfinished work of CHATPAK as that work with CHATPAK continues. We remain sensitive to the needs of yours and Carrboro's needs for parks and recreation. With that sensitivity and a realistic view of the topography of the Eubanks Road site, we don't believe that the level of school space for both a high school, elementary and middle school is feasible. As you see, we must make a series of quite serious and quite complicated decisions over the next several years regarding school sites. Sites that are buildable, useable and within the urban services boundary, a commodity that is becoming severely limited in this community. Orange County Schools and Chapel Hill schools both struggle with finding affordable building land within urban services boundaries. Because you must rezone this property and award a special use permit, we ask you to allow us to work with the Orange County Commission to acquire this site for a future school. The true spirit of this ordinance was to plan and acquire and develop land for current and future public need. And in this case the public need is schools. I have other information I'll be glad to share if asked.

Pat Evans: Could you enlighten us and the audience what CHATPAK IS?

Gloria Faley: CHATPAK is the school park site that is at Eubanks Road. You all have a representative, I believe ... Bill...

Pat Evans: That's what you call that corner?

Gloria Faley: Yes.

Pat Evans: Are you also aware that the County does own some land that was part of the Greene tract and was part of the transfer and was identified as a site for a transfer station, but it is my understanding they have decided not to build one?

Gloria Faley: And that was near the current park?

Pat Evans: No, it was near this site and I don't know whether you've looked at other sites in this region but that is one that is already owned by the County and then of course, there is the opportunity for a school site at Carolina North which have all been talking about, or maybe at least one. So, I'm inquiring as to your planning process as to whether you've looked at where these sites would be best and where there would be a critical mass to serve the schools, because I look at this development here as possibly not being a school site but possibly providing a critical mass that would make it possible to have a lot of people be able to walk to a school.

Gloria Faley: What we do is we look at a number of factors when we look at school sites: the topography of the land, the RCD's, and we continue to work with staff in doing so. And as we look at individual sites and especially when we looked at the southern site, it's smaller and smaller that amount of land, the bulk of the development, and as you start to look at projections there is quite a bit of development for the elementary level up at the northern end of the county. Again, looking at the models that we look at for projections as far as school sites are concerned that's somewhat of a volatile number. But we believe that we are now getting a handle on that number but those numbers always have come up. But I think one of the things that one must think about we've got three very immediate needs in the future that no decisions have been made on at this current time. We don't know whether the high school will be at the Rock Haven site. We don't know whether it will be at the Eubanks Road site and then again we still have elementary and middle school to provide for in the very immediate future. Does that answer your question?

Pat Evans: And you have the long term projections for Carrboro for their large transition area.

Gloria Faley: And that does not take into account what future developments may go on in the next five years and part of the modeling process is to try to get those historic trends identified.

Kevin Foy: Gloria, let me just clarify that you are asking the Town to do and that is, I think, to delay taking any action on this property while the school board has time to work to try to determine whether it wants to purchase this property.

Gloria Faley: But we can't do that alone, it is a process of having conversations both with you all and the County Commissioners as well.

Kevin Foy: do you have an estimate of what that time frame would be?

Gloria Faley: In regards to the high school we are hoping for a decision by at least May. But we don't know that. In the last conversation with the Orange County Commission there were a lot of different discussions that were thrown about. So, we're not sure whether that time table will be met or not.

Kevin Foy: But are you asking us to delay or avoid taking any action on this property until September or the end of the year?

Gloria Faley: I think there are two things to think about.. One is the decision about the high school site and the completion of the work of CHATPAK and CHATPAK will be up, I think in the next six months, although I am, I apologize I don't have the exact time table. But if we could have a finalization of this site and a finalization as far as CHATPAK is concerned, I think we would have a much clearer picture of what is available out there.

Pat Evans: So, what you are asking is for us to encourage the County Commission to take action on this? Because all of this is out of our control.

Gloria Faley: Oh, no, we are asking you all just to delay until those decisions which are our responsibility and their responsibility conclude.

Pat Evans: I don't think we have an application submitted.

Flicka Bateman: Well, that is what I am saying is that we are delaying because we don't have an application submitted to us. But what concerns me is that an application won't come to us, knowing all the things that go into it, won't come to the Council for probably another year, and it would seem to me, my personal opinion is that the public good is going to be greater served if we can indicate as early as we can our inclination that we reserve this or we allow the school board to look at this for awhile. On the other hand, I don't think it would be fair to the developer to proceed in good faith thinking that we are going to look at it, if, I hope the majority of the Council agrees with what I just said, that we don't want to rezone this until the school board has passed its judgment on it. So I would wonder if we could have a straw poll of the Council on its leanings and, then secondly, if we do have that then how we might convey that to both the developer and the school board.

Kevin Foy: I think in order to ensure that we do this the way we should do it that we should get some advice from our Manager and our Attorney because, I don't think we want to be in a position of coming to conclusions we shouldn't come to.

But I do think there's time, and my preference would be that we get some guidance from our Manager at the earliest opportunity on how we should proceed and how the Town can work with the school board on this and it's not going to be developed in the next month so, I think we've got time. And thank you Gloria, and Lisa and Neil and Steve for being here and to bring this forward for us to discuss. I think that probably is the best way to do it.

Flicka Bateman: Well, ok, and I understand and I appreciate, and I'll defer to your greater wisdom on this one. But I do know that when this first came to us, when the Chair of the School Board first brought it to us, I asked that when it came back to us that we be given some direction about how we might get enabling legislation to put into our Comprehensive Plan Ordinance language that would do more than just say subdivision applications. And so I would still anticipate getting that at some point.

Cal Horton: The Town Attorney remembers that and, I think, is prepared to comment on that tonight.

Ralph Karpinos: We had a little bit of a logistic mix up on getting this report finalized. But you are correct, Council Member, that it would require legislation and at this point we are looking at next year for any legislation, so, I think at this point, I think we really need to see if there are other issues that can be addressed. But a change to the law would be required for us to be able to put the same provision on special use permits as we have on subdivisions. And I can't comment on what the prospects are, but I do believe we are too late to propose anything like that for this year.

Kevin Foy: Well, Ralph, we have some blank bills don't we?

Flicka Bateman: Have we asked?

Ralph Karpinos: Well, nobody's asked. We haven't had a public hearing, no, we haven't done any of that, but the deadline is, I think the deadline is Thursday.

Cal Horton: It's Thursday.

Kevin Foy: But, in any case, there is time and there is possibility for the school board and the Commissioners to come to some conclusion about this property because of the way this is playing out before we have to take any action. As Flicka pointed out, it is likely that it will be at least a year before we see anything. I think what we need to know is in the interim what our advice is as to how the school board might proceed and how we can facilitate that and also whether we should let the property owner know something.

Ed Harrison: I think I recall from a committee discussion I was in with Neil and with Valerie some weeks ago, it sounded like we were actually the only jurisdiction that had any provision like this at all, where you could use the Comprehensive Plan to potentially reserve some kind of site and it sounds like an action item on the part of the school board and everybody else to get that more comprehensive across the school district and probably across the county. I mean every jurisdiction and every school district should have it. So, I mean, I'm glad you could come here to talk about something that everywhere else in the district you wouldn't be able to. We have an Assembly of Governments Meeting tonight or tomorrow night that has a long agenda, but I assume there would be a place where we could bring that up because I think school matters will be talked about, so it would be something to bring up.

Pat Evans: Have you contacted the property owner?

Gloria Faley: Yes, we have. They were not particularly interested in selling at the time we contacted them. There were three properties actually close by to one another at that particular time. And at that particular time we were reluctant to give up school sites because there are so few of them and at that time we contacted them. Is that correct?

Pat Evans: Have you contacted the property owners recently because, since, we have received an application or a conceptual plan for that site?

Gloria Faley: We have left messages. And again, I will re-affirm that we've contacted them before and they were not interested.

Pat Evans: That was what, three or four years ago?

Gloria Faley: But, no, we've left messages recently also as well.

Pat Evans: Ok.

Flicka Bateman: The representative of the developer is in the audience tonight, so I assume that is being informed.

Pat Evans: No, he's not. He's here representing another developer.

Flicka Bateman: Well, he presented it to us.

Kevin Foy: Other comments? Alright. Are you clear on how you think we should proceed, Mr. Manager?

Cal Horton: Yes, sir. I believe that our mission is clear. It is our duty to advise you on how to pursue the objectives that you've discussed and to do that in a

lawful and effective manner. And we will do our best to come up with proposals that will do both those things.

Kevin Foy: When do you think you can come back to us with some suggestions?

Cal Horton: At your next meeting on May 12<sup>th</sup>, I believe. Do you agree with that, Mr. Attorney?

Kevin Foy: And so we can let representatives of the school board know what your recommendation is as soon as ....?

Cal Horton: The day after we notify the Council.

Kevin Foy: Ok.