

MINUTES OF A SPECIAL MEETING OF THE
MAYOR AND BOARD OF ALDERMEN AND THE COUNTY COMMISSIONERS
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
TUESDAY, MARCH 27, 1979
7:30 P.M.

Chairman Whitted called the meeting to order. Present were:

Marilyn Boulton	Ann Barnes
Gerald Cohen	Norman Gustaveson
Robert Epting	Don Wilhoit
Jonathan Howes	Norman Walker
Beverly Kawalec	
R. D. Smith	
Bill Thorpe	
James C. Wallace, Mayor	

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Alderman Vickery was excused. Chairman Whitted explained that the Town of Chapel Hill had requested an extension of the zoning jurisdiction of the Town. The original request had included the three miles the statutes permit. The County Commissioners had considered the request and on October 23, the Commissioners had forwarded to the Town a resolution delineating a line along the power line easement for such an extension. They had then asked for a joint meeting to discuss that line and the joint planning which they had envisioned for that part of the county.

Mr. Jennings pointed out the areas Chapel Hill was now considering for annexation. Mr. Wilhoit stated that the Commissioners recognized that Chapel Hill needed input into the development occurring at its boundaries. The area designated as the transition zone was that area likely in their opinion to want urban services within five to ten years. Alderman Howes stated that the proposed annexation added a new ingredient to be considered. The area to be annexed was approximately the same area the county had offered for extension of the zoning jurisdiction. Although it had been assumed in the past that the sewer lines would not go beyond the drainage divide because pumps would then be needed, Alderman Howes did not believe this would be so in the future. Pumps were a part of any sewerage system.

Alderman Cohen stated the area to the northwest was already sewered. He asked why this area had been left out of the extension. Mr. Wilhoit responded that the Town had indicated it would not annex the high school, and had also indicated Weaver Dairy Road would not be extended through Northwood Subdivision. Therefore the area would be less urbanized. He looked on the concept of joint planning as an opportunity for Chapel Hill to participate in the planning of a larger area than would be possible by setting a line. Alderman Cohen argued that this set the line at its current location. Mr. Wilhoit stated the subcommittee had believed it more important to go through the joint planning process. Alderman Kawalec said that no member of the Board of Aldermen had ever indicated they thought it more important to talk about joint planning or that they did not want to extend the jurisdiction to a certain line. Alderman Epting pointed out that the County had approved the Northwood Subdivision before the Town considered the extension of Weaver Dairy Road, making such an extension difficult as it would create double-frontage lots.

Alderman Kawalec asked if there was a procedure for redefining the rural transition area and when this would be done. Mr. Wilhoit answered that the state land classification system called for a review every 5 years. He believed it important to proceed with the development of a land use plan, and a tool to insure that the plan would be followed. This was what the county was proposing.

Mayor Wallace asked why the I-40 and N.C. 86 interchange had not been included in the proposed extension as this area would grow quickly after the construction of I-40. The area to the west and north could be jointly planned provided the responsibility was divided by a line north of that proposed by the Commissioners.

The Town and county could continue discussions to produce a joint planning device for both sides of the line. Development was taking place in the area so rapidly that it would be changed within a year or two.

Mr. Whitted asked Mr. Polatty to review the trends around the state toward extra-territorial jurisdiction. Mr. Polatty responded that Greensboro exercised no extra-territorial jurisdiction. Once a transition area was defined, the Town could set urban standards for this area. The county zoning ordinance could be amended to implement these standards in the transition area. Ms. Barnes named several cities that had consolidated their planning processes with the counties in which they were located. Durham had approximately 1 mile extraterritorial jurisdiction.

Alderman Howes stated there was merit for joint planning and for phasing out extra-territorial jurisdiction in time. However, with only two townships in the county zoned, the taxpayers were paying to plan for an area where the Town had an interest and could extend its existing planning capabilities to cover. The county planning resources could then be concentrated where there is no other source of planning. Mr. Whitted said the county already had a work program for planning within the whole county. Mr. Wilhoit pointed out that the recommendations from the 1975 Growth Management Conference were for joint planning and the creation of an Orange Comprehensive Planning Council.

Alderman Kawalec stated that although there might be a trend toward more county planning across the state, she believed towns should have extraterritorial planning jurisdiction because people living in these areas would use the Town's recreational, commercial, and community facilities. They would have an impact on the Town. Alderman Cohen added that when the Town considered a subdivision, it looked at the ease of providing services for the Town as a whole, not just for that subdivision. These issues would affect the city budgets in the future. Mr. Wilhoit believed the joint planning process could address these concerns.

Alderman Howes asked if the Commissioners were indicating that the era of extra-territoriality should be over in Orange County. Mr. Gustaveson stated that both the county and Town had an interest in the area and both should be involved in the planning. Alderman Cohen said the final decision would still rest with the County Commissioners. Mr. Gustaveson said the county was the political body with responsibility for this area; therefore, they should make the decision.

Mayor Wallace stated that when the Town planning jurisdiction was given, the Town was required to have five members on its planning board from outside the corporate limits but within the planning jurisdiction. With the expansion of the corporate limits it had become difficult to find members who fit this criteria. The Town on the other hand has no Town residents on the county planning board. The majority of the population in the county lived within the corporate limits of a town. He believed some of the decisions made by the county planning board might have been different had there been some residents from towns on the board. Mr. Wilhoit stated that in recommending the area for an extension of the jurisdiction he had proposed adding three ex officio members from the Town to the planning board. Ms. Barnes pointed out that Chapel Hill was not in the county planning jurisdiction.

Alderman Howes suggested a debate on the policy of extraterritoriality if the Commissioners believed the towns should no longer exercise such jurisdiction. In such case, he would need to reconsider the structure for a joint planning council. Mr. Gustaveson believed the mechanism for a joint planning process should be started as soon as possible, and many of the details would be worked out while doing this.

Alderman Smith believed Chapel Hill should be planning for the areas for which it would be providing urban services, and which it would be considering for annexation within the next five to ten years. Had the Board known the Commissioners were against extraterritoriality they would have planned differently.

Because the trend of the General Assembly was against extraterritoriality, Alderman Kawalec was not convinced that this was the opinion of citizens. She pointed out that the county could adopt Chapel Hill's zoning standards for county areas at any time it wished.

Mayor Wallace listed the number of lots within the area the Town was asking for which had been approved by the county within recent months. Much of this had been without planning for urban services. More would be approved while the Town and county were trying to develop a procedure for joint planning. A multiplicity of jurisdictions around Chapel Hill had created difficulty in planning for a fast-growing area. Mr. Wilhoit stated that if a line were drawn, there would still be problems on the other side of the line.

Alderman Howes asked that a debate be held on the question of extraterritoriality, and that the joint planning process be started immediately. The flexibility allowed governing bodies resulted in projects which did not necessarily follow the comprehensive plan. A line would delineate governmental responsibility. Mr. Gustaveson said there had been several public forums on the issue of extending Chapel Hill's jurisdiction.

Mr. Whitted recognized that there were problems with the planning, but believed that moving the line would only move the problems. Alderman Smith responded that Chapel Hill should plan for those areas which it will probably annex in the next few years, and joint planning could occur for those areas which might be annexed within the next ten to twenty years.

Alderman Cohen explained that part of the Town planning process was to encourage growth closer to the Town to reduce the expense of extending services. This meant some projects further out must be denied.

Ms. Barnes asked if it would be helpful to discuss the mobile home issue and she wanted a response from Chapel Hill on the proposed extension by the county. There were projects pending within this area which were being delayed. Alderman Howes did not believe the Board should accept the county proposal, but that both Boards should proceed with the joint planning. The subcommittee had proposed a structure for beginning the joint planning, a task force composed of 2 members of each of the two boards, two members of each of the two planning boards and staff from both the county and Town. They would have as their charge the preparation of a plan which could be submitted to the two boards, and consideration of revised measures relating to implementation of zoning controls. Alderman Kawalec suggested requesting a report from the staff on how this has been done in other areas.

Mr. Shipman stated the developer for Timberline had submitted to the Town his plans for development for review.

In response to Alderman Smith, Mr. Denny said he had no legal problems with the discussion so far. However, specific actions might raise questions. Alderman Boulton wanted some short-term controls while the joint planning was in process.

Alderman Kawalec proposed that the meeting be ended and reconvened at another time with the agenda to begin with a review from the county and town managers of the current joint planning and a draft proposal for the work of the task force. Mr. Whitted pointed out that a resolution of the Timberline issue had not been reached. Alderman Kawalec suggested the Commissioners make the decision on this project. Mr. Jennings said the courtesy review by the staff and Planning Board was scheduled for May. Alderman Howes asked if this could be continued. Mayor Wallace understood that the project had been planned according to both sets of standards; therefore, there should be no problem. However, he believed the proposed extension of the Commissioners inadequate.

The Commissioners and Board scheduled another meeting for a continuation of the discussion on April 17, 1979, at 8:00 p.m. in Hillsborough.

Alderman Cohen then explained that in its legislative package, Chapel Hill had requested a change in the composition of its Planning Board and Board of Adjustment which now had five members from outside the corporate limits but within the planning jurisdiction. Local legislators had requested the county and town to pass a similar resolution for this request. Mr. Gustaveson moved, seconded by Ms. Barnes, that the Commissioners indicate to local representatives they had no objection to a change in the composition of the Chapel Hill Planning Board and Chapel Hill Board of Adjustment. The motion was carried unanimously.

Alderman Cohen moved, seconded by Alderman Howes, that the following bill be forwarded to legislative representatives with a request for introduction to the General Assembly:

A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 473 OF THE SESSION LAWS OF 1975 RELATING TO THE CHARTER OF THE TOWN OF CHAPEL HILL

The General Assembly of North Carolina enacts:

SECTION I

The Charter of the Town of Chapel Hill, as the same appears in Chapter 473, Session Laws of 1975, as amended, is hereby further amended as follows:

Amend Chapter V, Section 5.10, by rewriting the first sentence thereof to read as follows:

"If the Board of Aldermen desires to exercise the powers granted by this Article, it shall by Ordinance create a planning board of ten (10) members, who shall be appointed as follows: Not fewer than five nor more than seven shall be appointed by the Aldermen, and shall be citizens and residents of the Town; not fewer than three nor more than five shall be appointed by the Orange County Board of Commissioners and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of Chapel Hill as defined in this Article."

Amend Chapter V, Section 5.12, by rewriting the first sentence thereof to read as follows:

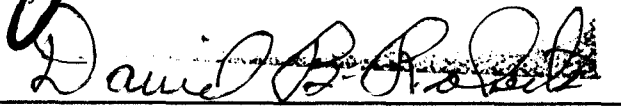
"If the Board of Aldermen should adopt a zoning ordinance for the territory beyond the corporate limits of the Town of Chapel Hill as authorized in this Article, it shall create a zoning board of adjustment of ten (10) members who shall be appointed as follows: Not fewer than five nor more than seven shall be appointed by the Aldermen, and shall be citizens and residents of the Town; not fewer than three nor more than five shall be appointed by the Orange County Board of Commissioners and shall be citizens and residents of the territory beyond and surrounding the territorial limits of the Town of Chapel Hill as defined by this Article."

The motion was carried unanimously.

There being no further business to come before the Commissioners or the Board, the meeting was adjourned.



Mayor James C. Wallace



Town Clerk David B. Roberts