

MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND
COUNCIL OF THE TOWN OF CHAPEL HILL, MUNICIPAL
BUILDING, MONDAY, MARCH 17, 1986, 7:30 P.M.

Mayor James C. Wallace called the meeting to order. Council Members present were:

Julie Andresen
David Godschalk
Jonathan Howes
David Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe

Council Member Arthur Werner was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Public Hearing on Greenways Development Ordinance Text Amendment

Roger Waldon, Planning Director, gave a presentation on the proposed Development Ordinance Text Amendment (DOTA) to require dedication for public use of greenway areas in new subdivisions. He said the staff suggested 1) the Development Ordinance be changed to include language that explicitly stated that, if an application for a major subdivision was being considered by the Town, and if the land proposed for development abutted or included areas designated as greenways on the Town's Greenways Plan, then the Town may require dedication of pedestrian/non-motorized vehicle easements along the proposed greenway; 2) the Development Ordinance be changed to allow such dedication of easements to meet recreation space requirements; and 3) that the Council formally adopt the Greenways Task Force Report as the Town's Greenways Plan, for the purpose of identifying future greenways. Mr. Waldon said development of greenways would be difficult without a mechanism to acquire pedestrian and non-motorized vehicle easements as land develops. He stated that the staff felt the Council currently had the ability to require such easements as a condition of approval for Special Use Permits, and with the proposed ordinance the Town would have the authority for subdivision requests. He said, however, that for Site Plan reviews, the Town did not and could not have this authority. Mr. Waldon said in order for the Town to require dedication of easements, the acquisition of such easements should be part of the Comprehensive Plan. To achieve this, Mr. Waldon suggested the Council adopt the Greenways Task Force Report which would then become an element of the Comprehensive Plan, and become the basis for requirement of greenway easements.

Mr. Julian Raney, representing the Planning Board, said the Board recommended adoption of the ordinance to amend the Development Ordinance, but had delayed voting on the resolution to adopt the Greenways Report until each member had sufficient time to study the report.

Mr. Phil Sloane, representing the Greenways Commission, spoke in support of the proposed ordinance to amend the Development Ordinance and resolution to adopt the Greenways Plan.

Manager Taylor commented that the Parks and Recreation Commission would prepare a written report to the Council with their recommendations. He said his preliminary recommendation was for the Council to adopt an ordinance to amend the Development Ordinance to allow for the requirement of dedication of easements along greenways and to adopt a resolution formally adopting the Greenways Report.

Mr. Albert West, speaking as a resident of Morgan Creek subdivision, expressed concern about the proposal. He commented on the lack of contact by the Greenways Task Force and Commission with property owners when recommending future greenway trails. He also expressed concern that the notice of this public hearing was only found in the newspaper on the Sunday before this meeting. He said he was not

against a greenway system, but felt there should have been further coordination and contact between those making the plans and those who would be immediately affected by these plans. He asked the Council to delay action on the proposal until further citizen input and clarification of the plan could be made. (For copy of text, see Clerk's files.)

Dr. Tom Barnett, speaking as a resident of Morgan Creek subdivision, agreed with Mr. West's comments. He said he had spoke with many of the residents along Morgan Creek and there was opposition to the way it was currently included in the Greenways Plan. He stated there needed to be a complete survey of each area and the costs spelled out for the complete development of each Greenway trail. He urged the Council to delay action on the proposals until there could be further discussions and research into the feasibility of each Greenway trail.

Mr. Stanley Black, speaking as a resident of Morgan Creek subdivision, spoke in support of the proposal. He said with regard to Morgan Creek, people were currently using the creek bed area as a greenway trail. He commented that an easement did not constitute a taking of the property, rather a right to use the property.

Ms. Susan Payne, speaking as a resident, commented that the Greenways Report proposed a gravel and paved path along Morgan Creek. She felt such a path would destroy the property owners expectation of privacy and would destroy the established wildlife habitat.

Dr. Ritchie Bell, speaking as a resident and Director of the N. C. Botanical Gardens, spoke in support of a greenways system, but felt there needed to be a means of control and a reverter clause to assure property owners that if the easements were not used for the purpose stated in the easement document, then the easement would become null and void. He commented that the Botanical Gardens which was a public facility had areas which were off limits to the public and that there were specific hours of operation. Mr. Bell said there was currently no method of controlling the hours of use of a greenways trail. He further stated he had not been contacted by the Greenways Task Force for comments on the inclusion of the Botanical Gardens as part of a future greenways trail. He stated the plan needed more work to develop a fair, useful, and affordable greenways system with controls.

Mr. Don Francisco, speaking as a resident, commented that the proposal for dedication of easements was a means to achieve goals which were already being met by other Town ordinances and programs. He commented that the provisions of the Resource Conservation District which he noted, was adopted after the Greenways Report was published, were being duplicated in the goals of the Greenways system. He also felt that the greenways system constituted a public park and that the State did not require developers to dedicate land for a public park. Mr. Francisco said there were technical problems with the proposed greenway plan as represented in the Greenways Report and he felt there needed to be more detail and clearer definition of goals to be achieved by a greenways system.

Mr. Pearson Stewart, speaking as a resident, spoke in support of the proposal. He pointed out the greenways system in Raleigh as a prime example of a greenway system that works. He commented that one of the reasons he lived where he did was its proximity to a greenway trail. Mr. Stewart agreed with Mr. West and Dr. Bell's comments regarding the need for specific review of Morgan Creek and the desirability of a greenway trail.

Randy Schenk, representing the Sierra Club, spoke in support of the proposed ordinance. He said the Greenways report was a good step in the direction of an integrated greenways system.

John E. Adams, speaking as a property owner in Morgan Creek subdivision, said that initial development of that area had been done with great care and consideration to maintain the natural surroundings. He spoke in support of the conservation efforts but felt the Greenways Report needed further definition and development. He asked the Council to defer action on the proposal until further discussions between property owners and the Town could be held.

Katherine Emerson, representing the League of Women Voters, said the League supported recreation development and the greenway system. She said the Report represented a systematic development of greenway trails and urged the Council to adopt the proposed ordinance and resolutions.

Betsy Pringle, speaking as a member of the Greenways Commission, spoke in support of the ordinance and resolution. She said the Commission planned to work closely with property owners in the further implementation of the Greenways Plan.

William S. Pollitzer, speaking as a resident, commented that the Greenways Plan could provide no guarantees for the goals it hopes to accomplish (i.e. increased property values, no harmful affects to nature habitats). He said there should be further study into the practicality of the greenways plan.

Council Member Smith expressed concern about the Task Force Report and asked if a survey of potential greenway trails should be done at this time for the entire greenways system or for those trails adjacent to major subdivisions. He asked the Manager to find out how much land along Morgan Creek would be affected by the proposed DOTA. He spoke in support of the proposals to require dedication of greenway easements in new subdivisions.

Council Member Preston spoke in support of the proposed ordinance and resolution. She pointed out that the Greenways Commission was charged with working with the citizens to establish a greenways system. She asked Mr. Taylor if the Public Hearing had been appropriately advertised. Manager Taylor responded that the required legal notice was given and in addition several copies of the agenda and report were sent to citizens as part of a public information program.

Council Member Godschalk spoke in support of the proposed DOTA and the Greenways Report. He said comments from citizens indicated that the Council should review the Greenways Plan with regard to the Morgan Creek area to see what alternatives were available. Council Member Godschalk suggested hiring professionals to prepare an engineering and landscaping design for a specific section of the proposed greenway system, have the Town develop that section, and use it as a model for the citizens to review and make comments.

Council Member Howes agreed with Council Members Godschalk and Preston and said the Report needed to be further developed and refined. He suggested referral to the Greenways Commission for their consideration of the comments made by citizens and how this Report would fit into the Comprehensive Plan. He said he was not sure if the Report needed to be more general or more specific in order to be incorporated into the Comprehensive Plan.

Council Member Thorpe commented that the two items, the DOTA and the adoption of the Greenways Report, should not have been on the same agenda item. He said the Town needed to review its notification process. He also commented that he felt the Development Ordinance should not allow for land in the Resource Conservation District, unusable land, to be counted as the required recreation space for development projects. He said he would prefer these developments to offer payments-in-lieu of recreation space. Roger Waldon replied that the dedication of easements for greenways, etc. would be acceptable to the requirement for inactive recreation space and that payments-in-lieu were made for lack of active recreation space.

Council Member Andresen spoke in support of the proposals. She expressed concern about the Council's tendency to refer items back to the Advisory Boards rather than have the Council take action. She said she felt the Greenways Report should be a general statement of the plans for the Town.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER, ATTORNEY AND GREENWAYS COMMISSION.

Mayor Wallace commented that he felt the Greenways Plan needed further development but questioned whether the Report should be more defined prior to inclusion in the Comprehensive Plan.

THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO
ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting adjourned at 9:10 p.m.

Mayor James C. Wallace



Town Clerk