

1 DRAFT

2 **MINUTES**
 3 **ORANGE COUNTY BOARD OF COMMISSIONERS**
 4 **CHAPEL HILL TOWN COUNCIL**
 5 **CARRBORO BOARD OF ALDERMEN**
 6 **October 15, 2015**
 7 **JOINT PLANNING AREA (JPA) PUBLIC HEARING**

8 The Orange County Board of Commissioners met with the Towns of Chapel Hill and
 9 Carrboro for a Joint Planning Area (JPA) public hearing on Thursday, October 15, 2015 at 7:00
 10 p.m. at the Southern Human Services Center in Chapel Hill, N.C.

11
 12 **COUNTY COMMISSIONERS PRESENT:** Chair Earl McKee and Commissioners Mia
 13 Burroughs, Barry Jacobs, Bernadette Pelissier and Penny Rich

14 **COUNTY COMMISSIONERS ABSENT:** Commissioner Dorosin and Commissioner Price

15 **COUNTY ATTORNEYS PRESENT:** Staff Attorney Annette Moore

16 **COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager
 17 Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified
 18 appropriately below)

19 **CHAPEL HILL TOWN COUNCIL MEMBERS/STAFF PRESENT:** Mayor Mark Kleinschmidt,
 20 Jim Ward, Lee Storrow, George Cianciolo, Maria Palmer, Sally Greene and Town Manager
 21 Roger Stancil

22 **CHAPEL HILLTOWN COUNCIL MEMBERS ABSENT:** Council Member Donna Bell and
 23 Council Member Ed Harrison

24 **CARRBORO BOARD OF ALDERMEN MEMBERS/STAFF PRESENT:** Mayor Lydia Lavelle,
 25 Aldermen Damien Seils, Jacquelyn Gist, Randee Haven O'Donnell, Sammy Slade, Bethany
 26 Chaney and Town Manager David Andrews

27 **CARRBORO BOARD OF ALDERMEN MEMBERS ABSENT:** Alderman Michelle Johnson

28
 29 Chair McKee called the meeting to order at 7:03 p.m.

30
 31 **A. OPENING REMARKS FROM THE CHAIR AND MAYORS**

32 Mayor Lavelle said Alderman Johnson was not feeling well and might arrive late.

33 Mayor Kleinschmidt said Council Members Harrison and Bell would not be attending.

34 Chair McKee said that Commissioner Dorosin and Commissioner Price had conflicts and
 35 would not be attending tonight.

36
 37 **B. PUBLIC CHARGE**

38 *Chair McKee dispensed with the reading the Public Charge.*

39
 40 **C. PUBLIC HEARING ITEMS**

- 41
 42 **1. Text Amendments to the Joint Planning Agreement** – Consider revisions to existing
 43 language regarding Transition Area resident representation on the Town of Chapel Hill's
 44 Planning Commission and Board of Adjustment.

45
 46 Mayor Kleinschmidt reviewed the following background information:

47 **PURPOSE:**

48 To receive public comment on two proposed options to amend the Joint Planning
 49 Agreement to revise existing language regarding Transition Area resident representation on the
 50 Town of Chapel Hill's Planning Commission and Board of Adjustment.

51

1 **BACKGROUND:**

2 In the mid-1980s Orange County and the Towns of Chapel Hill and Carrboro adopted a
3 Joint Planning Land Use Plan and accompanying Agreement that provided land use planning
4 for the area of the county commonly referred to as the Rural Buffer and for areas designated as
5 "Transition Areas" adjacent to the Towns of Chapel Hill and Carrboro. Transition Areas were
6 defined as areas in transition from rural to urban and were projected to be provided with urban
7 services (public utilities and other town services). The full plan and agreement is available at:
8 <http://orangecountync.gov/planning/Documents.asp>.

9 In October 2014, the Town of Chapel Hill enacted an Extraterritorial Jurisdiction (ETJ)
10 expansion ordinance that changed most of the Town's designated Transition Area to ETJ.
11 Because there is relatively little Chapel Hill Transition Area remaining, the Town of Chapel Hill
12 has proposed two options for potential amendments to the Joint Planning Agreement regarding
13 Transition Area resident representation on its Planning Commission and Board of Adjustment.
14 The attached Town staff report provides further details on the options. Amendments to the Joint
15 Planning Agreement require a joint public hearing and approval by the three governing boards
16 of the jurisdictions that are parties to the agreement.

17 Gene Poveromo, Town of Chapel Hill Planning Department Development Manager,
18 made the following PowerPoint presentation:
19
20

21 **October 15, 2015** 22 **Joint Public Hearing**

23 24 **Amending the Joint Planning Area Agreement** 25 **Recommendation**

- 26 • Consider the amendment
- 27 • Continue the Public Hearing
 - 28 ○ Chapel Hill Town Council
 - 29 ❖ November 11
 - 30 ○ Carrboro Board of Aldermen
 - 31 ❖ November 24
 - 32 ○ Board of Orange County Commissioners
 - 33 ❖ December 7

34 35 **Joint Planning Area Agreement Amending JPA Resident Membership on Town of Chapel** 36 **Hill**

- 37 • Planning Board
- 38 • Board of Adjustment
- 39 • JPA Resident Membership
- 40 • *"...at least on resident of each town's respective Transition area shall be appointed*
41 *...planning board and board of adjustment..."*
- 42 • *TRANSITION AREA = JOINT PLANNING AREA*

43 44 **Chapel Hill Planning Jurisdiction (map)**

45 46 **Chapel Hill Planning Commission Recommendation**

- 47 • Amend the JPA Agreement and replace the JPA seat on the Planning Commission and
48 Board of Adjustment with a Chapel Hill resident seat
- 49 • Planning Commission
- 50 • "...current ETJ/JPA population (6.7%) as compared to current Planning Commission
51 member percentage (22%)."

Other Options...

- Make no changes to membership...retain JPA seat on Planning Commission & Board of Adj.

Another Option...

- Change the JPA seat to an ETJ or JPA seat
 - County Commission appointment
- Seat can be filled by a Chapel Hill Resident if unfilled for 90 days
 - Town Council appointment

Recommendation

- Consider the amendment
- Continue the Public Hearing
 - Chapel Hill Town Council
 - ❖ November 11
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 - Orange County Commission
 - ❖ December 7

Town Council Member Palmer said the slides did not reflect the current membership that shows the enormous contrast between the less than 1 percent of the population being in the joint planning area, yet being 20 percent of the representation on the Planning Board.

Mayor Kleinschmidt said if another column was added to show the percentage of representation on the Chapel Hill Planning Commission and Board of Adjustment, a huge disparity would be evident between the population and the representation.

Alderman Seils asked if the Chapel Hill Planning Commission had permitting issuing authority.

Mayor Kleinschmidt said this Commission is a quasi-judicial group, depending on the type of permit that is being sought.

Alderman Seils said the Carrboro Planning Board does not have such authority.

PUBLIC COMMENT:

Debbie Masquela read an email that she had sent to all boards:

"I live in the JPA Chapel Hill map area. I would like to suggest a good compromise on the Option B for the Joint Planning Area Membership. Please consider this compromise. If we are to use Option B but to retain the title on the individual seats on the Chapel Hill Planning Commission and Chapel Hill Board of Adjustment as having JPA/ETJ status. Which means the persons filling those seats, if they do remain vacant after 90 days of being available to JPA or ETJ residents, those people would be responsible to represent the interests of JPA/ETJ residents. The seat would retain their titles as JPA/ETJ representatives, even if after this 90-day vacant period lapsed and the seats were then filled by Chapel Hill residents.

If you do not agree with this compromise, I, plus my neighbors would like to know why we would be denied this representation in our own Town's government; and not just because we are outnumbered in population and acreage. Our countryside landscapes of rolling hills of farms, woods, forest, fields, creeks, streams, ponds add immeasurably to the aesthetic value and harmony of our Chapel Hill Community as a whole. These peaceful lands cannot be held in comparison to the Town's lands that are weaved with shops, traffic lights, cookie cutter neighborhoods upon a mixture of asphalt and cement. JPA/ETJ areas are greatly different in form, and function than Chapel Hill In-Town Limits. The interests and environments of the

1 JPA/ETJ people need to have their own representative, because unless you live there, you just
2 don't get it and you won't understand what we want and why we want it.”

3 Debbie Mesquela asked for her comments to be put on the Chapel Hill website. She
4 said the request is that the names of the seats remain the same, and whoever holds these seats
5 would represent the needs of the JPA/ETJ.

6 Mayor Kleinschmidt clarified that the only seat to be eliminated was the JPA seat, which
7 would be replaced with a Chapel Hill resident. He said the ETJ seat would remain the same.

8 Commissioner Jacobs said the proposal from Chapel Hill is reasonable, and the County
9 has a similar process for addressing seats that are vacant for 180 days. He suggested a period
10 between 90 to 180 days.

11 Mayor Kleinschmidt said that suggestion is different than the Town of Chapel Hill's
12 Planning Commission's recommendation.

13 Alderman Chaney asked if two seats would be reduced to one seat and would represent
14 this small percentage of the population.

15 Mayor Kleinschmidt said yes.

16 Commissioner Rich clarified that the ETJ position would not be done away with, but
17 rather the JPA seat would be combined, or if it goes unfilled by an ETJ/JPA person in a
18 specified time period, that the seat would go to a Chapel Hill resident.

19 Mayor Kleinschmidt said the Planning Commission's recommendation is to morph the
20 JPA seat into a Chapel Hill resident seat, but there are other options to consider and he
21 reviewed them.

22 Commissioner Rich asked if the Planning Commission has a definite number of
23 membership slots or can the numbers be increased.

24 Gene Poveromo said State statute requires that there be at least one person from the
25 ETJ on Board of Adjustment and Chapel Hill Planning Commission. He said the Planning
26 Commission is made up of nine members, and the JPA agreement says there must be one JPA
27 position.

28 Town Council Member Palmer said Commissioner Jacobs' suggestion of 180 days is a
29 long time and explained the appointment process and Advisory Board schedules. She said
30 even the 90 days could be problematic. She said there are only 298 residents that live in the
31 JPA area, which is a small number from which to find a representative to serve on these boards.

32 Councilman Ward said he believed that the JPA still needs representation, and he
33 supports the “another option” choice.

34 Gene Poveromo said there is one seat dedicated to the ETJ, and it would be possible to
35 have a second ETJ seat.

36 Councilman Ward asked if it is possible to transform the remaining ETJ seat into one
37 that could also be filled by a JPA resident.

38 Mayor Kleinschmidt said that is not be possible, because there must be an ETJ
39 representative.

40 Mayor Kleinschmidt said another option would be to consider bringing the small JPA
41 area into the ETJ or releasing it to the County. He said the latter option would be a longer
42 process.

43 Mayor Kleinschmidt said when this was created years ago, there was a lot more
44 transition area and a lot more residents in the JPA area.

45 Councilman Ward said he hoped that if the shorter time frame was chosen, Chapel Hill
46 would be able to help Orange County fill these positions as the Board should be fully staffed
47 with membership. He said a time extension could be requested if need be.

48 Alderman Slade asked if this potential change would affect Carrboro.

49 Gene Poveromo said the proposal does not include changing Carrboro's jurisdiction.

50 Commissioner Jacobs suggested that Ms. Masquela could apply for this position through
51 the Orange County Clerk's office.

1 Mayor Kleinschmidt referenced the recommendation below and said all three elected
2 boards will discuss and recommend an option from their entity by the suggested dates below, or
3 whenever they chose to do so.

4
5 **RECOMMENDATION:**

6 The Planning Staffs recommend that the governing boards:

- 7 1. Hear public comment on the proposed options to amend the Joint Planning Agreement.
8 2. Close the public hearing.
9 3. Refer the matter to the local governments for decision in accordance with the following
10 schedule:

11
12 a. Orange County

13 Orange County Planning Board for recommendation – November 4, 2015

14 Board of County Commissioners for possible action – December 7, 2015

15
16 b. Chapel Hill

17 Chapel Hill Planning Board for recommendation – done on September 1, 2015

18 Town Council for possible action – November 11, 2015

19
20 c. Carrboro

21 Carrboro Planning Board for recommendation – November 5, 2015

22 Board of Aldermen for possible action – November 10 or 24, 2015

23
24 **ADJOURNMENT OF JOINT PUBLIC HEARING**

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26 The Joint Public Hearing was adjourned at 7:36 p.m.

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28 VOTE: UNANIMOUS

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30 *The Town of Chapel Hill left at 7:36 p.m.*
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