



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

Town Hall
405 Martin Luther King Jr.
Boulevard
Chapel Hill, NC 27514

Mayor Pam Hemminger
Mayor pro tem Karen Stegman
Council Member Jessica Anderson
Council Member Camille Berry
Council Member Tai Huynh

Council Member Paris Miller-Foushee
Council Member Michael Parker
Council Member Amy Ryan
Council Member Adam Searing

Wednesday, April 27, 2022 **7:00 PM** **Virtual Meeting**

Language Access Statement

For interpretation or translation services, call 919-969-5105.

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Para servicios de interpretación o traducción, llame al 919-969-5105.

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919-969-5105.

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend. The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council business meetings and work sessions. Please participate in a voluntary demographic survey <https://www.townofchapelhill.org/demosurvey> before accessing the Zoom webinar registration. After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 880 4229 5865

View Council meetings live at <https://chapelhill.legistar.com/Calendar.aspx> – and on Chapel Hill Gov-TV ([townofchapelhill.org/GovTV](https://www.townofchapelhill.org/GovTV)).

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and reviewed the agenda.

Roll Call

Mayor Hemminger called the roll and Council Members replied that they were present. Council Member Anderson was absent/excused.

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Karen Stegman, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Tai Huynh, Council Member Michael Parker, Council Member Amy Ryan, and Council Member Adam Searing

Excused: 1 - Council Member Jessica Anderson

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Assistant Town Attorney Jim Baker, Communications Manager Ran Northam, Planning Director Colleen Willger, Principal Planner Anya Grahm, Affordable Housing and Community Connections Director Sarah Vinas, Affordable Housing and Community Connections Assistant Director Nate Browman-Fulks, Housing Officer Emily Holt, Public Housing Director Faith Brodie, Senior Planner Becky McDonnell, Assistant Planning Director Judy Johnson, and Deputy Town Clerk Amy Harvey.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Electric Bus Video.

[\[22-0365\]](#)

The Council watched a "Celebrating Successes" video about an April 8, 2022 celebration regarding Chapel Hill Transit's first electric buses. In the video, Mayor Hemminger and other local and state leaders shared information about the Town's fair free transit system and its bus replacement program. Mayor Hemminger said that Chapel Hill Transit Partners -- Chapel Hill, Carrboro, and University of North Carolina -- had funded the new buses.

Mayor Hemminger emphasized the importance of partnerships and expressed gratitude to Chapel Hill Transit Director Brian Litchfield and his staff for successfully adding seven new buses to the Town's fleet.

0.02 Mayor Hemminger Regarding Virtual Council Meetings For Next Two Weeks.

[\[22-0366\]](#)

Mayor Hemminger said that Orange County leaders had extended the mask mandate on local transit through May 2022. There had been a slight rise in COVID-19 infections, she said, but pointed out that hospitalizations had not been rising. The Council was hoping to return to in-person meetings on May 18, 2022, but the Council Committee on Economic Sustainability meetings would remain virtual into the future, she said.

0.03 Mayor Hemminger Regarding Advisory Board Applicants. [\[22-0367\]](#)

Mayor Hemminger reminded the public that serving on advisory boards was a great way to help shape the Town. Chapel Hill was currently seeking applicants for the Board of Adjustment, Justice in Action Committee, and the Stormwater Utility Board. Those interested could apply online or call Town Hall and request a paper application, she said.

0.04 Proclamation: Bike Month in Chapel Hill. [\[22-0368\]](#)

Council Member Searing read a proclamation for Bike Month 2022 that described efforts to provide more accessible and connected bike lanes and greenways throughout Town. Chapel Hill would be joining Carrboro and other community partners in providing a wide range of biking activities and events during the month of May and the full list could be found at Gochapelhill.org, he said.

Mayor Hemminger pointed out that May 4th would be National Bike to School Day. She said that bike shops would offer free inspections and lights and that related information could be found at Gochapelhill.org.

0.05 Council Member Searing Appreciation for Town Manager Jones. [\[22-0369\]](#)

Council Member Searing thanked Town Manager Maurice Jones for his hard work and said that the Manager had the "sometimes dubious honor" of implementing Council decisions.

Mr. Jones said that he appreciated the kind sentiment, and he shared the credit with his great staff.

0.06 Mayor Hemminger Regarding Open Space Locator. [\[22-0370\]](#)

Mayor Hemminger encouraged the Council to look at a new Open Space Locator tool that would soon be available to the community.

PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS

Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions to Council webpage to track the petition. Receiving or referring of a

petition does not constitute approval, agreement, or consent.

1. Moriah Ridge, LLC. Request to Amend Consent Judgement to Permit the City of Durham to Annex a Property off of Mt. Moriah Road. [\[22-0341\]](#)

Attorney William Brian, representing Moriah Ridge LLC, asked the Council to amend a consent judgment between the Town and the City of Durham so that Durham could annex his client's property and extend water and sewer to a proposed middle income, mixed-use, single-family development.

Mayor Hemminger said that mayors and managers from both towns had agreed to meet and discuss the situation.

This item was received as presented.

1.02 Charles Fiore Request for Pedestrian Amenities During Construction on Caswell Road. [\[22-0375\]](#)

Charles Fiore, an Estes Hills resident, said that an absence of sidewalks in his neighborhood had become more dangerous due to recent construction associated with the Estes Drive Connectivity Project. He described steep hills, blind curves, and bad sight lines in the area, which included an elementary and a middle school. He requested that the Town install traffic-calming devices (especially on Caswell Road) during the projected year-long Estes Drive project.

This item was received as presented.

1.03 Neal Bench Request to Resurface Playing Fields at Cedar Falls Park. [\[22-0374\]](#)

Neal Bench, a Chapel Hill resident, described a "critical" need to resurface turf fields at Cedar Falls Park and requested immediate funds to do so. He asked that the Council consider future funding for both Cedar Falls and Homestead Parks as well.

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that these requests be received and referred. The motion carried by a unanimous vote.

CONSENT

Items of a routine nature will be placed on the Consent Agenda to be voted on in a block. Any item may be removed from the Consent Agenda by request of the Mayor or any Council Member.

Approval of the Consent Agenda

A motion was made by Council Member Ryan, seconded by Council Member Miller-Foushee, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[22-0342\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Amend Chapter 2, Article IV, Section 2-72 of the Town Code of Ordinances Regarding Campaign Contribution Limitations. [\[22-0343\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Endorse the County-Wide Coordinated Manufactured Homes Action Plan. [\[22-0309\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Call a Public Hearing to Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way of Stinson Street on June 8, 2022. [\[22-0344\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
6. Amend the 2021-22 Council Calendar. [\[22-0345\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[22-0346\]](#)
This item was received as presented.
8. Receive the Schools Adequate Public Facilities Ordinance (SAPFO) 2022 Annual Technical Advisory Committee Report. [\[22-0347\]](#)
This item was received as presented.

DISCUSSION

9. Consider an Application for Conditional Zoning for 751 Trinity Court from Residential-4 (R-4) to Residential-Special Standards-Conditional Zoning District (R-SS-CZD) [\[22-0348\]](#)
Principal Planner Anya Grahn gave a PowerPoint overview of a Conditional Zoning application for Trinity Court, a Town-owned public housing redevelopment project. She said that recent changes to the application included an amended stipulation regarding an access easement, and she

outlined advisory board recommendations regarding crosswalks and pedestrian connections. She showed the 3.2-acre site on a map and said that the applicant was requesting a rezoning from Residential 4 to Residential-Special Standards-Conditional Zoning District.

Ms. Grahn outlined the plan to demolish and replace two buildings and construct 54 affordable units. She presented a site plan and requested modifications to regulations regarding Research Conservation District (RCD), recreation space, bicycle parking, buffers, parking, and driveway width. She said that the project had been granted expedited review due to its deadline for filing a low-income housing tax credit (LIHTC) application with the state. She recommended that the Council close the public hearing and approve the Conditional Zoning request by adopting Resolution A and enacting Ordinance A.

Samantha Brown, representing Community Housing Partners (CHP), summarized CHP's experience as an affordable housing developer and its year-long involvement with the Trinity Court project. She described the plan to build 20 two-bedroom, 20 three-bedroom, and 14 one-bedroom units for residents at 30-80 percent of area median income (AMI). The average income for all units together would be below 60 percent of AMI, she said. She said that 25 percent would be at the 30 percent level if the requested 9 percent LIHTC were approved. The LIHTC program would also give residents a 30-year minimum affordability period, she pointed out.

Will Altman, a civil engineer/designer with Timmons Group, discussed the site's location and existing conditions. He said that the proposed plan would use the same footprint as the former Trinity Court but would have an additional floor. He explained a request to widen the 18-foot road to 20 feet, rather than 25, in order to minimize steep slope disturbance and stormwater runoff. He described proposed amenities and mentioned a plan to build access to the Tanyard Branch Trail in coordination with the Town.

Architect Tom Leibel, of Moseley Architects, discussed building elevations. Nearby community members had responded positively to images of the proposed building, he said.

The Council requested affordability for the life of the buildings, not just 30 years, and confirmed with Public Housing Director Faith Brodie that such would be stipulated. They verified with Ms. Brown that CHP was not currently anticipating a need for a Town subsidy but might need to reassess that if it did not receive the 9 percent LIHTC.

Mayor pro tem Stegman proposed installing a flashing light at a crosswalk near a blind curve, and Mayor Hemminger recommended that the Town's Transportation Planning Manager address that.

Tyler Steelman, Parks, Greenways and Recreation Commission chair, said that Commission members had unanimously voted to support both Trinity Court and Jay Street (Agenda Item 10). The Commission had requested that the applicant commit to either building a recreational facility or making a payment in lieu for that, he said.

Robert Beasley, a Village West resident, said that he and his neighbors supported the project and wished the applicant luck in getting the 9 percent tax credits.

Neal Bench, a Chapel Hill resident, praised the project and strongly advocated for building a full complement of recreational amenities on or very close to it.

Mayor Hemminger praised Ms. Brodie for keeping the project moving forward, doing much investigative work, and bringing back a great solution for the Town. Council Members also congratulated the development team and Town staff for moving the project so quickly through the system. Some expressed support for a Planning Commission suggestion to add a stairway connection to McMasters Street, and Council Member Searing agreed with Mr. Bench's recommendation for a full recreation component.

Council Member Huhyn moved Resolution A. Council Member Ryan proposed a friendly amendment to require a full contribution to recreation, but Council Member Huhyn pointed out that the project would back up to Umstead Park and said that creating a connecting trail would be a great Eagle Scout project.

A motion was made by Council Member Huynh, seconded by Mayor pro tem Stegman, that this Legislative Hearing be closed. The motion carried by a unanimous vote.

A motion was made by Council Member Huynh, seconded by Council Member Berry, that this R-5 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Huynh, seconded by Mayor pro tem Stegman, that O-2 be enacted. The motion carried by a unanimous vote.

10. Consider an Application for Conditional Zoning for 110 Jay Street from Residential-3 (R-3) to Residential-Special Standards-Conditional Zoning District (R-SS-CZD). [\[22-0349\]](#)

Senior Planner Becky McDonnell gave a brief PowerPoint presentation on a Conditional Zoning application for Jay Street Apartments, an affordable housing project located on an 8.6-acre site near the Northside Neighborhood Conservation District. The site was currently zoned Residential 3 and the applicant was proposing Residential-Special

Standards-Conditional Zoning District in order to construct of 48 affordable units, she said.

Ms. McDonnell presented a site plan that showed the development concentrated on the northern half of the property with access from Jay Street. Since a March 23, 2022 legislative hearing, the Town had removed a condition regarding a conservation easement and the developer had removed a request to exceed the maximum number of parking spaces, she said. As with Trinity Court (Agenda Item 9), Jay Street Apartments had received expedited review, she said. She recommended that the Council close the legislative hearing and consider adopting Resolution A and enacting Ordinance A for approval.

Council Member Huynh clarified with Town Attorney Ann Anderson that the Town had been able to remove the conservation easement because it was the property owner. It was more appropriate for the Town to control the terms of the conservation easement than to put it in the hands of another entity, Ms. Anderson said, and Mayor Hemminger pointed out that the Council would have an opportunity to vote on that.

Council Member Parker asked if the ground lease would be for the entire property or just for the piece that would not be subject to the conservation easement. Affordable Housing Development Director Emily Holt replied that the developer was open to it being only for the portion that would be developed, and that it could be worked into the ground lease negotiation, she said.

The Council confirmed that the affordability term would be as long as the buildings last and that terms of the ground lease would normally come to the Council for approval. Council Member Berry ascertained from Kimberly Sanchez, executive director of Community Home Trust (CHT), that CHT had begun to include rentals among its affordable housing options because some of its clients were not yet able to own homes. Mayor Hemminger pointed out that affordable housing developers could not apply for LIHTC credits for home-ownership projects.

Penny Sparacino, a Chapel Hill resident, said that nearby community members had expressed reservations about the project's density and had described advantages to reducing that. She asked if chemical soil analyses had been done of land close to the railroad tracks. She said that the property should not be re-zoned until such questions had been answered.

Ginny Dropkin, co-founders of HOPE (Housing Options for People with Exceptionalities) NC, said that HOPE supported the Jay Street project as well as more affordable housing development in Chapel Hill overall.

Tyler Steelman, a Parks Commission member speaking only for himself,

urged the Council to plan for both adequate facilities and a connection to Town amenities. The project should include either the type of recreation facility that the Town had outlined for such projects or a payment in lieu, he said.

John Rees, representing the Orange County Affordable Housing Coalition, expressed strong support for the project. He described how rising housing costs had forced lower income people to commute from increasingly further locations and said that having to do so was an unnecessary burden on them and their families. He pointed out that driving great distances to get to jobs was a climate issue as well.

Christine Abernathy, housing director at The Marion Cheek Jackson Center, commented on the opportunity to approve 100 affordable units and lift the dream into a vision where people in Chapel Hill look out for one another and make sure that all have dignified housing.

George Barrett, executive director for The Marion Cheek Jackson Center, said that individuals of all ages, backgrounds, races, creeds and ideologies had expressed support for this project. He said that a Council vote in favor of it would open the door for Town employees, UNC staff, service workers, teachers and others, and would be a step toward building and sustaining community.

Mr. Beasley said that Jay Street would be a good fit for at least some home-ownership options as well and particularly for those earning less than 30 percent of AMI.

Brandon Morande, representing Street Outreach Harm Reduction and Deflection (SOHRAD), attested to the difficulty of finding housing in Chapel Hill for those who earn less than 30-50 percent of AMI. He expressed support for high-density, affordable development near public amenities as a means of advancing the Town's social and environmental goals.

Council Member Ryan thanked the developer for agreeing to make a payment in lieu for recreation. She emphasized the importance of getting a conservation easement on the undeveloped portion of the Jay Street property. She said that she was fine with re-purposing land that had been originally bought with open space funds when housing was a better use for it. However, the Town did need to find a way to make its open space budget whole again so that it could live up to the promise it made during bond issuance, she said. She pointed out that such an effort was already in process.

Council Member Searing said that Jay Street Apartments would be a great development if it did not conflict with the open space preservation issue

that Council Member Ryan had just mentioned. He listed other pieces of land around Town that he thought could become vulnerable to development if the Council voted in favor of Jay Street, and he cautioned against setting that precedent.

Mayor Hemminger confirmed with a thumbs up vote that the majority of Council Members wanted to investigate having a conservation easement on the site's undeveloped area.

A motion was made by Mayor pro tem Stegman, seconded by Council Member Huynh, that the Legislative Hearing be closed. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Stegman, seconded by Council Member Huynh, that R-7 be adopted. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Mayor pro tem Stegman, Council Member Berry, Council Member Miller-Foushee, Council Member Huynh, Council Member Parker, and Council Member Ryan

Nay: 1 - Council Member Searing

Excused: 1 - Council Member Anderson

A motion was made by Council Member Berry, seconded by Mayor pro tem Stegman, that O-3 be enacted. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Mayor pro tem Stegman, Council Member Berry, Council Member Miller-Foushee, Council Member Huynh, Council Member Parker, and Council Member Ryan

Nay: 1 - Council Member Searing

Excused: 1 - Council Member Anderson

11. OWASA's Long-Range Water Supply Plan Update. [\[22-0350\]](#)

Orange Water and Sewer Association planning manager Ruth Rouse gave an update on OWASA's Long-Range Water Supply Plan. She said that the local area had a low risk of running out of water in an extended drought. OWASA normally relied on Cane Creek Reservoir, University Lake, and Quarry Reservoir. She explained that Cane Creek's small drainage areas and long, post-drought recovery time was a source of vulnerability.

Ms. Rouse said that OWASA's Board of Directors had determined that Jordan Lake would be the best option for augmenting the water supply if a drought did occur. She mentioned a continuum of possible alternatives for accessing that water that ranged from investing in infrastructure to developing new agreements. One option would be to join a Western Intake Partnership (WIP) that included the City of Durham, Chatham County and the Town of Pittsboro, she said, explaining that WIP was building a new treatment plant on the west side of Jordan Lake and planning to have that operational by 2031.

Ms. Rouse said that OWASA was considering whether or not to join WIP and had begun discussions with those partners. She showed a list of Jordan Lake water quality issues that would need to be protected. She was asking for feedback and would bring that from the Council and other local leaders to OWASA's Board of Directors in June 2022, she said.

The Council verified with Ms. Rouse that becoming a partner in WIP would be the most direct approach but there would be other options as well for investing parts of it. Having development agreements would guarantee access to water when needed, she pointed out. Any inter-local agreement would include specific standards and would enable OWASA to have a vote, said Ms. Rouse.

Council Members determined that OWASA had been working with its utility neighbors regarding water quality standards even though it was not yet contributing financially. They confirmed with Ms. Rouse that OWASA's rates would increase by one percent if its Board voted to approve initial studies.

In response to Council questions, Ms. Rouse described OWASA's community outreach efforts regarding the issue. Mayor pro tem Stegman encouraged OWASA to make a more aggressive effort to get information out to as many people as possible.

Council Member Searing said that Jordan Lake's water quality was poor, and he asked if partnering with the other agencies might help to bring a message to the General Assembly about the importance of protecting upstream water.

Mayor Hemminger replied that the Jordan Lake One Water Association, of which she was chair, was partnering with the NC Department of Transportation and other groups, including UNC and OWASA. The Association's goal was to clean up the watershed and it would soon go before the Environmental Management Commission, she said. So, there was movement on that front with many partners working together for better outcomes, said the Mayor.

Lib Hutchby, a Chapel Hill resident who described herself as having been passionate about protecting water for many years, said that she would contact Ms. Rouse to learn more and discuss conservation measures.

Mayor Hemminger confirmed with Ms. Rouse that OWASA did not intend to renew its lease with American Stone Quarry when it expired in 2030. She characterized the WIP as an interesting situation where the Town might partner with Durham and use its lines in return for a fee. She confirmed with Ms. Rouse that cost would be a major deciding factor. She noted that Chapel Hill and nearby towns had already been helping each other with small water emergencies.

Council Member Parker confirmed with Ms. Rouse that the decision would reside solely with OWASA's Board of Directors. Council Member Berry suggested that the Town support OWASA by helping to share information with the community. Council Member Ryan requested that future OWASA presentations regarding WIP include the cost of options and the resulting OWASA rates.

This item was received as presented.

12. Open the Legislative Hearing: Conditional Zoning Application for 101 E. Rosemary Street.

[\[22-0351\]](#)

Mayor Hemminger said that this item would be the first of at least two public hearings on the application and that the Council would only be asking questions and providing feedback.

Assistant Planning Director Judy Johnson gave an overview of the Link Apartments Rosemary project, which was being proposed for a 0.64-acre site zoned Town Center 2 and located at 101 East Rosemary Street. The applicant was requesting a rezone to Town Center 3-Conditional Zoning District in order to construct a seven-story apartment building with 150 units there, she said. She pointed out that no parking was being proposed and said that staff would return on May 18th with more information about a parking strategy/condition for approval.

Ms. Johnson noted a request to modify building height and allow 90 feet on all four elevations. She showed a site plan with a one-way access drive along the north and east sides of the property that would be used for deliveries and refuse collection. She summarized Town boards' and commissions' comments and recommended that the Council open the legislative hearing, hear comments, and continue the hearing to May 18, 2022.

Applicant Joe Dye, representing Grubb Properties, gave a PowerPoint presentation in which he characterized Link Apartments Rosemary as a key component of Grubb Properties' overall redevelopment strategy for the area. He showed renderings of what the Link Apartments building would

look like. He said that "missing middle" housing was the target demographic.

Mr. Dye said that the building would include one- and two-bedroom apartments in the 60-140 percent of AMI range with 10 percent restricted to 80 percent AMI or below. He proposed that residents be restricted to age 21 and older, that rents be capped for anyone who lives there for five years or more.

Mr. Dye described Grubb's environmental impact strategy for Link Apartments communities. He said that the traffic flow plan was based on a recent traffic impact analysis that had been done for Grubb's other approved projects on East Rosemary Street. He described a plan for parking in a nearby deck and said that Grubb would secure a certain number of spaces that residents would pay for on a monthly basis. He discussed a ride-share program, bicycle parking, and proposed streetscape improvements along Columbia and Rosemary Streets.

Mr. Dye presented floor plans for each of the seven levels and discussed plans that Grubb had presented to staff. He indicated changes that Urban Designer Brian Peterson had proposed and presented sketches of the current design, which included articulations and transitions that would break up the building's facade.

Mr. Dye noted Grubb Properties' request for a variance to set-backs. He discussed plans to activate the street with sidewalk plantings, a cycle center, commercial space, and a lobby/leasing space at the corner of Rosemary and Columbia Streets. Grubb Properties had received much feedback regarding sidewalk width, he said, and he showed a revised design that made the sidewalk more generous.

Council Member Parker recommended that the applicant look at information from the Town's Amity Station negotiation regarding age limit. He proposed putting the recycling at the north end of the building and confirmed with Mr. Dye that the bike center could go there as well. He verified that Grubb Properties would not refuse to renew rent merely because the five-year lease had ended and would make a commitment to that effect.

Council Member Huynh confirmed that residents with cars would pay a market rate to the Town for a space at the adjacent deck, or elsewhere downtown, in addition to their apartment rent. He pointed out that parents of someone under 21 could deposit money into their child's bank account, and Mr. Dye agreed to bring back information on whether any qualifications would be based on income.

Mayor Hemminger emphasized the Council's desire to restrict the apartments to residents aged 21 and up regardless of income level. She agreed with the suggestion to look at the Amity Station negotiation as a

model and pointed out that Southern Village had an age 21 and over policy.

The Council confirmed with Mr. Dye that approximately 46 units would be studios, 92 would have one-bedroom, and 12 would have two-bedrooms. In response to a question from Council Member Miller-Foushee, Mr. Dye said that making a commitment for more than 10 years of affordability would be difficult due to the current volatility of construction costs.

The Council confirmed that Grubb Properties did accept low-income housing vouchers at some of its other developments and would be willing to do so at Link Rosemary Apartments as well. Council Member Berry determined that the rent increase in Grubb's market rate rentals was typically about 3.5 percent and was capped at 140 percent of AMI. Mr. Dye agreed to bring back information on what the highest increase had been in Chapel Hill.

Mayor pro tem Stegman asked if the financial savings that Grubb Properties would glean from not having to build a parking deck would be reflected in tenant rent. Mr. Dye replied that it would be as much as possible but that those savings had made it feasible for Grubb to embark on the difficult and costly infill project.

Council Members said that they preferred wider sidewalks that would align with those on East Rosemary Street. Mayor Hemminger confirmed with Mr. Dye that the planting strip between the sidewalk and street along South Columbia would be 4' 8" wide. The Council stressed the importance of receiving a payment in lieu for recreation.

Council Members Ryan and Stegman said they preferred buildings with setbacks but other Council Members were less concerned about that. Mayor Hemminger pointed out that Brian Peterson had shown examples of how articulation techniques could make the building seem less monolithic. She had pushed for a setback on the first floor because of that corner's prominence, she pointed out.

The Council emphasized the need for a longer lease period, at least a 30-year affordability period, and a voucher program. If the core target group was 60-140 AMI, then the affordable component needed to be 60 percent or less, Council Member Parker said.

Council Members stressed the importance of activating the corner and several suggested having some form of commercial space on the first floor. They agreed with Council Member Parker's suggestion about moving the cycle center. Council Member Ryan proposed having something other than a swimming pool on the first floor but other Council Members said that a pool was okay with them considering the target demographic.

Mayor Hemminger suggested that Town traffic engineers determine whether the exit onto Rosemary Street should be restricted to right out. She asked Mr. Dye to return with language for the 21 and under restriction. She told Council Members that an item regarding how parking would be allocated would be coming back to them.

A motion was made by Council Member Parker, seconded by Council Member Berry, that the Legislative Hearing be continued to May 18, 2022. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEW

Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

As a courtesy to others, people speaking on an agenda item are normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.

13. Concept Plan Review: 828 MLK, 828 Martin Luther King Jr. Blvd. [\[22-0352\]](#)

Ms. Johnson gave a brief overview of a concept plan for redeveloping an approximate 10-acre site at 828 Martin Luther King Jr. Boulevard (MLK) that was currently zoned Residential 2. The proposal was to build a Town multi-service center (MSC), 200 dwelling units, and 450 parking spaces there, she said. She explained that the site was in Sub-area B of the MLK Focus Area and included multi-family, shops and offices as preferred uses.

Ms. Johnson said that the Town's Future Land Use Map called for activation of the MLK street frontage in Sub-area B and permitted buildings up to six stories with transitions to the north and east. She indicated the location for a future bus rapid transit station nearby and said that the concept plan included a bike path and sidewalk. She outlined some of the suggestions that Town advisory boards and Urban Designer Peterson had made regarding the plan.

Kenneth Reiter, representing Belmont Sayre, gave an overview of the project, which he pointed out was at the very beginning stages of the

development process. He discussed the elements of the concept plan that Ms. Johnson had presented and showed a proposed design. The design included an approximate 80,000 square-foot, four-story MSC, an elevated plaza at the second story level, and a 450-space parking structure. A three-story multi-family residential building would wrap the parking deck and would have four or five stories on the south side, he said. He explained that a prominent retaining wall would be part of a cap and contain solution in an area that contained coal ash.

Mr. Reiter said that Belmont Sayer was seeking a non-binding memo of understanding with the Town to develop the project. He said that engineering and planning work had determined that the site was a good location for the MSC and that some type of private development, preferably apartments, would be feasible there.

Mr. Reiter said that the development would be subject to several Town requirements that would include working with the NC Department of Environmental Quality (DEQ) and its Brownfield Program regarding coal ash remediation. He said that more than half of NC's Brownfield projects included housing as part of their developments and they included DEQ restrictions that must be maintained in perpetuity.

Mr. Reiter pointed out that a memo of understanding would be a preliminary step. He hoped to move to an Economic Development Agreement process in June 2022 that would begin a Brownfield process that would run into 2023, he said. That would be followed by the Conditional Zoning Permit process and a realistic completion date would be 3 to 3.5 years away, he said.

Mr. Reiter showed the concept plan with an overlay of existing conditions and presented images of what buildings might look like from different perspectives. He discussed style, and scale, and presented a picture of what a "terraced" retaining wall could look like. He described the potential for a narrow public courtyard in the space between the MSC and parking area.

Economic Development Manager Laura Selmer reviewed the Town's guiding principles for the project and presented a summary of feedback from Town boards and commissions. She said that the concept plan process would end with the current Council meeting and that staff hoped to execute an Economic Development Agreement in June 2022. The Council Committee of Economic Sustainability planned to meet virtually with the DEQ/Brownfields staff on May 6th and anyone interested could sign up for that Webinar, she said.

Amelia Covington, an organizer with Climate Action NC, said that there were no known houses built on coal ash sites in North Carolina, according to the NC DEQ, and that NC state law prevented towns from building single homes on such contaminated properties. She listed health dangers

from long-term exposure to coal ash and asked the Council to prevent development on the portions of site that contain it. She recommended that the Town do frequent monitoring and testing of mitigation efforts and to make those results available to the public.

Mayor Hemminger confirmed with Ms. Selmer that the results of many sampling events that had already been done and were available on the Town's website.

Nancy Watkins, a Chapel Hill resident, presented information about a site in Monroe Michigan that had built residential housing on a coal ash site. She conveyed what the person in charge of that project had told her about the minimal dangers involved with removing coal ash and replacing it with clean fill. UNC should work with the Town to clean the site up, she said.

Elizabeth Hutchby, a Chapel Hill resident, said that living over coal ash was unacceptable because it exposes humans and other species to deadly toxins. She said that not removing the coal ash would leave the property owner accountable if Brownfields guidelines were not followed precisely and that the ash would threaten the area's drinking water. Alternatives to capping were available and all of the coal ash should be removed and stored offsite, she said.

Andi Morgan, a Chapel Hill resident, asked the Town to reconsider the entryway from the proposed development onto Bollinwood, which was on a small residential street where children play and wait for the bus. She described steep driveways with limited visibility and expressed concern about increased traffic where people spent their outdoor time because few of them had backyards. She also asked the Council to consider the 828 MLK site's potential for being an entertainment venue rather than just another housing development.

Caroline Armijo, a former Chapel Hill resident and a member of Act Against Coal Ash, described a failed site at Belews Creek, NC and her efforts since 2010 to push the DEQ to clean up 80 million tons of coal ash there. She said that clean-up had taken less time and money than had been predicted and that water quality immediately improves when the cleanup begins. She described cancers and other illnesses that those living within two miles of coal ash had experienced and encouraged the Town to remove the coal ash and not rely on DEQ standards to determine how to contain it.

William Zang, a Chapel Hill resident, said that building low-income housing on top of a coal ash site felt like the opposite of climate justice to him. A well-resourced Town such as Chapel Hill should be able to come up with better solutions for affordable housing, he said.

Susan Hester, a Chapel Hill resident, stated that the Town Council had instigated a controversy by choosing a compromised piece of land for affordable housing. She proposed that Council Members take responsibility for their decision by pledging to move their offices and staff to the 828 MLK site when it's developed.

Julie McClintock, representing Friends of Bolin Creek, said she strongly disagreed with the Town's conclusion that a housing community built on the site would be safe. Coal ash would find its way to the surface and that there was not one successful example of housing placed on coal ash deposits in the country, she said. She asked the Council to remove the housing from the concept plan.

Steve Fleck, a Chapel Hill resident, suggested that the Town clean the site up. He said that capping and containing looked like the height of hypocrisy to him and would be sacrificing the Town's reputation.

Jason Torian, with Blue Ridge Environmental Defense League, said that he understood factors contributing to the Town's considerations but that capping the site and placing housing on it should not be the solution. Caps had been breached, the public had not been adequately informed, and the project was jeopardizing Chapel Hill's reputation, he said.

Miriam Thompson, a Chapel Hill resident, said that the project married needed development with carefully researched and monitored health and safety protections. She said that many of her neighbors had been uninformed and misinformed and she recommended that the Town diversify its public communication to ensure that residents have better information.

Council Members emphasized that the concept plan stage was an opportunity to get more information from DEQ about what would and would not be safe uses for the site. Council Members Miller-Foushee and Stegman asked the community to elevate the dialogue and move away from accusations. Most Council Members expressed enthusiasm regarding the site's potential and several said that they would stop the process if they learned that the site was unsafe for any of the proposed uses. Council Member Searing, however, urged his colleagues to consider options other than housing for the site because of risks from coal ash exposure.

Council Member Ryan mentioned several aspects of the plan that she liked and said she agreed with Ms. Morgan regarding the opportunities for creative uses of the outdoor space. She urged the developer to make the courtyard area into more of a public space. She and Mayor Hemminger requested additional information about a stormwater pond versus underground storage on the site.

Council Member Parker proposed that the developer work hard with the Town's urban designer and the best architect it could find to create a project that would be special for all. He and several other Council Members suggested reducing the size of the parking garage, considering that the site was on a bus rapid transit route and walkable to downtown.

Mayor Hemminger said that she wanted to continue learning and that having a concept plan was the way to do so. The Town had hired experts and had held many public information sessions over the past nine years, and all that information could be found at Futureof828.org, she said. She emphasized that the coal ash situation at 828 MLK was different from other sites that had been in the news.

Mayor Hemminger praised Brian Peterson's design suggestions. She said that she agreed with advisory board recommendations and with Council Members' comments about how the Town was taking the issue of safety very seriously.

A motion was made by Council Member Parker, seconded by Mayor pro tem Stegman, that R-9 be adopted. The motion carried by a unanimous vote.

ADJOURNMENT

This meeting was adjourned at 11:49 p.m.