



TOWN OF CHAPEL HILL

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

Town Council

Meeting Minutes - Draft

Mayor Pam Hemminger
Mayor pro tem Jessica Anderson
Council Member Donna Bell
Council Member Allen Buansi
Council Member Hongbin Gu

Council Member Nancy Oates
Council Member Michael Parker
Council Member Rachel Schaevitz
Council Member Karen Stegman

Wednesday, October 30, 2019

7:00 PM

RM 110 | Council Chamber

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, and Council Member Karen Stegman

Absent: 1 - Council Member Rachel Schaevitz

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Fire Inspector Donnie Morrissey, Communications Specialist Mark Losey, Interim Planning Director Judy Johnson, Planner II Becky McDonnell, Transportation Planning Manager Bergen Watterson, Principal Planner Corey Liles, Affordable Housing Manager Nate Broman-Fulks, Community Outreach Coordinator Len Cone, Parks and Recreation Director Phillip Fleischmann, Parks and Recreation Assistant Director Bill Webster, Flora Parrish, Police Chief and Executive Director for Community Safety Chris Blue, Assistant Police Chief Jabe Hunter, Fire Chief Matt Sullivan, Patrol Captain Donnie Rhoads, Senior Planner Kari Grace, Assistant Director of Housing and Community Sarah Vinas, Business Management Director Amy Oland, Administrative Analyst Rick Shreve, Administrative Assistant Kathryn McMillan, and Deputy Town Clerk Amy Harvey.

OPENING

0.01 Veterans Day Ceremony.

[\[19-0903\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. and said that Council Member Schaevitz would be absent due to work-related travel. In honor of upcoming Veterans Day, the Council viewed a video featuring Town employees who had served in the U.S. military. A Presentation of Colors and the Pledge of Allegiance followed the video.

0.02 Duke Energy - Presentation of Grant Awards.

[\[19-0904\]](#)

Indira Everett presented the Town with two checks from the Duke Energy Foundation. One grant was for reducing language barriers during emergency events, and the other was to support planting 200 trees and

expanding tree canopy in affordable housing neighborhoods.

0.03 Honor Flora Parrish for 50 Years with the Town of Chapel Hill.

[\[19-0905\]](#)

Council Member Buansi read a proclamation honoring Flora Parrish, who had served for 50 years in the Chapel Hill Police Department's Records Division. He said that her teamwork, loyalty, and commitment to the community were an inspiration to all who met her.

Council Member Buansi and Police Chief Chris Blue presented Ms. Parrish with the proclamation, and she said that she felt humbled and grateful for the recognition. She was not yet ready to retire, she said.

0.04 Recognize Bill Webster by the State and Town for Meritorious Service.

[\[19-0906\]](#)

Mayor Hemminger read a proclamation recognizing Parks and Recreation Department Planning and Development Manager Bill Webster for 39 years of meritorious service. The proclamation described Mr. Webster's leadership and dedication to many projects over the years and thanked him for his contributions to outdoor recreation, multi-modal connectivity, and healthy living for all.

North Carolina Recreation and Parks Association Director Michelle Wells recognized Mr. Webster for his tenure and devotion with a Meritorious Service Award.

Parks and Recreation Board President-elect Sonya Shaw congratulated Mr. Webster for being a role model and praised his work with greenways, trails, and other outdoor projects.

Mr. Webster thanked all who had helped him accomplish his goals over the years. He planned to retire after his 40th year, he said.

0.05 Recognize CBRE and Carolina Square for Excellence in Transportation Demand Management.

[\[19-0907\]](#)

Mayor Hemminger pointed out that it was the Town's 28th year of national recognition for excellence for its Transportation Demand Management Program, which works with local employers to encourage employees to use public transportation.

Council Member Stegman pointed out that Go Chapel Hill, which the Association of Commuter Transportation had honored as "National Program of the Year" in 2019, was a team effort. She presented the 2019 National Outstanding Building and Development award from the National Association for Commuter Transportation to CBRE and Carolina Square, where 91 percent of employees use alternative transportation.

Melanie Rivera, representing CBRE and Carolina Square, said that none of the other communities she had worked with had provided the support for alternative transportation that Chapel Hill does. She hoped other jurisdictions would catch up, she said.

Mayor Hemminger recognized Transportation Demand Community Manager Len Cone for her amazing work as well.

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. Petitions from the Public and Council Members.

[\[19-0876\]](#)

a. Chapel Hill Public Library Advisory Board Request Regarding Library Fines.

Blaine Schmidt, a Chapel Hill resident, presented a petition asking the Town to eliminate fines at the Chapel Hill Public Library. Mr. Schmidt said that the Library Board had unanimously approved the change because fines represent a barrier to those who most need access. Income from fines represented a very small portion of the Library's overall budget and the fine-free model was being adopted within North Carolina and across the country, he said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

1.01 Maggie West Regarding "Affordable Housing the Musical."

[\[19-0908\]](#)

Maggie West, representing the cast and crew of "Affordable Housing the Musical", a play that had been produced in partnership with the Carolina Performing Arts, said that the production was based on individual experiences of living on the streets and in homeless shelters around Town. The satire was an outpouring of stories intended to illustrate the affordable housing crisis in a new way and to bring a sense of urgency, she said.

This item was received as presented.

1.02 Julie McClintock Regarding MPO Plans for 15-501.[\[19-0909\]](#)

Julie McClintock, a Chapel Hill resident, presented a petition from Charles Humble, Fred Lampe and herself. She noted numerous signatures on a supportive letter to the Metropolitan Planning Organization as well. Ms. McClintock's petition criticized three options that had been presented at a recent "Re-imagining 15-501" workshop, and she asked the Council and staff to make specific changes to revise the planning process.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

ANNOUNCEMENTS BY COUNCIL MEMBERS**1.03 Mayor Hemminger Regarding Halloween.**[\[19-0910\]](#)

Mayor Hemminger encouraged residents to have fun and to be safe at the annual Halloween celebration on Franklin Street the following day. Information about the event was available on the Town's website, she said.

1.04 Mayor Hemminger Regarding Council Committee on Economic Sustainability Meeting[\[19-0911\]](#)

Mayor Hemminger announced a Council Committee on Economic Sustainability meeting on November 1st at 8 a.m. in the Chapel Hill Public Library. That meeting would include an update from Planning and Affordable Housing staff, including new information regarding the Blue Hill District, she said.

1.05 Mayor Hemminger Regarding Community Meeting on NC 54 Safety Study.[\[19-0912\]](#)

Mayor Hemminger announced a community meeting regarding the NC 54 Safety Study on November 6th, from 6:00 p.m.-8:00 p.m., at Frank Porter Graham School. A study pertaining to bike and pedestrian safety between Manning Drive and Old Fayetteville Road would be discussed, she said.

1.06 Mayor Hemminger Regarding Arbor Day.[\[19-0913\]](#)

Mayor Hemminger said that Arbor Day on November 15th would be part of a week-long celebration that would include a Mayor's Tree of the Year contest. All were encouraged to submit a picture of a favorite tree in Town with a short explanation of what makes it special, she said. She announced that UNC, the NC Botanical Garden, Chapel Hill Public Library, Friends of Parks and Recreation, and others would host various events during Arbor Week. Related announcements would go out on November 1st, she said.

1.07 Mayor Hemminger Regarding Election Day.[\[19-0914\]](#)

Mayor Hemminger pointed out that Tuesday would be Election Day in Chapel Hill. She encouraged everyone to go out and vote.

1.08 Mayor Hemminger Regarding Item 4 on Consent Agenda. [\[19-0915\]](#)

Mayor Hemminger explained that Item 4 (authorizing the Town Manager to Execute a Contract with Gillig LLC to Purchase New Battery-Electric Buses) had been moved to be the first Discussion item.

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 Mayor pro tem Anderson, seconded by Council Member Buansi, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[19-0877\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

3. Adopt a Resolution for the Issuance of Up to \$12,250,000 in General Obligation Refunding Bonds. [\[19-0878\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

5. Award the Same Pay Increase Approved for all Employees to the Town Attorney. [\[19-0880\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

6. Donate and Exchange Surplus Property. [\[19-0881\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

7. Continue the Public Hearing for the Land Use Management Ordinance Text Amendment Regarding Massing and Permeability Standards in the Blue Hill District to January 8, 2020. [\[19-0882\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

8. Adopt Minutes from May 22, 2019 and June 12, 19 and 26, 2019 and July 12 and 15, 2019 Meetings. [\[19-0883\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

9. Receive Upcoming Public Hearing Items and Petition Status List.

[\[19-0884\]](#)

This item was received as presented.

DISCUSSION

4. Authorize the Town Manager to Execute a Contract with Gillig LLC to Purchase New Battery-Electric Buses.

[\[19-0879\]](#)

Administrative Analyst for Transit Rick Shreve discussed the Town's interest in replacing diesel buses and its work with Transit Partners, The University of North Carolina-Chapel Hill (UNC-CH) and the Town of Carrboro, to develop a capital plan to modernize the fleet. Funding, technology and interest had converged to make that possible, he said and outlined a proposed pilot project to replace three diesel buses with electric ones.

Mr. Shreve said that the Town had solicited bids in February 2019 and had received two offers that met all requirements. Staff was recommending awarding the contract to Gillig LLC, he said, and he discussed several sources of funding. Mr. Shreve said that the total cost for the pilot program would be \$2.8 million, which included the cost of two charging stations.

Mr. Shreve said that not acting within a reasonable time-frame could jeopardize future grants and result in a loss of state funding. He recommended that the Council authorize the Manager to negotiate a contract with Gillig LLC to purchase three electric buses and charging units with the option to purchase an additional 19 buses.

Council members confirmed that purchasing additional buses would be an option but that no commitment to do so would be included in the contract. They verified that charging stations would be usable with other systems and that there would be a market for the buses if Gillig turned out to not be the right fit for the Town.

In response to questions from Council regarding the bidding process, Town Manager Maurice Jones and Mr. Shreve said that it had been very competitive process and that only two vendors had submitted bids. The Town had a long history of working with Gillig, which had been very responsive over the decades and that they had met the thresholds within FTA procurement guidelines, Mr. Shreve said.

Mr. Jones pointed out that such a pilot program would provide a good baseline of information to help the Town make decisions about future purchases.

Council Member Parker, one of the Council representatives to the Transit Partners group, pointed out that the specifications sent to bidders had been about 500 pages long. Chapel Hill Transit had more than done its due diligence in a rigorous bidding process, he said. Starting with three buses was cautious and prudent, said Council Member Parker.

The Council confirmed with Mr. Jones that issues regarding future transit needs vis a vis the Town's climate action strategy would be discussed at the Council's retreat in February. Mr. Jones said that he could, however, bring some information sooner, if the Council so desired.

Mayor Hemminger pointed out that the pilot project would be funded by the Transit Partners, not just the Town. She said that electric buses stay basically the same and that rapidly-changing battery technology could be added to update them. She did not think the Town would be getting rid of its new electric buses anytime soon, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-3 be adopted. The motion carried by a unanimous vote.

10. Consider Modifying the Process to Interview Applicants to the Boards with Semi-Autonomous Authority.

[\[19-0817\]](#)

Council Member Parker explained that the Board of Adjustment (BOA), Community Design Commissions (CDC), Historic District Commission (HDC), and Planning Commission (PC) all had semi-autonomous decision-making authority. CDC, HDC and PC decisions could be appealed to the BOA, but BOA decisions could only be appealed to the Superior Court, he said.

Council Member Parker proposed selecting a three- or four-member Council sub-committee to interview board applicants in an open, public process, and to make recommendations to the full Council. He said that the Committee on Boards and Commissions had recommended that the Council adopt Resolution-A, which would modify the process in that manner.

Council members discussed the level and type of information that the sub-committee should send to the full Council. They confirmed that the Mayor was responsible for making committee assignments each year, based on Council members' interests. They verified with staff that interviews would be conducted in the spring and board assignments made by July 1st.

Council Member Bell suggested having two sub-committees, with each looking at applicants for two of the boards.

Mayor Hemminger expressed support for that idea and Mayor pro tem Anderson moved to create two subcommittees and to have the minutes of interviews forwarded to the full Council along with the questioning rubric and recommendations.

Council Member Oates raised concerns that having a subcommittee might narrow the field of applicants to those with technical expertise, but Council Member Parker said that the intent was to encourage a broad range of applicants. Technical skills, where appropriate, would be only a part of that, he said.

Mayor Hemminger told the Council that some applicants had said that they felt intimidated when sitting before nine Council members with only three minutes to speak. The goal of having sub-committees would be to have applicants feel more comfortable, she said.

Mayor pro tem Anderson said that four Council members could provide diversity of thought. There were other ways to address the Council's interest in diversity without having applicants have to sit before the entire Council, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Stegman, that R-8 be adopted as amended. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Mayor pro tem Anderson, Council Member Bell, Council Member Buansi, Council Member Gu, Council Member Parker, and Council Member Stegman

Nay: 1 - Council Member Oates

11. Receive NC 54 West Corridor Study Update.

[\[19-0885\]](#)

Transportation Planning Manager Bergen Watterson said that the Carrboro Board of Aldermen had adopted a resolution opposing any widening of the NC 54 corridor but that widening that road was a priority for Orange County. The Metropolitan Planning Organization (MPO) had recommended that Carrboro and Orange County set up a working group to discuss the conflict, she said.

Ms. Watterson said that Carrboro had held a public meeting on the issue on October 24th, and the Orange County Board of Commissioners would do so on November 7th. The issue would go to the MPO on November 13, 2019. No Council action was required, but staff was seeking the Council's input, she said.

VHB Consultant Don Bryson gave a PowerPoint presentation regarding the NC 54 West Corridor Study. The main goal had been to identify low-cost, near- and longer-term solutions, potential policies, and trade-offs, he

said. He discussed the existing conditions at intersections that lead to traffic backups and collisions and showed recommended improvements for Phase 1 and Phase 2 of a widening project. If NC 54 were not widened, drivers would eventually find alternative routes via nearby roads, Mr. Bryson said.

Council members ascertained from Mr. Bryson that the current Level of Service E or F meant that cars were frequently lined up behind slow-moving vehicles with no safe places to pass. The goal would be Level D, Mr. Bryson said. The Council also verified that the proposed improvements would mean that both safety and speed would be managed better.

The Council confirmed that widening the road would mean acquiring some property, and Mr. Bryson described the challenge of doing that with so many wells and septic systems in front yards along the corridor. The Council verified with him that there was not enough money (and not really the need) to make large improvements at the current time, so VHB had identified places where it appeared to be necessary.

Mayor Hemminger confirmed that operational improvements currently being implemented included traffic signals at intersections and some road widening. Perhaps some driveways that were close together could be consolidated and some sidewalk connections might be created, she said.

Mayor Hemminger and Mr. Bryson discussed the potential for reducing traffic to and from UNC, and Mayor Hemminger said she liked the recommendation of forming a work group to talk through the challenges. The Town still needed a park & ride on the Chapel Hill side and would be very supportive of whatever the MPO could do to make the multi-modal path safer, she said.

This item was received as presented.

**12. Open the Public Hearing: Land Use Management Ordinance
Text Amendment - Proposed Changes to Sections 3.6.2 and 8.4
Related to Historic District Commission Procedures.**

[\[19-0886\]](#)

Planner Becky McDonnell provided background information on proposed changes to 15 Land Use Management Ordinance (LUMO) text amendments (TAs). She said that the Council Committee on Boards and Commissions had addressed seven of those and staff had developed next steps for the remaining eight. Ordinance A would approve those proposed steps, she said, adding that the HDC and PC had recommended approval, with some conditions.

Ms. McDonnell said that the seven TAs pertained to the following: a 90-day deadline for HDC action on applications, clarification regarding application re-submissions, expiration and/or extension of Certificates of Approval, guidance regarding review criteria and congruity standards,

clarification of the number of votes required for approval or denial, and modernization of language regarding historic inventories.

Ms. McDonnell explained that several of the remaining eight TAs would be addressed through the design guidelines (DGs) rewrite process, which would have to be completed by August 2020. A future TA would tie the DGs to the LUMO, she said. She explained that staff would update some HDC documents to address other items and would continue to research issues such as land marking and demolition by neglect ordinances, she said.

Council Member Parker verified with Town Attorney Ralph Karpinos that a person contesting the Town's determination could appeal to the BOA.

Randall Landy, a local developer, made several recommendations regarding the TAs and suggested that congruity be determined as described in the LUMO and nothing else. It was critical to codify in the LUMO that public opinion was irrelevant for quasi-judicial decisions, he said. He argued that DGs, which support LUMO congruity standards and provide guidance on interpreting the LUMO, should not be referenced or codified in the LUMO. Mr. Landy recommended publishing standards on how congruity was determined.

Randall Roden, speaking for a group of Historic District residents, said that he and his neighbors wanted to meet with individual Council members to talk about important preservation issues and how the DGs must be the most important standard for guiding HDC decisions.

David Schwartz, HDC chair, said that HDC decisions must be informed by the DGs, according to law. The staff's proposed LUMO revision supported that by citing the DGs, but the Council Committee on Boards and Commissions had then decided to defer action on that amendment, he said. Mr. Schwartz characterized the Council Committee's decision as "unfortunate". Continued lack of clarity regarding the role of the DGs in reviewing Certificate of Appropriateness applications hindered the effective functioning of the HDC, he said, and he recommended restoring that TA to the set of proposed amendments being considered.

Mayor Hemminger said that there had been much discussion over the summer regarding how to provide more clarity and help everyone operate under the same rules and guidelines. She and others on the Council Committee were trying to find a way forward that would bring many voices to the table, she said. She noted that the item would return in November with all of the input and comments that were currently being offered.

Mayor pro tem Anderson confirmed with Ms. McDonnell that the Council Committee on Boards and Commissions had removed the section regarding DGs because those were in the process of being modified. The DGs were still being used and staff had no objection to adding the

reference back in, Ms. McDonnell said.

Council Member Stegman verified that in addition to having the DGs provide examples of how to meet congruity standards, staff would update current standards and perhaps provide examples. She asked why having only congruity be the standard would be problematic, and Mr. Landy replied that vague terms such as "like materials" could lead to less legitimate replacements.

Bob Epting, former HDC chair, said that the statute authorized and directed the adoption of DGs and he characterized the assertion that DGs were not pertinent to the determination of congruity to be "absolutely stunningly wrong". The NC Historic Preservation Office had recently stated, once again, that DGs were necessary in order to prevent the exercise of an arbitrary decision by the HDC, he said.

Council Member Parker confirmed that the HDC was currently using the DGs in its determinations. He did not understand why adding words from the LUMO would be a problem, he said, adding that the new DGs, when finished, would just be substituted for that.

Mr. Karpinos replied that the issue would be clarified when the HDC continued to be more articulate and clear about its decisions and the basis for them. The BOA was not seeing the connection between the decisions and the DGs, and one of the changes encourages a clearer statement of the reasons and evidence for the HDC's decisions, he said.

Council Member Oates predicted that the DGs rewrite would help with the contentious nature of some applications that come before the Council. If the state was requiring the HDC to follow the DGs, then she strongly supported having a reference to them in the LUMO, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, to continue the Public Hearing to November 20, 2019. The motion carried by a unanimous vote.

- 13.** Call a Public Hearing on November 20, 2019 to Consider a Petition for Annexation of Properties at Sunrise Road and Ginger Road.

[\[19-0887\]](#)

Planner Corey Liles gave a PowerPoint presentation regarding a Habitat for Humanity mixed-income project at Sunrise and Ginger Roads, within the Chapel Hill/Orange County joint planning area. He explained that Habitat was petitioning the Town to annex the property prior to approving the development because affordable housing (AH) funds that had been approved for it needed to be for a site within Town limits.

Mr. Liles clarified that annexing the site would not mean approving rezoning and development. He recommended that the Council call a public

hearing for November 20th, when there would be an opportunity to hear more about the annexation request and discuss a fiscal impact analysis.

Mayor Hemminger said that she had informed the Orange County Commissioners in writing that the Council was considering holding a hearing on annexation. The Commissioners had not expressed any concerns, she said.

Mayor pro tem Anderson pointed out that the annexation process was not governed by the Joint Planning Agreement and did not require Orange County's approval. In addition, annexation was not contingent upon development, she said.

Michael Murphy, an area resident, asked that the hearing be delayed for a few weeks so that nearby residents could sort out the implications of being "a donut hole" surrounded by Chapel Hill.

Mayor Hemminger confirmed with Mr. Karpinos that the Council could enact an ordinance to annex the property whenever the hearing was finished, and the effective date would be determined at that time. She confirmed with Mr. Liles that staff had held several public input sessions regarding the project and that the Town currently provided services to lots within the "donut hole" area that Mr. Murphy had referenced.

Mr. Karpinos said that the Town could hold the hearing in November, as scheduled, but delay a decision until the second public hearing. The Council verified with Mr. Liles that Habitat for Humanity was eager to move forward with its development review and distribution of Town-approved funds. He did not know what a postponement would mean to them, he said.

Council Member Oates said she did not recall annexation being discussed at meetings with neighbors. It would be prudent to give the neighbors an opportunity to look at the ramifications, she said.

Council Member Bell said that 100 percent of property owners had asked and were qualified to be annexed. She moved to schedule a public hearing for November 20th with the possibility of continuing it to a future date.

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

14. Discuss Affordable Housing Preservation Strategy Framework.

[\[19-0888\]](#)

Affordable Housing Manager Nate Broman-Fulks gave a PowerPoint presentation on a draft affordable housing (AH) strategy framework. He outlined the following objectives and strategies for preserving AH in Town: 1) Preserve Existing AH, which included strategies to support properties at risk of redevelopment and providing support to low-income households

facing rising costs; 2) Maintain and Improve Quality of AH, which included a strategy to support rehabilitation of properties in need of repair; 3) Support Tenant Protections for Households at Risk of Displacement, which included a strategy to support protections for residents living in neighborhoods facing redevelopment or condemnation.

Mr. Broman-Fulks elaborated on those strategies and said that staff would build a framework and soon begin implementing the short-term ones, in particular. Staff would later return to the Council with any strategies that involved policy decisions or had financial impact, he said.

Council members clarified that the first strategy included creating an early warning system to identify properties that were at the greatest risk of redevelopment. In response to Council questions, Mr. Broman Fulks discussed relocation strategies and plans to work with developers to provide relocation support. He mentioned working with local partners to find alternative housing, and the Council recommended that it be laid out as Town policy. The Council verified that staff would talk with developers during rezoning about the level of AH they could provide and the possibility of targeting new units for existing low-income residents.

Council members discussed ideas such as abatements for providing property tax relief and they recommended advising qualifying residents about opportunities to lower property taxes. They recommended working with the Department of Social Service and the Tax Assessors Office to determine ways to keep people in their homes. The Council asked for information on any legal authority that the Town might have to require developers to make voluntary contributions to AH.

Heather Brutz, representing the Transportation and Connectivity Advisory Board, pointed out that individuals' needs differed. She recommended devising a way to organize information about different types of AH situations.

Council members discussed land banking in cooperation with partners and finding partners who might help create, or rehabilitate, higher-density projects. They recommended having an early warning system regarding AH needs. They confirmed with Mr. Broman-Fulks that Community Home Trust's master leasing approach was going well. The Council asked for specifics regarding Town strategies for having more landlords accept housing vouchers.

The Council and Mr. Broman-Fulks talked about developing rules regarding evictions, and the Council proposed holding public information sessions that might prevent or help with evictions. They stressed the need for a clear, direct link between Town strategies and current challenges, such as mobile home residents being threatened by redevelopment.

This item was received as presented.

ZONING ATLAS AMENDMENT(S)

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

- 15. Open the Public Hearing: Application for Conditional Rezoning - 1751 Dobbins Drive.**

[\[19-0889\]](#)

Mayor pro tem Anderson left the meeting at 10:26 p.m.

Interim Planning Director Judy Johnson gave a PowerPoint presentation on a request to rezone a 1/2-acre parcel on Dobbins Drive from Residential-4 to Office/Institutional-2/Conditional. The project included a 5,747 square-foot, two-story office building that would transition to one story, she said. She showed the site plan, noted an access from Dobbins Drive, and said there would be 21 parking spaces.

Ms. Johnson said that Town advisory boards had recommended approval and that comments from the Transportation and Connectivity Board were in the Council's packets. The applicant had agreed to provide conduit to 20 percent of the parking but preferred not to provide an EV charging station at the current time, she said. Ms. Johnson recommended that the Council open the public hearing, receive comments, and recess the hearing to November 13, 2019.

Council Member Stegman confirmed that 21 was the maximum number of allowed parking spaces and that the Council could adjust that with the applicant's concurrence.

Aaron Frank, a planner with Womble Bond Dickinson, gave a PowerPoint presentation on the rezoning request. He said that Residential-4 zoning typically represented single-family residential uses, and he described how the area had become more of a commercial corridor surrounded by apartments, offices, and retail. He reviewed the site plan and explained the reasons for a request to modify regulations regarding setbacks, buffers and steep slopes. He outlined a plan to preserve trees, increase canopy coverage, and provide additional landscaping.

With regard to the Council's previous concerns about trash collection, Mr. Frank said that it would be collected at the rear of the building, rolled out to the street, and rolled right back again after collection. He said that the applicant was proposing three zoning conditions -- which pertained to buffers, a payment in lieu for a multi-use path, and a reduction in the number of required EV conduits.

The Council ascertained that the roof would face north but that the applicant was hoping to orient it in a way that might provide some solar energy. Mr. Frank agreed to talk with his architect about providing conduit for a possible solar roof and the Council urged him to install at least one EV charging station. The Council confirmed that an underground detention facility would meet or exceed Town requirements. Mr. Frank said that the applicant was reluctant to reduce the number of parking spaces.

Council Member Oates raised questions about the ability of adjacent property owners' to develop in the future with the 20-foot shared buffer being on their properties. Mr. Frank replied that the applicant would provide an alternative buffer on its property in that case, and Council Member Oates asked if the neighboring property owners understood and had approved that arrangement.

Ms. Johnson replied that the buffer already existed and that the applicant did not need permission from its neighbors to share it.

Council Member Oates said that she would feel more comfortable if someone told those neighbors that they would be sharing.

A motion was made by Council Member Parker, seconded by Council Member Bell, to continue the Public Hearing to November 13, 2019. The motion carried by a unanimous vote.

SPECIAL USE PERMIT(S)

Special Use Permit: The Application for a Special Use Permit is Quasi-Judicial. Persons wishing to speak are required to take an oath before providing factual evidence relevant to the proposed application.

Witnesses wishing to provide an opinion about technical or other specialized subjects should first establish that at the beginning of their testimony.

- 16.** Open the Public Hearing: Application for Special Use Permit Modification - Wegmans Food Market Street Improvements, 1810 Fordham Boulevard.

[\[19-0890\]](#)

Ms. Johnson gave a PowerPoint presentation on a SUP modification request regarding street improvements for a Wegmans project that had been approved in 2017. She described the project and pointed out that the Council had recently discussed the limited modification request. A recent transportation impact analysis of the area had concluded that no additional improvements would be needed beyond those to which the applicant had already committed, she said.

Ms. Johnson showed the area on a map and explained the proposal to

continue an existing NC Department of Transportation (NC DOT) service road and add a full access onto Highway 15-501. The Transportation and Connectivity Advisory Board and the Planning Commission had both recommended approval, she said, and she recommended that the Council open the public hearing, receive comments, and recess the hearing to November 13, 2019.

The Council confirmed with Ms. Johnson that the proposed intersection would eventually line up with one at the Eastowne Medical Office Building and that nothing being proposed for Wegmans would have a negative impact on the Eastowne side of Highway 15-501. They also confirmed that there would be a multi-use path and sidewalk in an abandoned area of the service road. They raised questions about how the plan related to NC DOT's "Re-imagining 15-501", and Ms. Johnson replied that ongoing conversations with NC DOT were aimed at coordination. She pointed out that Wegmans would have to be accommodated in the DOT's ultimate future plans.

Mayor Hemminger said that Town representatives to the Metropolitan Planning Organization (MPO) had pointed out that being able to move cars faster via super-streets was not the Town's goal. The Town would make recommendations and give feedback, and then the MPO would vote, she said.

Council Member Gu expressed concern about the lack of coordination between the Town, which was designing two intersections based on its own land use design, and NC DOT, which was designing traffic without consideration of what the Town was doing.

Mayor Hemminger agreed that those were different philosophies.

Council Member Oates expressed concern about driveway cuts creating an implication that the Council was approving development on both sides of the road.

Ms. Johnson agreed to add a stipulation to the resolution stating that no development was intended or implied by those driveway cuts.

A motion was made by Council Member Parker, seconded by Council Member Bell, to continue the Public Hearing to November 13, 2019. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEW(S)

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.

17. Concept Plan Review: Putt-Putt Fun Center and Storage Facility, 2200 Eubanks Road.

[\[19-0891\]](#)

Planner Kari Grace gave a PowerPoint presentation on a concept plan for a Putt-Putt Fun Center and storage facility next to Carraway Village at the intersection of Interstate 40 and Eubanks Road on property currently zoned Mixed Use/Residential-1. The concept was to rezone to Office/Institutional-2 with a Planned Development/Mixed Use overlay, she said.

Ms. Grace outlined the plan to build a range of outdoor and indoor recreational facilities -- such as miniature golf, go-kart, laser tag -- and an adjacent self-storage facility at the location. She showed a diagram of a proposed 100,000 square-foot building on a heavily wooded 19.5-acre site. CDC comments were included in the Council's packet, Ms. Grace said, and she recommended that the Council provide feedback and adopt Resolution-A, transmitting comments to the applicant.

Architect Dan Jewell, of Coulter Jewell Thames, said that Putt-Putt North Carolina was a 65-year-old firm with headquarters in Chapel Hill. He said that the project would have more than 100 feet of buffer separating its frontage from Interstate 40. More than 40 percent of the site was in the Resource Conservation District (RCD) and would remain undeveloped, he said. Mr. Jewell described a building that would contain games, party rooms, laser tag and more. A large outdoor area would include a mini golf course, go-kart track, and batting cages, he said. Mr. Jewell said that the proposed climate-controlled storage facility would require a Special Use Permit.

Teresa Greco, representing Putt-Putt North Carolina, said that the

development would provide resources and incentives for classrooms and teachers, and employment and internship opportunities for students. A variety of attractions would appeal to a wide-age range and different ability levels, she said. The concept plan included a natural area and nature trails, and would use green resources for lighting, water use, and supplies, Ms. Greco said.

Mr. Jewell noted a Community Design Commission (CDC) comment about potential noise issues, and said that the applicant was considering using electric go-karts as a remedy. He stated that nearby Carraway Village did not appear to be building anything residential in the portion of its property close to the site. He discussed potentially reorganizing the layout with regard to the parking lot location, and said that the storage facility would be innocuously tucked away in the woods. Mr. Jewell described a maximum three-story building on land that was 15 feet below Carraway Village's property line.

The Council confirmed that the facility's typical hours would be noon to 9:00 p.m. during school days and 10:00 a.m. to 11:00 p.m. (or midnight) on weekends. They determined that a stormwater pond was being planned for behind the storage building, and they proposed making that more of an environmental feature and amenity.

Council members confirmed that there would be no outdoor storage and no large trucks, boats or other objects parked at the storage site. They recommended softening the site's interior with green spaces and pointed out that mini golf courses required shaded areas in the summer. The Council stressed the Town's interest in having EV charging stations on site and confirmed that way-finding signs would probably be posted on Eubanks Road and possibly on Interstate 40.

Josh Mayo, a Chapel Hill resident, recommended including a paved trail that would connect to Town property. He pointed out that the CDC had mentioned the need for a pedestrian connection from Carraway Village to the facility that would be closer to the main building than was being shown on the concept plan.

The Council stressed the need for strong pedestrian connections. They asked Mr. Jewell to give more thought to reducing noise and traffic impacts on neighbors, and to consider reducing the number of parking spaces. They reminded him to include conduits for solar roofing.

In response to a question from Council Member Bell, Ms. Johnson confirmed that a portion of Carraway Village's land near the site had been reserved for AH, and the Council recommended determining how the Putt-Putt project would impact that area. They asked Mr. Jewell to return with a commitment to not clear-cut the land. The Council discussed paved

versus natural trails, and Mr. Jewell offered to work with the Town's Parks & Recreation Department to develop a coordinated trail system.

Mayor Hemminger said that the Council had received many positive comments from residents about the project and that the Council wanted to find a way to make it work. Despite the constraints, the project was a great fit for that site, she said.

A motion was made by Council Member Parker, seconded by Council Member Buansi, that R-10 be adopted. The motion carried by a unanimous vote.

APPOINTMENTS

18. Appointments to the Transportation and Connectivity Advisory Board.

[\[19-0892\]](#)

The Council appointed Jack Whaley to the Transportation and Connectivity Advisory Board.

ADJOURNMENT

The meeting was adjourned at 11:47 p.m.