



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Final

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

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, April 25, 2018

7:00 PM

RM 110 | Council Chamber

Roll Call

Present: 8 - Mayor Pam Hemminger, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

Absent: 1 - Mayor pro tem Jessica Anderson

Other Attendees

Town Manager Roger L. Stancil, Town Attorney Ralph Karpinos, Communications Specialist Mark Losey, Business Management Assistant Director Amy Oland, Senior Planner Kay Pearlstein, Public Works Director Lance Norris, Transportation Planning Manager Bergen Watterson, Housing and Community Executive Director Loryn Clark, Director of Planning and Development Services Ben Hitchings, Economic Development Officer Dwight Bassett, Deputy Town Clerk Amy Harvey

OPENING

a. Successes Video - Getting Around

[\[18-0369\]](#)

Mayor Hemminger opened the meeting at 7:00 pm and explained that Mayor pro tem Anderson was away on business. She then introduced a "Celebrating Successes" video about improvements to Town sidewalks, bike lanes, pedestrian crosswalks, refuge islands and more. The Town had been putting bond funds toward a long list of such projects, she said, noting that more information about that was available through the "Getting Around" link on the Town's website.

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.

PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA

ANNOUNCEMENTS BY COUNCIL MEMBERS

- a. Mayor Hemminger Regarding Northside Festival [\[18-0370\]](#)

Mayor Hemminger noted that the Northside Festival would be held on Saturday from 12:00-3:30 pm and would celebrate families and local improvements.

- b. Mayor Hemminger Regarding Town Council Listening Session for Town Manager Search Process April 30 [\[18-0371\]](#)

Mayor Hemminger said that a listening session related to the Town Manager search process would be held on Monday, April 30 from 7:00-8:30 pm, at the Chapel Hill Public Library. The meeting would include an update on the selection process and a chance to talk with Council members about questions for local candidates, she said. Mayor Hemminger pointed out that those who could not attend could participate by filling out an online survey.

- c. Mayor Hemminger Regarding Phone Scams in Community [\[18-0372\]](#)

Mayor Hemminger said that there had been recent phone scams in the Chapel Hill area. She reminded residents that calls regarding jury duty, traffic tickets, or buying a gift card and mailing it somewhere were "not how the government works." She urged citizens who receive such a call to call 911 for information on how to resolve the situation.

- d. Mayor Hemminger Regarding UNC Innovation Showcase Grant for Pharmacy Students [\[18-0373\]](#)

Mayor Hemminger said that she had attended an event at the UNC School of Pharmacy the prior week regarding a \$100 million Innovation Showcase grant from Dr. Fred Eshelman. That grant would bring 300 students from across the state to a summer internship program that would allow them to turn their ideas into marketable solutions, she said. Mayor Hemminger said that the Town was excited about innovation and eager to have new companies stay in Chapel Hill.

e. Council Member Schaevitz Regarding Lots To Love Kick Off Event for Downtown Parking

[\[18-0374\]](#)

Council Member Schaevitz announced a "Lots to Love" kick off event on Sunday from 1:00-4:00 pm at the 140 West plaza. As part of the Downtown Parking Initiative, the Town would unveil new parking meters. There would be food and a live band, and a chance to win free parking, she said. Council Member Schaevitz said that more information was available at parkonthehill.com.

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 Parker, seconded by Council Member Bell, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items.

[\[18-0349\]](#)

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

2. Approve the 2017 Annual Traffic Calming Report and Recommendations.

[\[18-0350\]](#)

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

3. Call a Public Hearing for Land Use Management Ordinance Text Amendments Regarding Modifications to Form District Regulations in Section 3.11 for May 23, 2018.

[\[18-0351\]](#)

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

4. Call a Public Hearing for a Land Use Management Ordinance Text Amendment Regarding Modifications to Historic District Commission-Related Sections 3.6.2 and 8.4 for May 9, 2018.

[\[18-0352\]](#)

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

INFORMATION

5. Receive Upcoming Public Hearing Items and Petition Status

[\[18-0353\]](#)

List.

This item was received as presented.

DISCUSSION

6. Introduction of Bond Order, Setting a Public Hearing and Authorizing the Filing of a Debt Statement for the November 2018 Affordable Housing Bond Referendum.

[\[18-0354\]](#)

Assistant Director of Business Management Amy Oland gave a PowerPoint presentation regarding 2018 Affordable Housing (AH) General Obligation Bonds. She reviewed the steps that the NC state statute required in order to include an AH bond referendum in the November 2018 election.

Ms. Oland explained that the referendum would include a ballot question that would ask for authorization to issue up to \$10 million of AH bonds. She read the proposed question and said that the wording was as prescribed by general statute. A successful referendum would give the Council the authority to issue the bonds within a seven-year period, she said.

Ms. Oland discussed actions that needed to be taken before the end of the fiscal year. She recommended that the Council set a public hearing for May 9th and then return on May 23rd to adopt the bond order, set the ballot question, and set the referendum. Ms. Oland said that Council adoption of Resolution 5 would set the public hearing and authorize the Town's finance officer to file the sworn statement of debt.

Council Member Oates clarified with Ms. Oland that moving ahead with the bond order would mean that funds would be used for AH projects but not necessarily the two projects that were identified in the meeting materials.

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

ZONING ATLAS AMENDMENT(S) and SPECIAL USE PERMIT(S)

ZONING ATLAS AMENDMENT

7. Consider an Application for Zoning Atlas Amendment - Merritt Mill East, Multi-Family Development, 800 South Merritt Mill Road.

[\[18-0355\]](#)

Senior Planner Kay Pearlstein gave a brief PowerPoint presentation on the rezoning and special use permit (SUP) processes. She showed the location of Merritt Mill East on a map and pointed out that it straddled both Chapel Hill and Carrboro. She said that the Town of Carrboro had already approved its portion of the CASA, Inc. project and that she would only

address Chapel Hill's side.

Ms. Pearlstein described the approximately 1.2-acre parcel, which was zoned Residential 3 and located in the Pine Knolls Neighborhood Conservation District. She outlined the proposal for 24 one-bedroom AH units and noted an accompanying special use permit (SUP) request for modifications. The parcel was considered medium residential on the Town's Land Use Map, but the applicant was asking to rezone it to R-SS-C (Residential-Special Standards-Conditional), she said. She pointed out that R-SS-C was only available to projects proposing 100 percent AH and had no density cap requirement.

Ms. Pearlstein recommended that the Council close the public hearing, adopt the Resolution of Consistency with the Comprehensive Plan (R-6) and enact Ordinance 1 to rezone the property to R-SS-C.

A motion was made by Council Member Parker, seconded by Council Member Schaevitz, that the Council close the Public Hearing and that R-6 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Council Member Stegman, that O-1 be Enacted. The motion carried by a unanimous vote.

SPECIAL USE PERMIT

8. Consider an Application for Special Use Permit - Merritt Mill East, Multi-Family Development, 800 South Merritt Mill Road.

[\[18-0356\]](#)

Ms. Pearlstein presented the SUP application from CASA, Inc. for Merritt Mill East, a 100 percent AH development in the Pine Knolls Neighborhood Conservation District. She described the two-lot assemblage, which straddled the Chapel Hill/Carrboro line. All Town advisory boards had recommended approval, with three recommendations for the applicant to consider, she said.

Ms. Pearlstein outlined the plan to maximize the site. She noted that a steep slope would need to be flattened, but pointed out that AH outweighed the purpose of preserving slopes. She said that the applicant was proposing to regrade and clear-cut the entire site but that staff was requiring a buffer in an area adjacent to a single-family home. Ms. Pearlstein outlined the applicant's plans regarding blasting, sewer and water, sidewalks, bike lanes and plantings. She said that the applicant had requested modifications regarding plantings and steep slopes. Stormwater management and solid waste/recycling would be handled on the Carrboro side and the recreational space would be there as well, she said.

Ms. Pearlstein explained that the project was at the point where the

Council could take action. Next steps would include final plans and final permitting for the zoning compliance permit and building inspection, she said. Ms. Pearlstein recommended that the Council open the public hearing, receive comments, close the public hearing, and adopt Resolution 8 to approve the SUP.

Council Member Buansi asked about tree canopy requirements for the Town of Carrboro.

Ms. Pearlstein replied that she did not know if Carrboro had a canopy coverage requirement but did know that they required developers to replace trees with the same species.

Council Member Oates asked if anyone on staff had compared the Town's proposed SUP with Carrboro's to ensure that all of what was deferred to Carrboro's side would be met.

Ms. Pearlstein replied that the memo of understanding would mean working closely with Carrboro to ensure that the site plan shows where the recreation area will be and so forth. She said that the towns' two staffs would also work closely regarding stormwater, solid waste/recycling, and recreation.

Council Member Oates asked if Council approval of the SUP would also approve the memo of understanding.

Ms. Pearlstein replied that both town staffs and attorneys would work out the memo of understanding, which would not go through the Council process.

Council Member Schaevitz confirmed with Ms. Pearlstein that the applicant planned to clear and replant according to their approved landscape plan, which included shade trees and an evergreen hedge.

Council Member Bell pointed out that the current lot did not contain any high quality specimen trees or trees of any age or diameter that would be worth saving.

Council Member Gu confirmed with Ms. Pearlstein that the location and types of planned buffers and canopy trees and that 27 percent tree canopy would be reached in one area once they were grown. Ms. Pearlstein explained that canopy calculations were generally based on 10 years after the tree is planted.

Council Member Gu said that she wanted the Town to retain any mature trees that existed on the site and that this be brought to the developer's attention.

Ms. Pearlstein replied that the applicant was working toward that. She

showed an area where most of the trees would remain, but pointed out that they did need to clear-cut portions of the site in order to create a building pad. Trees were proposed for the parking lot and the applicant was proposing to replant where they could, she said.

Mayor Hemminger said that she was excited about the opportunity to partner with CASA and about the type of AH that was being presented. She pointed out that the Town did not charge some fees in order to help produce more AH in the community.

Council Member Oates confirmed with Ms. Pearlstein that a related stream was on the Carrboro side.

A motion was made by Council Member Bell, seconded by Council Member Buansi, that R-8 be adopted. The motion carried by a unanimous vote.

9. Consider Approving Proposed Modifications to Elliott Road Extension 25% Design and Authorizing the Town Manager to Proceed with Final Design and Construction.

[\[18-0357\]](#)

Town Manager Roger Stancil gave a PowerPoint overview of the Elliott Road Extension project at the 25 percent design stage. He discussed the Town's goal of improving transportation in the Blue Hills District (BHD) to generate development that would pay for those improvements. Mr. Stancil explained that the Town had partnered with the NC Department of Transportation (DOT) on a system of roadway improvements designed to reduce congestion in the BHD. The Elliott Road Extension was a key element of that system, he said.

Mr. Stancil explained that confirming the 25 percent design with Council would enable the applicant, Bluerock Real Estate, to submit a complete application, which would then go through the form based code (FBC) process. He said that Bluerock had asked to return and modify the original 25 percent design that the Council had approved in May 2016. Staff and the applicant had discussed the Town's concern about trying to achieve AH in a district (where no regulations require it), and the results of that conversation were in the proposal before the Council, he said.

Mr. Stancil recommended that the Council hear the staff presentation regarding community benefits, AH, and roadway improvements, and then consider a resolution approving modifications and authorizing the Town Manager to proceed with final road design and construction.

Executive Director for Housing and Community Loryn Clark reviewed the community benefits associated with redeveloping The Park Apartments. She said that the proposed project would provide 700 multi-family units, sidewalk and bike lanes, recreation and green space, stormwater improvements, and a \$3 million right-of-way (ROW) contribution. The applicant had also proposed to pay up to \$50,000 to cover the cost of

design and construction due to their requested modifications, she said.

Ms. Clark reported that the applicant had also proposed to make a \$1.5 million, voluntary contribution to AH. Staff had estimated that the contribution would subsidize about 60 AH units in the community, she said. The applicant had also proposed to provide 155 units for households earning between 80 and 120 percent of AMI, she said. Ms. Clark noted that the resolution had been revised to request the Council's authority to allow the Manager to continue conversations with the applicant and refine the AH proposal.

Public Works Director Lance Norris said that the Town had received \$1.2 million back from NC DOT so far and anticipated receiving an approximately \$400,000 more once the Ephesus Church/Fordham intersection (Phase 1) project was closed out. The project was currently at the Elliott Road Extension (Phase 2) stage, which would address Elliott Road through The Park Apartments to a proposed roundabout on Ephesus Church Road, he said.

Mr. Norris pointed out that Phase 3 -- which would address Legion Road -- had not yet been designed. He said that the NC DOT reimbursement of \$1.2 million, plus approximately \$400,000 more from NC DOT, plus installment financing of \$2.6 million through the BHD synthetic TIF would total \$4.23 million for the project.

Chad Beck, project manager with Kimley-Horn, provided more details of the transportation plan, noting that all phases must work together to achieve the overall goal of getting traffic, pedestrians and bicyclists in and out of the area efficiently. NC DOT had approved the projects with the understanding that they would all be implemented within a certain time-frame, he said.

Mr. Beck described the Elliott Road Extension project and explained that the goal was to more evenly distribute traffic away from the intersection and provide an east-west corridor between Ephesus Church Road and Fordham Boulevard. The estimate for all improvements was roughly \$4.23 million, based on 25 percent plans that had been presented the previous year, he said.

Mr. Beck noted that some ROW would be required on the Bypass Lane and said that the Town had already purchased that for the project. Another significant portion would require ROW from The Parks Apartments, he pointed out, adding that it had previously been discussed. He said that construction was expected to begin in 2019.

Mr. Beck explained that the developer's preliminary plan requested the following three modifications to the design: change right in/right out driveways to full access; shift driveways to the east; and, lower the 35 mph speed limit to 25 mph. The Town's traffic consultant, HNTB, had

found no negative impact to traffic flow with those modifications but had recommended that left turn lanes be provided, he said.

Mr. Beck said that Kimley-Horn estimated the additional cost of modifications to be about \$38,000. He said that the Transportation and Connectivity Advisory Board had not recommended full access driveways due to concerns about conflicts with pedestrians, bikes and vehicles if left turns were allowed. However, the board had approved the shift of driveways to the east and to lower speed limit, he said. Mr. Beck added that the Board had also asked to include raised bike lanes to insure traffic calming and safety.

Mr. Norris said that staff recommended approval of the full access drive with the conditions that bike lanes be buffered and protected to enhance visibility and safety and that there be adequate pedestrian crossings at the intersection. Staff was also recommending approval of the change in driveway location and of the speed limit reduction, he said. Mr. Norris said that staff had agreed to evaluate raised bike lanes as well.

Mr. Stancil summarized the staff recommendation that the Council adopt Resolution 10, which would approve the proposed modifications, as just described, and the conditions described in the staff memo. Approval would also authorize the Town Manager to proceed with final design and construction, based on several conditions, he said, and he outlined those conditions.

Council Member Oates asked why the Town would opt to accept \$35,000, with a \$50,000 contingency for additional expenses, rather than just having the applicant pay for any overage. What if it cost \$60,000, she asked.

Scott Underwood, with Woodfield Development, said that Bluerock would be willing to pay any additional costs.

Council Member Schaevitz expressed concern about the Council not knowing exactly what it was voting for, and Mr. Stancil replied that the amount could be changed to \$50,000, or the actual cost, whichever is greater. The main point to consider was whether the roadway design and the contribution for AH met the Council's interest, he said, pointing out that other aspects could be worked out during agreement negotiations.

Mr. Stancil explained that the applicant would not be able to move ahead and file a complete application until there was agreement on four points: dedication of the ROW to the Town; paying the increased cost of the roadway design; putting the \$1.5 million voluntary contribution to AH in the agreement; and, building sidewalks, bike lanes, open space and stormwater improvements as the BHD required.

Mayor Hemminger noted that the original plan was to have another

opportunity to provide input at 70 percent completion of road design. She asked if the goal was to work it out tonight and then return at the 70 percent level.

Mr. Stancil replied that the goal was to get the major roadway issues and AH contribution resolved so that the applicant could begin work on its application. He pointed out that 70 percent design would occur in about January 2019. The Council was currently getting its second look at roadway design and staff was trying to move the agreement along while there was an agreement, he said.

Council Member Parker said that the affordable housing specifics that Ms. Clark had mentioned were not in the resolution. What would happen if the Council approved the resolution and was not then able to reach agreement on the AH component, he asked.

Mr. Stancil replied that the agreement would be on the \$1.5 million contribution. The developer had also proposed to build 155 units in a range of affordability, but there was no provision for permanent affordability, he said. Mr. Stancil noted that a dramatic rise in building costs could affect the applicant's ability to have that level of affordability. Therefore, staff did not feel it would be appropriate to include it in the agreement, he said.

Council Member Parker asked if that meant the applicant was not willing to commit in writing to including 155 affordable units.

Mr. Underwood replied that the applicant's commitment was to \$1.5 million for housing affordability initiatives. They had concluded that not tying the contribution to a specific project would better meet Town goals, but they would be happy to continue working with the Town on that, he said.

Mr. Underwood pointed out that the range of housing affordability and mix of uses that Bluerock was showing was not required in the BHD code. In addition, Bluerock was offering \$1.5 million to help meet the Council's goals, he said. He explained that time was the greatest impediment to the project and that pushing it out would make it more difficult to meet the levels shown. At the current time, Bluerock intended to meet that range of housing choices, but those levels were not set in stone, he said. Their commitment was to the \$1.5 million, Mr. Underwood said.

Council Member Gu expressed concern about stormwater and said she wanted to make sure that improvements would be properly implemented. However, she did not have enough specific information to make that judgement, she said.

Mr. Stancil replied that the project would be subject to all BHD regulations, which included stormwater regulations that were higher than in other parts of the Town. Staff would require stormwater improvements,

he said.

Council Member Gu asked if there was any point where Council would provide input.

Mr. Stancil explained that a BHD applicant must meet certain requirements. Theoretically, Bluerock could build the road as shown on the map, and dedicate the ROW for that, and they would have met all the requirements for a complete application without coming before the Council, he said. Mr. Stancil explained that, through discussions, the Town had been able to get the AH contribution and the roadway modification.

Engineering and Infrastructure manager Chris Roberts explained that the stormwater requirements for volume and quality in the BHD were higher than anywhere else in Town. At 25 percent design, the applicant had already found ways to make improvements but still needed to continue the work, he said

Council Member Gu expressed concern that the FBC did not allow the Council an opportunity to provide input, especially considering previous flooding in that sensitive BHD area.

Mr. Roberts replied that the development itself would have to meet stormwater requirements and could not impact any of the surrounding area.

Council Member Gu confirmed with Mr. Roberts that the applicant would need to meet Town guidelines before the project could move forward. She stressed that she trusted Town staff but was not comfortable with the lack of Council review and the inability for Council members to reassure their constituents.

Mr. Stancil replied that staff could inform the Council about what stormwater engineers approve consistent with the BHD standards. It is an administrative approval process in the BHD, but staff could take those extra steps, he said. Mr. Stancil also pointed out that staff posts such information on the Town website.

Council Member Stegman clarified with Mr. Beck that the length of the road extension would be about 1,200 feet and asked him to show on a map how Ephesus Church Road related to Ephesus Elementary School. She also confirmed with him that, with full access, there would be only one lane for left and right turns out of the apartments and she expressed concern about bike safety. Council Member Stegman said that motorists might drive less safely if they had to wait longer to turn out.

Mr. Beck offered to have traffic engineers look at that.

Council Member Stegman asked if the effect of road width on speed had

been considered.

Mr. Beck replied that a typical roadway would be an 11-foot lane in each direction with a 5-foot bike lane and standard curb and gutter, for a total of 16 feet of pavement in each direction, plus turn lanes at the beginning. There would be a straight portion, but the nearby roundabout and intersection at each end would slow traffic and restrict speed, he said.

Council Member Bell asked if five feet was the minimum for bike lanes, and Mr. Beck replied that it had been the previous design standard. However, they were looking at incorporating the new Town standard for a buffered bike lane into the plans for 75 percent design, he said. Council Member Bell asked about a light to give cyclists a head start over motorists and Mr. Beck said that the 75 percent plans would include the preliminary signal design plans. Those would incorporate bike improvements at intersections, he said, adding that there had been discussions with NC DOT about trying to incorporate some of those.

Council Member Bell asked Mr. Beck to describe methods -- such as bike boxes and signal heads for cyclists -- that had evolved since earlier presentations, but Mr. Beck deferred that to the signal folks to answer in more detail.

Council Member Bell said she agreed with Council Member Stegman that some people would drive at 45 mph on a street designed for 35 mph. She would like the roads to be narrower, so that the Town would not have to install speed bumps in a couple of years, she said.

Mr. Beck repeated his earlier statement that having an intersection and roundabout so close to each other would slow the traffic in between. The speed would not get up to 45 mph, he said, but he agreed to look at different approaches for the 75 percent design.

Council Member Gu asked about the justification for a full access driveway rather than following the Transportation Advisory Board's recommendation for right in/right out.

Mr. Norris replied that a traffic impact analysis had shown that full access would not be a problem at the intersection. Staff had relied on that analysis and had looked at including bike lanes and a safe means for pedestrians to cross the intersection, he said.

Council Member Gu asked for more information about the traffic decision, and Bill Derks, a civil engineer with McAdams Company, explained that full access would reduce the need for someone coming from Ephesus Church Road to have to make a U-turn and come back. It would reduce the amount of traffic on Elliot Road Extension, he said.

Council Member Gu said that the reason seemed to be improved access to

the apartments. In that case, why was the Town responsible for absorbing the cost, she asked, adding that she did not see any other reason for a full access intersection.

Mr. Derks pointed out that full access would also provide block lengths and inter-connectivity, as required by the FBC.

Council Member Gu, liaison to the Transportation and Connectivity Advisory Board, said that board members had thought right in/right out was necessary to maintain safety at that intersection and that a left turn would be unsafe for pedestrians and cyclists. She did not think the modification would benefit the Town, she said, and she proposed that the developer absorb most of the cost.

Transportation Planner Bergen Watterson said that staff shared the board's concerns about bike and pedestrian safety with full access. However, staff supported it in this case because it would mean fewer cars on the roads since people would not have to do U-turns and come back. Staff did want to maintain connectivity and accessibility in the area, and had proposed the protected bike lanes and enhanced intersection crossing for that reason, Ms. Watterson said.

Council Member Buansi asked how the \$1.5 million amount for AH had been arrived at.

Mr. Underwood replied that it was a function of Bluerock's budget and what its model could withstand. He said that Bluerock thought their offer was very generous and met what the Town was trying to accomplish with AH.

Council Member Schaevitz commented on the great difference between protected and buffered bike lanes with respect to safety for cyclists and pedestrians. With regard to road width and speed, a protected bike lane would reduce width and provide protection, she pointed out.

Mayor Hemminger asked Ms. Watterson to explain the differences among raised, protected, and buffered bike lanes.

Ms. Watterson replied that staff had not fully fleshed out the plan but that having lanes would be better than just having a stripe on the road.

Council Member Schaevitz said that whether a bike lane was protected or not made a difference when the Council was considering approving full access or right in/right out. Thinking specifically about bike lanes might be a way to address the Transportation and Connectivity Board's concerns and also have the people who live in the apartments not have to make U-turns, she said.

Mr. Stancil suggested that the Council specify protected bike lanes when adopting the resolution.

Mayor Hemminger said she wanted to be sure that the roundabout was actually constructed as part of the project.

Mr. Beck replied that Kimley-Horn had not received instructions to remove it and was moving forward with the design

Mayor Hemminger confirmed with Mr. Beck that most of the ROW for the roundabout was on the applicant's property. She noted that one goal of the BHD was to increase commercial development. There would be 2,000 residential units with this added to other approved projects but the Town had not met its commercial goals, she said. Mayor Hemminger asked if there was any opportunity for the applicant to add commercial use at this site.

Mr. Underwood replied that the property was zoned Walkable Residential and did not lend itself well to commercial development because of its limited visibility. However, acquiring more land on Bypass Lane could afford them the opportunity to do some level of commercial development, he said.

Julie McClintock, speaking for herself and 18 others, requested that the Council place the Elliott Road Extension project on hold until outstanding issues were resolved. She said that citizens were concerned about water volume in the flood-prone area. A 2017 Lower Booker Creek Study was no longer current and did not account for new construction, infill along the new road, a culvert instead of a bridge, or the smaller storage impoundment that was being planned, she said. Ms. McClintock stated that the plan to bisect the Park Apartments property would result in increased accidents. Residents deserved to know if plans would cancel out the reduction in flooding that they were promised when they paid for the watershed studies, she said.

Joan Guilkey, a Chapel Hill resident, said that traffic issues had not been resolved and requested a Town wide traffic analysis. She referenced a letter to the Council about the importance of using a Town wide model for assessing traffic impact in key areas and gave several reasons why some citizens thought the HNTB study had been too limited. Ms. Guilkey said that the Town had approved some (and was considering approving more) projects without adequately assessing their impact on traffic.

Diane Willis, a Chapel Hill resident, said that the applicant's affordable housing plan did not meet the needs of those who would be pushed out of the Park Apartments. The Town would lose more AH units than it would gain and the Council needed to rectify problems in the code regarding AH and delay the Elliott Road Extension until it had addressed the lost housing stock, she said. Ms. Willis said that 200 families would be displaced and that the 155 units being discussed would be for those at higher AMI. She asked the Council to not consider adding more projects to

the BHD, which had so many problems as it was.

Molly McConnell, a Chapel Hill resident, said that Park Apartments tenants would not be able to find comparable rents after being displaced by this new development. She pointed out that the developer of Glen Lennox, where she rented her home, had set a precedent for taking care of tenants whose housing was being renovated. The Glen Lennox developer had not displaced any tenants, had provided moving expenses for relocating them during renovation, and had provided 15 percent of them less than market rent, she said. Ms. McConnell volunteered to help Bluerock organize its tenants and do a needs assessment to figure out a way to not displace them.

Geoff Green, a Chapel Hill resident, stressed the need for protected bike lanes along the new roadway. He said that improvements along the Ephesus Road/Fordham Boulevard intersection had made it much more predictable but it was still an uncomfortable intersection for pedestrians and terrible for bicyclists. Mr. Green said that was why the Elliott Road Extension was so important: it would provide a first class crossing of Fordham Boulevard. He urged the Council to move forward with the project.

Anne Brashear, a Colony Woods resident, said that she walked on Elliott Road frequently but had become afraid to ride her bike there. She encouraged the Council to require protected bike lanes. Ms. Brashear pointed out that there was no crosswalk near the elementary school and she stressed the importance of considering pedestrian needs as well. She said that the intersection was now hot in the summer because of the loss of trees and asked the Council to take care with the beautiful, mature hardwoods that provide a lot of shade. Ms. Brashear agreed that a narrower road would force people to drive more slowly, she said.

Bill Brashear, a Chapel Hill resident, said that he drives a four-cylinder, 1988 Toyota pick-up truck. If he was coming from the roundabout and saw traffic start moving with a green light, he would be able to hit 45 mph in that short section of road, he said.

Council Member Gu asked what the intersection would look like and how pedestrians and bicyclists would cross it.

Mr. Beck replied that the plan was very preliminary and had not been fleshed out but that Kimley-Horn was anticipating adding marked crosswalks across Elliott Road and across the two driveways into the Park Apartments.

Council Member Gu asked what needed to be done to make that intersection safe, since cyclists would not expect it to be there.

Mr. Beck replied that signs would notify bicyclists and pedestrians about

points of conflict coming around the corner or making a left turn. Since it was one lane of traffic, in and out, there would be the same point of conflict even if it was a left-turn lane coming out, he said. In most cases, the protected bike lane would be in front of the stop bar so that traffic would see cyclists and not pull in front of them, he said.

Council Member Gu verified with Mr. Beck that there was no current plan for traffic lights to notify cyclists of the full access intersection.

Council Member Parker said that putting a traffic signal at the intersection of that Town-owned road warranted serious consideration if there were safety concerns. He asked about minimum width requirements, noting that reducing the road to a 10-foot lane would be designing it for a 25-mph zone and making it a city street rather than a through-way.

Mr. Beck replied that the 11-foot lane had been based on Chapel Hill Transit's requirements for bus width.

Council Member Buansi, liaison to the Transportation and Connectivity Advisory Board, said that he had heard a stronger preference there for raised bike lanes, which would further constrict road width. He was not opposed to protected bike lanes, per se, but thought the purpose could be accomplished with a proper buffered lane, he said. Council Member Buansi agreed with others about wider roads looking like straightaways and leading people to drive faster.

Council Member Buansi expressed concern that the proposed 155 on-site, restricted units' rates would not be memorialized. He felt strongly about providing AH at every opportunity, and this project seemed like an opportunity to do that, he said. Council Member Buansi said that he would have deep concerns if there was an unwillingness to write that into an agreement.

Council Member Schaevitz said she agreed with Council Member Buansi about AH. She pointed out that AH would be eliminated due to this project and she expressed concern that there would not be a net gain of AH units (even with the \$1.5 million payment in lieu) if rents for the 155 new units were not memorialized. She also worried about losing that AH if the property were flipped, she said. Council Member Schaevitz commented on how the code allowed Council members to provide input on the road extension but not on other things that mattered to them and their constituents.

Council Member Oates spoke in favor of keeping the right in/right out design, for safety reasons. She confirmed with Mr. Stancil that protected bike lanes would be included in the resolution and that the applicant would agree to pay for that. She would absolutely want the protected lanes in that case, she said. With regard to AH, Council Member Oates said that the \$1.5 million offer was worth giving up the 70 percent review.

She proposed getting the applicant's written commitment for the 80-120 percent market rate units.

Council Member Stegman said that a traffic light at the intersection might be expensive and more than was needed. One of the primary goals of the road was to get some of the traffic off Fordham Boulevard and help with traffic flow in the entire district, and a light might not be needed, she said. She pointed out that a traffic signal could cause people to avoid going that way and she noted that a light could always be put in later, if needed.

Council Member Stegman asked if the 155 new units would be market rate, or was the developer offering to subsidize them.

Ms. Clark replied that they were not proposed to be additionally subsidized, but they would be lower than the typical 30 percent of household income spent on rent.

Mr. Underwood explained that the point of those 155 units was to show a range of housing choices, not to offer subsidized units. Bluerock's AH offer to the Town was the \$1.5 million, he said. He pointed out that costs rise as things drag on and that can make it harder to meet the levels proposed in those 155 units. Mr. Underwood said that the units at the bottom portion of the site would be feasible to construct in a less costly manner than those in the main parking deck building. Therefore, they would charge less for those units, but that is not a commitment to AH.

Council Member Stegman said she hoped Mr. Underwood's answer would help with Council concerns about the price suddenly changing or not being consistent over time. She expressed agreement with Council Member Oates about the BHD having certain goals and purposes -- such as spurring a particular kind of development -- and that the Council was not able to require AH. Council Member Stegman expressed appreciation for the applicant's offer of \$1.5 million, which she said was a significant amount that the Town could do a lot with.

Council Member Bell said it was important that pedestrians and bicyclists be able to get through the intersection safely and that the road diverts traffic from Ephesus Church Road. She noted the original goal of using the payment from a development such as this to create affordable housing elsewhere and expressed hope that the Town would continue to develop the BHD and create more such income. Council Member Bell recommended that the goal for the road be to keep traffic moving, but not so fast that it puts pedestrians and cyclists at risk. She said that she appreciated the \$1.5 million payment as well.

Council Member Parker said that he supported full access at the intersection, in general, because not having it would lead to dangerous U-turns at the Fordham/Elliott intersection. He suggested monitoring the

intersection and changing it to right in/right out if there were problems. He preferred that the 155 affordable units be memorialized in some way but that it did not appear that it was feasible, he said. Council Member Parker stated that \$1.5 million for AH was a significant contribution. He noted that it might double the largest payment in lieu the Town had ever received.

Mayor Hemminger said she agreed with having a full access intersection, which would reduce U-turns and the number of cars that would have to go through the roundabout. She wanted intersections to be made safe and the Town was getting better at knowing how to do that, she said. She said that she still had concerns about stormwater and noted that the BHD area had particular challenges. Mayor Hemminger praised Town staff for negotiating the AH contribution. She said that she would prefer to come back at 70 percent design and asked if the \$1.5 million offer would be off the table in that case.

Mr. Stancil noted that another approach would be for the Council to list the interests that it had discussed. He planned to have staff make a list of the Council's interests and would work that through with the applicant, he said.

Mr. Underwood said that coming back at 70 percent would not be a deal-breaker as long as the ROW were not changed. Bluestone was trying to move its building plans along and had to set the ROW in place to do that, he explained. Mr. Underwood said that Bluestone's fear was that they would get to 70 percent plans and somebody would change their mind and shift ROWs and the design would no longer work. Assuming that it would be a full movement intersection, Bluestone was fine with paying for protected bike lanes and keeping the \$1.5 million in place, he said. Mr. Underwood stressed that they needed that there, and it would not be a change in the FBC that would affect what they had designed.

Town Attorney Ralph Karpinos said that he would include language to address those concerns.

Mayor Hemminger took a straw vote that determined that the majority of Council members were willing to accept the full access intersection.

Council Member Schaevitz asked about the BHD Design Guidelines, which would be approved in June, and Mr. Underwood said that he assumed the staff review had included those.

Director of Planning and Development Services Ben Hitchings commented that the guidelines probably had been included, but he would check.

Mayor Hemminger asked for a Council update at 70 percent, and Mr. Stancil said that staff could develop a schedule of critical times to update the Council and post that on the BHD web page. He would return to Council

with a schedule for those updates, he said.

With regard to the \$38,000, Mr. Underwood said that Bluestone was willing to pay the overage based on what the actual construction costs were.

Council Member Parker proposed stating that as, "the applicant will pay the greater of \$38,000 or actual costs," and Mr. Underwood agreed.

Mayor Hemminger recommended that the Town publish the estimated cost of the road and where the funds were coming from.

Council Member Gu commented that she felt obligated to make sure that the road was safe and would not add to traffic congestion.

Mr. Buansi pointed out that moving forward would mean displacing existing AH residents.

Council Members Parker and Stegman moved and seconded Resolution 10, and Council Member Oates added a friendly amendment that the \$1.5 million would be paid when building permits were issued.

Council Member Gu suggested that board members attend Council meetings when their recommendations are inconsistent with staff recommendations. She said that the Transportation & Connectivity Board had felt strongly about the intersection, but the Council had not heard from them.

Council Member Buansi replied that the Transportation and Connectivity Board chair had tried to get someone to come but no one had made that commitment.

Council Member Schaevitz asked about a timeline for when current residents would be notified, and Mr. Underwood said that Bluestone would create a timeline further down the road.

Mayor Hemminger verified with Mr. Underwood that displacement of the current residents would not begin in 2018 and that a timeline for giving proper notice and "doing right by" those residents would be part of the process.

Council Member Oates asked Mr. Underwood what his definition of "doing right by" was, and he replied that it meant doing what was spelled out in their leases.

A motion was made by Council Member Parker, seconded by Council Member Stegman, that R-10 be adopted as amended. The motion carried by the following vote:

Aye: 5 - Mayor Hemminger, Council Member Bell, Council Member Oates, Council Member Parker, and Council Member Stegman

Nay: 3 - Council Member Buansi, Council Member Gu, and Council Member Schaevitz

10. Consider Adopting Legislative Agenda for 2018 Session of the General Assembly.

[\[18-0358\]](#)

Town Attorney Ralph Karpinos presented information on a proposed Town agenda for the 2018 session of the NC General Assembly. He said that the process had begun with a public forum on February 28th and included the Council meeting with legislators On April 3, 2018.

Mr. Karpinos said that Council approval of Resolution 11 would advance two local bills. The first would allow Chapel Hill to forego newspaper advertising of public hearings and rely on other methods to advertise them. The second bill would allow the Town wider options for investing funds pertaining to post-employment benefit contributions, he said.

Mr. Karpinos explained that the statewide initiatives that the Town supported included the following: enhance opportunities for citizens to dispose of unwanted firearms by voluntarily turning them in to law enforcement agencies; and general support for League of Municipalities and Metro Mayors legislative proposals. He recommended that the Council adopt R-11, which would establish the Council's 2018 legislative agenda and have staff draft a letter for Mayor Hemminger to send to the Town's legislative delegation.

Council Member Oates confirmed with Mr. Karpinos that the cost associated with publishing ads for public hearings was about \$1,500 per year but was folded into the cost of a larger ad that the Town published. Mr. Karpinos explained that the motivation was partly based on the Town not having a local newspaper with wide circulation.

Council Member Oates verified that the ad currently ran in the Durham Herald and the proposal would give the Council the authority to adopt an ordinance to eliminate putting in the legal ads. The Council could consider what to do with the other ads at a later time, Mr. Karpinos said. He noted that the Town was a long way from making any changes at all, and was merely asking for authority to do so at a later date.

Council Member Oates commented that removing ads hurt a newspaper's bottom line. She stressed the need for objective reporting "now more than ever" and said she would not want to do anything that would weaken a newspaper's revenue stream.

Mayor Hemminger pointed out that the item pertained only to removing legal notices. She asked if the Council was in favor of asking for that authority.

Council Member Oates suggested deleting that item, and Council Member Schaevitz also expressed reluctance to push that agenda if newspapers would be losing an astronomical amount of money. She proposed including a statement regarding that in the Mayor's cover letter, and Mr. Karpinos agreed to do so.

A motion was made by Council Member Parker, seconded by Council Member Bell, that R-11 be adopted. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Council Member Bell, Council Member Buansi, Council Member Gu, Council Member Parker, Council Member Stegman, and Council Member Schaevitz

Nay: 1 - Council Member Oates

Excused: 1 - Mayor pro tem Anderson

REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS

A motion was made by Council Member Parker, seconded by Council Member Bell, that the Council Enter Into Closed Session as authorized by General Statute Section 143-318.11 (a)(4) to discuss matters related to economic development.

The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 11:13 p.m.; the Council went into closed session and the meeting adjourned at the end of the closed session.