



TOWN OF CHAPEL HILL

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

Town Council

Meeting Minutes - Final

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 Karen Stegman
Council Member Rachel Schaevitz

Wednesday, January 30, 2019

7:00 PM

RM 110 | Council Chamber

Roll Call

Present: 9 - 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 Karen Stegman, and Council Member Rachel Schaevitz

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Senior Legal Advisor Tiffanie Sneed, Communications Specialist Mark Losey, Operations Manager Judy Johnson, Planning Director Ben Hitchings, LUMO Project Manager Alisa Duffey Rogers, Housing and Community Executive Director Loryn Clark, Library Director and Community Arts & Culture Director Susan Brown, Housing and Community Assistant Director Sarah Vinas, Principal Planner Cory Liles, Special Projects Coordinator and Library Molly Luby, Interim Parks and Recreation Director Linda Smith, Ombuds Beth Vasquez, Community Connections Coordinator Megan Peters, Resident Services Coordinator John French, Police Officer Rick Fahrer, Fire Marshal Tommy Gregory, Transcriptionist Nikki Catalano, Deputy Town Clerk Amy Harvey

OPENING

0.01 Successes Video: 2018 Successes in the Council Goal Areas of Affordable Housing and Vibrant and Inclusive Community.

[\[19-0094\]](#)

Mayor Hemminger opened the meeting at 7:00 pm and introduced a "Celebrating Successes" video regarding the Town's progress toward creating affordable housing (AH).

The video, narrated by Town Manager Maurice Jones, explained that a recently-approved \$10 million General Obligation Bond would help develop 400 and preserve 300 AH units in Town over the next five years. The video described other Town initiatives as well, such as a People's Academy, a Historic Civil Rights Commemorations Task Force, a Building Integrated

Communities initiative, and a Good Neighbor initiative.

Mayor Hemminger said that more "Celebrating Successes" videos would be presented at future Council meetings. She pointed out that the Town would celebrate its 200th birthday on November 20, 2019.

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.

0.02 Molly McConnell Regarding Funding for New Road in Glen Lennox.

[\[19-0095\]](#)

Molly McConnell, a Glen Lennox resident, addressed Town funding for a road through her community that the NC Department of Transportation (DOT) was requiring. She described the diverse, mixed-use neighborhood and asked the Council to help it thrive. Ms. McConnell said that Glen Lennox's developer, Clay Grubb, worked well with residents during redevelopment. She asked not to penalize Mr. Grubb for being a compassionate, collaborative, and ethical developer.

Mayor Hemminger said that the Council and the Economic Sustainability Board had been discussing options and would continue to do so.

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

0.03 Jeff Charles Request Regarding Police Participation in Review Process of New Developments.

[\[19-0096\]](#)

Jeff Charles, a Chapel Hill resident, petitioned the Council to have the Police Chief provide input into new development projects that require new parking signs, one-way streets, stop lights, and other similar provisions.

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.

0.04 Joan Guilkey Regarding Displacement of Residents from the Park Apartments.

[\[19-0097\]](#)

Joan Guilkey, a Chapel Hill resident, addressed the displacement of more than 400 tenants from the Park Apartments when it is demolished. She said that tenants had been told just before Christmas that they must vacate by June 1, 2019. Since those tenants were not able to afford market rate apartments, they would be excluded from living in Town, she said. Ms. Guilkey strongly urged the Mayor and Council to require that funds for AH be put toward housing and relocation for those residents.

Mayor Hemminger replied that the Department of Housing and Community had been working with tenants individually. They held the first meeting the previous week and had been working to identify properties in and around Town with similar rents, she said. Mayor Hemminger said that no tenants had signed leases and that all had been informed about the process when they renewed their leases more than a year ago.

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

0.05 Pam Hart Regarding Displacement from Park Apartments.

[\[19-0098\]](#)

Pam Hart, a Park Apartments resident, said that letters to Park Apartments residents informing them they had six months to vacate had been delivered on December 18, 2018. She told the Council about her personal struggle prior to finally finding an affordable unit at Park Apartments six years ago. Ms. Hart asked the Council for help, noting that many Park Apartments residents lacked transportation and needed to live close to where they work.

Mayor Hemminger repeated her previous comments about how the Town was working hard to find options to address the issue. Staff understood the transit needs as well, she said.

This item was received as presented.

0.06 Mayor Hemminger Regarding Sending Resolution to GoTriangle Requesting Clarification and Corrections to Transit-Oriented Development Guidebook.

[\[19-0099\]](#)

Council Member Schaevitz read a resolution regarding Council's support of having the Mayor send a letter to GoTriangle requesting clarifications and corrections to the Transit-Oriented Development Guidebook.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-0.1 be adopted. The motion carried by a unanimous vote.

PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.07 Mayor Hemminger Regarding Farewell Reception for UNC Chancellor Folt.

[\[19-0100\]](#)

Mayor Hemminger said she had attended a farewell reception for UNC Chancellor Carol Folt earlier in the day. She said that a proclamation presented there had noted Chancellor Folt's contributions to the community which included: Arts Everywhere, Environmental Three Zeros, and Innovate Carolina. Mayor Hemminger pointed out that Chancellor Folt had also enabled the removal of the "Silent Sam" pedestal from McCorkle Place. She appreciated all that Chancellor Folt had done and wished her well, she said.

0.08 Mayor Hemminger Regarding Chapel Hill Transit Community Meeting for Multi-Use Path and along Corridor from and Eubanks Road to Southern Village.

[\[19-0101\]](#)

Mayor Hemminger said that Chapel Hill Transit would hold a community meeting on multi-use paths for cyclists and pedestrians on Monday, February 4th from 6:30-8:00 pm at the Chapel Hill Public Library.

0.09 Mayor Hemminger Regarding Thorpe Internship Fair.

[\[19-0102\]](#)

Mayor Hemminger announced that a fair for undergraduates interested in paid internships with the Town would be held on February 5th from 2:00-5:00 pm at the Chapel Hill Public Library.

0.10 Mayor Hemminger Regarding Work Session on February 6.

[\[19-0103\]](#)

Mayor Hemminger said that the Council would hold a meeting regarding downtown parking and the Eastowne Master Plan at the Chapel Hill Public Library on Wednesday, February 6th, beginning at 6:30 pm.

0.11 Mayor Hemminger Regarding Council Committee on Economic Sustainability Meeting.

[\[19-0104\]](#)

Mayor Hemminger said that a Council Committee on Economic Sustainability meeting at 8:00 am at the Public Library on February 8th would include a presentation from Kidzu Museum and more.

0.12 Council Member Buansi Regarding NAACP Symposium.

[\[19-0105\]](#)

Council Member Buansi said the Chapel Hill-Carrboro NAACP would host a symposium regarding lynching, racial terror and monuments of hate at the Jerry M. Passmore Center in Hillsborough on February 9th from 10:00 am to 2:00 pm.

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

1. Approve all Consent Agenda Items. [\[19-0072\]](#)

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

2. Authorize the Town Manager to Enter into a Municipal Agreement with NCDOT and Accept Federal Funds for Construction of the Homestead Road Sidewalk Project. [\[19-0073\]](#)

Mayor Hemminger commented on how this authorization would move the project forward and free Town funds for other sidewalk projects.

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

3. Call a Public Hearing to Facilitate the Issuance of Bonds by the Educational Foundation, Inc. for February 13, 2019. [\[19-0074\]](#)

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

4. Amend the 2018-19 Council Calendar. [\[19-0075\]](#)

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

INFORMATION

5. Receive Upcoming Public Hearing Items and Petition Status List. [\[19-0076\]](#)

These items were received as presented.

DISCUSSION

6. Consideration of the Extraterritorial Jurisdiction (ETJ) Study Areas as Part of the Charting Our Future Project. [\[19-0077\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffy Rogers gave a PowerPoint presentation on the Town's vision for two areas: north of Interstate 40 (I-40) and south of Southern Village. She said that some community members had requested that the Council add those areas to the Future Land Use Map (FLUM) refinement process and that the Orange County Commissioners seemed open to looking at additional land uses in those locations.

Ms. Duffy Rogers described the areas and pointed out that they were both

in the Town's extraterritorial jurisdiction (ETJ). She said that allowing increased residential density and commercial uses in those areas would be a departure from the established vision, so a new visioning process would be required. She described what such a process might entail, including approximate costs and timing.

Ms. Duffy Rogers recommended that the Council adopt a resolution that would postpone consideration of land use for the northern area, authorize the Manager to continue working with governmental partners prior to planning and executing a visioning effort for the southern area, and continue the process of refining the FLUM with the possibility of amending it after the visioning effort was complete.

Council Member Parker confirmed with Ms. Duffy Rogers that the current process of refining the FLUM would continue undisturbed and that the process being outlined would begin in 2020 and run in parallel with that. He asked what she imagined a conceptual agreement with the other parties would look like and how it would come about.

Ms. Duffy Rogers replied that the Town would present what it had received from community members to the other governmental bodies and ask them if they would be open to moving the Urban Services Boundary. This would occur prior to any effort to look at alternative land uses, she said.

Council Member Gu recalled Ms. Duffy Rogers previously saying taking such a step would delay the FLUM. She confirmed that the situation had changed because some responsibilities were being shifted to a consultant, and staff had additional intern help. Council Member Gu also confirmed with Ms. Duffy Rogers that it would take two separate processes to address both areas, with more issues and potential projects in the southern area.

Council Member Gu asked about obtaining more public input before moving forward, and Ms. Duffy Rogers explained that she was merely proposing asking the Town's ETJ partners (Orange County, Hillsborough, Carrboro) if they were open to the idea. If they were, then the Town would start a visioning process that would include community input, Ms. Duffy Rogers explained.

Mayor Hemminger pointed out that the proposed path would determine whether or not the Town could move forward. If any one of the partners refused, then there would be no point in having any process at all, she said.

Council Member Stegman confirmed with Ms. Duffy Rogers that most components of the 1992 Southern Small Area Plan had ended when the Chapel Hill 2020 Comprehensive Plan was adopted. That Southern Plan was no longer a binding document, but it did provide good information about soil and other aspects of the area, Ms. Duffy Rogers said.

Council Member Bell verified with staff that the proposal was the result of a petition that had come to Council. It also seemed like a response to the Council's question about whether the LUMO rewriting process was the right time to think about those two areas, she said.

Council Member Schaevitz commented on the "multiple possible chicken and egg scenarios" she could imagine. She confirmed with Ms. Duffy Rogers that staff would merely be asking the Commissioners if they were conceptually open to more density. "If they say no, that stops the process," Ms. Duffy Rogers said.

Mayor pro tem Anderson verified with Ms. Duffy Rogers that the idea began when staff came forward with an update on refining the FLUM, and the Chapel Hill-Carrboro Chamber of Commerce had asked to include those areas, as well. The Council asked staff to begin talks with governmental partners, Ms. Duffy Rogers said.

Mayor pro tem Anderson remarked that such conversations with ETJ partners could lead to density arguments if the Town did not know the projects and have a purpose.

Ms. Duffy Rogers replied that the idea was to ask about interest before spending any time, money or effort.

Council Member Oates commented that asking would imply that the Town was open to the idea, though. She suggested finding out why the boundary was originally set and asking those who had been involved if they thought the proposal was a good idea.

Ms. Duffy Rogers replied that topographical features in the southern part of Town had partially led to creating the boundary. However, technological advances might make that line not as critical now, she said, adding that she was more than willing to do more research.

Julie McClintock, a Chapel Hill resident, recommended that the Council solicit the opinions of those who live in the areas in question. She said that contemplating a process was premature when neither the public nor the Council had been asked to evaluate the proposal's merits. As a former Council member, she had been involved with creating the southern water and sewer boundary, she said, and she recommended that the Council hold a public meeting regarding it.

Katie Loovis, representing the Chapel Hill-Carrboro Chamber of Commerce, reminded the Council that there had been specific areas on the FLUM that it wanted to explore regarding 30 years into the future. She encouraged the Council to plan ahead when thinking about the FLUM, rather than merely responding to applications. The business community wanted to know what the Council wanted, she said.

Margaret Brown, a southern area resident who had been involved with creating the Southern Small Area Plan, provided background and explained state legislation on watershed protection. She said that the intent of Southern Village was to avoid sprawl and that the urban services boundary was intended to be the open space next to it. Ms. Brown said that all of the issues regarding public health and protecting the drinking water supply remained the same as it had been in the 1990s.

Julie Coleman, a former Planning Commission member, said that her 10-acre property on Smith Level Road had been threatened three times since being deemed as the open space that allowed Southern Village. She described some of those past threats and urged the Council to maintain its urban service boundaries.

Livy Ludington, a Smith Level Road area resident and a Triangle Land Conservancy planner, said that she had participated in creating the rural buffer and had worked hard on watershed protection. Clean water and air in rural areas needed to be protected in a careful way, she said, and she said the process was moving too quickly. Ms. Ludington expressed support for a public process and said she hoped Orange County Commissioners would remember and understand the importance of not extending water and sewer.

Mayor pro tem Anderson expressed support for holding a public meeting before going to the ETJ partners.

Council Members Schaevitz, Gu, Parker and Buansi agreed and said that a public meeting should include the kind of institutional knowledge the speakers had presented.

Council Member Gu stressed the need for more background information before exploring costs and benefits.

Council Member Oates expressed reluctance to do anything that would slow the FLUM and LUMO rewrites and recommended determining whether the Council was actually interested in moving its urban services boundary before proceeding. She said it would be helpful to know if the Town needed as much watershed as it did 20 years ago.

Mayor Hemminger noted that there was consensus among Council members to compile historical information that would help them understand past decisions before presenting to the other entities. The Council also needed to understand changes in the Jordan Lake Rules, she said.

Mayor pro tem Anderson moved Resolution 5, as amended, to hold a public meeting that would include background information about the previous planning process and to do so prior to contacting ETJ partners.

Mayor Hemminger asked for a friendly amendment to request information

about the possibility of moving the boundary on a Town-owned, 10-acre parcel.

Mayor pro tem Anderson asked that the public meeting include background information on that parcel and potential affordable housing uses.

Council Member Bell said she supported the resolution but wondered if the Council was trying to get information to take it forward or to decide whether or not to move forward at all.

Mayor Hemminger, Mayor pro tem Anderson and Council Member Parker discussed the wording and Senior Legal Adviser Tiffanie Sneed recommended that the resolution state that comments received from the public meeting would be brought back to Council to consider next steps.

Mayor Hemminger proposed removing bullet 2 from the original resolution, and Mayor pro tem Anderson moved an amended Resolution 5 with bullet 2 removed and the proposed new wording.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-5 be adopted as amended. The motion carried by a unanimous vote.

7. Youth Initiative Update.

[\[19-0078\]](#)

Executive Director for Housing and Community Loryn Clark provided background on the Youth Initiative Report. She explained that "youth" included middle and high school aged people who were in school, out of school, home schooled, and in non-traditional programs. The intent was to be as inclusive as possible, she said. Ms. Clark asked the Council to provide feedback on the report and the proposed next steps.

Chapel Hill Public Library Director Susan Brown gave a PowerPoint presentation with background on the project and its goal. The intent was to gather demographic information on Chapel Hill youth, to listen and directly engage with them, and to identify next steps, she said. She described a "human-centered design" approach that staff had used with 180 youth in 14 focus groups.

Community Connections Coordinator Meghan Peters discussed the demographic data that staff had gathered and analyzed. She said that the Town's youth were 63 percent white, and that 17 percent of them were Asian which was the highest minority population. Racial inequities did exist in the local school system and there was a disparity in academic achievement among high school students by race and ethnicity, she said.

Ms. Peters reported that one in three students said their families were experiencing financial stress. A large percentage of their families earned more than \$100,000, but 42 percent earned less than \$50,000, she said. She mentioned mental health and wellness challenges and reported that

one in four high school and one in five middle school youth felt sad or hopeless for two weeks or more to have stopped their usual activities.

Chapel Hill Public Library Special Projects Coordinator Molly Luby presented the focus group findings. The study had targeted a diverse group with a focus on minority populations, she said, pointing out that those demographics closely matched the community as a whole. She characterized youth participants as "smart, caring, often goofy, sometimes heartbreaking, thoughtful, and engaged." Ms. Luby shared information about where youth go, how they spend time, the people in their lives, what was important to them, and their goals, challenges and obstacles.

Chapel Hill Police Chief and Executive Director for Community Safety Chris Blue summarized the findings and discussed next steps. He said that Chapel Hill youth wanted safe, inclusive, and welcoming spaces. They had very busy schedules and felt immense pressure to succeed, he said. He noted that discrimination had an impact on them and that some faced mental health challenges.

Chief Blue said that the next steps would be to engage and recruit young people to help create spaces and make improvements in Town facilities. He outlined several ideas for youth-friendly initiatives. He also suggested reconvening and strengthening community partnerships and recommended having young people test solutions. Chief Blue said that the Town would continue to strengthen its collaboration with the school system and would involve it in solutions. Staff would return to the Council in fall 2019 with a report on pilot programs, he said.

Mayor Hemminger praised staff for asking young people about what they wanted, rather than making assumptions. She expressed support for the first steps as outlined.

Mayor pro tem Anderson asked about improving the existing Teen Center, and the presenters replied that most youth did not seem to know about it. Ms Luby said that most of the youth they had spoken with did not necessarily want a space that was just for teens.

Council Member Schaevitz asked if staff had ideas for places of interest other than the Public Library, and Chief Blue replied that parks and open spaces had received high marks. Council Member Schaevitz said she was interested in learning what the Town could do to offer free, healthy food and mentioned she would be willing to help with that.

Council Member Parker asked if staff had identified different reactions or concerns from youth based on factors such as ethnicity.

Ms. Luby replied that data from one group of African American middle-school boys had shown that they did not feel positive about some of the places that were overwhelmingly positive for others. For example,

they felt uncomfortable on Franklin Street and had some disturbing experiences in Town, she said.

Council Member Parker said that he was not surprised and that it might be worthwhile to think about working with adults, as well.

Council Member Gu verified with Chief Blue that taking the information to the school system would be an important next step. She asked how staff would keep the dialog open with teens, and Chief Blue said that staff would take that question back to the youth themselves.

Council Member Stegman noted that research had shown that interaction with animals could reduce stress. The Orange County Animal Shelter and other rescue groups might be potential partners, she pointed out.

Council Member Oates noted the importance of a having a safe, clean, healthy, and judgement-free place for teens to hang out.

Mayor pro tem Anderson stressed the value of having cross-sector connections. A young person who tells a police officer or librarian that they are having a mental health issue should receive the same information as they would receive from a school counselor, she said.

Mayor Hemminger verified with staff that there were about 5,000 teens in Chapel Hill. She said the Town was not in a position to build a teen center, so finding places where youth could feel safe and connect with each other and the community was the goal. She hoped staff would find out what kinds of activities youth would like to see at the Public Library, through the Parks and Recreation Department, and so forth, she said. Mayor Hemminger said that Town partners were learning from each other and that she wanted to keep the initiative going.

This item was received as presented.

8. Consider Approving a Memorandum of Understanding, Job Description, and Work Plan for Orange County Food Council.

[\[19-0079\]](#)

Assistant Director of Housing and Community Sarah Vinas gave a PowerPoint summary of the Orange County Food Council's request to establish a joint funding agreement with local governments. She explained that the Food Council had been formed in 2016 to grow a local food system that would ensure health, sustainable agriculture, and access for all Orange County residents.

Ms. Vinas explained that the Food Council had approached all local governments in 2018 with a proposal to share funding for a coordinator position and for operating support. She described the formula for determining funding contributions to the position's \$71,000 budget. The Town would contribute 41 percent (\$29,000) with about \$9,000 of that needed in the current fiscal year, she said.

Ms. Vinas pointed out that the Council had approved up to \$25,000 from the Community Development Block Grant Plan in June 2018 but had asked that the joint agreement come back for approval before that money was spent. An updated Resolution 6 asked the Council to authorize the Mayor to execute a memo of understanding and to provide input on the work plan, she said.

Mayor pro tem Anderson said she thought the update would include performance measures.

Ms. Vinas replied that the current purpose was to obtain feedback on the work plan, which would be a living, working document that local governments would shape.

Council Member Oates, liaison to the Food Council, verified that Orange County had been supplying most of the funding but that the grant had run out.

Jennifer Vuillermet, a Chapel Hill attorney and Food Economy Work Group member, said that the purpose of a local food system was to bridge local agriculture with urban areas by bringing products into Town and distributing them through a regional approach. She said the agreement would help bring healthy food and economic benefits to the Town.

Hannah Quigley, a Chapel Hill resident and lead of the Local Food Economy Work Group, said that the Food Council was using a holistic approach to the local food system. The approach included farmers, chefs, business owners, food workers, consumers, and more, she said. The only way to succeed was to work across all jurisdictions with all the stakeholders, said Ms. Quigley.

Ken Dawson, an Orange County farmer and the Agriculture Preservation Board member on the Food Council, explained that Orange County's agriculture was in transition with the trend being toward higher numbers of smaller farms. He pointed out how much local farmers were contributing to the local economy and said that establishing a coordinator position would go a long way toward supporting the Food Council's work.

Barry Phillips, a Hillsborough resident, recommended that the Council approve the resolution and gave several reasons why having a full-time staff person would positively impact the local economy.

Mayor pro tem Anderson clarified with Mayor Hemminger that UNC had provided some grant money to see if the Food Council had viability, but Mayor Hemminger said the funding had run out.

Mayor pro tem Anderson said she wondered why the funding formula did not have Orange County paying more, since much of the goal seemed to

be in support of Orange County farmers. In addition, she thought the performance measures needed a lot of work and that food access needed to be addressed as well, she said.

Ashley Mercer, of the Orange County Health Department, explained that the Food Council's role was to be a coordinator and it did not currently provide services or programming. It was not a direct service model, but it wanted to address long-term and immediate issues, she said.

Mayor pro tem Anderson asked if anything was being done to address general food access and if there were performance measures specific to that.

Ms. Mercer directed the Council's attention to a food access work group that was referenced in the work plan. One of the primary goals was to coordinate and streamline existing services and activities around food access and to not duplicate efforts, she said. She explained that the Food Council addressed equity issues, such as figuring out ways to have access to food without there being a stigma involved.

Council Member Gu also commented on the need for metrics and asked for clarification that the three-month-old document was a living one that would improve as feedback was incorporated. She noted a reference to UNC and the Chapel Hill-Carrboro Public School System and said she was surprised that they were not listed as partners. She wondered why UNC was not contributing resources, she said.

Council Member Bell pointed out that collaborations take time and said she was interested in knowing how effective the Food Council's stakeholders thought it had been. She said that Council members asking for information that people did not have was sometimes a problem when people were trying to start new initiatives.

Council Member Oates said she was the Council's representative on the Partnership to End Homelessness as well and explained how the two organizations differed. She said it sounded as though the Food Council had a lot of potential and proposed that the Town Council agree to provide the \$9,000. That would fund the program to the end of the Town's budget year and would give the Food Council time to come up with some focused and achievable goals, she said.

Mayor Hemminger pointed out that the Town was in the process of developing its next fiscal budget and was also being asked for a two-year financial commitment to the Food Council with an 18-month review. Extending it only to July 1, 2019 "would put an interesting dynamic on the budgeting of this," she said.

Ms. Mercer stressed the need for staff support and stated that not everything could be perfectly measured at the current time. Having a

coordinator would allow the Food Council to provide recommendations for funding to gatekeepers, such as the Council, she said.

Council Member Schaevitz noted that Council members had asked for metrics and quantitative deliverables. The Food Council needed to do a better job of explaining its work in a way that was accessible, she said, adding that three examples of how the program worked would be just as interesting, persuasive and informative as statistics.

Mayor Hemminger said that she saw immense potential, and there needed to be a food access person involved.

Council Member Parker moved Resolution 6, with a caveat that a seat be designated for a food access representative.

A motion was made by Council Member Parker, seconded by Council Member Buansi, that R-6 be adopted as amended. The motion carried by a unanimous vote.

9. Consider a Resolution Opposing Alternative 4A as a Design for Modifications to Eubanks Road and NC 86.

[\[19-0080\]](#)

Mayor Hemminger asked that Item 9 be rephrased as follows: Consider a Resolution for a Design Modification to the Eubanks Road and NC 86 Proposal. The Town should say what it wants and do better than merely opposing Alternative 4A, she said.

Planner Corey Liles gave a PowerPoint overview of the I-40 widening project and associated interchange redesigns. He explained that DOT's proposal to realign roads (Alternative 4A) would cut off access to homes in the Northwood neighborhood and potentially disrupt that community's well. Mr. Liles said that Northwood had submitted a citizens' petition with more than 500 signatures opposing 4A. The Transportation and Connectivity Board stated opposition to it as well, he said.

Mr. Liles explained that the DOT responded to community push-back with an Alternative 4B, which would keep Eubanks Road in its current alignment and add a turnaround on Martin Luther King Jr. Boulevard. He compared the probable impacts of the two alternatives and noted there would be much less disruption with 4B.

Mr. Liles said the DOT would respond after the public comment period ended on February 8, 2019 and that it hoped to begin construction in 2023. Staff was recommending that the Council adopt Resolution 7, which would oppose Alternative 4A and outline criteria for design refinement, he said.

Mayor Hemminger read additional recommendations included in Resolution 7. She said that any resolution the Council moved forward would go to the

Transportation Board, the DOT, the Orange County Commissioners, the Town's legislative delegation, and "whoever else the Council could think of".

Council Member Stegman confirmed that a second bullet, regarding alternative modes of travel, included bikes and pedestrians. Mayor Hemminger proposed amending the resolution to make that specific. The Council voted unanimously in favor of Resolution 7, as amended, and Mayor Hemminger noted that there was a February 8, 2019 deadline for comments.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Oates, that R-7 be adopted as amended. The motion carried by a unanimous vote.

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

The development proposal(s) below involves two separate steps: a rezoning application and an application for a special use permit. These two hearings will be conducted separately. You may sign up to speak on each item.

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.

- 10.** Consider an Application for Zoning Atlas Amendment - Independent Senior Housing, 2217 Homestead Road (Project #17-107).

[\[19-0081\]](#)

Operations Manager for Planning Judy Johnson pointed out that there were two hearings on the agenda, one for a rezoning and the other for a Special Use Permit. She explained that the applicant's request to rezone property at 2217 Homestead Road from Residential-2 to Residential-5-Conditional would mean going from medium density to high density and creating a change on the Town's Land Use Map. Ms. Johnson described the site and nearby properties.

Town Manager Maurice Jones said the applicant had originally offered a \$315,000 payment in lieu of on-site affordable housing (AH), but the Council directed staff to negotiate for actual AH units. The resulting proposal was for 20 AH units, which would rent at 60 percent of area median income (AMI) for 30 years, he said.

Mr. Jones mentioned several items the applicant requested in return for the AH units. He said that staff believed the proposal offered an important community benefit and recommended that the Council consider adopting Resolution 8 and enacting O-2, to rezone the property.

Mayor Hemminger confirmed with Mr. Jones that one of the Town's concessions was to cap building permit fees at \$10,000, and Mayor pro tem Anderson confirmed that fees would be an estimated \$103,000 without that provision.

Council Member Stegman asked about the value of the 20 AH units over 30 years, and Mr. Jones agreed to return with that information.

Mayor Hemminger and Council Member Oates verified that requirements such as the 55 and over age restriction would be addressed in the Special Use Permit process.

Mayor pro tem Anderson asked what would happen to tenants when the AH units reverted to market rate in 30 years.

Mr. Jones replied that those tenants would be notified as they neared the 30-year deadline.

Dianne Martin, representing Courtyards at Homestead citizens, expressed concern about traffic and the rezoning's impact on her neighborhood's harmony and overall quality of life. She said that the proposal did not address the need for moderate senior AH. In addition, rare and specimen hardwoods would have to be removed, so there would not be the environmental savings that the applicant had claimed, she said.

Ms. Martin showed an artist's drawing of what a four-story building might look like "looming over" The Courtyards at Homestead. The proposed project would have a negative impact on the character and quality of life for The Courtyards' residents and would constitute a breach of trust by the Council, she said.

Martin Molloy raised several objections to the proposed project and said that some Council members did not seem to care about The Courtyards at Homestead residents. He asked Council members to think about how they would feel and vote if the project were proposed for their backyards.

Maggie West, representing the Orange County Affordable Housing Coalition, said she was glad to see the proposed changes which offered more units for a longer period of time. She noted that the proposal did not commit to leasing units to households earning less than 60 percent AMI and said that meant the applicant might not be required to verify that tenants were income qualified.

Ms. West stressed the importance of making sure that the rental units would not simply be a good deal for tenants who could afford more. She pointed out that the agreement did not specify how the Town would enforce the AH provision over 30 years or how the development would verify that tenants meet the income qualifications over the life of the

agreement.

Christy Beacham, whose parents live at The Courtyards at Homestead, asked the Council to not vote on the resolution at the current time and to consider those who were already living in the area.

Mayor Hemminger confirmed with Mr. Jones that language addressing the issues regarding AH that Ms. West had raised could be added to the document.

Richard Gurlitz, representing the applicant, noted that there was a requirement in the agreement to come up with an AH program. He appeared skeptical of the rendering that Ms. West had presented.

Mayor pro tem Anderson confirmed with Mr. Gurlitz that he intended to present his own rendering to the Community Design Commission during the zoning compliance portion of the process. She and Council Member Parker pointed out that the Council typically saw such renderings as well.

Mr. Gurlitz replied that he could show a cross-section of the site but hated to have to come back another time. He pointed out that the ordinance did not require a rendering at the current level of review but said he would be glad to provide one. When Mayor pro tem Anderson pressed for a response to the scale that Ms. Martin's drawing had shown, he characterized it as ridiculous.

Mayor pro tem Anderson asked about ADA accessibility and about what made the development a senior community rather than merely one with an age restriction.

Mr. Gurlitz replied that units would have universal design and be prepped for ADA compliance. For example, not every bathroom would have grab bars, but they would all be prepped for that and management would install them for anyone who wanted that when they moved in, he explained.

Mayor pro tem Anderson asked again what made the proposed apartments different from other apartments, and Mr. Gurlitz replied that the primary difference would be the 55+ age restriction, the amenities geared for that age group, and the way it would be managed.

Council Member Gu confirmed with Mr. Gurlitz that management probably would work with another organization to recruit, verify, and refer tenants.

Lee Lambert, a realtor representing the applicant, said that primary applicants would need to verify their age but spouses would not have to be 55 or older. Income would primarily be verified by a third party, the Town, or partnering agencies such as Community Home Trust, he said. Mr. Lambert described additional ADA amenities and said that including the 20

AH units would cost the applicant approximately \$4 million.

Council Member Parker confirmed that the AH units would be rented to whoever was moving in at the time that they became available and that language regarding that could be put into the agreement.

Council Member Bell expressed interest in the applicant having a memo of understanding with one of the Town's AH providers, and Mr. Gurlitz pointed out that Item 7 of the agreement required that. Council Member Bell said she appreciated the 20 AH units and thought that 60 percent AMI was acceptable.

Council Member Schaevitz said she was not comfortable with zoning an R-5 community next to an R-2 neighborhood because the transition was inappropriate.

Council Member Buansi said he appreciated the AH units but wanted to see a rendering that showed actual scale.

Council Member Oates asked to see a rendering showing scale as well. She noted that the land itself was 15 feet taller than her own nearby neighborhood and said she thought the rendering the neighbor had presented seemed right. She asked staff to make sure that actual language pertaining to universal design and ADA compliance was in the document.

Council Member Oates pointed out that approximately 10,000 people said during the CH 2020 Comprehensive Plan process that they wanted medium density residential development in the strip of land near Carolina North. There would have to be a huge community benefit to allow the proposed project, she said.

Council Member Oates pointed out that someone who moved in to the proposed development when they were 60 could be evicted at age 90, and she asked about including a grandfathering clause. She also questioned setting a precedent for capping permit fees for for-profit projects. She did like the reduction to 60 percent AMI, she said, but added that the Community Home Trust was probably not the appropriate agency for the project.

The applicant and staff discussed possible non-profit agencies, and Mr. Lambert said that such information could be part of the AH agreement.

Ms. Sneed reminded the Council that they were still addressing the rezoning but that much of the evidence being presented would be more appropriate for the Special Use Permit process.

Mayor pro tem Anderson said that going from R-2 to R-5 was a big jump and she was not sure it considered what else was going on in the area.

Moreover, it would go against the zoning that the community had set forth as a vision, and she did not feel that Town fees were negotiable or that there should be a limit on the number of years for affordability, she said. Mayor pro tem Anderson also said that she could not support a project when she could not see how it would fit in with the surrounding neighborhood.

Council Member Stegman pointed out that the Council had been discussing how it did not want sprawl, how the Town needed to respond to climate change, and changes in the Homestead area of Town in particular. Because of those things, the Town's land use policies needed to trend toward greater density, she said. She said that four stories was reasonable but that the project would need to be done well and look good. Council Member Stegman said she was open to the rezoning but understood why others wanted to see a rendering first.

Council Member Gu asked for an example of another place in Town where an R-2 zone was right next to an R-5-C zone. There was no response.

Council Member Parker argued that the issue was not density, per se, but how the project would look and feel and relate to nearby buildings. The applicant had not given the Council the tool to make that decision, he said. He added that the AH proposal was "not a bad deal".

Mayor Hemminger commented on the great need in Town for both senior and affordable housing and said that she liked the proposed open space and the reduction in impervious surface; however, there did not appear to be six Council votes for a rezoning, she said, and pointed out that not being able to see what it would look like was bothering Council members.

Mayor Hemminger recommended a motion to delay to February 13, 2019, and Council Member Parker moved to recess the hearing until that date. Mayor Hemminger pointed out that Agenda Item 11, regarding the Special Use Permit, would be moved to February 13th as well.

Council Member Oates requested that the item be placed early on the February 13th agenda.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that the Public Hearing be continued to February 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.

11. Consider an Application for Special Use Permit - Independent Senior Housing Chapel Hill, 2217 Homestead Road (Project #17-096).

[\[19-0082\]](#)

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that the Public Hearing be continued to February 13, 2019. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 11:12 p.m.