

**DRAFT SUMMARY MINUTES OF A BUSINESS MEETING  
OF THE CHAPEL HILL TOWN COUNCIL  
MONDAY, MAY 22, 2017, AT 7:00 PM**

**Council Members Present:** Mayor Pam Hemminger, Mayor pro tem Donna Bell, Council Member Jessica Anderson, Council Member George Cianciolo, Council Member Sally Greene, Council Member Ed Harrison, Council Member Nancy E. Oates, Council Member Maria T. Palmer, and Council Member Michael Parker.

**Staff members present:** Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Principal Planner Judy Johnson, Planning Director Ben Hitchings, Senior Planner Kay Pearlstein, Assistant to the Manager Rae Buckley, Transportation Planning Manager Bergen Watterson, Police Chief Chris Blue , Support Services Captain Josh Mecimore, Downtown Special Project Manager Sarah Poulton, Manager's Intern Toney Thompson, Fire Marshal Tommy Gregory, Police Officer Rick Fahrer, Assistant Town Clerk Beth Vazquez, and Deputy Town Clerk Amy Harvey.

[OPENING](#)

Mayor Hemminger opened the meeting at 7:00 p.m.

[Proclamation: Police Memorial Day.](#)

Council Member Oates read a proclamation recognizing May 15, 2017 as Peace Officers Memorial Day, and the week of May 15-19 as National Police Week. The proclamation commended Town police officers for their courage and devotion, and for risking their lives to enforce the law and ensure public safety. The proclamation, also honored those who had fallen or become disabled in the line of duty, and recognized their families' sacrifices.

Council Member Oates invited all to attend the 2017 Orange County Peace Officers Memorial Service on May 30, 2017 at the Chapel Hill Police Department.

Police Chief Chris Blue and Police Captain Josh Mecimore received the proclamation, and Chief Blue asked Captain Mecimore, commander of the Honor Guard, to make remarks.

Captain Mecimore thanked the Town on behalf of its law enforcement employees. He said that such praise and appreciation would encourage an already motivated workforce. The knowledge that those they serve recognize the difficult task they have undertaken, and the dedication and professionalism with which they carry it out, was of the utmost importance to Town employees, he said. Captain Mecimore thanked the Town Council for recognizing the dedication and service of Detective Ted Cole, who had died in service to the community in 1969.

[ANNOUNCEMENTS BY COUNCIL MEMBERS](#)

- a. [Mayor Hemminger Regarding Navy Band Memorial Marker Installation and Reception on Saturday, May 22.](#)

Mayor Hemminger announced that Mayor pro tem Bell would represent the Council at a ceremony to install a historical marker to recognize an African American band that had served in the U. S. Navy. She said that the ceremony would be on May 22, 2017 at 10:00 a.m. at the intersection of West Franklin and South Roberson Streets and that a reception would follow at the Hargraves Center.

- b. [Mayor Hemminger Regarding Orange County Peace Coalition Memorial Day Commencement.](#)

Mayor Hemminger said that the Orange County Peace Coalition would hold a Memorial Day Commencement at the Chapel Hill Public Library from 2:00-3:30 p.m. on Memorial Day. The ceremony would focus on immigrants and refugees as victims of war, she explained.

- c. [Mayor Hemminger Regarding Orange County Veterans Memorial Groundbreaking Ceremony.](#)

Mayor Hemminger announced that the Orange County Veterans Memorial Groundbreaking Ceremony would take place on November 10, 2017, from 3:00 to 4:00 p.m. at the Southern Human Services Campus.

- d. [Mayor Hemminger Regarding Light Rail Station Area Planning Joint Advisory Board Session on May 24.](#)

Mayor Hemminger announced a Light Rail Station Area Planning Joint Advisory Board session from 5:30 to 8:00 p.m. on May 24, 2017 at the Chapel Hill Public Library. She said that the consulting team would be there to solicit comments from the Town's Development Review Board regarding the gateway site.

- e. [Mayor Hemminger Regarding Food for Summer Website and Volunteers.](#)

Mayor Hemminger mentioned that the Food for Summer website was available for people to sign up for volunteer shifts. She explained that there were 20 sites across Town where volunteers could help bridge the meals gap for children who receive free or reduced lunches during the school year.

- f. [Council Member Parker Regarding Introduction of Visiting Doctor from China Observing Local Government.](#)

Council Member Parker introduced and welcomed Eusin Wu, a visiting scholar from China who was attending the Council meeting. Dr. Wu was studying how the United States makes laws, and had come to observe how a town council does business, he said.

- g. [Council Member Harrison Regarding Death of Longtime Northside Resident Estelle Mabry.](#)

Council Member Harrison said that Estelle Mabry, a longtime Northside resident, had recently passed away. Ms. Mabry was one of the first people he had been sent to talk with during his early years on the Council, he said. She had represented Northside residents for many years, he said, adding that he was sad about her passing, but glad that he had gotten to know her.

#### [CONSENT](#)

1. Approve all Consent Agenda Items. (R-1)

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY MAYOR PRO TEM DONNA BELL, TO ADOPT R-1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

#### [A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES \(2017-05-22/R-1\)](#)

2. Approve Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2016-17. (O-1)

#### [AN ORDINANCE TO AMEND “THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2016” \(2017-05-22/O-1\)](#)

3. Call a Public Hearing to Consider a Land Use Management Ordinance Text Amendment to Section 5.1.3 for June 19, 2017. (R-2)

#### [A RESOLUTION CALLING A PUBLIC HEARING FOR MONDAY, JUNE 19, 2017 TO CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT TO AUTHORIZE THE TOWN MANAGER TO REVISE AND MAINTAIN THE PUBLIC WORKS ENGINEERING DESIGN MANUAL \(2017-05-22/R-2\)](#)

4. Support Legislative Efforts to Raise the Minimum Age of Adult Criminal Prosecutions in North Carolina to 18 Years. (R-3)

#### [A RESOLUTION IN SUPPORT OF LEGISLATIVE EFFORTS TO RAISE THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY TO EIGHTEEN YEARS \(2017-05-22/R-3\)](#)

#### [INFORMATION](#)

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

All reports were accepted as presented.

## DISCUSSION

6. [Consider an Application for a Zoning Atlas Amendment - 302-304 Ransom Street and 301 McCauley Street. \(R-4\)\(O-2\)\(R-5\)](#)

Senior Planner Judy Johnson provided a PowerPoint overview of the Zoning Atlas Amendment (ZAA) application for a half-acre lot in the Cameron-McCauley Historic District. She reviewed the request to subdivide a larger lot and rezone a half-acre portion from Residential 4 to Residential 5 to create a more logical subdivision, and sell each structure separately. Ms. Johnson recommended that the Council adopt R-4 and enact O-2.

Council Member Oates confirmed with Ms. Johnson that any future owner would need Historic District Commission approval to change the number of dwelling units, square footage, height, setback, or other ordinance restrictions.

COUNCIL MEMBER MARIA T. PALMER MOVED, SECONDED BY COUNCIL MEMBER SALLY GREENE, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

COUNCIL MEMBER MARIA T. PALMER MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO ADOPT R-4. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR 302-304 RANSOM STREET AND 301 MCCAULEY STREET AND CONSISTENCY WITH THE COMPREHENSIVE PLAN \(PIN 9788-24-7882, PROJECT #17-006\)\(2017-05-22/R-4\)](#)

COUNCIL MEMBER MARIA T. PALMER MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO ENACT O-2. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR 302-304 RANSOM STREET AND 301 MCCAULEY STREET \(ORANGE COUNTY PARCEL IDENTIFIER # 9788-24-7882, PROJECT#17-006\)\(2017-05-22/O-2\)](#)

7. [Consider Adopting the West Rosemary Street Development Guide as a Component of the Comprehensive Plan. \(R-6\)](#)

Director of Organizational and Strategic Initiatives Rae Buckley gave a PowerPoint presentation regarding the West Rosemary Street Development Guide, and an option to adopt it as a component of the Chapel Hill 2020 Comprehensive Plan. She said that the Planning Commission (PC) had recommended adding a vision statement and a Dos and Don'ts section, which she then explained. Ms. Buckley said she had developed the Dos and Don'ts with the

help of EmPOWERment, Inc., the Marion Cheek Jackson Center, and community members. Hudson Vaughan, executive director at the Jackson Center, had recently edited some of the content, she pointed out, and said that the PC had recommended that Council look over the new material carefully before adopting the guide.

Ms. Buckley gave a project overview, and discussed components of the guide, section by section. She said that public feedback had generally been about creating a regulatory framework (adding "teeth") and closing the gap between what the Northside neighborhood wanted, and what the market could provide. She addressed each of those considerations, and discussed fiscal impacts and resources. Ms. Buckley reviewed Town board recommendations, and said that staff's final recommendation was to adopt the West Rosemary Street Development Guide, including the Dos and Don'ts and Vision Statement, as a component of the Chapel Hill 2020 Comprehensive Plan.

Council Member Parker confirmed with Ms. Buckley that the Council would be voting on the revised Dos and Don'ts that Mr. Vaughan had sent in over the weekend.

Mayor Hemminger confirmed with Ms. Buckley that the public had not had much opportunity to see that revised version. However, it was on the Town website, Ms. Buckley said, and Mayor Hemminger had staff bring it up on the screen.

Council Member Cianciolo asked who had participated in the Dos and Don'ts stakeholder meeting, and Ms. Buckley said five or fewer long-time neighborhood residents, two Council members, Jackson Center and EmPOWERment staff members, and people who were there to describe an art project. Council Member Cianciolo verified that no one from the greater community had attended. He pointed out that Rosemary Street was an asset for the entire Town.

Ms. Buckley replied that there was nothing new that had not been part of the larger public process.

Council Member Harrison confirmed that the Council would be adopting the Implementation Plan as part of the Development Guide. The implementation phase would include codifying what the Town could and figuring out what it could not, he said. Council Member Harrison said he was not sure how the Town would provide community benefits without codifying that in some way. With respect to "by right" land use, in particular, there would have to be something in code, which he could not see any way to achieve outside of a rezoning, he said.

Ms. Buckley replied that staff was trying to provide information on tools that other communities had used to try to get at that issue. Staff had examples to look at, but needed to do some further exploration, she said.

Council Member Greene said she understood a community benefit agreement to be a contract, like a development agreement (DA). So, it would be a promise, as with any legally-binding agreement, she pointed out, and asked with whom the agreement would be.

Ms. Buckley replied that the agreements she had looked into were between developers and community groups. However, there was likely flexibility to decide among parties in a contract, she said.

Council Member Greene confirmed that there had been no discussion regarding who would represent the neighborhood.

Ms. Buckley stated that the cultural resources plan seemed doable, but the community benefits agreement needed further study and conversation.

Council Member Greene said she agreed with Council Member Cianciolo's view that the entire Town had a stake in Rosemary Street. The planning question was whether it was possible to develop a vibrant commercial and economic development corridor along West Rosemary that would be consistent with the vision statement of the Northside Neighborhood Conservation District (NCD), she said. Council Member Greene confirmed with Ms. Buckley she was working with that vision.

Ms. Buckley said that she was excited about the potential of having Northside as an asset. The Town had made an incredible amount of investment in that neighborhood, she pointed out. The intent behind the guide was to leverage that, to continue it, and to see some returns, she said.

Mayor pro tem Bell said that some things in a community benefit agreement would be similar to what the Town would negotiate in an SUP process. It seemed like things had already occurred in Town that would fit the description of a community resource plan, she said. The Town was continuing to identify what those things were, and some might be projects in which the Town would want part ownership, she said. For example, it might include improvements to the Hargraves Center, which the Town had identified as a priority. There were things, too, to which she could imagine developers easily agreeing, she said.

Mayor pro tem Bell pointed out that Rosemary Street had once been the only place where African Americans were allowed to have businesses. As a result, their ability to grow wealth had been greatly impeded, she said, and stressed the need to consider that history when developing that part of Town. Mayor pro tem Bell pointed out that not all decisions the Council made benefit everyone in Town equally. There was a definite understanding in Northside that change was coming, but there was also hope that there would be consideration of their history, and that Northside would be a place where wealth could be built, and accessible to those to whom it had not always been in the past, said Council Member Bell.

Council Member Palmer said that the NCD had taken some of the wealth away from the Northside community by creating a situation where property was worth less because it could not be developed. She did not see how the current plan would create wealth for the African American community, she said, but she added that this did not mean she wouldn't support it.

Council Member Palmer verified with Ms. Buckley that buildings over four stories, which were on the Don'ts list, were also in the regulations and code. She said that the guidelines would tell an applicant who plans to negotiate a DA or apply for an SUP that s/he would be more likely

to get approval when meeting some of the things listed in the guide. However, it did not make sense to have expanding the Hargraves Center as a guideline for developing Rosemary Street, she said. Council Member Palmer proposed that the guide should tell developers how to comply with downtown and Northside regulations.

Ms. Buckley agreed, and said that the regulation regarding height was in the current zoning overlay. With regard to investing in Hargraves, such an investment would link to the longtime interest and community conversation about how to create more greenspace and active community spaces in the downtown district, she said.

Council Member Palmer said she understood that the community wanted the Town to invest in the Hargraves Center. However, the guide pertains to Rosemary Street, and Hargraves is not located there, she said.

Ms. Buckley referred to "the planning question" of where the dividing line was between downtown and Northside, and the effort to think about all of the opportunities, if the area were viewed as a whole. She said that Northside residents cared about how development would interact with their neighborhood, and that planners had identified opportunities for new development to create a sense of community, in the footprint or otherwise.

Council Member Greene mentioned that she had been on the committee that had originally recommended the Northside NCD. That project had involved much discussion about whether the commercial side of Rosemary Street should even be in the NCD, she said, explaining that the residents had wanted commercial development, but wanted it to be an extension of their neighborhood. Council Member Greene said she agreed with Mayor pro tem Bell that the Northside neighborhood needed special attention.

Council Member Palmer said that all made sense, but not in the context of guidelines for developing West Rosemary Street.

Council Member Parker explained the notion that West Rosemary Street was embedded in the Northside community. Therefore, as the street develops and benefits are created, some of those benefits should be shared with the broader community. That was what the Community Benefit Agreement was trying to achieve, he said.

Council Member Palmer replied that she was beginning to understand it better, but thought there should be a statement about how money resulting from the development of West Rosemary Street would stay in the Northside neighborhood for developing recreational facilities and community spaces.

Mayor Hemminger pointed out that the guide says "contribution," which could be a payment or actual physical work.

Council Member Palmer said that it would be clearer and have more "teeth", if it could be in the code.

Council Member Cianciolo said that the Community Benefit Agreement seemed like a separate negotiation. He praised the guide, but said that it still did not make it clear to developers what it would take to do development there. Council Member Cianciolo said he was opposed to including the guide in the Comprehensive Plan because people see the Comprehensive Plan as fixed rules, and a lot of the Dos and Don'ts were negotiations. He proposed saying that the guide was what the Town expected.

Meg McGurk, executive director of the Downtown Partnership, commended the process, and expressed support for the guide, but said that some areas needed further consideration. Northside was an asset to the community and the guide met the vision of the Northside NCD, but it contained contradictory elements with respect to private investment and economic activity, she said. As it stood, it would be impossible for developers to not "cherry pick" from the guide, said Ms. McGurk. She said that she and the Partnership's membership were committed to making the plan work.

Council Member Palmer confirmed with Ms. McGurk that she was recommending that the Council move forward, but had some questions.

Ms. McGurk replied that the Dos and Don'ts represented Northside's vision and that recent suggestions from the Jackson Center had modified and improved that. She said that many of the questions that people had would be worked out through the very clear implementation plan that is also in the guide.

George Barrett, a Chapel Hill resident, read a statement from Delores Bailey, executive director of EmPOWERment, Inc., regarding her concerns about the future of Northside. Ms. Bailey stated that she was particularly concerned about the neighborhood having changed so much that students thought it belonged to them, and that the permanent residents were intruding. Ms. Bailey stated in her letter that allowing development on Rosemary would harm the Northside community. Where else in Town do businesses sit in homeowners' yards, she asked. She included examples of problems that could arise from having commercial businesses so close to the neighborhood.

Mr. Barrett, speaking as a Northside community member, said that the guide was very clear and direct, and based on previous plans and communications. He recommended keeping some version of the Dos and Don'ts because they provided specificity and reflected community views and voices that had been consistent over many years.

Brandon Pendergraft, a Chapel Hill resident whose father was developing a building on Church Street, commented on the task of weighing the effects of development on a community against the economically prosperous area that could result. He said that he had grown up in Northside and wanted prosperity there, but he pointed out that the neighborhood had become smaller and changed in many ways. Mr. Pendergraft said he supported the Dos and Don'ts, but thought that improving Hargraves should be done in another way.

Clem Self, a lifetime Northside resident whose parents had been the fifth family to live on North Graham Street, discussed changes to the community over the years and the "horrendous" traffic



increase that had resulted. "This is a neighborhood - not just a bunch of people that will be behind a wall," she said. Ms. Self told Council members to stop and think about who the developers are, adding that many of them did not even live in Town. Northside residents were the ones who pay the taxes and vote, she said. She asked Council members how they would feel if a similar situation were occurring in their neighborhoods.

Council Member Anderson said that she supported the Dos and Don'ts, but was struggling to understand what the implications would be without the implementation plan. One should inform the other, she said, adding that the implementation guide would address what could realistically be done. She said that it would be appropriate to use municipal funds to get community benefits, but the Council needed to understand those numbers. The Dos and Don'ts should be informed by what was possible, she said. Council Member Anderson stated that she was "okay with not having huge amounts of development in the area."

Council Member Parker confirmed with Ms. Buckley that a time-frame for the implementation plan had not yet been established. He congratulated her and staff for their impressive work, but expressed concern that many elements would require contributions from developers and the Town, and pointed out that there was no idea what the magnitude of those subsidies might be. Council Member Parker said he was "horribly concerned" that the Development Guide was making promises that the Town did not yet know it could keep. He was not advocating against moving ahead, but wanted the implementation plan to go forward as soon as possible, he said.

Council Member Parker asked if there was a way to endorse the guide in principle, but not put it in the Comprehensive Plan until the Council could more fully understand if it could deliver the promises it was making.

Town Manager Roger Stancil replied that they could certainly continue to refine it, and bring something back that the Council could attach.

Council Member Palmer suggested changing the wording to say, "approval of any DA or SUP without a community agreement" rather than "approval of any development..." She argued against including that for "any development" since the Town was trying to attract investment. There needed to be some balance, she said. Council Member Palmer also proposed being more specific about how a development would contribute to Northside.

Council Member Harrison stressed the importance of making it clear that community benefits were requirements. He said he agreed with others that the African American neighborhoods in America had a particular history of promises not being kept. He requested information from staff on how the guide could be used in land use analysis if the Council decided not to put it in the Comprehensive Plan. Perhaps such issues would be addressed during the Land Use Management Ordinance revision, Council Member Harrison said.

Council Member Cianciolo said that the guide, including the Do's and Don't, would be a step toward determining how proposed economic development would benefit the Northside neighborhood. Benefits for Northside would require subsidies, he said, and he noted that the Town had created a synthetic TIF for roadway improvements in the Ephesus Fordham Focus

Area. He proposed that the Council consider using some of the funds generated from new taxes to support improvements at Northside. Council Member Cianciolo recommended postponing the Council's decision to a later Council meeting, since the public had not yet had time to consider the Dos and Don'ts.

Council Member Greene pointed out that the notion of using a TIF had been listed, and said she thought that was a good way to think about the project. She noted that an affordable housing page contained many costly ideas, and said that the amount that had to go into low-income housing in particular was staggering. Council Member Greene said that the guide was a great vision, but pointed out that the Town did not even know who the community stakeholders/partners would be, nor where it would find a substantial part of the funding. She was not ready to vote on it yet because it could set up expectations that the Town could not fill, she said. Council Member Greene asked that that be done toward an implementation plan first.

Council Member Oates spoke in favor of moving forward, arguing that it would be a disservice to current investors to not state what the Council had in mind. She pointed out that the community and Council had had ample chances to discuss the guide, which she would like to approve and attach to the Comprehensive Plan. As the Council's liaison to the Historic District Commission (HDC), she had observed that the HDC views the guidelines as rules while applicants view them as suggestions, she said. Council Member Oates said that implementation would be worked out with trade-offs along the way. She was ready to vote in favor of the edited version of the Dos and Don'ts, she said.

Mayor Hemminger said she agreed that Northside was an asset and a unique area that deserved to be treated differently than other parts of town. The Town was trying to weigh economic development and growth pressure, and was endeavoring to do so with, not against, the neighborhood, she said. She advised Council members to state what they wanted, and she noted that there would be opportunities to tweak that vision.

Mayor Hemminger said she was looking forward to moving forward, and making the Development Guide a part of the Comprehensive Plan. She pointed out that the Northside neighborhood had been consistent in its messages over numerous meetings, and its message was unlikely to change. Mayor Hemminger pointed out that there was no way of knowing what subsidies might be needed until a project came forward. There was much leeway in the Dos and Don'ts, and she wanted the Town to help Northside be the best it could be, she said.

Mayor pro tem Bell pointed out that consultants had been consistently clear about how not everything could be done, and that some things, such as buried power lines, were unrealistic. The Northside community recognized that the Dos and Don'ts were not a recipe, but were things that developers needed to consider for an area that was under pressure, she said. Mayor pro tem Bell said that the Northside neighborhood wanted the Council to not treat West Rosemary Street as a warehouse district that all of a sudden becomes the Town's goldmine. She emphasized the equity issue involved and said that including the guide in the LUMO would give it a level of validity.

Council Member Greene said that she was becoming convinced, but still worried that the

Council could be setting itself up to make a promise it could not fulfill. She hoped and trusted that by supporting the guidelines the Council was committing to fulfilling those huge promises, she said. She recalled that when the Northside NCD was being formed a member of the committee, who was an investor, had ascertained that Northside's representatives all understood that they were voluntarily depressing the market value of their properties by voting to not allow duplexes. Everyone at that table had had a higher value than the highest and best use of their properties, she said. Council Member Greene pointed out that the Development Guide continued many years of hard work trying to preserve the Northside neighborhood.

Council Member Parker remarked that no one was denying the vision or the Town's commitment to the Northside neighborhood. However, a vision was not a plan and many of the things listed in the guide were promises that would not be realized, he said. While he wholeheartedly and thoroughly endorsed the vision, he was not sure that it was detailed enough to be in the Comprehensive Plan, he said. Council Member Parker said that Hudson Vaughan's recent modification to the Dos and Don'ts had significantly improved them. He encouraged the Council to use that version whether the Do's and Don'ts become part of the Comprehensive Plan or remain a statement of intent.

Council Member Palmer moved to use the revised Dos and Don'ts and to change the language to substitute "approval of any development agreement or special use permit" for "approval of any development" on West Rosemary Street.

Mayor Hemminger wondered if that would lead to problems if some tool other than DAs or SUPs might be proposed in the future. She also wondered how that wording would affect "by right" situations.

Council Member Greene suggested saying, "approval of any development other than by right," and Council Member Palmer agreed.

Council Member Parker proposed leaving out the part about neighborhood stakeholders because that would mean empowering a group without knowing who they might be. It would give the power to a community benefits agreement to a group that did not yet exist yet, he pointed out. Council Member Parker recommended saying, "any zoning SUP or Development Agreement without a community benefits agreement."

Council Member Greene said she would agree with putting the Development Guide in the Comprehensive Plan if the majority of Council members did not intend to vote for it otherwise. She asked the manager what difference that would make to staff's day-to-day work toward an implementation plan and its work with developers.

Mr. Stancil replied that a Council endorsement would step the guide up a tier and allow it to be sited as one more statement of support. If the Council endorsed it, but did not make it part of the Comprehensive Plan, it would still provide Council guidance about how the Town does business and staff would treat it with great respect and due diligence, he said.

Council Member Anderson advocated for figuring out what the implementation plan was, and

then putting what could realistically be done and enforced in the Comprehensive Plan. There needed to be some delineation between what the Council thinks is a great vision, and what it can actually ask people to do, she said. Council Member Anderson said that she would like to endorse the guide, and then have a concrete timeline for when an implementation plan could be partnered with it.

Council Member Parker confirmed with Mr. Stancil that the speed at which staff could move forward with the implementation plan would not be affected by whether or not the guide was in the Comprehensive Plan.

Mayor pro tem Bell moved to adopt the Development Guide as a component of the Comprehensive Plan, as amended to include the revised Dos and Don'ts. Council Member Oates seconded.

Council Member Cianciolo asked to amend the motion to remove making the guide a component of the Comprehensive Plan.

Mayor pro tem Bell did not accept that as a friendly amendment, arguing that developers might not be aware of the guide if it were not in the Plan. If it was in the Comprehensive Plan then people would see the guide as a shared understanding of what the vision was, and would be during future conversations regarding the LUMO, she said.

Council Member Greene asked how the guide differed from the Stormwater Master Plan, which the Council had voted to not include in the Comprehensive Plan.

Mayor pro tem Bell replied that she could not specifically recall that vote. She probably had not had a strong opinion, and had followed what seemed to be a shared understanding by her colleagues who had more knowledge about that than she did, she said.

Council Member Cianciolo said that he believed that staff would direct developers to the Development Guide. He moved that the Council adopt the guide without including it in the Comprehensive Plan. Council Member Palmer seconded.

Mayor Hemminger said that she believed that everything should be in the Comprehensive Plan. Including the guide would make a bigger statement about the Council's intentions, and would provide more validity, clarity, and "teeth," she said.

Council Member Harrison mentioned that the Town's managers who implemented the Parks and Recreation Plan, the Greenways Plan, the Stormwater Master Plan, and the Bicycle Facilities Plan treat all of those plans as though they were in the Comprehensive Plan.

**COUNCIL MEMBER GEORGE CIANCIOLO MOVED, SECONDED BY COUNCIL MEMBER MARIA T. PALMER, TO REMOVE THE COMPREHENSIVE PLAN ELEMENT. THE MOTION FAILED BY A VOTE OF 3-6, WITH COUNCIL MEMBER JESSICA ANDERSON, COUNCIL MEMBER MARIA T. PALMER, AND COUNCIL MEMBER MICHAEL PARKER VOTING AYE AND WITH MAYOR PAM HEMMINGER,**

MAYOR PRO TEM DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER SALLY GREENE, COUNCIL MEMBER ED HARRISON, AND COUNCIL MEMBER NANCY E. OATES VOTING NAY .

MAYOR PRO TEM DONNA BELL MOVED, SECONDED BY COUNCIL MEMBER NANCY E. OATES, TO ADOPT R-6 AS AMENDED. THE MOTION WAS ADOPTED BY A VOTE OF 7-2, WITH MAYOR PAM HEMMINGER, MAYOR PRO TEM DONNA BELL, COUNCIL MEMBER SALLY GREENE, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER NANCY E. OATES, COUNCIL MEMBER MARIA T. PALMER, AND COUNCIL MEMBER MICHAEL PARKER VOTING AYE AND WITH COUNCIL MEMBER JESSICA ANDERSON, AND COUNCIL MEMBER GEORGE CIANCIOLO VOTING NAY .

[A RESOLUTION TO ADOPT THE WEST ROSEMARY STREET DEVELOPMENT GUIDE AS A COMPONENT OF THE CHAPEL HILL 2020 COMPREHENSIVE PLAN \(2017-05-22/R-6\) as Amended \(PDF\)](#)

Ms. Buckley introduced Sarah Poulton, the new downtown special projects manager. Ms. Poulton has 10 years of experience and a wealth of knowledge, Ms. Buckley added. She will move the Downtown 2020 Workplan forward, and come back with implementation ideas from the West Rosemary Guide, she said.

ZAA and SUP

8. [Consider an Application for Zoning Atlas Amendment - Chapel Hill-Carrboro City Schools Maintenance Building, 1708 High School Road. \(R-7\)\(O-3\)\(R-8\)](#)

Director of Planning and Development Services Ben Hitchings reviewed the zoning atlas amendment (ZAA) and special use permit (SUP) processes. He explained that a ZAA discussion focuses on whether a use is appropriate for a site while the SUP discussion focuses on whether or not a project meets four specific findings. Item 8 was a continuation of public hearings on both of those processes, Mr. Hitchings said.

Senior Planner Kay Pearlstein gave a PowerPoint presentation of an overview on the ZAA, noting that the public hearing was continuing from April 17, 2017. She showed the existing site and surrounding area on a map, and explained the request to rezone approximately 5.4 acres from R-1 to R-5 Conditional. Ms. Pearlstein said that the Planning Commission had recommended approval, and that staff close the public hearing and enacting O-3.

Architect Ashley Dennis, representing the applicant, said that he had spoken with a concerned neighbor and addressed his concerns.

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY MAYOR PRO TEM DONNA BELL, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY COUNCIL MEMBER MARIA T. PALMER, TO ADOPT R-7. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION REGARDING THE CHAPEL HILL ZONING ATLAS AMENDMENT FOR THE CHAPEL HILL-CARRBORO CITY SCHOOLS MAINTENANCE BUILDING, 1708 HIGH SCHOOL ROAD \(ORANGE COUNTY PARCEL IDENTIFIER #9779-79-3970, PROJECT #16-104\) AND CONSISTENCY WITH THE COMPREHENSIVE PLAN \(2017-05-22/R-7\)](#)

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY MAYOR PRO TEM DONNA BELL, TO ENACT O-3. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR THE CHAPEL HILL-CARRBORO CITY SCHOOLS MAINTENANCE BUILDING, 1708 HIGH SCHOOL ROAD \(ORANGE COUNTY PARCEL IDENTIFIER #9779-79-3970, PROJECT #16-104\) \(2017-05-22/O-3\)](#)

SUPs

9. [Consider an Application for a Special Use Permit Modification - Chapel Hill-Carrboro City Schools Maintenance Building, 1708 High School Road. \(R-9\)\(R-10\)](#)

Ms. Pearlstein provided a PowerPoint overview of the SUP modification request, and noted documents to be entered into the record. She said that an existing SUP had encumbered about nine acres and the proposal was to modify the boundary to allow for a larger maintenance and storage facility. She described the proposed 23,000 square-foot maintenance/storage facility on a 14.4-acre site. The proposal included 68 vehicular and 8 bicycle parking spaces, she said.

Ms. Pearlstein reported that most Town boards and commissions had recommended approval, but the Community Design Commission had voted 4-4. She showed a photo of the site, and reviewed the site plan. Key considerations pertained to the need for a rezoning, a modification to exceed the maximum number of vehicular parking spaces, and sidewalk and bike infrastructure improvements, she explained. Ms. Pearlstein noted that the applicant had talked with one neighbor and addressed his concerns. Staff recommended closing the public hearing and adopting R-9, she said.

Council Member Greene confirmed with Ms. Pearlstein that the applicant had agreed with all proposed changes

Mayor Hemminger verified that the applicant planned to increase its stormwater capability, and Brandon McLamb, representing the applicant, described the plan to capture more water than was required.

Mayor Hemminger pointed out that stormwater would be a major issue with another nearby

project. Whatever the applicant could do to capture water on site would help with the other future project as well, she said.

COUNCIL MEMBER SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO ADOPT R-9. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT MODIFICATION FOR THE CHAPEL HILL-CARRBORO CITY SCHOOLS MAINTENANCE BUILDING, 1708 HIGH SCHOOL ROAD \(PROJECT #16-103\) \(2017-05-22/R-9\)](#)

10. [Provide Council Direction to the Metropolitan Planning Organization \(MPO\) Representatives on Potential Transportation Projects.](#)

Mayor Hemminger pointed out that she was the Council's designated representative to the Metropolitan Planning Organization (MPO), and Council Member Parker was the alternate. They and Council Member Harrison were the Council's representatives to Go Triangle, had some concerns about transportation projects and wanted feedback from other Council members, she said.

Transportation Planning Manager Bergen Watterson gave a PowerPoint presentation on several potential transportation projects that were in various phases of development. She began by discussing a project to improve the West Franklin/East Main intersection, and outlined two options: to proceed with intersection improvements, and provide feedback on design alternatives; or to abandon those improvements and pursue a bicycle and pedestrian project instead. Ms. Watterson said that the task was to first tell the NC Department of Transportation (DOT) whether or not to proceed with the design alternatives.

Ms. Watterson described a design for a "four-legged" roundabout with turn lanes. Staff recommended that the Town work with Carrboro and the DOT to pursue that design, she said, noting that it would include realigning Brewer Lane. She pointed out that the design was only conceptual, and just a first step in the process. Details regarding feasibility, funding, and neighborhood impacts were still being worked out, and expressing the Council's preference for the design would not guarantee its construction, she said.

Mayor Hemminger explained that the DOT had come to an MPO meeting asking for input. Since only Council representatives could vote, she wanted to get input from the entire Council, she explained. Mayor Hemminger said that she liked the roundabout idea, and that Carrboro's mayor had agreed that the area was currently dangerous and confusing. Before voting, however, she wanted to make sure that the Council was informed, and she had asked staff to look over the material and make suggestions. Mayor Hemminger pointed out that the

roundabout would include going one way on Merritt Mill Road and the closing of one end of Brewer Lane.

Council Member Greene asked if a roundabout would create "an identity crisis" for Crook's Corner, which would no longer be on a corner.

Mayor Hemminger replied that other property owners, such as Al's Garage, had expressed concern about how much property would be taken away.

Ms. Watterson said that the design alternatives being presented would have less impact on properties at the intersection than some other designs would.

Mayor pro tem Bell asked why Brewer Lane would become a dead end.

Ms. Watterson explained that it was like a fifth leg of the intersection, and one suggestion had been to close it off from the roundabout and have cars take a different route to East Main Street.

Council Member Palmer asked if there would be an entrance from the roundabout to Al's Garage, and Ms. Watterson replied that the design phase had not reached that phase. Council Member Palmer wondered if closing off Brewer Lane would allow Al's Garage to expand, and Ms. Watterson replied that DOT could address that.

Council Member Parker confirmed with Ms. Watterson that the project was programmed for FY 2019, so construction would likely begin in summer 2018. He expressed concern about existing non-signalized pedestrian crossings in Town and asked how people were kept safe at roundabouts.

Ms. Watterson replied that designers of roundabouts generally say that they are safer for pedestrians because vehicles slow down, and vehicles are facing crosswalks by the time they come upon them. If the Town were to pursue the roundabout design, there would be a pedestrian safety campaign for both drivers and pedestrians, she said.

Council Member Harrison recommended letting the Town of Carrboro sort out what to do about Brewer Lane and Al's Garage, since they were both located in its jurisdiction. He currently avoided that area when riding a bicycle, he said. However, he used two roundabouts regularly and felt they were much safer, and more usable than the intersections had been prior to their construction, he said.

Council Member Oates noted that the design included pedestrian islands and commented on how much safer that would be than what currently existed.

Ms. Watterson then discussed several other project modifications. These included US 15-501 and NC 54 preliminary projects, she said, noting that staff was seeking guidance on general descriptions, not specific designs or treatments. If/when funding was available for those projects, there would be a lengthy public process regarding design, she said.



Ms. Watterson mentioned a number of existing Town plans: The Chapel Hill 2020 Comprehensive Plan; the Chapel Hill Bike Plan, the Mobility and Connectivity Plan; the Ephesus Fordham Focus Area Plan; and the Orange County Transit Plan. She also discussed Town goals that would be used to evaluate and modify project descriptions.

Ms. Watterson said that US 15-501 projects were broken into three segments: NC 86 to NC 54; NC 54 to Ephesus Church; and Ephesus Church to Interstate 40. She discussed proposed intersection improvements at Manning Drive, and at NC 86 and NC 54 interchanges with US 15-501. The DOT was considering widening US 15-501 to six or eight lanes along the entire corridor, she said, noting that an ongoing feasibility study had begun in 2015. Ms. Watterson said that an upcoming MPO-funded corridor study would span from University Drive in Durham to Franklin Street in Chapel Hill. The Town also had plans to install multi-use paths along much of that corridor, she said.

Council Member Greene clarified that the extent of the projects being proposed on US 15-501 ran all the way to NC 86.

Ms. Watterson said that the DOT had not shared information on specific designs. However, the entire corridor of NC 54 from US 15-501 to Barbee Chapel Road was being considered one project, she said. She explained that the concept plan was based on a 2012 Corridor Study that had shown six lanes and superstreets along every intersection except Hamilton Road. Ms. Watterson cautioned again that this was only a concept plan, and there would be plenty of opportunity to discuss design elements with the DOT if the project received funding. The Council's current task was to think broadly about what it did and did not want, she said.

Council Member Cianciolo confirmed with Ms. Watterson that DOT's funding estimates generally included design, right of way, and construction.

Council Member Harrison pointed out that the listed projects had come out of a NC 54 study, which neither the City of Durham nor the Town of Chapel Hill had ever adopted. The MPO said it "did it for us," he said.

Ms. Watterson explained that superstreets were designed to give priority to traffic along primary corridors so it could flow more efficiently. They restrict left turns out from side streets, and are generally safer because there are fewer conflict points, she said.

Council Member Parker asked about pedestrians and cyclists, and Council Member Harrison replied that cyclists had to perform as pedestrians to get across superstreet intersections.

Ms. Watterson said that a multi-use path had been proposed for NC 54. With regard to the Barbee Chapel Road interchange, she showed an overpass with elevated ramps. She explained that a superstreet would not be efficient there because the volume of vehicles would cause a pile-up at the U-turn opportunity.

Ms. Watterson provided a list of the pros and cons of superstreets. She explained that the Council was being asked to suggest modifications to the US 15-501 projects, suggest

modifications to the NC 54/Barbee Chapel Road project, do both, or leave the project descriptions as they were.

Council Member Harrison asked about the MPO's timeline, and Ms. Watterson said it was unclear. If projects were submitted with the next prioritization round, the Town would likely find out if they were being funded in about January 2019, and projects would begin in the early 2020s, she said.

Council Member Greene questioned turning one residential section of US 15/501 into a mixed-use corridor. She said that doing so would be a big surprise to some since the Town had been opposed to widening that section for a long time. She asked the Council's representatives how and when that conversation had shifted.

Council Member Harrison replied that the notion had probably come out of the US 15-501 from Chatham County study that had been done in recent years. He also mentioned various factors that had made the Manning Drive interchange problematic over the years.

Council Member Palmer recalled the DOT coming to talk with the Transportation and Connectivity Board about improvements to US 15-501, and said she did not remember them saying anything about six lanes. The board had tried hard to get more information, but had never heard back, she said. Council Member Palmer confirmed with Ms. Watterson that the study was still ongoing and that no concrete recommendations or designs had been shared with the Town.

Council Member Palmer said that she would be very uncomfortable with saying go ahead, and that she did not exactly understand what the Council was voting on.

Mayor Hemminger explained that the Council's representatives wanted input from the full Council. She spoke about how a superstreet from NC 54 all the way up to Eastgate would block off several well-traveled crossings. Representative had been "kind of in shock" when they saw the list, she said. They were glad that DOT wanted to help improve traffic flow, but did not think the concept of a superstreet was where the Town was going, she said. However, Council representatives wanted to know how other Council members felt before speaking on the Council's behalf, Mayor Hemminger said.

Council Member Parker said that fixing the problematic intersection in front of St. Thomas Moore would resolve many of the other problems on US 15-501. He did not think anyone wanted to make US 15-501 six or eight lanes and the superstreet concept did not fit in with the Town's transportation and transit goals, he said.

Council Member Harrison commented that there clearly were spot problems, and the intersection such as the one planned by Glen Lennox made a lot of sense. He recommended looking at where the real problems were, adding that the Town certainly could use another full lane near Eastgate. However, doing the entire road as outlined would be overkill, and would defeat the community's purposes, he said.

Council Member Anderson said that she did not even like the existing superstreet by the Europa

Hotel. She could not provide anything other than an opinion, though, since she had no expertise as a transportation planner, she said.

Mayor Hemminger said she was hoping the Council would choose the option to propose modifications to the US 15-501 and the NC 54/Barbee Chapel Road projects, which Ms. Watterson had outlined as the Council's first two choices.

Council Member Greene said that she had thought when the state removed the "strategic corridor" status from US 15-501 that it had understood that the Town was not interested in having a thoroughfare there, but would like help finding other solutions. She pointed out that the Town had the funds, but was still waiting for permission to do a Hawk Signal in the area. She had thought the Town was in a different position with DOT than talking about a six- or eight-lane thoroughfare that would dissect the community, said Council Member Greene.

Council Member Palmer expressed support for Council Member Harrison's suggestion to ask for a study of intersections and solutions. She did not like the idea of a superstreet, but understood the need for it, she said. She asked if the Council could make specific recommendations.

Mayor Hemminger replied that the Council should leave the details to staff. The Council was merely asking to remove the "superstreet" designation and pursue other options, she said.

Council Member Cianciolo said he was not in favor of six lanes along the full length of US 15-501. However, the Town did need improvements along a half-mile stretch near Interstate 40, he said. He noted that Wegmans and other developments would be going in that area, which was already backed up during rush hour.

Mayor Hemminger replied that the Council's representatives had been meeting with DOT about that whole interchange and corridor. So, they had been taken aback to see some of the pieces being discussed tonight, she said.

COUNCIL MEMBER ED HARRISON MOVED, SECONDED BY COUNCIL MEMBER MICHAEL PARKER, TO ADOPT R-10.1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION PROVIDING INPUT TO METROPOLITAN PLANNING ORGANIZATION \(MPO\) REPRESENTATIVES ON POTENTIAL TRANSPORTATION PROJECTS \(2017-05-22/10.1\)](#)

#### [APPOINTMENTS](#)

11. [Recommend a Chapel Hill Representative to the Orange County Animal Services Advisory Board to the Orange County Board of Commissioners. \(R-11\)](#)

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY COUNCIL MEMBER NANCY E. OATES, TO ADOPT R-11 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION RECOMMENDING A CHAPEL HILL REPRESENTATIVE TO FILL A SEAT ON THE ORANGE COUNTY ANIMAL SERVICES ADVISORY BOARD \(2017-05-22/R-11\)](#) as Amended

The Council Recommends Heather Payne as the Chapel Hill Representative to the Orange County Animal Services Advisory Board.

#### [Master Ballot](#)

The Council recommends Heather Payne to the Orange County Animal Services Advisory Board to the Orange County Board of Commissioners.

#### 14. [Appointments to the Library Board of Trustees. \(R-12\)](#)

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY COUNCIL MEMBER GEORGE CIANCIOLO, TO ADOPT R-12 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION MAKING A RECOMMENDATION TO THE ORANGE COUNTY BOARD OF COMMISSIONERS REGARDING THE ORANGE COUNTY RESIDENT SEAT ON THE CHAPEL HILL LIBRARY BOARD OF TRUSTEES \(2017-05-22/R-12\)](#) as Amended

The Council appointed Blaine Schmidt and James Stround to the Library Board of Trustees.

#### [Master Ballot](#)

#### 12. [Appointments to the Board of Adjustment.](#)

The Council appointed Jodi Bakst, Devon Bass, Brian Godfrey, Katherine Murphy, Joseph Parrish, and Carl Schuler to the Board of Adjustment.

#### [Master Ballot](#)

#### 13. [Appointments to the Human Services Advisory Board.](#)

The Council appointed Mary Andrews, Tisha Buelto and Carolyn Fanelli to the Human Services Advisory Board.

#### [Master Ballot](#)

#### 15. [Appointments to the Orange Water and Sewer Board of Directors.](#)

The Council appointed John Morris and Ruchir Vora to the Orange Water and Sewer Board of Directors.

Master Ballot

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

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO ENTER INTO CLOSED SESSION AS AUTHORIZED BY GENERAL STATUTE SECTION 143-318.11 (A)(3), TO CONSULT WITH THE TOWN ATTORNEY REGARDING POSSIBLE LITIGATION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

The meeting was adjourned and the Council went into closed session at 10:15 p.m.