



TOWN OF CHAPEL HILL

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

Town Council

Meeting Minutes - Draft

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

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

Wednesday, November 14, 2018

7:00 PM

RM 110 | Council Chamber

Roll Call

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

Absent: 1 - Council Member Karen Stegman

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Planner II Jake Lowman, Planner I Becky McDonnell, Planner II Michael Sudol, Operations Manager Judy Johnson, Director of Planning and Development Services Ben Hitchings, Police Chief and Executive Director for Community Safety Chris Blue, Assistant Chief of Police Celisa Lehew, Assistant Chief of Police Jabe Hunter, Public Works Director Lance Norris, Fire Chief Matt Sullivan, Police Officer Rick Fahrer, Fire Inspector Greg Peeler, Deputy Town Clerk Amy Harvey

OPENING

Successes Video: Hurricane Florence Mutual Aide.

[\[18-0944\]](#)

Mayor Hemminger opened the meeting at 7:00 pm, and then introduced a "Celebrating Successes" video that highlighted the Town's recent efforts to help NC communities that had been ravaged by Hurricane Florence. She explained that staff members had rescued people from flooded residences, transported them to safety, and collected hurricane debris afterward. Mayor Hemminger noted that some evacuees had been relocated from temporary shelters to facilities in Chapel Hill.

Recognition of Staff Deployed to Other Communities During Recent Storms.

[\[18-0945\]](#)

Mayor Hemminger expressed pride, gratitude and awe regarding those

from the Town who had helped with the hurricane rescue effort. She said that many were working and not able to attend the Council meeting but she invited the 15 or so who were present to describe their experiences. One by one, members of the Town's Fire, Public Works and Transit Departments explained what they had done to help during Hurricane Florence and its aftermath.

Proclamation: Susan Levy Day.

[\[18-0946\]](#)

Mayor Hemminger read a proclamation that celebrated Susan Levy, who was retiring from directing Habitat for Humanity after 26 years. Ms. Levy, a community organizer, had been an advocate for local families since 1978 and director of Habitat since 1992, Mayor Hemminger read. She said that Ms. Levy had led the construction of more than 300 new homes in Orange County and more than 200 homes overseas. Ms. Levy had also started a home repair program and had helped create the Orange County Affordable Housing Coalition, she said, and she listed many of Ms. Levy's other successful advocacy efforts as well. The Council was proclaiming Saturday, November 17, 2018, to be Susan Levy Day, Mayor Hemminger said.

Ms. Levy thanked all and pointed out that the Town had been a consistent partner in everything Habitat had done during her directorship. She commented on the Town's strong commitment to affordable housing and said she could not think of a better place to have spent 26 years.

PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA

a. Comments Regarding Peace and Justice Plaza Vigil.

[\[18-0948\]](#)

Calvin Deutschbein, a Chapel Hill resident, said that extremists had come to a November 10, 2018 Jewish Anti-fascist Alliance of the Triangle prayer vigil at the Town's Peace and Justice Plaza in order to disrupt it. One of the Jewish mourners had been arrested after a confrontation, he said. Mr. Deutschbein said that he wanted to bring a disturbing pattern of such behavior to the Council's awareness. Antisemitism required especially strong repudiation from those in power, he said, adding that he and other activists could use more support in trying to keep that at bay.

Chapel Hill Police Chief Chris Blue reported that the vigil had been disrupted by an unaffiliated person and said that police had chosen to monitor the situation because it appeared that the crowd had policed itself effectively. However, the individual became agitated and was then stiff-armed grabbed and dragged across the plaza, said Chief Blue. He explained that the disruptive man had insisted on pressing charges and that officers did not make a physical arrest but did write a citation for the crime of assault.

Chief Blue agreed that antisemitism and other hate crimes were on the rise nationally. He said that he had been talking with members of the

Jewish community about how to provide better support and would be co-hosting a community listening session. The situation at Peace and Justice Plaza had been a difficult one and he was proud of the compassion that officers had expressed, said Chief Blue.

Mayor Hemminger commented on the difficulties that arise when freedom of speech extends to freedom of negative speech as well. Such incidents had escalated across the country and the Council looked forward to having the Chapel Hill Police Department help sort out how to ensure people's right to feel safe while having a vigil while still recognizing the right of free speech, she said.

ANNOUNCEMENTS BY COUNCIL MEMBERS

- a. Mayor Hemminger Regarding Rogers Road Market Study Community Meeting.

[\[18-0950\]](#)

Mayor Hemminger announced a community meeting to discuss the Rogers Road market study. The meeting would be held on November 15th, from 6:30 to 8:00 pm at the RENA Center, she said.

- b. Mayor Hemminger Regarding Arbor Day Celebration.

[\[18-0951\]](#)

Mayor Hemminger said that Mayor pro tem Anderson would be joining the Sewell Elementary School Eagles outside the Chapel Hill Public Library on Friday, November 15th, in order to plant a tree for Arbor Day.

- c. Mayor Hemminger Regarding Rescheduled Light Rail Open House.

[\[18-0952\]](#)

Mayor Hemminger said that the Light Rail Open House had been rescheduled to Monday, November 19th, from 5:00 to 7:00 pm at Extraordinarily Ventures. The public was invited to come and learn about changes and provide input regarding the project, she said.

- d. Mayor Hemminger Regarding Metro Mayors Winter Meeting.

[\[18-0953\]](#)

Mayor Hemminger said that she and the Town Manager would be attending a Metro Mayors meeting in Asheville, NC over the next two days.

- e. Mayor Hemminger Regarding Town Offices Closed Next Thursday and Friday.

[\[18-0954\]](#)

Mayor Hemminger said that Town offices would be closed for Thanksgiving on Thursday and Friday.

She also mentioned that Council Member Stegman was absent from the council meeting due to a work obligation.

CONSENT

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

Approval of the Consent Agenda

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

1. Approve all Consent Agenda Items. [\[18-0925\]](#)

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

2. Designate Town Agents for FEMA Assistance Application Process. [\[18-0926\]](#)

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

DISCUSSION

SPECIAL USE PERMIT

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.

3. Open the Public Hearing: Application for Special Use Permit Modification-Tri-City Medical Building, 5002 Barbee Chapel Road. [\[18-0927\]](#)

Planner Jake Lowman gave a brief PowerPoint presentation on a request to modify the construction start date for a 60,000 square-foot, medical office building zoned Residential-5-Conditional and located on Barbee Chapel Road. He explained that the applicant was asking for a 24-month extension of a former 12-month SUP, and that the Planning Commission had recommended approval. Mr. Lowman recommended that the Council open the public hearing, receive comments, and recess the public hearing to December 5, 2018.

Dan Jewell, of Coulter Jewell Thames, explained that the applicant, Tri-City, had already spent more than \$3 million on the project, but needed an extension. The project was more expensive than a normal building and would require high end market rents, which meant that 40-50 percent of the building needed to be pre-leased before the applicant could get financing, he said. Mr. Jewell said that Tri-City had not quite hit that threshold but hoped to be able to secure those tenants with a little more

time.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Schaevitz, that this item be continued to December 5, 2018. The motion carried by a unanimous vote.

4. Consider an Application for Application for Amendments to Advisory Board Membership Policy, Code of Ordinances, and Land Use Management Ordinance

[\[18-0928\]](#)

Planner Becky McDonnell Anderson gave a PowerPoint presentation on Land Use Management Ordinance (LUMO) text amendment changes regarding advisory board membership policy. She explained the technical report, resolution, and ordinances that were before the Council. These included proposed changes that would reduce the Historic District Commission membership from 10 to 9 members, she said.

Ms. McDonnell Anderson said that the Planning Commission had recommended approval, with the condition that the Board of Adjustment (BOA) provide feedback. Staff was recommending that the Council open the hearing, receive comments, and continue the public hearing to December 5, 2018, Ms. McDonnell Anderson said.

Mayor pro tem Anderson confirmed that four people had attended a recent joint advisory boards meeting but that others had provided feedback via email and other means. She confirmed with Ms. McDonnell Anderson that other items on the list would not require a second public hearing.

Council Member Parker verified that the BOA had proposed offering board members incentives, such as refreshments, stipends for childcare, or free parking.

Council Member Buansi asked how the attendance policy would apply to the Grievance Hearing Board, and Ms. McDonnell Anderson said she would report back on that.

Council Member Oates confirmed that the Historic District Commission (HDC) was down to eight members. In the normal process, the HDC would recommend a qualified replacement and the Council would make that appointment at any time, Ms. McDonnell Anderson said.

Council Member Schaevitz pointed out that the Council had a pilot program with funding for childcare planned, so that incentive was already approved.

Joseph Parrish, a BOA member speaking as an individual, said that incentives that would encourage members to remain on boards and come to meetings should be part of the plan as well. Providing some compensation would create obligation and motivation and might be a

better way of achieving a more engaged and active board system, he said.

Mayor pro tem Anderson mentioned the pilot program in which board members could be reimbursement for childcare and transportation costs. The Council really did want younger people, and those who had not traditionally served on boards, to be able to participate, she said.

Mayor Hemminger expressed appreciation for the more than 180 people who were currently serving on Town advisory boards.

Council Member Buansi commented that some towns and counties did offer compensation and said he appreciated the point that Mr. Parrish had raised.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that this item be continued to December 5, 2018. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEW

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

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

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

5. Concept Plan Review: Habitat/Carol Woods Community, 7516 Sunrise Road.

[\[18-0929\]](#)

Planner Michael Sudol gave a PowerPoint overview of a concept plan for 223 multi-family dwelling units, which included 95 affordable housing (AH) units. He described a mix of assisted living, duplexes, and apartments on a 33.8-acre site zoned Residential-2 in an area that was zoned Residential-1 through Residential-5. The Town's corporate limits ran along the south end of the property and the Rural Buffer ran along I-40 to the north, he said. He said that the site was comprised of six lots and included two Resource Conservation District (RCD) areas.

Mr. Sudol pointed out that the Council had approved a subdivision for 63 units at the same location in 2008. He showed a proposed point of access and pointed out that traffic and stormwater management plans would accompany any formal application. He said that the Community Design Commission (CDC) generally supported the concept plan but had suggested better connectivity and a reduction in parking and impervious surfaces.

Mr. Sudol said that the Housing Advisory Board (HAB) had expressed concern about being able to meet the needs of all while increasing density, but had viewed targeting a mix of incomes positively. Both the CDC and HAB had recommended that the applicant engage the surrounding neighborhoods, Mr. Sudol said. He recommended that the Council adopt Resolution-A, which would transmit comments to the applicant.

Susan Levy, executive director for Habitat for Humanity, provided additional details on the concept plan and explained that Habitat and Carol Woods had owned the properties for many years and had explored different options for developing them. That exploration had included a subdivision that the Town had approved in 2008, she pointed out. She discussed how creating homes for families and seniors would address gaps in the housing market and aligned with Town goals. Ms. Levy outlined a plan to create 95 homes for those earning less than 80 percent of area median income (AMI).

Jennifer Player, associated director at Habitat for Humanity, described Habitat's vision of providing a decent home for everyone in Orange County. She explained Habitat's operating model, programs, and homeowners selection process. Ms. Player discussed how Habitat was intentionally designing a diverse and mixed-income neighborhood where people driving through would not be able to tell which homes were Habitat's and which belonged to Carol Woods.

Pat Sprigg, CEO and president at Carol Woods, explained how the financial model made Carol Woods affordable to only a small margin. She said that the board was aware of the Town's greater overall need and that the Sunrise Road location was one of the few last pieces available to offer AH. Two, reputable, long-existing, not-for-profit, good neighbors were asking for Council support, she said.

Scott Murray, a landscape architect and land planner, presented the site plan and an overview of the project. He showed an aerial view of the 34-acre property and described its features, such as roads, parking areas, slopes, streams, streetscape, playgrounds, dog park, and buffers. Mr. Murray indicated a community green, pavilion, possible splash park, community building, and possible coffee shop. He described how the area would be landscaped and said that the plan included stormwater ponds, and a trail system that could be open to the public.

Bruce Ballentine, the project manager, addressed issues regarding traffic and transportation that neighbors had raised. He said that the site already had two means of access and that the applicant was not proposing a connection to its adjacent neighborhood. He noted that a traffic impact analysis (TIA) was not required during the concept review process but would take place over the next couple of months. He predicted that the total number of trips per day would be about 4,400, with the proposed development, and said that two-lane Sunrise Road should be able to carry about 10,000 trips per day.

Ms. Player provided a summary of the applicants' communications with neighbors at Chandlers Green since February 2018, and said that she had just received a list of questions from a Chandlers Green HOA subcommittee. She discussed a plan to distribute a printout of the concept plan, with responses to the survey, and to launch a website in January for updates and direct communication with neighbors.

Council Member Oates confirmed with Ms. Player that Carol Woods had owned 1.96 acres of the property since the 1990s. She also confirmed that Carol Woods would be looking at developing a new financial model that would have housing for a lower income with some wraparound services provided by the community. In addition, Habitat's affordability would be built in around it, Ms. Player said.

Council Member Gu confirmed with Mr. Murray that the overall density was 6.6 (223 units/34 acres). That was a blended average, with the affordable units being a little denser, he explained. Mr. Murray said that the tallest apartment buildings would be three stories.

Mr. Sudol responded to an earlier question from Council Member Oates. The RCD included eight acres, six acres in the northwest corner and two in the southeast area of the site, he said.

Danny Benjamin, speaking on behalf of the Chandlers Green (CG) HOA's 81 homes, stressed that CG had a proven track record of supporting AH and had publicly supported the 2008 proposal, which had been under R-2 zoning. He said that 96 percent of respondents in a recent CG survey had wanted the Board to oppose the current proposal, as designed. Moreover, a petition had garnered 150 signatures in five days from those in the Sunrise Road area, he said.

Mr. Benjamin expressed concern about stormwater and potential flooding of 20 homes. He said that neighbors felt strongly that the area's low density zoning should remain. He referred to 2008 discussions and mentioned several aspects of the concept plan to which neighbors were opposed. In summary, he said, the HOA and neighbors had a track record of supporting AH on the property. Mr. Benjamin said that they were asking for fairness and that he looked forward to meeting with the developer to

address the shortcomings of the current plan.

Lola M. Reid, a Chandlers Green resident since 1993, said that she supported AH but wanted more interaction during planning. She cautioned about the potential for car accidents in an area where a road dips down at the entrance to Sweeten Creek from Sunrise Road, and said that more traffic would lead to more accidents.

Ann Schaal, a Sunrise area resident, raised concerns regarding the proposed density and traffic issues. She said that seniors and children were most likely to be accident victims. She described Sunrise Road and questioned how seniors would safely cross it to Carol Woods.

Marshall Robers, a Sweeten Creek Road resident, also commented on the proposed density and provided calculations to support his opinion that it was too high for the area. Neighbors wanted to keep the current zoning, he said.

Dian Rousset, a Carol Woods board volunteer but speaking as a citizen, said that the project would help ensure diversity and keep the overall community open to everyone. She said that the process would allow time for the neighbors' concerns to be addressed.

James Lewis, a Habitat volunteer who lives on the other side of Interstate 40, said that he would love to provide input and that others on the other side of the highway would like to be included as well.

Michael Murphy, whose property adjoins the proposed development, described the streams and current stormwater track that sometimes exceeds capacity and ends up with water underneath houses. He said that some houses have pumps that run continuously to keep water out of their crawl spaces. Mr. Murphy cautioned the Town to be very careful about stormwater planning.

Karen Lissy, a Sunrise Coalition member, said that the Town's stated goal of building community meant reconciling the concerns of those whose quality of life it was trying to improve with those who already lived in the area. The current long-time residents along Sunrise deserved to be treated as collaborators and partners as much as Habitat and Carol Woods did, she said. Ms. Lissy expressed confidence that a collective solution was attainable.

Rick Tugwell, a Habitat board member, noted that neighbors had been opposed to Carol Woods as well when it was first proposed. He described the long and difficult process of becoming a Habitat homeowner and said that he would be proud to have Habitat residents as neighbors. In fact, he would be grateful to have such a project on the land behind his house, he said.

Taylor Ludlam, a Chapel Hill native and Habitat executive committee member, said that she had been a longtime Habitat supporter and believed strongly in its mission, which supported overall community goals. She was grateful for the partnership with Carol Woods and for the passion with which the Chandlers Green neighbors were expressing their concerns and helping to make the project the best it could be, she said. Ms. Lundlam said that the Habitat board was working hard to address concerns in a way that would still allow its mission to be fulfilled. There could be no affordability without some measure of density, she said.

Elam Hall, a Habitat board member, said that the average home resale in Town being more than \$400,000 and apartment rents continuing to rise was not sustainable or healthy for the community as a whole. A solid, well-thought-out concept plan could be highly successful, he said, noting that residents had expressed overwhelming support for AH in a recent referendum. Safe, decent housing was something that everyone deserved, he said, and he urged the Council to enthusiastically support the plan.

Nancy Smythe, a Chandlers Green resident whose home was adjacent to the proposed development, told of significant drainage issues due to runoff from the easement that slopes toward her house. The problem flooding in her crawl space had created mold and mildew and had increased in the past five years, she said. Ms. Smythe said that her husband, who was disabled, was on oxygen almost constantly and used a respirator at night. Clear cutting thousands of trees behind and above her home and replacing them primarily with impervious surface would significantly affect those problems, she said. She asked the Council to give serious consideration to the environmental impact of the development, as proposed.

Tom Stark, an attorney representing Sunrise Coalition, said that the proposed concept plan was fundamentally flawed with respect to traffic, hydrology and the proposed density. Such density was appropriate for a walkable community with nearby grocery stores and restaurant, but not for the proposed location, he said. Mr. Stark said that the impervious surface would dramatically increase the flow of water coming off this site.

Judith Alvaiado, a Habitat resident and board member, told her personal history, which began with poor living conditions and ended with her and her family finding finding safety, security, and academic success. Habitat had given them a hand-up and a home, she said.

Katie Solivie, a Chapel Hill resident, raised questions about changes in the rural buffer coinciding with weather changes. She pointed out that the widening of Interstate 40 had not been mentioned, and she asked about the proposed development's impact on services such as fire and police protection and ambulances, and said that hospital use and increased student enrollment should be considered as well.

Mayor pro tem Anderson said that stormwater and traffic concerns would need to be analyzed. A development could not impact the property next to it, she pointed out. She said that she understood the neighbors' concerns about density but that density was needed to make the economics work. She thanked Carol Woods for becoming involved and said she was very supportive of the concept and wanted to work with the neighbors to create an amazing community.

Council Member Parker agreed Mayor pro tem Anderson's remarks regarding the benefits of AH, the need for density to achieve AH, and the desire for more integration between Carol Woods and the Habitat homes. He encouraged the applicant to have ongoing, face-to-face community meetings in addition to posting information online. Council Member Parker pointed out that the Town had some of the strictest stormwater regulations in the state and that a rigorous traffic analysis would be performed.

Council Member Gu agreed with others regarding the importance and need for AH and said she liked the mix of ages, income levels. However, she had heard serious community concerns and hoped the development team would closely engage with the community regarding stormwater and traffic, she said. Council Member Gu said she was hoping for a positive collaboration such as that between the Town and neighbors during the recent Municipal Services Center process.

Council Members Bell and Parker left the meeting 9:39 p.m. because she was not feeling well and he was driving.

Council Member Schaevitz agreed with other Council members' comments and said that the Town had learned a lot about the benefits of engaging regularly and meaningfully with those whose properties abut potential developments. She recommended that the next step in the process include the broader community, not just the Council. She pointed out that Municipal Services Center discussions had led to a stormwater plan that would dramatically benefit the neighborhood.

Council Member Buansi agreed with what others' comments and said that an inter-generational, mixed-income community would lead to a vibrant neighborhood. He asked to see whether stormwater mitigation efforts could ease the burden on nearby neighborhoods, noting that such a positive outcome had been part of the Municipal Service Center process. Council Member Buansi pointed out that the Municipal Service Center process had been a Development Agreement (DA) and said he would encourage that or whatever process allowed the most community input.

Mayor Hemminger said she had heard that the applicant planned to ask for a Special User Permit (SUP) process. She confirmed with Planner Judy Johnson that a DA would be possible and pointed out that a DA would allow continuing conversations with the community.

Ms. Johnson agreed to return with information and a description of required steps for the Town's three process options.

Council Member Gu confirmed with Mayor Hemminger that the Council could state which process it preferred but that it was the applicant's choice.

Council Member Oates said that she still had a lot of questions that she would like answered before the applicant filed an SUP. She expressed concern about seniors crossing the street after dark. She wanted to know if the applicant had done a market study, or focus groups, regarding the type of housing that those at the target income level wanted. She wanted to understand why it had to be so dense, she said. She asked for more information regarding Habitat's 1 percent foreclosure rate and said she would like to know if Habitat would be able to sell a house to people who do not have traditional documentation. And, what kind of financial contribution did the applicant expect from the Town, Council Member Oates asked.

Mayor Hemminger proposed sitting down with stormwater professionals and making sure that everyone understood that, even though having such a conversation was not typically part of a concept plan review. She was interested in feedback regarding the applicability of the Towns' three processes (CZ, DA, and SUP), she said. She noted that much could be gained by talking through concerns as was allowed in CZ or DA.

Mayor Hemminger pointed out that the Town was in desperate need of AH. She said that the Town needed a balance of home-ownership and rental, for seniors and for families. The gathering places were a strength of the project, she said, and she characterized three-story buildings as "gentle density". Mayor Hemminger said she did have concerns about safety when walking and she confirmed with the applicant that sidewalks were planned for both sides of the street.

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

ADJOURNMENT

The meeting was adjourned at 10:03 p.m.