

**DRAFT SUMMARY MINUTES OF A PUBLIC HEARING  
OF THE CHAPEL HILL TOWN COUNCIL  
MONDAY, JUNE 19, 2017, AT 7:00 PM**

**Council Members Present:** Mayor Pam Hemminger, 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.

**Council Member(s) Absent:** Mayor pro tem Donna Bell.

**Staff members present:** Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Planning Director Ben Hitchings, Planning Manager for Sustainability John Richardson, Human Resource Development Director Cliff Turner, Manager of Engineering and Infrastructure Chris Roberts, Senior Planner Corey Liles, Senior Planner Kay Pearlstein, Senior Ombuds Jim Huegerich, Human Resource Development Consultant Anita Badrock, Manager's Intern Toney Thompson, Administrative Assistant LaTisha Perry, Fire Marshal Darryl Rimmer, and Deputy Town Clerk Amy Harvey.

[AGENDA ITEMS](#)

Mayor Hemminger opened the meeting at 7:00 pm., and said Mayor pro tem Bell was absent, excused.

0.1 [Proclamation: World Refugee Day.](#)

Council Member Greene read a proclamation declaring June 20, 2017 as World Refugee Day in accordance with a UN resolution to promote awareness, empathy, support, and respect for refugees. The Town encouraged citizens to welcome refugees and to celebrate the triumph of the human spirit as exemplified by those who had been displaced by violence, persecution, or natural disaster, she said.

0.2 [Proclamation: Immigrant Heritage Month.](#)

Council Member Harrison, noting that he was the son of an immigrant, read the proclamation declaring June 2017 to be Immigrant Heritage Month in the Town of Chapel Hill. The proclamation encouraged citizens to recognize immigrants' accomplishments, and to reflect upon the importance of diversity and opportunity in Chapel Hill and across the nation.

Azraa Ayesha, a UNC student and member of the Refugee Community Partnership there, spoke about the experience of working to create sustainable solutions to the problems that resettled families confront. She thanked the Chapel Hill community for the recognition, and for providing resources that allow connections between UNC students and the refugee community.

Eh KerPow, a student at Chapel Hill High School, said that he had come to the US five years

earlier, seeking a better education and life. Life had been difficult for him and his parents, but Chapel Hill had been very welcoming, and had given them more opportunities, he said. Mr. KerPow said that local organizations had been encouraging, and helpful to refugees from Burma.

Mayor Hemminger mentioned a groundbreaking ceremony that would occur the following day for a sewer system on Eubanks Road. She said she hoped as many Council members as possible would attend.

Mayor Hemminger gave some information about her son's upcoming wedding.

Town Manager Roger Stancil announced that the Town Library's new book mobile would be parked in front of the fire station on Monday at 6:00 p.m. The "circulator" had been a multi-departmental effort, and all who had helped put it together would be at the event, he said.

1. [Outcomes from the 2014 & 2015 Updates to the Town's Human Resources Ordinance.](#)

Mr. Stancil introduced Human Resource Development Director Cliff Turner, and Senior Ombuds Jim Huegerich to update the Council on activities since the Town adopted a new Human Resource Ordinance a couple of years prior. He pointed out that Human Resource Development had been named for the Town's interest in developing its talent.

Mr. Turner provided an update on the 2015 Personnel Ordinance revision, and how its changes were impacting the Town organization. He discussed Human Resource Development's mission, and the importance of allocating resources toward employee development and opportunities. Mr. Turner described the process for revising the Personnel Ordinance, and making the process for resolving conflicts more collaborative and flexible.

Mr. Huegerich discussed Town values, and advances that the department had made for employees, such as contracting with UNC to develop a wellness clinic. He described a mental health assistance program that was available statewide -24 hours a day to employees, and their household members. Mr. Huegerich said that the Ombuds Program, which had been modeled on one at UNC, helped employees get unstuck and navigate Town government. He told about claims and conflicts, and stressed the importance of empowering employees. The Ombuds program helped people to understand the value of dialogue, he explained. Mr. Huegerich said that the Town was creating a place where employees felt valued.

Mr. Turner then summarized other changes that had been made to support the shift in Town culture: an improved Employee Performance Management and Development System; more collaboration with Human Resource Development, and the Town's Legal Department regarding disciplinary decisions; more employee training in conflict resolution skills; and use of formal resources when appropriate. He elaborated on these and described how they had affected communication and engagement between management and employees.

Mr. Turner said that serious disciplinary actions had been reduced by 44 percent, and that grievances had gone up 75 percent in the second year. He said that employees had come to trust that they would be heard. Mr. Turner pointed out that training was vital, that the Ombuds had

helped to intervene earlier, and that many workplace issues could be resolved by talking in a fair, confidential way. Human Resources Development would continue to monitor, expand, and survey, and would make changes based on feedback, he said.

Council Member Palmer pointed out that there had been fewer employee suspensions but the same number of terminations. She asked if the new program had been more effective in addressing the more serious offenses, and Mr. Turner said he would return with an answer.

Council Member Palmer said that problems with race relations had become more pronounced nationally. She asked if some of the increase in training was related to racism.

Mr. Stancil replied that he had attended an REI (Racial Equity Institute) training session in Durham and had invited Orange County Manager Bonnie Hammersley to do REI training for Town and county employees, beginning in September. That would be followed by training regarding multicultural relationships within the community, he said.

Miriam Thompson, representing the local NAACP, said that she had brought a battery of concerns to the process. These included the grievance and appeal structure, the need for better employee/supervisor relations, more opportunities for employee growth and advancement, more transparent and equitable promotion practices, and opportunities for promotions from within. Ms. Thompson said that the NAACP had been invited to report on how the ordinance was being implemented, and how it was advancing employee morale, trust, growth, opportunities, and performance. She commended Mr. Stancil and Town staff for initiating the report, and discussed what needed to be done in the future.

Mayor Hemminger thanked Ms. Thompson and others who had participated, and praised the effort.

Council Member Anderson agreed that it had been a "phenomenal" effort. Some of the numbers were probably not statistically significant, so it was a good idea to do the surveys, and gather qualitative data, she said.

Tina Vasquez, a racial equity consultant who had recently moved to Chapel Hill, said she was excited about living in a community that was addressing such issues, and connected with REI. She hoped to be able to contribute to the effort in some way, she said.

2. [Consider an Ordinance Amendment to Authorize the Town Manager to Adopt a Policy to Provide Paid Parental Leave and Protections for Town Employees. \(O-1\)](#)

Mr. Stancil gave an overview of the proposed amendment. He explained that a Council discussion had led to the creation of a taskforce that surveyed Town employees, and developed the recommendation. Ninety-three percent of those surveyed said they supported the proposal, even if they would not use it themselves, he said. Mr. Stancil explained that adopting the ordinance amendment would authorize parental leave as a benefit for Town employees. Staff would develop a personnel policy to implement six weeks of paid leave per calendar year for those whom the Town had employed for at least a year, he said.

Council Member Anderson asked if the time off could be later than immediately after the birth. She wondered about a situation where a Town employee's spouse worked elsewhere, she said.

Mr. Stancil replied that that could be arranged, on a case-by-case basis. The Town's interest was to be part of the planning effort, so that an employee's work could be covered, he said.

Council Member Palmer asked about removing the "once per year" provision, noting that unplanned things happen.

Mayor Hemminger proposed leaving that to the Manager's discretion if there were an unusual situation.

Council Member Palmer said that having to ask the Manager for permission would seem capricious. Why put it in the ordinance, and then force someone in an exceptional circumstance to ask permission, she asked.

Mr. Stancil replied that staff would take that into consideration when writing the policy.

Mayor Hemminger confirmed with Mr. Stancil that the taskforce was continuing to work on a broader policy that would include other life situations/emergencies as well. She also confirmed with him that there was a process for Town employees to donate time to each other.

Council Member Harrison verified that Human Resource Development would always be the place where an employee's request would end up.

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY COUNCIL MEMBER MICHAEL PARKER, TO ENACT O-1. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0) .

[AN ORDINANCE AMENDING CHAPTER 14 OF THE TOWN CODE OF ORDINANCES TO PROVIDE PAID PARENTAL LEAVE AND PROTECTIONS\(2017-06-19/O-1\)](#)

3. [Chapel Hill Downtown Partnership Annual Report.](#)

Meg McGurk, executive director of the Downtown Partnership, presented information on the partnership's mission, goals, and accomplishments. She said that the organization had recently gone through a strategic planning process that had resulted in a three-year work plan. Ms. McGurk showed pictures of West Rosemary Street before and after recent improvements, and discussed how the partnership had been involved. She discussed how place-making efforts included making the downtown area a clean, safe, beautiful, accessible, and family-friendly destination. Ms. McGurk outlined her work plan for the coming year, and described the many ways in which the partnership strove to help downtown businesses succeed.

Council Member Parker confirmed with Ms. McGurk that the partnership would invest in

maintaining and improving downtown cleanliness if it had more funding.

Council Member Palmer asked how an idea for adding a splash pad to the downtown had been coming along. She also mentioned the potential for making the top of the Rosemary Street parking deck an attraction, and asked Ms. McGurk if she would retract the idea of putting food trucks up there.

Ms. McGurk replied that creating an attraction on the deck was on her agenda, and a splash pad would be "fantastic." The partnership was considering doing a place-making experiment on West Franklin Street over the summer, she said, added that they were constantly looking for opportunities to add color, texture, and liveliness to the downtown.

Council Member Greene confirmed with Ms. McGurk that the partnership worked closely with the Arts Commission staff regarding One Percent for Art projects.

Council Member Anderson expressed enthusiasm for "pop up experiments," but noted that many people only learn about them afterward. She said that parents in the community always want a splash pad, and even drive their children to other towns that have them. She expressed support for the idea of having something permanent, however. Such activities would lead to more families coming, and spending money downtown, Council Member Anderson said.

Council Member Harrison confirmed with Ms. McGurk that the partnership maintained a searchable index of downtown businesses, with the exception of pop-ups.

Mayor Hemminger mentioned that there were improved planter boxes, lighting, and parking downtown. She praised the Downtown Partnership for staying well-connected to downtown entities. She expressed appreciation for the partnership's ability to help the Town develop and analyze exactly what businesses existed downtown, and encouraged Ms. McGurk to keep up the good work. Mayor Hemminger noted that the partnership and the Orange County Visitors Bureau were linked together in multiple ways, and were good sources for citizens to learn what was going on.

4. [Open a Public Hearing to Consider a Land Use Management Ordinance Text Amendment to Section 5.1.3 Related to Revising the Public Works Engineering Design Manual.](#)

Manager of Engineering and Infrastructure Chris Roberts introduced the text amendment and outlined the process, from presentation to the Planning Commission (PC) on May 16th to final action by Council on June 26, 2017. He explained that enactment would authorize the Town Manager to revise and maintain the design manual in accordance with the Town's general performance standards, and best management practices. Mr. Roberts said that benefits of the changes would include a higher frequency of revisions, a more efficient and cost-effective revision process, and a better ability to keep up to date with new technologies and emerging practices. He said that the next step was to receive public comment, and continue the hearing to June 26th, for Council action.

Mayor Hemminger said that moving forward with the text amendment would make the process

more efficient.

Council Member Harrison noted that the design manual was important to the public, as well as applicants. He recommended that it be more prominent on the Town's website.

Council Member Palmer expressed enthusiasm for the proposed change, noting that incorporating design manual changes regarding low vision amenities, for example, would lead to more efficiency.

5. [Consider Action for Amending the Water and Sewer Management, Planning and Boundary Agreement \(WASMPBA\). \(R-1\)](#)

Senior Planner Corey Liles gave a PowerPoint overview of the amendment to a joint, multi-agency agreement regarding public water and sewer services. Orange County and Carrboro, which were two of the five parties to the WASMPBA agreement, were seeking the amendment and staff was recommending that the Town approve it, he said. Mr. Liles explained that the amendment would change the designation of two areas, which were both outside Town jurisdiction, and allow them to be served by OWASA water and sewer.

Orange County Planning Systems Coordinator Perdita Holtz continued the PowerPoint presentation. She provided background on the multi-agency agreement, which had been signed in 2001, and which defined water and sewer utility service areas in Orange County. She showed a section of land at US-40 and NC 86, and explained that Orange County and Hillsborough had been working on an inter-local agreement to add 84.16 acres to that economic development district.

Patricia McGuire, planning director for the town of Carrboro, continued the PowerPoint presentation, and discussed a 20.5-acre area at Smith Level Road within Carrboro's planning jurisdiction. That area had not been included in the service area, but had not been listed under "exceptions" either, she explained. Ms. McGuire said that Carrboro sought to make OWASA service consistent with the zoning that had been in place for many years.

Mr. Liles said that staff was recommending approval of both requests. It would benefit the two areas, he said, adding that the Town might want to do something similar in the future.

Mayor Hemminger said that it had become increasingly important for the Town to incorporate denser areas, and others that were likely to become denser, and get them on water and sewer. The idea made sense and was better for the watershed, she said.

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY COUNCIL MEMBER MICHAEL PARKER, TO ADOPT [ADOPTED R-1](#). THE MOTION WAS ADOPTED UNANIMOUSLY (8-0) .

[A RESOLUTION APPROVING AMENDMENTS TO APPENDIX A OF THE WATER AND SEWER MANAGEMENT, PLANNING AND BOUNDARY AGREEMENT \(WASMPBA\) TO DESIGNATE 84.16 ACRES IN THE HILLSBOROUGH EDD AREA AND 20.6 ACRES IN](#)

[THE SMITH LEVEL ROAD AREA AS "PRIMARY SERVICE AREA" \(2017-06-19/R-1\) \(PDF\)](#)

6. [Receive Information on Proposed Amendments to the Joint Planning Agreement \(JPA\).](#)

Mr. Liles gave a PowerPoint presentation on the Joint Planning Agreement (JPA) between Chapel Hill, Orange County, and the towns of Carrboro and Hillsborough. He noted that the JPA, which had been in place for several decades, provided coordinated land use planning for a large portion of southern Orange County, and had established the Rural Buffer (RB) around the towns. The current focus was on determining the Council's interest in amending the JPA, and adding the 207.8-acre southern transition area to the RB, he said.

Mr. Liles recommended that the Council adopt the resolution in support of maintaining the current southern transition area designation. Doing so would preserve options for future land use decision-making, he said. Any addition to the rural buffer would need to go through the joint planning process, which would include a public hearing in October, Mr. Liles explained.

Perdita Holtz continued the PowerPoint presentation, explaining that the JPA, adopted in 1986, determined how development review and permitting would occur, and placed some limitations on annexations. All of the jurisdictions involved must approve amendments, Ms. Holtz pointed out. She showed the RB and the southern transition area on a map. She also indicated three other geographic areas - Millhouse Road, Sunrise Road, and Old Lystra Road, and said that only Old Lystra Road would require a joint planning process to change it from a transition area to RB. Ms. Holtz said that Orange County wanted to know if elected officials were interested in making that change.

Mr. Liles reviewed some of the staff's analysis, and provided more details about the southern transition area, which was bordered by Chatham County, Old Lystra Road, and NC 15-501. He presented possible future scenarios and the pros and cons of making that area part of the RB. He pointed out the possibility for economic development in one corner, if the property remained in the transition area. Mr. Liles discussed existing and future land use, and the feasibility of extending water and sewer service in conjunction with Obey Creek infrastructure development. He recommended that the Council adopt the resolution to maintain the current designation, which would keep options open, and allow for managed growth.

Council Member Harrison said he thought residents expected the area to remain low intensity neighborhood commercial. In addition, the Wilson Creek valley was protected by an Obey Creek development agreement, and he would feel uncomfortable using the rest of that corridor for a sewer line, he said. It would be a drastic change, Council Member Harrison said.

Mr. Liles replied that the two were not interlinked. If sewer were not extended, there could still be reason to preserve the transition area for development not serviced by public sewer, he said.

Council Member Anderson asked if there had been any consideration given to putting only part of the area into the RB.

Mr. Liles replied that that had been considered. However, staff had wanted to go ahead and bring the item to the Council's attention, and had not seen the possibility of deciding on a boundary everyone could agree on in the time available, he said. It would probably take some time to determine which parcels should remain for future development, and which could be proposed for RB, Mr. Liles said.

Council Member Oates asked if the public had been led to believe that the area would be preserved as RB if Obey Creek were approved.

Mr. Liles replied that he was not certain. He was not aware of any such provision in the Orange County approval process, he said.

Council Member Oates asked if there would be an opportunity for public participation.

Mr. Liles replied that the item would go to a joint public hearing if adding the area to the RB were being considered. It would then be considered for Council action at a Town public hearing, he said.

Council Member Oates confirmed with Mr. Liles that initiating the JPA amendment would not lock the Town into a rezoning. She verified that there would be enough time for public comment, and for Council members to change their minds.

Council Member Parker confirmed with Mr. Liles that staff had not spoken with current property owners in the area. If directed to look at dividing the land, then that would be an opportunity to engage with them, said Mr. Liles. In addition, there would be public notice given if a joint public hearing were held, he pointed out.

Council Member Palmer asked why there was not an option to consider making the area to be part of the primary service area.

Mr. Liles replied that a primary service area was a designation under the WASMPBA agreement, and that the land, currently in OWASA's long-term interest area, would need to be considered for that before any future water and sewer could serve the area.

Council Member Greene said that there seemed to be an argument for eventually making most of the southern area RB. Obey Creek made that an interesting possibility, subject to much conversation, she said, noting that the Town did have the back side of Obey Creek as a nature preserve. Maybe there could be some development in an area near the tip of the point, she said. Council Member Greene said she was interested in going forward with conversations about potentially putting most, if not all, of the area in the RB.

Council Member Harrison said that the area would be a logical water and sewer boundary, if the watershed line for Wilson Creek was anywhere east of the point.

Mr. Liles recalled that someone from OWASA had said that a pump station would be required for sewer in the area toward the point, because it did not drain toward Wilson Creek.



Council Member Palmer said she saw no positive side to making the area part of the RB. Lots would have to be two acres, houses would be bigger and more expensive, and there would be more problems with drainage and septic systems, she said. Since the Town could not afford to buy the land and make it into a park, she did not see any advantage to adding it to the RB, she said.

Council Member Parker agreed that the area seemed to be working well the way it was, and said he did not see a compelling reason to put it in the RB. However, if the Council did decide to do so, it should look carefully at how the property might be divided up, respect the legitimate interest of the current property owners, and not foreclose possibilities for future generations, he said.

Council Member Oates recommended talking with landowners to see if they have strong feelings about changes, and asking the public if they understood that at least part of the area would be preserved as RB.

Mayor Hemminger agreed with Council Member Parker's comment about not trying to fix something that was not broken. She did not want to curtail the options, she said, adding that there might be some affordable housing, or economic development opportunities there in the future. She, too, spoke against creating an area that would permit large homes as the only option, but said that there might be opportunities to carve out chunks that could be zoned differently. One size fits all would not help the Town at the current time, she said.

Mayor Hemminger mentioned other possibilities, such as changing an area off Millhouse Road from RB to ETJ, in order to allow water and sewer to the park that would be developed there. Doing so would allow bathroom facilities on the parcel, and maybe even gym space in the future, she said.

Mayor Hemminger asked about the process for changing RB property to ETJ, and Mr. Liles said that it would follow state statute, which would include Town and County public hearings.

Ms. Holtz added that the Board of County Commissioners (BOCC) had expressed interest in moving forward with that idea during a presentation in February 2017.

Mayor Hemminger said that it would be beneficial for the Council to send a letter to the BOCC chair, if it wanted to move forward with a public process to determine whether there was any reason to not make that change. She pointed out that the Town planned to extend light industrial into a nearby area.

Mayor Hemminger also mentioned changing a designation of land on Sunrise Road from transition area to being under the Town's purview. Not having to go through both Town and county planning processes would make it easier and less costly for Habitat for Humanity there, she said. Mayor Hemminger confirmed with Council members that they would support her writing a letter to that effect to the BOCC.

Council members agreed that they were not ready to recommend changes to the southern transition area, but would like to explore changing the three northern properties.

COUNCIL MEMBER ED HARRISON MOVED, SECONDED BY COUNCIL MEMBER MARIA T. PALMER, TO ADOPT R-1.1. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0) .

[A RESOLUTION IN SUPPORT OF MAINTAINING THE CURRENT DESIGNATION OF THE SOUTHERN TRANSITION AREA OF THE TOWN OF CHAPEL HILL \(2017-06-19/R-1.1\) \(PDF\)](#)

7. [Consider Adopting a Calendar of Council Meetings through December 2017. \(R-2\)\(R-3\)](#)

Mr. Stancil provided information on a potential pilot project to hold the Council's business meetings on Wednesdays rather than Mondays, effective September 2017. The Council could then decide in December whether or not to continue with the change, he said. Mr. Stancil explained that meeting on Wednesdays would avoid rescheduling for holidays and would give Council and staff more time to communicate about meeting information.

Council Member Anderson confirmed with Mr. Stancil that a schedule for work sessions could be determined after the Council decided whether or not to change its business meetings schedule.

Council Member Parker expressed support for the pilot, but recommended making the decision about continuing it earlier than December.

Mr. Stancil replied that the Council could address it during its first meeting in November.

Council Member Harrison noted that the Council of Town Governments met on the 4th Wednesdays, but said that Council delegates could attend those meetings.

Council Member Palmer expressed surprise that the Town would consider the idea without community input. She pointed out that some religious organizations had extensive Wednesday programming, and said they had contacted her with concerns about the change.

Council Member Greene said she understood that the change made sense, and would help staff and Council. However, a variety of community groups met on Wednesdays, she said, and asked about changing Council meetings to Tuesdays.

Mr. Stancil pointed out that the Town shared a cable channel with the Town of Carrboro, which met on Tuesdays.

Council Member Cianciolo commented that the occasions when someone would have to make a choice would likely be rare, and people could always view the recorded meeting. He said that the change was worth trying and reevaluating after two months.

Council Member Oates agreed that it was worth trying for a few months, because it would make a huge difference in the staff's work life, and their ability to provide the Council with clear answers. Local churches could always send representatives to read statements, she said.

Council Member Palmer argued that changing the meeting day would preclude some from becoming Council members. She would not have been able to hold a class she was teaching if meetings were held on Wednesday, she said. Council Member Palmer noted that church choirs typically met on Wednesdays. She said that the Council was considering making a change with no community input and no powerful reason.

Council Member Anderson said that trying the change as a pilot would reveal whether or not it made a huge impact on community participation. She expressed reluctance to focus specifically on those of the Christian faith who attend church on Wednesday, noting that any day the Council chose would inconvenience someone. She said that the change would not only be more convenient for staff, but would facilitate getting the best information to Council. Basing the decision on how the Council gets information was the only fair way to approach it, said Council Member Anderson.

Mayor Hemminger pointed out that there were many other ways (phone calls, emails, and handwritten letters) for citizens to communicate with Council members. She spoke in favor of trying a pilot program, and said that doing so would provide benefits to the public as well. She heard the concerns, but thought that there would be concerns with whatever choice the Council made, Mayor Hemminger said. She spoke in favor of reevaluating in November rather than December.

COUNCIL MEMBER GEORGE CIANCIOLO MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO ADOPT R-2. THE MOTION WAS ADOPTED BY A VOTE OF 7-1, WITH MAYOR PAM HEMMINGER, COUNCIL MEMBER JESSICA ANDERSON, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER SALLY GREENE, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER NANCY E. OATES, AND COUNCIL MEMBER MICHAEL PARKER VOTING AYE AND WITH COUNCIL MEMBER MARIA T. PALMER VOTING NAY .

#### [A RESOLUTION ADOPTING A CALENDAR OF COUNCIL MEETINGS THROUGH DECEMBER 2017 \(2017-06-19/R-2\)](#)

#### [CONCEPT PLAN REVIEWS](#)

8. [Concept Plan: North Estes Mixed-Use Center, 850 N. Estes Drive \(Project # 17-044\). \(R-4\)](#)

Senior Planner Kay Pearlstein gave a PowerPoint overview of the concept plan for a mixed-use development on North Estes Drive. She said that the applicant had revised its plan since the Community Design Commission (CDC) review, and she noted those improvements. Ms. Pearlstein showed the 14.7-acre site on area, and aerial maps, discussed nearby properties, and

pointed out that the property was in the Horace Williams Airport Hazard Overlay Zone. The property was also in Focus Area 3 and was part of the Central West Small Area Plan, she said. She explained that Residential-1 was the existing zoning, and that the applicant was proposing changing it to Mixed-Use Village to allow more square footage.

Ms. Pearlstein said that the plan included 327,535 square feet of floor area, 206 dwelling units, and 602 parking spaces. The proposal was for rental dwelling units, which would not be covered by the Town's Inclusionary Zoning Ordinance, she said. However, due to the rezoning, the applicant would be subject to the Council's Affordable Housing (AH) policy, which expects that 15 percent of the units would be affordable, Ms. Pearlstein explained. She said that the Housing Advisory Board had not yet reviewed the concept plan, and that the version the CDC had seen was different than the one now being presented to the Council. She outlined the CDC's reactions and suggestions, and recommended that the Council adopt R-4, transmitting its comments to the applicant.

Landscape Architect Scott Murray, also speaking for developers Bill Michener and Chester Brown, explained that the plan that had been presented to CDC had included a small grocery store. That store was no longer an option, and they had changed other aspects of the plan due to the CDC's comments, he said. Mr. Murray explained that having garden style apartments to reduce costs had led to multi-use rather than vertical mixed use. In a PowerPoint presentation, he showed views of the property, and compared the former plan with the current one. He discussed vehicle circulation routes, greenspace, connectivity, plan layout, and parking. With regard to the Airport Hazard Zone, the FAA had determined that a two-story office building in the C District would not be a hazard, he said. Mr. Murray discussed how the concept plan conformed with Town goals, and said that it was close to what had been outlined in the Central West Small Area Plan.

Council Member Anderson asked about traffic flow, and Mr. Murray replied that Town staff and the NC Department of Transportation (DOT) had said that any of three access points would be reasonable. He described each of those points.

Council Member Harrison confirmed with Mr. Murray that the easternmost intersection would have a stop sign until the DOT agreed that signalization was warranted. He commented on how a mere stop sign would create extremely long wait at times, and Mr. Murray pointed out that most congestion occurred during school hours. Office and retail traffic would not sync with those peak hours, Mr. Murray said.

Mr. Murray explained that the next step, if the applicant received favorable feedback from Council, would be to conduct a traffic impact analysis (TIA).

Council Member Harrison said that the peak time was about three hours long and that turning left would be difficult after 3:30 p.m.

Mr. Murray replied that he hoped improvements would include traffic signal re-timing, but Council Member Harrison said that that would not reduce the number of trips on the street. Any applicant needed to understand that there would not be more than two travel lanes there, Council

Member Harrison said.

Council Member Parker confirmed with Mr. Murray that the concept plan did accommodate the Town's plan to construct a multi-use path in the area.

Council Member Oates clarified with Mr. Murray that the FAA had concluded that two-story buildings in area C would not create a hazard. The area outside of that would be three and four stories, Mr. Murray said. He added that he had not yet discussed that with the FAA, but thought it would be acceptable as well since the top elevation would be lower than the building that had been determined to not be a hindrance to navigation.

Council Member Oates asked about the status of possibly cutting through the Shadowood property, and Mr. Murray replied that the CDC had suggested that as a pedestrian connection. Council Member Oates confirmed that there had been no discussion about making it a vehicle access point. She also confirmed that another property owner on Estes Drive supported a vehicular connection.

Council Member Oates asked for more information on how the AH plan would work.

Mr. Murray replied that a proposal was not yet ready, and that their plans would depend on what else, such as traffic, they would be required to mitigate. He understood the Town's position on AH and would work with the Housing Advisory Board to formulate a plan, he said.

Council Member Oates asked Mr. Murray to give his definition of workforce rents, and he replied that it was 60-80 percent of the area median income. He said that 70-80 percent might be a more reachable target, however. It depended upon other factors, including how many units they would be able to do at that level, he said. Mr. Murray could not say at the current time what the monthly rent would be.

Council Member Oates stressed that the Council took AH seriously. It did not "fly well" when developers promise it, but later say that the numbers do not work out, she said.

"We hear you loud and clear," Mr. Murray replied.

Council Member Greene asked about the scale of the green gathering spaces compared to the green at Southern Village.

Mr. Murray indicated one greenspace was more than 200 feet long and 40 feet wide at one end and 80 feet wide at the other. He offered to return with visual comparisons to Southern Village, and Council Member Greene said that would help. The new plan was obviously an improvement over the one that the CDC had seen, but there was still an awful lot of pavement, she said.

Council Member Parker confirmed where the structured and surface parking areas would be and inquired about internal circulation. He asked which areas were meant to be actual streets and which would be areas that traverse parking lots.

Mr. Murray indicated the two streets that would create the primary circulation space.

Council Member Harrison said he agreed with the CDC that the stormwater system needed to be an amenity rather than a mere structure. He confirmed with Mr. Murray that any underground sand filters would be grassed over.

Mr. Murray explained that having more garden-like apartments and lower rents would lead to more surface parking and generally a larger footprint. That was why the stormwater structures had become a little more utilitarian, he explained, noting that large ponds were difficult to do in an urban context.

Dixon Pitt, CDC chair, said that the current plan was quite a bit better than what the CDC had seen, but that some CDC comments still applied. CDC members like to see parking decks screened, high quality materials, and attractive design, he said. Since the current plan was not the same as the CDC had seen, he would avoid commenting more at the current time, said Mr. Pitt.

Mayor Hemminger mentioned that she had been at the CDC presentation, and understood that the current plan was different. Many of the CDC's comments had centered around whether or not the plan met the Central West Planning Guide, she said. She confirmed with Mr. Pitt that the CDC would address that when looking at the new plan as well.

Shauna Farmer, a Coker Hills resident, asked Council members to temper any enthusiasm for the development with the knowledge that little is known about how it would affect traffic. The Central West Plan had been approved with the assumption that intersection and traffic improvements would be made before such density happened, she said. Ms. Farmer asked the Council to temper its positive comments until issues of traffic, especially as it related to pedestrian and bicycle users on Estes Drive, were better understood and potential problems had been mitigated.

Buffie Webber, a former Central West Planning Committee member, said she was pleased to see the changes that had been made since the presentation before the CDC. She said that the Central West Committee had spent a lot of time thinking about how the area should be a place where people would be less likely to use their cars. She discussed the Town's responsibility for assuring multi-modal access on Estes Drive. The Committee had paid attention to spreading traffic out over the day, and she did not know what the effect would be of having office and residential, as the applicant was proposing, Ms. Webber said.

Elaine Marcus, an Estes area resident, expressed concern about waiting too long to address traffic concerns, and described access problems that already existed due to recent new development. She asked the Town to look at the "bigger big" picture when addressing new development and traffic issues.

Council Member Palmer expressed concern about traffic issues, but said she was excited about having apartments where people would not have to drive to UNC and other locations. She hoped they would not be just transition housing, but homes that would attract teachers, families,

professionals, university researchers, and others, she said. She expressed a desire to see a Weaver Street Market satellite at that location, noting that it would serve the entire area, and allow people to purchase food without having to use a car. That would be as much of a service to a community as having AH, she said, and recommended that the store include a greenspace next to it.

Council Member Parker, a former Central West Committee co-chair, said that the concept plan incorporated many of the features that the committee had wanted, but still had a way to go. The plan failed as a destination to which those in surrounding areas would want to come, he said. In addition, the plan did not establish a connected street and trail network. It did not minimize the visual impact from cars, since there was an enormous amount of surface parking right at the street front, he said. Council Member Parker said that the Town had been investing in traffic modeling, and wondered if a more robust technique would reveal how to address traffic impacts better than a TIA. While he appreciated the green along MLK, that area would be much more attractive surrounded by buildings than by a parking lot, he said.

Council Member Greene agreed that the current plan was an improvement, but said that it was still unfocused and uninspired. Traffic was a huge problem, and some of the proposals for solving it would not be effective or good planning, she said. She reviewed the history of the planning for green space at Southern Village, and recommended that the applicant might talk with that developer. Council Member Greene said that she understood it was early in the designing process, but the design did not seem thought out, and the green spaces were "lost in asphalt."

Council Member Harrison said that the easternmost exit needs something higher than a stop sign, and that a roundabout there would not slow things down much if it were well designed. He encouraged the applicant to put stormwater underground as much as possible, and to create a facility that would be better than just utilitarian. Having a long parking lot adjacent to neighbors was a dreary prospect, said Council Member Harrison, adding that not having it right up against the boundary would help. He said that he did not know if DOT would accept all of the reconstruction that had been proposed for bus rapid transit, but pointed out that the community seemed to want that. That would be quite disruptive to a major facility, and the applicant needed to realize that Martin Luther King Jr. Boulevard would be different in the future, he said.

Council Member Anderson agreed with what Council Members Greene and Parker had said, and expressed concern about increasing traffic at an already bad intersection. The concept plan was not exciting, and did not include a community amenity or features that would draw those who live and work there to the outdoor spaces, she said.

Council Member Cianciolo agreed that the plan was not exciting without something to draw people to it. It did not satisfy that particular Central West goal, and would not add much to the community, he said. Council Member Cianciolo said he did not know what such a draw might be, and that he understood it was difficult to find at the current time.

Council Member Oates said she agreed with her colleagues. Including a grocery store might persuade her that the plan was a good concept, she said. She stressed that traffic was a huge

concern for her, and that the only way it would work would be to go through adjacent property out to Somerset and persuade DOT to put a roundabout there. She said she was serious about AH, and would want to see concrete numbers. Council Member Oates confirmed with the applicant that the internal streets would be privately maintained.

Council Member Palmer mentioned that the Town needed amenities such as a splash park and a farmer's market. She told the applicant to be creative, and think of uses that would attract people and serve the community. For example, moving the green space could make it more of an amenity, she said.

Mayor Hemminger recommended that the applicant make sure there was enough space in the plan to accommodate bus rapid transit. She said that the corner intersection needed to make a welcoming statement of some sort. She agreed with much of what the Council had said, she said, adding that she appreciated the applicant's response to the CDC's comments, and the additional green spaces. The plan was on a better path, but more thought needed to be given to attracting people other than those who live there, she said.

Mayor Hemminger said she preferred that stormwater be hidden as an amenity to having it as a merely functional system. With regard to the "sea" of surface parking, she would rather have a bigger parking deck that was wrapped or screened, she said. She noted that all Council members had expressed concern about traffic. The plan was getting closer, she was excited about the proposal for more commercial and office space, and liked the greenway connectivity, she said. Mayor Hemminger said she thought there was a partnering opportunity to make the project more interesting. She pointed out that the reason for having a Central West Plan was to avoid having just another apartment complex with an opening onto Martin Luther King Jr. Blvd. She had huge concerns about traffic in the area, Mayor Hemminger said.

Mr. Murray replied that he appreciated the Council's comments, and sincerely wanted to do what was right for Chapel Hill. However, the "Catch 22" was that structured parking would need to be justified by a critical mass of retail that would take the 350,000 square-foot plan to 400,000 or 500,000 square feet. Should the Town deviate from the Central West Small Plan in terms of density in order to get what it wants, he asked.

Mayor Hemminger replied that the Council did not like the "sea of parking", and was willing to consider structured parking, knowing that it goes with commercial/office very well.

Mr. Murray pointed out that structured parking also goes with higher rents. He could certainly work on something like that if that was what the Council wanted, he said.

Council Member Parker remarked that it did not have to be all one level of apartments. In many cities, developers had blended market rate and sub-market rate apartments for the benefit of all, he said.

Mayor Hemminger agreed, adding that she had seen examples, such as Holiday Valley in Boulder, CO, which was a great example of a mix of uses. There was a big park in the center, blended commercial/retail on the first levels, and living areas on the second and third stories, she



said. It was fascinating to see and it was thriving because it was place-making, said Mayor Hemminger.

Council Member Palmer pointed out that density in such projects was much higher, however, and that Mr. Murray was asking if the Council would be okay with more density if the plan includes amenities.

Mr. Murray agreed, adding that there was a disconnect between the density that was spelled out in the Central West Plan, and the realities of structured parking.

Council Member Palmer said that she had heard Mr. Murray say that doing more office space would make it more financially viable to build structured parking. However, she did not want to give up apartments because there were not enough of those within walking distance of schools and downtown, she said. Council Member Palmer said she would be okay with higher density if that would allow structured parking.

Council Member Oates raised the idea of a grocery store again. She pointed out that many area residents would walk to it, so it wouldn't require a parking deck. She said she felt frustrated because the Council had given comments, and the feedback was that it would not work.

Mr. Murray replied that all were on the same team and said he apologized if he had given a different impression. He was just trying to balance a challenging situation and would work through it with the Town, he said.

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY COUNCIL MEMBER NANCY E. OATES, TO [ADOPTED R-4](#). THE MOTION WAS ADOPTED UNANIMOUSLY (8-0) .

[A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR NORTH ESTES MIXED USE CENTER, 850 N. ESTES DRIVE \(2017-06-19/R-4\)](#)

Mayor Hemminger reminded Council members that their last meeting of the year would be on Monday, June 26, 2017. The meeting was adjourned at 11:07 p.m.