



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

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

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

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

Wednesday, November 28, 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 Karen Stegman

Absent: 1 - Council Member Rachel Schaevitz

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Transportation Planning Manager Bergen Watterson, Public Works Director Lance Norris, Operations Manager Judy Johnson, Director of Planning and Development Services Ben Hitchings, Manager of Engineering and Infrastructure Chris Roberts, Housing and Community Executive Director Loryn Clark, Affordable Housing Development Officer Emily Holt, Affordable Housing Manager Nate Broman-Fulks, Community Resilience Officer John Richardson, Stormwater Engineer III Kiel Harms, Solid Waste Services Manager Wendy Simmons, Fire Inspector Donnie Morrissey, Deputy Town Clerk Amy Harvey

OPENING

0.1. Celebrating Successes Video.

[\[18-0969\]](#)

Mayor Hemminger opened the meeting at 7:00 pm with a video titled "A Day in the Life of a School Resource Officer." The video included interviews with school resource officers and showed how they mentor students in Chapel Hill, Carrboro and Orange County classrooms. It stressed the importance of building relationships.

Mayor Hemminger said resource officers keep local youth safe and help them feel welcome in schools.

0.2. Proclamation: Honoring Harvey Milk.

[\[18-0970\]](#)

Mayor Hemminger reminded all that Harvey Milk, a trail-blazer in the LGBTQ movement, had passed away exactly 40 years ago that day.

Council Member Stegman read a proclamation stating that Mr. Milk had been one of the first openly gay politicians to hold office in the United States and had been a hero in the LGBT movement. Elected in San Francisco in 1977, he had been a brilliant coalition builder, community organizer and champion for his district, she said. The proclamation stated that the Town Council stood with the LGBTQ community in honoring Harvey Milk's life and legacy and urged citizens to follow his example by working to improve people's lives through public service.

Former Mayor Mark Kleinschmidt noted the importance of having minorities as elected officials so that others could imagine themselves at the decision-making table as well. He pointed out that Mr. Milk's assassination had occurred at a very tense political time in San Francisco, and said that the country was currently living through such a time again. He urged all to remember Mr. Milk's words about the importance of hope, which helped people persevere and avoid violent responses to disagreements. Mr. Kleinschmidt said that the Town's proclamation provided such hope.

Carrboro Alderman Damon Seils thanked the Council for the proclamation and mentioned that the Town of Carrboro had recently passed a similar proclamation. He pointed out that there were 26 LGBTQ elected officials currently serving in North Carolina and said that Chapel Hill had been the first to put an LGBT person on its Town Council when it elected Joe Herzenberg (1979-1981 and 1987-1993).

PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS

Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions to Council webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.

0.1. Peter Lee Regarding Traffic Concerns on Homestead Road.

[\[18-0971\]](#)

Peter Lee, a Courtyards at Homestead Road resident, presented two petitions asking for a more integrated and holistic view of the impacts of

a series of accepted and proposed developments along Homestead Road. The petitions suggested that the Town negotiate with UNC to reroute access to the Wood property and requested a detailed schematic of the area with all its proposed entrances, distances between them, and turn lanes shown, he said. Mr. Lee requested that the Town make such information publicly available before making any decision on the Wood property.

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

PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA

0.2. School of Social Work Students Regarding Recommendations for Coal Ash Site.

[\[18-0972\]](#)

Allison DeMarco, a faculty member at UNC's School of Social Work and a member of the Orange County Partnership to End Homelessness, explained that Council Member Oates had recently participated in a panel discussion regarding the policies and ordinances that may affect those experiencing homelessness. She said that Council Member Oates had then presented a topic for student teams to address. The topic pertained to a coal ash dump under the Chapel Hill Police Station (CHPD), Ms. De Marco explained.

UNC students Caleb Walker Wilson, Anjali Shankar and Jonathan Cushing presented their findings and suggestions for remediation of the property. They agreed that full remediation of the property was the appropriate course of action and that mixed income, mixed use housing development that targets those earning less than the area median incomes should be built on the land.

Council Member Oates recommended that the students email their full, written report to the Mayor and Council.

0.3. Cassidy Hampton Regarding Hope Gardens.

[\[18-0973\]](#)

Cassidy Hampton and Zachary West, co-chairs of Hope Gardens (a UNC-based, non-profit community garden at 2200 Homestead Road), described how they offer garden plots to community members, grow produce for weekly cooking sessions, donate produce, and collaborate with local organizations.

Cassidy Hampton, referred to recent discussions about developing the land. She provided history on Hope Garden and advocated for allowing it to continue in the same capacity that it had for nine years.

Khadyah Amina, a community gardener, described the activities there and the community members who utilize the garden. She characterized Hope

Gardens as a wonderful place that had brought community members together and forged relationships.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.1. Mayor Hemminger Regarding Council Member Schaevitz Absence. [\[18-0974\]](#)

Mayor Hemminger said that Council Member Schaevitz was absent due to travel.

0.2. Mayor Hemminger Congratulations to Public Works Employees on Completion of North Carolina Local Technical Assistance Program. [\[18-0975\]](#)

Mayor Hemminger congratulated Public Works Department employees Rayfield Steven Jr. and Kenny Harden for completing the Technical Assistance Program. The program recognizes the achievement of individuals who significantly increase their knowledge of road maintenance procedures and improve their technical and managerial skills, she said.

0.3. Mayor Hemminger Regarding Rogers Road Community Zoning Meeting. [\[18-0976\]](#)

Mayor Hemminger said that the Rogers Road Community Zoning Meeting would be held the following evening at 7:00 pm at the RENA Center.

0.4. Mayor Hemminger Regarding Preserving Historic Districts Workshop. [\[18-0977\]](#)

Mayor Hemminger announced a workshop, hosted by the Historic District Commission, from 9:30 am to 2:00 pm in Town Hall on Saturday. All were welcome, she said.

0.5. Mayor Hemminger Regarding Civil Rights Task Force Celebration. [\[18-0978\]](#)

Mayor Hemminger said that "Opening Our Future," a special evening honoring the Town's civil rights history and the Chapel Hill Nine, would be held at the Chapel Hill Public Library on Friday at 7:00 pm.

0.6. Mayor Hemminger Regarding Tree Lighting and Holiday Parade. [\[18-0979\]](#)

Mayor Hemminger said that the annual Christmas tree lighting ceremony would occur outside University Baptist Church on Sunday at 6:00 pm. The holiday parade would happen the following Saturday on Franklin Street, she said.

0.7. Council Member Bell Regarding Habitat Home. [\[18-0980\]](#)

Council Member Bell noted that "Fix a Home" volunteers would be working the following day, from 10:00 am to 1:00 pm, to improve property at 112 Cole Street. She encouraged volunteers to help out.

0.8. Council Member Buansi Regarding Meet and Greet with Lee Williams.

[\[18-0981\]](#)

Council Member Buansi said that a "meet and greet" for the new Director of Equity and Inclusion for Chapel Hill-Carrboro City Schools would be held at 101 Edgar Street in Chapel Hill.

CONSENT

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

Approval of the Consent Agenda

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that R-1 be adopted as amended to remove Item #2 for later discussion, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items.

[\[18-0963\]](#)

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

3. Continue the Public Hearings for a Zoning Atlas Amendment and a Special Use Permit-Planned Development-Housing Applications for Active Adults Housing, 2217 Homestead Road to December 5, 2018.

[\[18-0959\]](#)

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

- 3.1 Amend the 2018 Council Calendar.

[\[18-0968\]](#)

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

INFORMATION

4. Receive Upcoming Public Hearing Items and Petition Status List.

[\[18-0965\]](#)

This item was receive as presented.

DISCUSSION

2. Authorize the Town Manager to Issue a Request for Qualifications and Begin Negotiations to Identify Potential Development Partners for Town-Owned Land at 2200 Homestead Road.

[\[18-0964\]](#)

Affordable Housing Manager Nate Broman-Fulks gave a PowerPoint presentation providing background from the Town Property Task Force's 2017 report supporting exploration of affordable housing on the Homestead Road site to the Council's June 2018 review of a concept plan. The concept was for a mutually-supportive, self-sustaining, mixed-income community with approximately 140 units of mixed housing that would serve very low income to market rate homes with a mix of home-ownership and rental units, he said.

Mr. Broman-Fulks said that the Town could retain ownership and use a ground lease model with potential development partners. He showed renderings of what the project might look like, from above and while walking through. Staff had been working out a timeline and was refining the financial analysis, he said, and he presented a proposed development review process.

Mr. Broman-Fulks requested authorization to send out a request for qualifications (RFQ) and then begin negotiations. Staff anticipated bringing the Council a potential developer (or developers) in the fourth quarter of 2019, he said.

Council Member Oates asked about possible partners and the types of housing that might interest them. She noted that several organizations had expressed interest in partnering with the Town.

Mr. Broman-Fulks said there had been preliminary discussions with potential partners, but staff had not identified any particular housing type or partner.

Council Member Oates confirmed with Mr. Broman-Fulks that UNC Horizons had recently expressed enthusiasm for the concept plan. Staff was hopeful that they might be a partner but had not currently designated any units for anyone, Mr. Broman Fulks said.

Council Member Oates also confirmed with him that UNC Horizons's model would likely be apartments, but that was yet to be determined. She verified that Community Home Trust had attended meetings and was up-to-date on the project.

Council Member Oates asked how the Town's \$5 million contribution to the project would be spent.

Mr. Broman-Fulks replied that staff had been refining the financial analysis and was anticipating a possible \$5 million gap; however, specific funding decisions would be made by the Council at a later time, he said.

Council Member Stegman confirmed with Mr. Broman-Fulks that conversations were ongoing, but final decisions on the development plan were anticipated for FY 2020-21.

Mayor pro tem Anderson clarified that the Council was merely being asked to approve issuing RFQs and that other issues would be addressed in the future.

Mayor Hemminger said the project differed from others in that the Town was putting out different ideas to find out who might build it. Sending out RFQs would formalize that, she said.

Council Member Parker asked how much flexibility potential developers would have. Mr. Broman-Fulks explained that the Town would outline its vision and let developers respond with their experiences. The idea was to be flexible with regard to how the vision would be achieved, he said.

Chitita Howard, a Homestead Road neighbor, said that there was much citizen interest in affordable housing (AH). She asked the Council to communicate with citizens in simple terms about how AH funding would be spent.

Council Member Bell stressed the importance of opening the project up to ideas from those who were involved in interesting AH projects throughout the nation.

Council Member Oates agreed and stressed that the Town should be as innovative and strategic regarding AH as possible. She proposed starting with the demographics and special interest groups that the Town would serve and finding out what type of housing those groups wanted. First find out who the market is and how the Town can serve them, and then go out and find out who will contribute to building the project, she advised.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-2 be adopted. The motion carried by a unanimous vote.

5. Consider an Application for Land Use Management Ordinance Text Amendment -Self-Storage Facility, Conditioned.

[\[18-0940\]](#)

Operations Manager Judy Johnson outlined a text amendment (TA) that would allow conditioned self-storage to become a special use within the OI-2 zoning district and a special regulation that would include a floor area ratio (FAR) of 0.290. She reviewed the specific text changes and the definition of FAR and recommended that the Council adopt R-4, the resolution of consistency and enactment of Ordinance-1, approving the revised text amendment.

Council Member Parker said that he wanted to understand the overall philosophy behind why self-storage could not be principally used on certain properties.

Ms. Johnson explained that it stemmed from an interest in not having a self-storage facility on a lot by itself since it would not activate the street. Having it secondary to the main principal activity on the property would allow street engagement, she said, noting that the self-storage building could be at the back of the lot.

Council Member Gu clarified the meaning of primary and secondary uses with Ms. Johnson and asked why 0.290 FAR would be applied to conditioned self-storage while other uses remain at .26.

Ms. Johnson explained that the FAR change was in response to the applicant's request. It could be argued that self-storage could be bigger than an office building, for example, due to its lower impact per square foot, she said.

Mayor Hemminger confirmed that the Planning Commission had approved the text amendment.

D.R. Bryan, the developer who had requested the TA, explained that the Vilcom Associates property owner's board was trying to build conditioned self-storage in one of its buildings. He argued that FAR, in general, was an outdated concept that no longer meant anything and is currently used.

Mayor Hemminger confirmed with Ms. Johnson that an applicant wanting to build self-storage on an OI-2 lot would still have to go through the SUP process.

Ms. Johnson noted that there were very few properties in OI-2 where the option would be available and they would most likely seek a rezoning as well as an SUP.

Mayor Hemminger emphasized that the Town did not want self-storage for use because it wanted to create active, commercial spaces that bring jobs and retail. While there is a need for self-storage, the Council wanted to make sure there was balance, she said.

Ms. Johnson commented that there was space in the back of some lots where self-storage could potentially be done without affecting the streetscape.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, to Close the Public Hearing. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-4 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Stegman, that O-1 be enacted. The motion carried by a unanimous vote.

6. Consider Authorizing the Town Manager to Execute a Cooperative Agreement with GoTriangle on the Durham-Orange Light Rail Transit Project.

[\[18-0966\]](#)

Transportation Planning Manager Bergen Watterson opened the discussion of a cooperative agreement between the Town and GoTriangle (GT) regarding the Durham-Orange Light Rail Transit Project. She recommended that the Council adopt Resolution 6, which would authorize the Manager to execute the agreement.

Interim Durham-Orange Light Rail Transit Project Director John Tallmadge provided details and a timeline for the project. He discussed aspects of the cooperative agreement and noted GT's goal of applying for a federal grant in April 2019. GT expected to then receive the full funding agreement in September 2019, prior to the November 2019 deadline, and hoped to then have access to \$190 million in state funding for the project, he said.

Mr. Tallmadge noted that the Town's cooperative agreement was one of a dozen or so that were critical. He explained what the agreement entailed and its associated requirements. He discussed how Town comments were being included along the way and noted a plan for communicating to the public in advance of changes to traffic patterns during construction.

Mr. Tallmadge mentioned some comparisons with the City of Durham's cooperative agreement and said that GT had received more feedback from Durham than Chapel Hill. GT had been able to accept all of the Town's comments, he said, adding that the different jurisdictions' organizations and processes had led to different wording in the documents. GT was willing to work through the language with Town staff, if needed, he said.

Mayor pro tem Anderson asked if anything was missing from Chapel Hill's agreement when it was compared with Durham's.

Director of Planning and Development Services Ben Hitchings replied that there was an explicit delineation of stormwater standards in Durham's agreement. There was also a section on relocation of public utilities in Durham's agreement that differed from the Town's, since Chapel Hill worked with OWASA rather than running its own water and sewer service. Mr. Hitchings offered to do a more detailed review, if the Council desired.

Mayor Hemminger said that aligning the two documents with regard to content and formatting would make it easier for the public to understand. She noted that citizens who lived in the overlapping districts of Chapel Hill and Durham County had been looking at all of the documents. The

agreements needed to be easier, more transparent, and similar, she said.

Mayor pro tem Anderson ascertained from staff that Durham's review committee had not included elected officials.

Council Member Gu asked for a description of the 50 percent design review process, and GT Manager of Design and Engineering Dave Charters provided that. He said that it was similar for all of the project's stakeholders.

Council Member Gu requested that staff report on its conclusions, based on the 50 percent review, and Manager of Engineering and Infrastructure Chris Roberts summarized the review process and listed the required submissions. He said that it had been reviewed for both engineering and stormwater and that staff was comfortable with the 50 percent drawings as they were.

Council Member Gu asked for a general overview of the kind of stormwater management procedures that were in place.

Stormwater Engineer Kiel Harms provided details about standards and confirmed that staff was comfortable with the 50 percent plans.

Mayor Hemminger verified with Town staff that they had no concerns with the 50 percent plans.

Council Member Gu said that she wanted to know more details about the staff's review process and what issues it had looked into. She asked Mr. Harms if he had any concerns he wanted GT to address.

Mr. Harms replied that the Durham agreement had been a little more explicit with regard to stormwater. He felt that Chapel Hill's staff had arrived at the same conclusions but had not been as explicit in the agreement itself, he said. He said that a 50 percent review was a little different from a standard review process, and he described the multiple rounds of review.

Council Member Gu asked staff if input from Town advisory boards would be helpful.

Mr. Hitchings replied that the plan included highly detailed engineering drawings and that confirming compliance with Town standards was a very technical exercise. He pointed out that such an analysis was what the Town's professional staff was trained to do, as opposed to addressing the kinds of policy issues that advisory boards often do.

Council Member Buansi asked if an environmental evaluation that had been noted in Durham's agreement had been conducted only for Durham.

Mr. Charters replied that a draft environmental impact study (EIS) had been done for the entire project alignment. As changes were made, a few had resulted in a supplemental EIS, he said.

Council Member Buansi recommended that the same language be included, at least as a reference, in the draft agreement with the Town.

Mayor pro tem Anderson asked if a side-by-side comparison had been done with Durham's 2018 funding agreement and if there was any reason why those would be difficult to compare.

Mr. Hitchings replied that the essence of that reimbursement agreement was fairly basic. The Town would track the time involved in the review and then bill GT for all the staff time spent on reviewing their plan, he said.

Mayor pro tem Anderson confirmed with GT that any consultant time, if needed, would be reimbursed at the consultant's rate.

Ken Larson, a Chapel Hill resident, cautioned against signing any agreement, stating that citizens had been brainwashed by GT to believe light rail would be an asset to the community. Mr. Larson said that crossings would block traffic and there would be noise all along the route. He asked the Council to make sure the Town was protected before signing any agreements.

Joan Guilkey, a Chapel Hill resident, said that the Council should have received a letter from citizens regarding their concerns about the agreement's process and content. She mentioned some of those concerns and asked the Council to make sure it addressed them. Ms. Guilkey cautioned against rushing to sign the agreement, which would be binding. It required more than a cursory review, she said.

Charles Humble, a Chapel Hill resident, said he was not aware of any meetings where Town staff, Town advisory boards, or members of the public had been invited to look at the project's impact on wetlands, noise, or public safety. He mentioned objections that had been raised in Durham and said that the Town should give the project more time and thought as well.

Jeff Prather, a Chapel Hill/Durham County resident and retired environmental expert, said that GT had not earned the Town's approval and the Council should not relinquish control. High noise levels at night could be a significant problem, he said.

Cheri Hardman, a Chapel Hill/Durham County resident and president of The Oaks III HOA, also expressed concern about potential noise levels. She recommended that the Council not sign any agreement until it had obtained more information.

Carol Hazard, representing the Laurel Hill HOA, said that her historic neighborhood would be directly impacted by construction and trains. She said that the project could worsen a nearby intersection, reduce property values, add pollution, and negatively affect Glenwood Elementary School. Ms. Hazard stated that much more evaluation needed to be done before the Council signed a cooperative agreement.

John Morris, a Chapel Hill resident, listed several problems in the agreement that needed to be fixed and asked the Council to not give GT a "blank check" to use at its own discretion. He pointed out that the agreement would terminate on December 31, 2021 if GT had not obtained federal funds by that point, while NC law says that state funds would not be provided for the project if federal funds were not obtained by November 30, 2019. The Town did not need to be chained to a dead project for two more years, Mr. Morris said. He asked the Council to take more time to get the agreement right.

Julie McClintock, representing Chapel Hill Alliance for a Livable Town (CHALT), noted a letter that CHALT and other residents had sent to the Town earlier in day. CHALT had serious problems with the project's efficiency, she said, arguing that the current agreement was not ready to be signed. The main problem was that the Town did not know much about the specifics of the project, she said, pointing out that a master plan was not in place. Chapel Hill needed to build in the kind of public review that Durham had in its agreement, Ms. McClintock argued.

Alex Cabanes, a Chapel Hill resident, explained why he did not trust GT when it typically says that all is perfect and there are no problems. There should be oversight of GT's plans, he said.

Pamela Kansohoff, a Chapel Hill resident, agreed that more information was needed. She asked if a noise impact study had been done and expressed concern about the many unknowns and areas for error. She asked the Council to not abdicate its overview responsibility.

Council Member Bell said that the Council's job was to set policy. The Manager and staff, who were equipped to assess the environmental and structural impacts of the project, had said that the differences between the Durham and Chapel Hill agreements were insignificant, she pointed out. Council Member Bell said she did support making the language between the two agreements more similar, however.

Council Member GU expressed concerns about the process and noted the need to ensure that the Town's most expensive and impactful project would be of high quality. She had not seen enough specifics to judge whether there was a solid process in place, she said. She strongly recommended that the agreement include a mechanism for a public process that would allow input from Town experts and advisory boards.

Council Member Stegman said that she respected the long community process and the support for light rail had occurred before she was on the Council and did not want to return to that. However, she agreed with others about making the document more understandable, clarifying the cost reimbursement section, and adding more concrete stormwater and environmental details, she said.

Council Member Parker agreed that some sections of the agreement needed to be revised and improved. He said that questions regarding the expiration date would be worth looking into. He supported having staff compare the Chapel Hill and Durham agreements and bringing that back at the Council's December 5, 2018 meeting, he said.

Council Member Buansi said that he was not comfortable voting on the agreement, as it was written. He indicated an area regarding Town requirements that needed to be clarified. He said he agreed with others that the Town's document should be aligned with Durham's and that he needed more time to look over Durham's agreement. Council Member Buansi said that he needed answers to specific questions before he would vote on the cooperative agreement.

Council Member Oates said December 31, 2018 seemed like GT's internal deadline, but the hard deadline would be in January. She pointed out that some members of the public and the Council had not gotten answers to their questions -- regarding noise, for example. The Town Council could not approve something with noise that would affect citizens' sleep any more than it could approve something that would affect air or water, she said. She asked that the noise mitigation technology be spelled out in the agreement, which she said needed to be much clearer, more detailed, and more specific.

Mayor pro tem Anderson agreed with others regarding the need for more clarity and said it would be good to see the 50 percent drawings. The comparison with Durham had shown that the Town needed to give more thought to what the document contained, she said. She proposed determining why there was a discrepancy regarding deadline dates. The Council was not trying to "derail" the project, but was trying to be thoughtful about getting the best possible light rail project, Mayor pro tem Anderson explained.

Mayor Hemminger pointed out that the specific standards regarding parking lots that had been included in Durham's agreement had not been spelled out in the Town's.

Mr. Charters replied that the Town's parking lots in Gateway Station were subject to some things the linear alignment was not. He pointed out that a transportation project had different rules than a single property development project did.

Mayor Hemminger asked that the agreement actually specify "parking lots," and she asked for more information about transformers as well.

Dave Shore, GT design and engineering manager, replied that there would be a traction power substation at every 1.5 to 2-mile interval along the 18 mile project. The two or three boxes in Chapel Hill would be about 14 feet wide/40 feet long/10 feet high and would have security fences around them, he said.

Mayor Hemminger confirmed that those transformers were part of the 50 percent drawing set and would be included in the 90 percent plans. She also confirmed that GT would share those plans for review and would answer the Town's questions.

Mayor Hemminger verified with GT representatives that all structures associated with the project would be included with the design submission and that periodic meetings with stakeholders would show how the design was progressing. She confirmed with Mr. Charters that a written report regarding noise levels was expected the next day.

Geoff Greene, senior planner with GT, explained that the noise and vibration report would be highly technical and based on a sound equivalence level (SEL). He said that sound at the transit power substations would be 99 decibels. However, when compressed to one second, the actual maximum sound emitted would be 63 decibels, he said.

Mayor Hemminger determined from Mr. Greene that an outside air condition was an example of something in the 60-decibel range. She requested that such information be made more available and understandable in the document.

Mayor Hemminger confirmed with Mr. Greene that one turn near Glenwood Elementary School would generate noise, but would not be nearly as sharp as the one at the maintenance facility. She verified with Mr. Charters that GT's community representative would reach out to residents of the Laurel Hill community regarding the issue.

Mayor Hemminger recommended comparing the Town's and Durham's agreements in order to guarantee that all standards are met and to include similar language and formatting where possible. The agreement also needed to include reimbursement for Town staff time, she pointed out.

Town Attorney Ralph Karpinos amended the resolution with alternate language that addressed the Council's concerns, and Mayor Hemminger read those additions regarding stormwater standards and management, relocation of public utilities, environmental evaluations, opportunities for Council and public input, cost reimbursement, expiration date, and issues

regarding noise impacts that were referenced in the proposed Durham agreement that were not included in Chapel Hill's draft agreement.

Mr. Karpinos' recommendations also included aligning the framework of the Town's two agreements to the extent possible and returning to the Council with a proposed cooperative agreement for Council consideration (on December 5, 2018, if possible), Mayor Hemminger said.

Council Member Gu verified with Mayor Hemminger that the Town could negotiate a maximum noise level with GT.

Council Member Buansi confirmed with Mayor Hemminger that additional questions and concerns by Council members could be submitted up to the December 5, 2018 Council meeting.

Mayor Hemminger asked how important the December 5th deadline was to GT, and Mr. Charters replied that it was important to make changes as soon as possible because GT had already told the Federal Trade Administration that the language was settled.

Council Member Oates confirmed with the Town Manager that he would respond the following day about whether or not staff could realistically meet the December 5th deadline.

Mayor pro tem Anderson confirmed with Mr. Charters that having all of the agreements in place by the end of the year was important but that the project would not end if the Town was not able to have its agreement ready by December 5th.

A motion was made by Council Member Parker, seconded by Council Member Stegman, that R-6 be adopted as amended. The motion carried by the following vote:

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

Nay: 1 - Mayor pro tem Anderson

7. Approve the Interlocal Agreement for the Provision of Solid Waste and Recycling Programs and Services.

[\[18-0967\]](#)

Public Works Director Lance Norris gave a PowerPoint presentation on the history of the Solid Waste Advisory Group (SWAG), which was tasked in 2014 to propose collaborative solutions to Orange County's solid waste issues. He explained that SWAG was comprised of representatives from Chapel Hill, Carrboro, Hillsborough and Orange County and also included one representative each from UNC and UNC Healthcare. All parties had been seeking an interlocal agreement since 2012, he said.

Mr. Norris recommended the Council approve the proposed agreement and noted that all of the other jurisdictions had already done so. He said that UNC and UNC Healthcare were not parties to the agreement but that it acknowledged the vital roles they play. Mr. Norris said the SWAG had unanimously approved the revised version and recommended the Council adopt Resolution 7 for approval.

Mayor Hemminger said that the Town and broader community cared about recycling and reducing the waste stream and had been working together for a long time on the issue.

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

ADJOURNMENT

The meeting was adjourned at 10:37 p.m.