

**DRAFT SUMMARY MINUTES OF A BUSINESS MEETING
OF THE CHAPEL HILL TOWN COUNCIL
WEDNESDAY, OCTOBER 11, 2017, AT 7:00 PM**

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

Staff members present: Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Specialist Mark Losey, Director of Planning and Development Services Ben Hitchings, Police Chief Chris Blue, Fire Chief Matt Sullivan, Assistant to the Town Attorney Carolyn Worsley, Parks and Recreation Planning and Development Manager Bill Webster, Library Director Susan Brown, Executive Director for Technology Scott Clark, Emergency Management Coordinator Barry McLamb, Interim Operations Manager for Planning and Development Services Judy Johnson, Fire Inspector Greg Peeler, Police Officer Rick Fahrer, and Deputy Town Clerk Amy Harvey.

[OPENING](#)

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

0.1 [Proclamation: National Community Planning Week.](#)

Council Member Cianciolo read the proclamation, and explained how community planning helps manage change, and provide opportunities, for residents to be involved in determining the future of their communities. The month of October was designated as National Community Planning Month throughout the U.S. and its territories, he said, and he recognized the Town's Planning Commission (PC), Community Design Commissions (CDC), staff planners, and citizens, who had invested time and expertise in improving the Town. The proclamation declared October to be Community Planning Month in Chapel Hill, and urged all citizens to recognize the valuable contributions that planners have made.

Council Member Greene arrived at 7:06 p.m.

Council Member Cianciolo presented the proclamation to John Rees, who was representing the PC. Mr. Reese thanked Town planners for their hard work and service. He pointed out that planners would be very busy in coming years rewriting the Town's Land Use Management Ordinance.

[PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA](#)

a. [Gracia Barry Regarding Pickleball.](#)

Gracia Barry, representing the Chapel Hill Pickle Ball Steering Committee, asked the Council to support pickleball in the community. She gave a brief description of the sport, which she said was easy for people of all ages, abilities and walks of life to learn. Ms. Barry predicted a need for more courts in Town, stating that pickleball had been the fastest growing sport in U.S for the past five years. She said that there were more than 600 participants in Town and that the number was expected to reach 1,000 by 2020. Ms. Barry discussed a need for more courts in a centralized location. She said that installing 24 outdoor courts in the Legion Road area could bring more than \$20,000 annually to the Town from tournaments, clinics, and leagues.

b. [BJ Attwood Regarding Pickleball.](#)

BJ Attwood, a former Chapel Hill resident who planned to move back due to the availability of pickleball in Town, praised the Council for supporting the sport and noted the social, mental and physical benefits of exercise. Ms. Attwood, the promotional director for Chapel Hill Pickle Ball, shared her vision for making the Town a pickleball destination on the East Coast.

Mayor Hemminger pointed out that the first ever pickleball tournament would be held in Town on the following weekend, with more than 170 teams from various states signed up to play. She told those who had come to support the petition that she appreciated their attendance and interest.

Council Member Harrison confirmed that the Chapel Hill Visitors Bureau was aware of the growing interest in pickleball. He said that he would try the sport once his foot injury had healed.

[PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS](#)

1. Petitions from the Public and Council Members.

a. [Mayor Hemminger Request to Adopt a Resolution in Support of Initiatives and Opportunities to Engage in World Health Organization Age-Friendly Cities and Communities Network. \(R-1\)](#)

Council Member Oates encouraged residents to volunteer for organizations that work with seniors. She noted that A Helping Hand needed drivers with cars to help transport people to doctors' and other appointments.

Council Member Greene read the resolution, which noted that the global population of people age 60 and over was expected to grow to almost two billion by 2050. The 65 and over population in the U.S. was expected to grow from 35 million in 2000 to 88.5 million by 2050, she said. The petition stated that older Americans overwhelmingly wanted to remain in their homes, and that access to healthcare and other supports was essential for that.

Council Member Green noted that the World Health Organization had developed a global network of age-friendly communities. She read that this was one of the most effective

approaches for responding to demographic aging, and listed eight approaches to creating healthier communities for aging. Resolution 1 stated that the Town resolved to support the World Health Organization's age-friendly cities, and communities network of municipalities by encouraging and promoting public policies that support healthy aging, she said.

Mayor Hemminger mentioned that the Town had been working with Orange County and others in the Triangle region on a master aging plan. The Town took the issue seriously and was working hard to implement many of the petition's recommendations, she said.

COUNCIL MEMBER SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER NANCY OATES, TO ADOPT R-1 IN SUPPORT OF INITIATIVES AND OPPORTUNITIES TO ENGAGE IN WORLD HEALTH ORGANIZATION AGE-FRIENDLY CITIES AND COMMUNITIES NETWORK. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION IN SUPPORT OF INITIATIVES AND OPPORTUNITIES TO ENGAGE IN WORLD HEALTH ORGANIZATION AGE-FRIENDLY CITIES AND COMMUNITIES NETWORK \(2017-10-11/R-1\)](#)

- b. [Council Member Palmer Request for the Town to Prepare an RFP for Affordable Housing Partners for Use of Land Near Village Drive and Jay Street.](#)

Council Member Palmer asked the Council to direct the Town Manager to prepare a request for proposals from the Town's affordable housing (AH) partners for constructing rental AH (a duplex, triplex, or tiny homes) on the two tracts of land. She requested that the proposals include partnerships with a community college, local builders, or a non-profit to offer skills training onsite. Council Member Palmer said that the process would be similar to a recently-completed project on Craig Street. She noted that EmPOWERment Inc., Boomerang, the Jackson Center and others had expressed interest in being involved and she asked for a staff recommendation to come back before the Council's winter break.

COUNCIL MEMBER GEORGE CIANCIOLO MOVED, SECONDED BY COUNCIL MEMBER MICHAEL PARKER, TO RECEIVE AND REFER TO TOWN MANAGER AND MAYOR. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[ANNOUNCEMENTS BY COUNCIL MEMBERS](#)

- a. [Mayor Hemminger Regarding October 12 Shred-a-Thon at University Place.](#)
- b. [Mayor Hemminger Regarding Joint Meeting with Planning Commission and Community Design Commission to Review Draft Design Guidelines for Ephesus-Fordham Blue Hill District.](#)
- c. [Mayor Hemminger Regarding Joint Advisory Board Meeting for Light Rail Station Area Planning.](#)

d. [Mayor Hemminger Regarding Next Council Meeting.](#)

e. [Council Member Ed Harrison Regarding Tiny Home Event in Northside.](#)

Council Member Harrison said he hoped to attend an event in Northside on Friday, from 4:30 to 6:30 p.m., which would showcase tiny homes that had been built in other towns.

f. [Council Member Cianciolo Regarding Shred-a-Thon Details.](#)

Council Member Cianciolo pointed out that a shred-a-thon would be held the following day from 10:00 a.m. to 2:00 p.m. near Silverspot Cinema. He said that each person would be limited to four bags or boxes, and would be asked to carry those to the trucks.

g. [Mayor Hemminger Regarding Project Connect Event.](#)

Mayor Hemminger said that Project Connect would take place on Thursday, October 19, at Hargraves Center. Volunteers were needed to help guide those who were coming for services, she said.

[CONSENT](#)

2. [Approve all Consent Agenda Items. \(R-2\)](#)

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY MAYOR PRO TEM DONNA BELL, TO ADOPT AS AMENDED R-2 AS AMENDED WITH ITEM #4 REMOVED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES \(2017-10-11/R-2\) as Amended](#)

3. Approve the Housing Advisory Board's Funding Recommendation for the Affordable Housing Development Reserve. (R-3)

[A RESOLUTION APPROVING FUNDING FROM THE AFFORDABLE HOUSING DEVELOPMENT RESERVE \(AHDR\) \(2017-10-11/R-3\)](#)

4. Accept Four Condominium Units at Ashley Forest from CASA for Addition to the Town's Affordable Housing Portfolio. (R-4)

The Council removed Item 4.

5. Adopt Minutes for the November 14, 2016 and January 18, January 23, February 13 and February 27, 2017 Meetings. (R-5)

[A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS \(2017-10-11/R-5\)](#)

INFORMATION

6. [Receive Upcoming Public Hearing Items and Petition Status List.](#)
7. [Receive the 2017 Carolina North, Glen Lennox, and Obey Creek Development Agreement Annual Reports.](#)

All items were received as presented.

DISCUSSION

8. [Consider Enacting an Ordinance to Regulate Small Unmanned Aircraft Systems \(UAS\)/Drones for Public Safety. \(O-1\)](#)

Police Chief Chris Blue asked the Council to adopt a portion of FAA rules that regulate the use of drones. The goal was to get basic safety rules that the Chapel Hill Police Department (CHPD) could use locally, he said. In a PowerPoint presentation, Chief Blue discussed the evolving technology, limited regulatory guidance, and tools that deter unsafe operation. He discussed how some Town events, such as Halloween, present a need for some regulatory authority.

Chief Blue outlined the "common sense" rules that Ordinance 1 would enact, and said that next steps would include training staff, educating the public, and continuing to monitor the regulatory landscape surrounding the issue. He asked the Council to enact O-1, which would adopt Title 14, part 107, of FAA rules.

Council Member Anderson asked about the enforcement mechanism.

Chief Blue explained that violations would be misdemeanors, but would give the CHPD an opportunity to remind people about the local law, and why it was in place.

Council Member Anderson asked about the CHPD's outreach strategy regarding the Town's annual Halloween celebration.

Chief Blue replied that he had already begun drafting materials related to the ordinance, and would work with downtown merchants, and commercial drone operators to get the message out.

Council Member Parker confirmed that commercial drone operators could apply for exemptions.

Council Member Harrison asked if such ordinances were becoming common across the state.

Chief Blue replied that he did not think so. He said that some areas of the country, such as Massachusetts, had adopted broader regulations, which the courts had stricken down. It was an emerging technology, and communities appear to be proceeding with caution, he said.

Mayor Hemminger noted that the issue had come up at a National Conference of Mayors meeting, and that the federal government had been meeting about it, but had not included public safety in those discussions. Therefore, cities were trying to take actions, she explained. She pointed out that drones had crashed into cars, people, and buildings. It was a huge safety risk, and there were pending court cases, she said. Mayor Hemminger said that O-1 would be a first step that would give police officers the right to enforce rules that already apply.

Council Member Palmer asked Chief Blue to clarify that local police do not normally have the right to enforce federal laws.

Chief Blue agreed, and explained that the proposed ordinance would take important safety provisions and make them local.

COUNCIL MEMBER NANCY OATES MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO ENACT O-1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[AN ORDINANCE AMENDING CHAPTER 11, ARTICLE VI OF THE TOWN CODE REGARDING AIR TRAFFIC CONTROL \(2017-10-11/O-1\)](#)

9. [Overview of Reports and Points of Connection for the Town Properties Task Force, Historic Town Hall Committee and American Legion Task Force. \(R-6\)\(R-7\)\(R-8\)](#)

Town Manager Roger Stancil gave a PowerPoint presentation that consolidated reports and recommendations from three Council committees that the Council had asked to study Town properties. He noted that the Council accepted reports from the Town Properties Task Force, and the Historic Town Hall Committee in June, and had dissolved those two committees. The Council had authorized the American Legion Task Force to do additional work, and report back at end of November, he said.

Mr. Stancil explained several connections among the three committees. These included a shared view of the importance of: 1) the Town having a cultural arts strategy; 2) aligning properties with most suitable opportunities/uses; 3) having guiding principles for the Council when considering property acquisition and disposal; and 4) developing criteria and procedures for any sale/lease of Town property.

Mr. Stancil said that there was another common theme regarding Town properties, other than the American Legion property, where identified items such as AH, office space, and recreation could be located. He mentioned that the Historic Town Hall Committee and the Town Properties Task Force had both discussed the Columbia/Rosemary Intersection and how the proposed use for Historic Town Hall would connect with the proposed redevelopment of Parking Lot 2, and

private interests there, to make it an important intersection for the Town.

Mr. Stancil explained that adopting recommendations from the Town Properties Task Force (R-6), would authorize him to update policies for real property proposals/acquisition/disposal, and develop a system for record keeping, and management of Town properties.

Mr. Stancil said that another Task Force recommendation had been to explore using certain Town properties for AH, including properties on Jay Street and 200 Plant Road. He noted other Town Properties Task Force recommendations as well, which included: working with the development community regarding ways to best utilize property at 6850 Mill House Road; developing a master plan for fire station planning, and eventual construction; and, researching options for possible disposal of the CHPD site after PD relocation has been planned. The Task Force had also discussed re-use of the Old Post Office property, Mr. Stancil said.

Council Member Harrison confirmed with Mr. Stancil that a fire station at the corner of Elliott Road/Franklin Street was in bad shape, and that one on Weaver Dairy Road/Martin Luther King Jr. Boulevard needed to be replaced.

Council Member Anderson asked about short-term needs regarding the teen center in the Old Post Office building.

Mr. Stancil replied that an internal task force had been looking at teen services, and programs, and where they occur.

Council Member Anderson asked if the Teen Center in the Post Office was going to remain there while something else was being figured out. Were the options to clean it up, or moved it somewhere else, she asked.

Mr. Stancil replied that staff was trying to focus on cataloging current needs, and where those were met in order to create more meaningful categories for thinking about programs and services. He agreed to provide the Council with an update on that.

Council Member Anderson recommended doing something in the short term to improve the space in the Old Post Office, and Mr. Stancil agreed to report back with possible options.

Council Member Palmer expressed concern about making rash decisions on some properties, such as deciding that 200 Plant Road would be AH only. She said that it was the only significant and accessible recreational area in that part of Town. Council Member Palmer proposed considering a combination of uses, such as having a teen center on the first floor, meeting rooms on the second floor, and AH on floors three through six. She proposed getting everything possible out of that location.

Council Member Greene noted that CASA had been interested in that property in the past because of its central location, and proximity to services, made it an ideal location for people of low income. Since then, she had supported the idea of using it for AH, and she thought a mixed proposal would be complicated to develop, she said. The Town could not solve every problem

on one property, said Council Member Greene. She advocated for going ahead and designating that as a potential site for AH, adding that it would be an excellent use of town land.

Council Member Harrison asked about the extent of the land at the vacated Parks and Recreation Department property, and Mayor Hemminger requested that staff clarify that exact acreage.

Council Member Palmer said that she was not ready to designate 200 Plant Road for AH. She argued that something being complicated did not mean that the Town could not explore it.

Mr. Stancil replied that adopting R-6 would tell him that the Council was authorizing staff to explore AH opportunities on those two sites. The item would come back to the Council for any decision, and determination of whether to start a process, he said.

Council Member Parker said that it was important to view the location as primarily an AH site. If some proposals were to include interesting ancillary uses, the Council would have an opportunity to explore those further, he said. Council Member Parker stressed the Town's desire to provide AH, and said that other things could be a pleasant benefit.

Mayor pro tem Bell said that they could vote for looking at the site as one where the Town was interested in having AH. However, AH in conjunction with some of the things that Council Member Palmer had described would not be precluded by that, she said.

Mayor Hemminger agreed that AH would not preclude other uses, and said that staff could consider the Council's comments. The resolution did give clarity to the Town's intention to have some AH at the site, and to not have commercial uses there, she said.

Council Member Anderson moved R-6, and Council Member Palmer asked for a friendly amendment stating that Parks and Recreation would be consulted, and that possible mixed use in conjunction with recreation and/or cultural programs would be explored.

Council Member Anderson replied that she did not want to get too slowed down, and Mr. Stancil suggested exploring the possibility of mixed use consistent with Parks and Recreation, and Cultural Arts priorities. Those were established, and staff would take those into consideration, he said.

Council Member Oates said that she did not want to dilute the AH piece, and Mayor Hemminger replied that that had been noted. However, Town departments work together as a team anyway, and could explore whether first floor meeting space would be a possibility, Mayor Hemminger said.

Council Member Anderson agreed that some things would go nicely with AH, but pointed out that people would not necessarily want to live above a climbing wall. She was not comfortable with the notion of shoving stuff that the Town needs into a place where people live, she said.

Mayor Hemminger replied that staff was aware of that concern and would work with all of the Town's AH components. She did not think that exploring the possibility would weigh the Town

down, she said, noting that it would be at least two years before the item would be addressed.

Council Member Parker suggested adding "consider mix of uses" rather than "mixed use."

Council Member Palmer pointed out that the Council had been excited about putting AH atop a downtown music and art venue, and had considered putting it atop a parking deck. There were places where such things had worked, and she did not think it would detract from AH, she said. Council Member Palmer argued that the Town needed to maximize the use of its space, and do a better job of creating recreational spaces. Plant Road was one place where the Town could do both, she said.

Council Member Greene said that she agreed with the need to find better recreation spaces, but would not want people to be living above a teen center. A Home Trust unit above a zumba studio was not working out, she said, adding that she shared Council Members Oates's and Anderson's reluctance. AH was a community priority and this was a prime location for that, said Council Member Greene.

Mayor Hemminger asked staff to explore the possibility of having a meeting room at the location.

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY COUNCIL MEMBER SALLY GREENE, TO ADOPT R-6 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PROCEED WITH IMPLEMENTING RECOMMENDATIONS OF THE TOWN PROPERTIES TASK FORCE REPORT \(2017-10-11/R-6\) as Amended \(PDF\)](#)

Mr. Stancil presented information on the Historic Town Hall Committee's consideration of whether there would be community value in re-purposing the Historic Town Hall (HTH) as a history and/or visitors center. He said that the committee's recommendation for next steps included engaging in diverse communities, and identifying opportunities for collaboration, defining mission goals and audience, determining ownership and financial commitment, and analyzing the economic and social costs, and benefits.

Mr. Stancil said that the HTH Committee had heard from community members about a need for space for local artists, and was encouraging the Town to involve artists in its thinking about how that property could be used to support Cultural Arts. The committee had discussed synergy with nearby parking lots, and the complementary uses of nearby properties, Mr. Stancil said. Passing R-7 would allow staff to consider the committee's recommended next steps, which might include hiring third party assistants to help with the HTH Committee's vision, Mr. Stancil said.

Council Member Greene mentioned historical information regarding the building, and encouraged the Council to support dedicating it for sustained long-term civic use, since it embodied so much Town history.

Council Member Harrison confirmed with Mr. Stancil that R-7 would include consideration of synergies with Parking Lot 2, but would not include working with surrounding properties.

Mr. Stancil explained that the Town would not discourage those property owners from making proposals that would complement the HTH. He added that the committee, and staff had a holistic view of the two Town-owned properties, and the privately-owned properties around that intersection.

Council Member Harrison confirmed that the HTH Committee had been unanimous in its recommendation to keep HTH with a public purpose. He said that he and Council Member Greene had heard some sentiment against that at a public meeting and had encouraged those who had spoken to come to the current discussion.

Council Member Greene commented that those who had opposed the recommendation had seemed to be in the minority.

Council Member Harrison said that the Town should be proud to have the HTH building.

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

[A RESOLUTION AFFIRMING THE COUNCIL'S INTENT TO RETAIN HISTORIC TOWN HALL FOR A PUBLIC USE AND AUTHORIZING THE TOWN MANAGER TO PROCEED WITH NEXT STEPS FOR A HISTORY/CULTURE CENTER \(2017-10-11/R-7\)](#)

Mr. Stancil presented several interconnected recommendations from the Town Properties Task Force, and Historic Town Hall Committee regarding the Columbia/Rosemary Street intersection. He noted that both committees recognized the potential with redevelopment to support Cultural Arts, and find synergies between the corner properties. He said that the committee had recommended maximizing Wallace Deck to support demand from Lot 2 redevelopment, and the Task Force had recommended deferring decisions on other Town lots until a downtown parking plan had been adopted.

Mr. Stancil explained that developing a coordinated redevelopment strategy would involve collaboration with owners, and developers of privately-held properties. If the Council were to endorse that idea, the proposed next steps would include exploring whether property owners were interested in collaborating with the Town, he said. Mr. Stancil said that the goal would be to report those findings to the Council in March 2018, and, based on findings, request authorization to proceed with whatever the next steps might be.

Council Member Anderson confirmed with Mr. Stancil that staff would find out if neighboring property-owners were interested in collaborating at all, and, if so, what the conditions might be. She said she hoped the Town would have some parameters for what it wanted before asking what the neighbors were willing to do.

Mr. Stancil clarified that staff would ask them to identify their interests regarding future use of their property, and then see how that merged with Town interests.

Council Member Oates said she agreed that the Town needed a vision first, so that the process would not be taken over by the demands of others. The Town had so much currently going on that the idea seemed premature, she said, and proposed tabling it until the other projects that require Town expenditure were underway.

Council Member Greene said she hesitated to let this fall that far off the radar, since a bond referendum had included money for Cultural Arts space. The Town might already know enough to talk about Lot 2, and had been hoping that process would begin, she said. She did not want the Arts conversation to be left behind, said Council Member Greene.

Council Member Palmer expressed enthusiasm for the recommendation for a Town Museum/Historic Center, and said it would be an ideal location for the Visitors Center. Parking Lot 2 was an ideal spot for creating a "four corners strategy," specifically for artists and others, she said. It would create a beautiful synergy, she said, but noted the need for a coordinated plan to replace the current parking.

Council Member Parker said he thought the Task Force's thinking was two-fold: 1) The Columbia/Rosemary intersection should be the second most important and visible intersection in Town, and the Town had an opportunity to create that; 2) There was a great need for more downtown destinations with a Cultural Arts component, and this provides an opportunity to create a destination that will draw people. He agreed that there were some wonderful opportunities there, and also agreed with the Council's comments about parking. The manager was taking the right approach by putting out feelers to understand if there was potential, he said. Council Member Parker stressed the obligation to make sure that the HTH, and Lot 2 were developed in a way that was mutually reinforcing. He said that it was important to begin the process.

Council Member Harrison said that he shared Council Member Oates' concern about approaching area landowners without having a Town goal.

Mr. Stancil said that he was hearing the Council say it wanted the Town, which owned two of the four corner properties, to guide the process more. He suggested understanding the neighbors' interests before developing a plan and strategy.

Mayor Hemminger pointed out that property owners had come in with different creative strategies for their areas and that such conversations would now be able to move forward. She said that the Town would be addressing parking needs as well.

COUNCIL MEMBER SALLY GREENE MOVED, SECONDED BY MAYOR PRO TEM DONNA BELL, TO ADOPT R-8. THE MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH MAYOR PAM HEMMINGER, MAYOR PRO TEM DONNA BELL, COUNCIL MEMBER JESSICA ANDERSON, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER SALLY GREENE, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER

MICHAEL PARKER, AND COUNCIL MEMBER MARIA PALMER VOTING AYE AND WITH COUNCIL MEMBER NANCY OATES VOTING NAY .

[A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXPLORE THE FEASIBILITY OF A COORDINATED REDEVELOPMENT STRATEGY FOR PARKING LOT #2 AND THE COLUMBIA/ROSEMARY STREET INTERSECTION \(2017-10-11/R-8\)](#)

10. [Confirm Process and Topics for Amity Station Development Agreement, and Authorize Town Manager and Town Attorney to Proceed with Negotiation Support. \(R-9\)](#)

Director of Planning and Development Services Ben Hitchings gave a PowerPoint presentation regarding the Amity Station Development Agreement (DA). He said that the Council needed to decide whether or not to enter into a DA negotiation and, if so, to determine a process for pursuing it. He said that the Council was at the point of creating a subcommittee for negotiation, identifying the main topics for negotiation, reviewing the schedule, and options for stakeholder engagement.

Mr. Hitchings pointed out that the Council had expressed strong support for having a facilitated Council subcommittee negotiate directly with the applicant in a process that would include opportunities for public involvement. He proposed a framework for that, and noted that there already had been an extensive process that included multiple concept plan reviews of the property.

Mr. Hitchings said that the West Rosemary Street Guide (WRSB) would be a key touchstone in negotiations, and he described several ways in which the public would be involved. With respect to fees, he proposed a framework in which the applicant would pay for staff time, consultant analysis, and any rezoning.

Mr. Hitchings proposed a three-phase process (launch, continuation, and conclusion), and explained what each phase would entail. He recommended that the Council adopt Resolution 9, and appoint a Council subcommittee. He explained that R-9 would authorize the Town Manager and Town Attorney to organize, and support the DA negotiation.

Mayor Hemminger recommended changing "public information meetings" to "public information/input meetings," in order to convey to the public that the Council wanted back-and-forth conversation.

Council Member Anderson confirmed with Mr. Hitchings that Town advisory boards would provide input on the draft DA, in a process similar to that used in other development reviews.

Council Member Harrison noted that a PC review would be needed for any rezoning, and Mr. Hitchings said that the DA document and any rezoning would run together.

Council Member Harrison suggested that a community public information meeting be held before the advisory board review, and Mr. Hitchings agreed.

Council Member Harrison said that there had never been a Council subcommittee for a DA in the past, and Town Attorney Ralph Karpinos replied that there had been one for 140 West negotiations. However, that had been a business DA that had gone through a special use permitting process, Mr. Karpinos pointed out.

Council Member Harrison said that he was glad there were three phases and no timeline. A DA should not have a timeline unless there was external pressure, such as a federal court, pushing it, he said.

Council Member Anderson confirmed with Mr. Hitchings that the technical review team would be multi-departmental with expertise in ordinance compliance. She asked if an urban designer would be involved as well, and Mr. Hitchings replied that Tony Sease, a consultant with Cititech, had an on-call contract with the Town, and could participate in the process.

Council Member Anderson said that she strongly advocated for Mr. Sease's involvement.

Mayor Hemminger verified with Mr. Hitchings that consultant Stan Harvey had been the design consultant for Rosemary Imagined, and would be willing to help again.

Council Member Anderson asked how the Council would reach a shared understanding of acceptable trade-offs regarding its negotiating position.

Mr. Hitchings replied that the Council subcommittee would make key decisions - such as the scope of development - early on in order for the applicant to bring forward additional detail on the proposal. Having good communication between the Council subcommittee and the full Council would be important, he said.

Council Member Anderson requested that the Council have an explicit conversation regarding trade-offs. She asked at what point the Council would explore the applicant's starting position, noting that there had been no Council support for its concept plans. She assumed that there would be some work prior to entering into a DA where the applicant would return with something the Council could work with, she said.

Mr. Hitchings replied that by approving R-9 the Council would be authorizing staff to organize the negotiation, convene the subcommittee, and begin the negotiating process. At the current time, staff anticipated that the applicant had an idea of what it wanted to do, and would present that in its opening perspective, he said. Mr. Hitchings pointed out that the Town had excellent touchstones, such as the WRSG that communicate community interests, and desires. It would be a process of trying to harmonize those, and find something that is mutually-agreeable, he said.

Council Member Anderson expressed skepticism about being able to enter into a negotiation when the parties are so far apart.

Council Member Parker asked how the fee structure compared with those for other processes, and Mr. Hitchings explained that there was a fixed base rate with a special use permit (SUP) and a per square footage factor that allowed the Town to include the size of the project. In the Amity

Station DA, it would be a negotiated fee, and the Town was proposing full cost recovery, he said.

Council Member Parker said he thought a DA was a better process that would lead to a better outcome than the traditional SUP permit in many cases. He expressed concern about applicants not choosing it, however, because it would be substantially more expensive. Council Member Parker proposed that the Town think about scaling the cost back to be more in line with what an applicant would pay for an SUP process.

Mr. Hitchings noted that the applicant had, in this case, requested the process while knowing that the fee would be negotiated. The applicant seemed comfortable with full cost recovery to the Town, he said. However, perhaps there should be a larger conversation about the issue, he said.

Council Member Parker asked if any consideration had been given to bringing in a financial expert.

Mr. Hitchings replied that the consultant who had done the market analysis for the WRSB was set to analyze the financial dimension of the project, and provide information to staff and Council.

Council Member Parker said he agreed with Mayor Hemminger about the importance of getting information from and to multiple constituencies. There also needed to be "an issue identification phase" where someone makes a list of differences between the two positions in order to set the stage for what the negotiation will look like, he said. Council Member Parker said that only two subcommittee meetings seemed unrealistic for complex conversations with multiple trade-offs.

Mr. Hitchings explained that the first two meetings would be four-hour sessions. After that, participants could evaluate, and possibly extend the process, he said.

Council Member Anderson repeated her argument for a step in the process for conversation about whether to start it at all, if the parties are far apart. She did not think the Town should automatically enter into a DA that was likely to fail, she said. Council Member Anderson also pointed out that there was no provision for public input in Phase 2.

Mr. Hitchings replied that public input would be included at the beginning and end of subcommittee meetings as well as at the beginning and end of the process.

Mayor pro tem Bell confirmed with Mr. Hitchings that either party would have the option of stepping away from negotiation at any point, even at the end, of the process.

Council Member Anderson asked how negotiations would represent the Town, if an applicant were being allowed to come in with something that was so clearly off the mark. People do not usually successfully negotiate when they are so far apart, she said. She stressed that she did not want the subcommittee to "nibble around the edges of what we've seen in several different proposals." Why not get up from the table at the beginning, if that was the case, she said.

Mayor Hemminger said she was hopeful that the subcommittee would be able to discern that at the first meeting. If the two parties were too far apart, then it would not make sense for negotiations to go further, she said. Mayor Hemminger characterized the first meeting as an opportunity to see how close the parties were, and whether or not there was any way to move forward.

Council Member Palmer pointed out that the Council had voted to move forward with a DA because it believed that the resulting community benefits could be better than having five, by-right buildings that maximize profit. The Town would not get everything it wanted in the WRSG, but negotiation meant giving up some things in order to get others, she said. Council Member Palmer said that things such as AH would not happen without a DA. She recommended entering negotiations in good faith, and trying to make it work for everyone.

Council Member Parker said that he understood Council Member Anderson's concerns, but that the Town had articulated an initial negotiating position regarding the large parameters in the WRSG. The fact that the developer was willing to engage in a negotiation process, knowing those things had led him to believe that there was a path forward, he said. Council Member Parker added that it would be helpful to have the Town's preferences prioritized.

Council Member Cianciolo agreed that the WRSG was a good starting point, and gave the developer a clear idea of what the Town wanted. He expected the developer to present what it was, and was not prepared to do, and explain why, he said. How the developer presented that would make it clear whether or not there was any room for negotiation, he said. He did not think the developer would want to pay for a long-drawn-out process, and end up having to walk away, Council Member Cianciolo said. The argument for setting up a DA process was valid, and the Town should move forward and see how it works, he said.

Mayor Hemminger proposed that the advisory board review be moved from Phase 3 to Phase 2, since those board members sometimes see things that the Council does not.

Mr. Hitchings replied that advisory boards were currently in what might be viewed as their standard location in the development review process. After some discussion, Mr. Hitchings agreed to move that review forward in the process.

Mayor Hemminger confirmed that the Council agreed with the suggestion for an urban designer. She said that she was serious about wanting residents, office workers, and others to be year-round occupants of those downtown parcels. She pointed out that the Council wanted the subcommittee to be realistic about possibly meeting more than twice, and agreed that a spot should be added for a possible additional meeting. Mayor Hemminger recommended surveying Council members for a list of their priorities.

The Council designated Council Members Parker, Oates and Bell to serve on the subcommittee, with Council Member Anderson as the alternate. Mayor pro tem Bell asked that meetings be held after 2:00 p.m., preferably on Thursdays.

COUNCIL MEMBER NANCY OATES MOVED, SECONDED BY COUNCIL MEMBER MICHAEL PARKER, TO ADOPT R-9 AS AMENDED. THE MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH MAYOR PAM HEMMINGER, MAYOR PRO TEM DONNA BELL, COUNCIL MEMBER GEORGE CIANCIOLO, COUNCIL MEMBER SALLY GREENE, COUNCIL MEMBER ED HARRISON, COUNCIL MEMBER NANCY OATES, COUNCIL MEMBER MICHAEL PARKER, AND COUNCIL MEMBER MARIA PALMER VOTING AYE AND WITH COUNCIL MEMBER JESSICA ANDERSON VOTING NAY .

[A RESOLUTION INITIATING A NEGOTIATION ON A DEVELOPMENT AGREEMENT FOR AMITY STATION, AND AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO ORGANIZE AND SUPPORT THE EFFORT \(2017-10-11/R-9\) as Amended \(PDF\)](#)

[APPOINTMENTS](#)

11. [Make a Recommendation to the Orange County Board of Commissioners to Fill the Vacant Seat on the Planning Commission. \(R-10\)](#)

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO ADOPT R-10 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

[A RESOLUTION MAKING A RECOMMENDATION TO THE ORANGE COUNTY BOARD OF COMMISSIONERS REGARDING THE ETJ SEAT ON THE CHAPEL HILL PLANNING COMMISSION \(2017-10-11/R-10\) as Amended](#)

The Council made a recommendation to the Orange County Board of Commissioners to appoint Katherine Roberts to the Chapel Hill Planning Commission.

[Master Ballot](#)

12. [Appointments to the Parks, Greenways, and Recreation Commission.](#)

The Council appointed Beverly Medina to the Parks, Greenways, and Recreation Commission.

[Master Ballot](#)

[REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS](#)

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY MAYOR PRO TEM DONNA BELL, TO ENTER INTO CLOSED SESSION AS AUTHORIZED BY GENERAL STATUTE SECTION 143-318.11 (A)(4), TO CONSIDER AN ECONOMIC DEVELOPMENT MATTER. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0) .

The meeting was adjourned and the Council went into closed session at 9:32 p.m.