



# 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 Karen Stegman  
Council Member Jessica Anderson  
Council Member Camille Berry  
Council Member Tai Huynh

Council Member Paris Miller-Foushee  
Council Member Michael Parker  
Council Member Amy Ryan  
Council Member Adam Searing

Wednesday, October 12, 2022 7:00 PM RM 110 | Council Chamber

#### Language Access Statement

For interpretation or translation services, call 919-969-5105.

ဘာသာပြန်ဆိုခြင်းနှင့် စကားပြန်ခြင်းအတွက်၊ (၉၁၉) ၉၆၉-၅၁၀၅ ကိုဖုန်းခေါ်ပါ။

Para servicios de interpretación o traducción, llame al 919-969-5105.

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#### In-Person Meeting Notification

The Chapel Hill Town Council will meet in person for the meeting. Where possible, the Council requests that members of the public continue to live stream the meeting and view it over the Town's cable television channel access at <https://chapelhill.legistar.com/Calendar.aspx> - and on Chapel Hill Gov-TV ([townofchapelhill.org/GovTV](http://townofchapelhill.org/GovTV)) so that we can provide an opportunity for physical distance within the building. The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council meetings. Please participate in a voluntary demographic survey <https://www.townofchapelhill.org/demosurvey> before viewing online or in person.

#### Parking

- Parking is available at Town Hall lots and the lot at Stephens Street and Martin Luther King Jr. Boulevard.
- See <http://www.parkonthehill.com> for other public lots on Rosemary Street
- Town Hall is served by NS route and T route, and GoTriangle Routes of Chapel Hill Transit.

Entry and COVID-19 Protocols

- Entrance on the ground floor.
- Visitors and employees will self-screen. Do not enter if you have these symptoms: Fever, chills, cough, sore throat, shortness of breath, loss of taste or smell, headache, muscle pain
- Attendees are encouraged to wear masks in the building and may sit physically distanced. Please do not sit in blocked chairs.
- Hand sanitizer is located near the main doors.

#### ROLL CALL

Council Member Huynh arrived at 7:03 p.m.

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Karen Stegman, Council Member Jessica Anderson, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Tai Huynh, Council Member Michael Parker, Council Member Amy Ryan, and Council Member Adam Searing

#### OTHER ATTENDEES

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Town Attorney Ann Anderson, Planning Director Colleen Willger, Business Management Director Amy Oland, Principal Planner - Historic Preservation Anya Grahn, Community Resilience Officer John Richardson, Transportation Planning Manager Bergen Watterson, Sustainability Outreach Coordinator Elizabeth Houghton, Sustainability Program Analyst Brennan Bouma, Downtown Special Projects Manager Sarah Poulton, Communications Manager Ran Northam, Police Officer David Shick, Deputy Town Clerk Amy Harvey, and Assistant Town Clerk Brenton Hodge.

#### OPENING

Mayor Hemminger called the meeting to order at 7:00 p.m. and reviewed the agenda.

0.01 Proclamation: Cybersecurity for the October 2022 Council [\[22-0760\]](#)

Council Member Searing read a proclamation that declared October 2022 to be Cyber-security Awareness Month in Chapel Hill and urged all residents to learn more and practice cyber-security in their homes and businesses.

Mayor Hemminger said that the Town was fortunate to have a top-notch Information Technology team that kept it secure.

0.02 Proclamation: American Pharmacists Month [\[22-0761\]](#)

Council Member Huynh read a proclamation declaring October 2022 to be American Pharmacists Month in Chapel Hill and encouraged all residents to acknowledge the invaluable contributions that pharmacists and technicians make to patient care in hospitals, clinics and other healthcare settings.

Mayor Hemminger mentioned that she had been a judge in a recent thesis competition that included students from the NC School of Pharmacy. She said that the competition had addressed some world-changing ideas and that the University of North Carolina at Chapel Hill (UNC-CH) was leading the world with some of its research and development work.

### ANNOUNCEMENTS BY COUNCIL MEMBERS

0.03 Council Member Huynh Regarding UNC's Assured Admittance Program. [\[22-0762\]](#)

Council Member Huynh said that UNC's Eshelman School of Pharmacy had announced an assured admittance program with UNC Pembroke. The program enabled North Carolina residents to attend UNC Pembroke for \$500 a semester, he said.

0.04 Mayor Hemminger Regarding Walk and Roll to School. [\[22-0763\]](#)

Mayor Hemminger said that eight Chapel Hill elementary schools had participated in the Walk and Roll to School event, which had been organized by Transportation Demand Community Manager Len Cone. She thanked the participants and said that she hoped to see more of those kinds of events.

0.05 Mayor Hemminger Regarding Leave Your Leaves, Festifall Arts Market, and Holiday Parade. [\[22-0764\]](#)

Mayor Hemminger urged residents to "leave the leaves" rather than disposing of them because that was more environmentally friendly.

Mayor Hemminger said that an Arts Market would take place from 1:00-6:00 p.m. on October 15 at the 140 West plaza.

Mayor Hemminger said that the deadline for organizations to apply to march in the December 3rd Holiday Parade would be available online through October 16, 2022.

0.06 Council Member Stegman Regarding Gun Buy Back Event. [\[22-0765\]](#)

Mayor pro tem Stegman explained the process for relinquishing guns at a gun buy-back event that would take place on October 15th at Community Church from 2:00-3:30 p.m.

0.07 Council Member Searing Regarding Freda Bluestein Recognition. [\[22-0766\]](#)

Council Member Searing announced that Frayda Bluestein had been honored with the Edward Kitter Graham Award for her services.

0.08 Council Member Foushee Regarding NAACP's Diamond Anniversary. [\[22-0767\]](#)

Council Member Miller-Foushee invited community members to join the Chapel Hill-Carrboro NAACP in celebrating its 75th anniversary throughout the month of October. She praised Town staff for holding a successful event at the Public Library and invited community members to join a freedom walk from the Lincoln Center to the Hargraves Center on October 15th.

0.09 Council Member Parker Regarding Bike Ride Around Northside. [\[22-0768\]](#)

Council Member Parker said that he and Council Member Berry had recently joined Town staff on a bike ride through Downtown and Northside in order to learn more about what the roads were like from a cyclist's point of view. The Town had made some nice improvements but that much more work still needed to be done, he said.

### PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND 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.

1. Dina Adimari Request to Consider Regulating Free-roaming Owned Cats with Updates to Section 4-14 of the Town Ordinances. [\[22-0741\]](#)

Dina Adimari described her bad experiences with a free-roaming, owned cat and petitioned the Council to regulate such cats within Town limits. The American Veterinary Medical Association had a relevant policy, but Orange County Animal Control had not been able to help her with her problem because of the way Town ordinances were written, she said.

This item was received as presented.

2. Lisa Ostrom Request to Add an Informational Sign to the Dixie Ln and Rd Signs. [\[22-0742\]](#)

This item was received as presented.

3. CHOCE Request for Council Review the Sign Ordinance and the Chapel Hill Transit Authority Policy and Standards to Ascertain They Fully Comply with Federal First Amendment Rights. [\[22-0743\]](#)

Lisa Hutchins, representing Chapel Hill Organization for Clean Energy (CHOCE), spoke about First Amendment rights to free speech and protests. She said that a banner and posters that opposed UNC's coal-fired power plant had been pulled down from various Town locations, including a Town bus. She asked the Council to consider talking with UNC about the issue.

This item was received as presented.

- 3.01 3.01 John Wagner Regarding Coal Ash. [\[22-0769\]](#)

Chatham County resident John Wagner asked the Council to consider several issues related to the coal ash deposit at the Town's Police Headquarters site. These included prioritizing environmental justice, considering leakage problems, including more public dialogue, giving earlier agenda notices, not build housing on coal ash, bringing UNC back into the discussion, and doing a better job of protecting the Bolin Creek embankment.

This item was received as presented.

- 3.02 3.02 Eugene Farrar Regarding Van Donation. [\[22-0770\]](#)

Eugene Farrar asked the Council to hasten the release of vans that had been allocated for the Hargraves Center and to not reallocate them to any other facility.

This item was received as presented.

- 3.03 3.03 Jamika Edwards Regarding Hargraves Center and Donations Project. [\[22-0771\]](#)

Jamika Edwards asked the Council to expedite and improve the process through which the Hargraves Center received large donations. She said that Hargraves had lost \$20,000 in special donations the previous year.

This item was received as presented.

### 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 Anderson, seconded by Council Member Huynh, that R-1 be adopted as amended with revisions to O-1 and R-6, which approved the Consent Agenda. The motion carried by a unanimous vote.

4. Approve all Consent Agenda Items. [\[22-0744\]](#)

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

5. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2022-23. [\[22-0745\]](#)

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

6. Approve the Recommended Funding Plan for the Additional \$27,325 Budgeted for the Human Services Program. [\[22-0746\]](#)

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

7. Support Implementing Protected Bike Lanes on Cameron Avenue. [\[22-0747\]](#)

Mayor Hemminger pointed out that this item had been amended to say that the process should include having it come back to Council.

Mayor pro tem Stegman raised concern about recent accidents there, but Mayor Hemminger said that those had happened at a different section of the road.

Council Member Parker said that the language seemed to prioritize parking over bicycle and pedestrian safety. He was not comfortable with "preserving the maximum amount of parking" but was prepared to move forward with the understanding that staff was take note of Council comments, he said.

Council Member Ryan pointed out that Cameron Avenue would be an important part of Downtown's future mobility. It needed to be considered when planning infrastructure investments, such as installing protective lanes, she said.

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

8. Respond to Petition for Limited Scope Review of a Conditional Zoning Modification Application for 800 Merritt Mill Road and Call a Hearing on October 19, 2022. [\[22-0748\]](#)

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

9. Adopt Minutes from February 23, and March 9, and April 6, 13, and 27, and June 8, 2022, Meetings. [\[22-0749\]](#)

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

### INFORMATION

10. Receive Upcoming Public Hearing Items and Petition Status List. [\[22-0750\]](#)

This item was received as presented.

### DISCUSSION

11. Open the Public Hearing and Consider a Time Extension to Issue 2015 General Obligation (G.O.) Bonds. [\[22-0751\]](#)

Director of Business Management Amy Oland explained the process for extending the time for the Town to issue \$40.3 million in General Obligation Bonds that Chapel Hill residents had approved in a November 2015 referendum for a variety of purposes. She said that \$21.5 million had already been issued and that \$18.8 million remained. She explained how much remained for each of the original five bond orders: Streets and Sidewalks, Trails and Greenways, Recreation Facilities, Solid Waste Facility, and Stormwater Improvements.

Ms. Oland said that the November 3, 2022, deadline for issuing the bonds could be extended an additional three years, if needed, which would allow until November 3, 2025, to issue what remained. She reviewed plans to issue bonds for bike and pedestrian Safety, streets and sidewalks, recreation facilities, a new Parks and Recreation building, a new Cultural Arts building, and park renovations and expansion. She noted that the Town had used \$4.3 million of Parks Renovation and Expansion funds to purchase the American Legion property.

Ms. Oland said that the Local Government Commission had approved the Town's request for a three-year extension. She recommended that the Council open the public hearing and consider extending the time to issue the 2015 bonds to November 2025.

Council Member Anderson confirmed with Ms. Oland that building a solid waste transfer station was no longer in Town plans and was not related to the capacity for other projects. She also confirmed that a new funding path would be needed if the Town wanted to proceed with a Cultural Arts building, since \$4.3 million of the \$8 million that had been set aside for Recreation Facilities had been used to purchase the Legion Road property. Ms. Oland pointed out that a remaining \$2.7 million could be used for items such as a Cultural Arts building.

Council Member Searing underscored that \$4.3 million of the bond money that the public had approved for Parks and Recreation had been used to purchase the Legion Road property. Council Member Berry asked if the

Council at that time had stated whether it would seek to repay those funds, and Ms. Oland said that she had not been part of that process but recalled a discussion about potentially selling a portion of the property for that purpose.

A motion was made by Council Member Parker, seconded by Mayor pro tem Stegman, that the Council closed the hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Mayor pro tem Foushee, that the Council adopt R-9. The motion carried by a unanimous vote.

12. Provide Guidance on Options for the Future of Franklin Street Downtown. [\[22-0752\]](#)

Transportation Planning Manager Bergen Watterson gave a PowerPoint presentation on current and future street designs for Downtown Chapel Hill. She reviewed Council decisions and actions since October 2019, when it received a petition from the Downtown Partnership to add bike lanes when resurfacing Franklin Street. She pointed out that the NC Department of Transportation (NCDOT) had delayed its usual resurfacing, however, during COVID-19.

Ms. Watterson reviewed how the Town had created a temporary walkway along Franklin Street in 2021 and had begun to explore the possibility of taking over the street's maintenance from NCDOT. In the summer of 2022, NCDOT installed curb-running bike lanes as part of resurfacing, she said.

Ms. Watterson said that the current maintenance agreement with NCDOT gave the Town control over sidewalks, planters, and brick utility strips. NCDOT repaired the actual road, while the Town repaired traffic signals and was reimbursement by NCDOT, she said. She provided details of that agreement and described maintenance tasks that would fall to the Town if the transfer occurred.

Ms. Watterson said that taking over Franklin Street would facilitate the Town's ability to implement innovative concepts and make Downtown a more vibrant and safer place. She presented a chart that showed various design options, with relative costs, the feasibility of doing each, and which options would require transferring maintenance to the Town.

Special Projects Manager Sarah Poulton presented highlights from two community surveys. She said that a standard online survey, which had begun on September 23, 2022, had received 348 responses and that 362 people had responded to FlashVote, which had been available online for 48 hours. Those who responded to FlashVote had been demographically

balanced while those who took the standard survey had been primarily white and older than 35, she said.

Ms. Poulton said that those surveyed most highly preferred having bike lanes and innovative pedestrian facilities. More than a third of them "really or somewhat" liked the current design and that number increased to more than half when those who were "neutral" about it were included. She said that two-thirds of the cyclists who responded either liked or felt neutral toward the current design.

Ms. Poulton said that the estimated cost of the Town maintaining Franklin Street was \$2,700,000 in one-time costs (which probably would be implemented over five years) and \$191,000 annually. This was a bare minimum estimate that would be in addition to upgrades or anything else the Town might do on Franklin Street, she pointed out.

Ms. Poulton outlined a process for taking over the street and said that NCDOT supported the idea. A takeover could be considered during spring 2023 budget discussions and short-term improvements could be made in the meantime, she said. She pointed out that the Town would undertake increased liability with any transfer and said that the Town's new traffic engineer had ideas on how to improve the street without transferring maintenance.

Mayor Hemminger confirmed with Ms. Poulton that NCDOT had refused to provide stormwater maintenance on Franklin Street because it disagreed that there was urgency. Ms. Watterson said that NCDOT had not given any indication that it was planning to upgrade the system in the near term. Mayor Hemminger asked her to confirm for certain that no one from NCDOT was currently maintaining the stormwater system.

The Mayor pointed out that the Town's Stormwater Fund had a surplus and that bond funds could be allocated as well. She verified with Ms. Poulton that Powell Bill funds to the Town would be about \$7,500 to 8,000 per year.

Council Member Searing confirmed with staff that NCDOT would currently be responsible for repairs if the stormwater system failed.

Council Member Parker verified with Ms. Watterson that federal guidelines apply regardless of who owns or maintains the road. However, those guidelines might allow more variation than DOT does on the streets it maintains, she said.

Council Member Anderson confirmed with staff that March would be the best time of year to submit related paperwork. She said that staff appeared to be asking if the Council's aspirations for Downtown truly required taking over Franklin Street.

Council Member Huynh asked for more information on what the Town's new traffic engineer thought. He pointed out that transforming Downtown would benefit UNC and Downtown businesses and confirmed with Ms. Poulton that conversations about any takeover should include all stakeholders. Other Council members agreed, but pointed out, however, that they needed to know what they wanted before talking about cost-sharing.

Ms. Poulton said that staff probably would need an outside consultant to help, especially if the project included a streetscape plan. Ms. Watterson mentioned wrapping the project into the Downtown Master Plan and Mayor Hemminger pointed out that discussions about that had included putting out a request for streetscape proposals.

Colter DeBree, a Franklin Street business owner, expressed great concern about Downtown traffic congestion and pointed out that any change would dramatically affect the Historic District and nearby neighborhoods as well as Downtown businesses. Franklin Street needed to be a productive thoroughfare or else it would cease to be a destination, he said. He stated that controlled studies were needed, not FlashVote.

Mayor Hemminger clarified that the Council was not proposing to make any decisions about changing Franklin Street. It was merely discussing whether to take the street over from NCDOT.

Mayor Hemminger asked Council members to state whether they were interested in issuing a request for proposals (RFP) from designers.

Council Member Parker said that he was not sure what the RFP would be for, and

Council Member Berry said she felt a lack of urgency about it. She said that NCDOT would probably be eager to turn Franklin Street over at any time, and she proposed that the Town's new traffic engineer and its urban designer develop "a plan for the plan".

Mayor Hemminger agreed that having such a plan before jumping in was probably very wise and prudent. The Town could ask various Downtown entities for input on what that would entail as part of the ARPA decision and in general, she said. She repeated the request to staff for more information on what maintenance NCDOT was currently performing, or not. The Town did not want to gamble and have things blow up, she said.

Ms. Watterson agreed to provide the requested information. She said that staff would get together and determine next steps, and Mayor Hemminger recommended including Economic Development Officer Dwight Bassett in the discussions with Downtown groups.

This item was received as presented.

**13. Receive Update on Climate Action Implementation.**[\[22-0753\]](#)

Community Sustainability Manager John Richardson provided an update on progress toward implementing the Town's Climate Action Plan, which the Council had adopted in April 2021. He pointed out that the Council had increased the initial annual budget of \$470,000 to \$550,000 in FY 2023.

Mr. Richardson said that the Plan's goals included a 50 percent reduction in carbon emissions by 2030 (net-zero emissions by 2050) and 100 percent clean renewable energy by 2050. He said that 96 percent of all emissions in Chapel Hill came from buildings and transportation and that the implementation plan was focused on lowering those. Emissions from Town government made up 1-2 percent of that total, he said.

Mr. Richardson described several Town projects that would reduce emissions and add energy efficiency, and he displayed a map that showed more than 800 solar installations in Orange County. He said that the Town would be joining Durham and Orange Counties to aggregate that interest in solar energy. He discussed Town efforts to upgrade its fleet and install electric vehicle charging stations. He also presented Mobility Plan updates and provided information on Green Building retrofits.

Mr. Richardson noted that Mayor Hemminger and leaders from seven other cities had sent a joint letter to the NC Utilities Commission with recommendations regarding Duke Energy's carbon plan, and he outlined the key interests in that letter. The Commission had been holding hearings on the matter and would approve a plan by December 31, 2022, he said.

In response to an electrification petition from the Environmental Stewardship Advisory Board to the Council, Mr. Richardson presented three recommendations: 1) Update the Green Building Ordinance for Town buildings to require electric heating or another clean renewable, such as green hydrogen; 2) update the Council's Green Building Policy framework for private development to encourage and incentivize electric heating; and 3) To the greatest extent possible, lease buildings with electric heating. If the Council agreed with those three recommendations, then staff would provide an update in December 2022 and a draft ordinance and policy amendments in February 2023, he said.

Michael Piehler, Chief Sustainability Officer at UNC-CH, gave a PowerPoint presentation on UNC's 2021 Climate Action Plan, including its goals and strategies for being more energy efficient. He displayed a chart that showed progressive reductions in UNC's greenhouse gas emissions from 2007 to 2021. Those had increased slightly as the COVID-19 pandemic waned and large energy uses, such as air travel, picked up again, he pointed out.

Dr. Piehler discussed UNC's co-generation plant, which depends on coal to

generate steam that fuels UNC Hospital and its research facility. He emphasized that UNC was committed to continuing its move away from coal and said that there had been more progress in the last three years than in the prior decade. He acknowledged that there had been much interest in UNC's co-generation plant and recommended that those interested go to [sustainable.unc.edu](https://sustainable.unc.edu) and read the data.

Dr. Piehler said that UNC had accelerated its goal of being carbon neutral in 2050 to 2040 and had models that suggested it could achieve that. He presented a chart that showed the co-generation plant's coal use down 54 percent from 2007, with 17-18 percent reductions in recent years. He emphasized UNC's intent to transition to other fuel sources as quickly as possible but pointed out that transitioning from steam that fuels a hospital was not an easy task.

Dr. Piehler said that finding renewable sources of energy was a major focus for UNC. He described current projects and programs and raised the possibility of partnering with the Town. He said that UNC's Renewable Energy Special Projects Committee had funded new electric buses and that EV chargers were being planned once the best locations had been identified. UNC was expecting new commuter data to reveal lower emissions, he said.

Council Member Miller-Foushee asked if UNC was considering its role in providing housing and increasing wages, which would enable its employees to live in the community where they work. Dr. Piehler replied that it was outside his role at the University, but that his department did try to understand how operational changes, such as finding alternatives to cars, affect commuter emissions.

Council Member Miller-Foushee asked about educating students on how waste left behind when they leave UNC-CH ends up in the Town's landfill. Dr. Piehler replied that UNC's Climate Action Plan had released a water plan and would develop a waste plan next. He said that a "move out" program on campus had been effective in the areas where it focused. UNC was prioritizing that issue and he would discuss those efforts when he returned to the Council, he said.

Council Member Searing asked why UNC had not converted from steam to hot water as Dartmouth and other universities had done. Dr. Piehler replied that UNC had spent much time trying to understand what other universities were doing but that UNC had a giant hospital with a huge demand, so not everything scaled well.

Council Member Searing asked if the University would be amenable to helping the Town remove the coal ash that it had deposited in land under the Town's current Police Headquarters. Dr. Piehler replied that someone outside his department would need to answer that. Coal ash was currently going into building materials and was no longer being dumped,

he said.

Council Member Searing recommended that Dr. Piehler investigate whether UNC had recently removed coal ash from another site and shipped that to a permitted landfill.

Council Member Anderson asked about the timeline, and Dr. Piehler explained how real progress would be made once there was enough natural gas and an alternative solid fuel to transition away from coal. There would likely be a continued decline and then a large switch, but he did not know when that switch would happen, he said.

Council Member Anderson asked Dr. Piehler who his counterpart was at UNC Health, but he said that he did not think there was one. He pointed out that UNC Health was a separate organization.

Council Member Anderson asked what the community could advocate for in order to speed up the timeline, and Dr. Piehler replied that everyone already was working as hard as they could. Climate Action was the pressing issue of our time and UNC recognized it as that, he said.

Council Member Parker confirmed with Dr. Piehler that a recent study had found no aberrations in air quality around the co-generation plant but that particulates had been found at Town intersections.

Council Member Parker asked staff about Town efforts to reduce vehicle miles traveled, and Mr. Richardson replied that he saw that as a land-use planning issue such as that being undertaken by the Town's Complete Communities initiative. The Town needed to create a transit system that would make it easier to not travel by car, he pointed out.

Mayor Hemminger mentioned that Cultural Arts had recently held a trash free event that required all vendors to use compostable materials. She urged all town departments and UNC to do that as well, stating that they wanted the entire community to get away from Styrofoam and single-use plastics.

Mr. Richardson offered to develop a training program and said that the best current opportunity was to work collectively through the Orange County Solid Waste Master Plan, which included the goal of being a zero-waste community by 2025.

Dr. Piehler commented that putting compostable cups and plates in the landfill turned them into methane, however. He expressed interest in forming a composting partnership with the Town, if a small regional place to deposit the waste could be found.

Mayor Hemminger asked Mr. Richardson to bring back information on how much had been saved from utility changes that the Town had made. She

confirmed with him that there might be opportunities to put solar on the parking deck, since potential tax credits and additional funds from several sources were expected in 2023. She also confirmed that the Town had received a \$25,000 grant for EV charging stations at the Rosemary Parking Deck. Mr. Richardson said that the Town had applied to Orange County for Climate Tax money to support an electric refuse truck and to begin piloting more all-electric landscaping equipment.

Environmental Stewardship Advisory Board Chair Tom Henkle praised Mr. Richardson and his team for their work and thanked the Council for its support of the Climate Action Plan. He said that anticipated Inflation Reduction Act funds for sustainability upgrades might enable UNC to convert its steam system to something else.

The Mayor and several Council members congratulated Mr. Richardson for doing so much good work in such a short time. They thanked Dr. Piehler for his efforts as well and praised both men for coordinating and working well together.

Council Member Anderson implored UNC to think about the importance of reducing commuter miles. Council Member Ryan pointed out that the Town's Complete Communities work would include figuring out where to put housing that supports that effort, and she stressed the importance of having UNC as a partner in that.

Council Member Huynh said that ebike-share would be an essential part of Complete Communities work and that the Town had been waiting for UNC to select a vendor. Anything that Dr. Piehler could do to expedite that would be very helpful, he said.

Mayor Hemminger confirmed that the Council was interested in pursuing a petition from the Environmental Stewardship Advisory Board to change Town codes for electrification.

This item was received as presented with a December email update and January or February discussion.

### ZONING ATLAS AMENDMENT(S)

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

14. Consider an Application for Conditional Zoning for Stanat's Place at 2516 Homestead Road from Residential-2 (R-2) to Residential-5-Conditional Zoning District (R-5-CZD).

[\[22-0754\]](#)

Principal Planner Anya Grahn presented the application to rezone 2516

Homestead Road from Residential 2 to Residential-5-Conditional. She pointed out that the developer, Capkov Ventures Inc., had offered to either build or provide a payment in lieu of a mulched greenway trail and had revised its plans regarding a connection with Vineyard Square (VS). The application had been seen by Town advisory boards and commissions and was before the Council for action, she said.

Ms. Grahn provided information regarding the proposed stormwater pond location. She said that the applicant had eliminated one guest parking space and added eight guest bicycle parking spaces. The applicant had agreed to add traffic calming devices and to narrow the connection to VS at Cabernet Drive, she said. She noted that the developer was open to not allowing short-term rentals but needed specific information regarding type.

Ms. Grahn showed the site plan and indicated where the Resource Conservation District (RCD) as well as a Duke Power easement were located. She said that the applicant planned to construct a new street, 47 townhomes, a stormwater pond, and a central community space that would include bicycle parking. She recommended that the Council close the legislative hearing, adopt Resolution-10, and enact Ordinance-5, for approval.

Developer Eric Chupp, representing Capkov Ventures Inc., described Stanat's Place as an all-electric, pedestrian friendly, transit-oriented community that was designed to serve the missing middle. He pointed out challenges with the site's triangular shape but said that his civil engineer and the Town's urban designer had found ways to do a lot with it. All of the Town's advisory boards and commissions had approved the plan, he pointed out.

Mr. Chupp said that Town staff had proposed narrowing Cabernet Drive at the connection with VS from 26 to 20 feet. He said that Capkov Ventures had agreed to provide a pedestrian crossing to nearby Bridgepoint and had worked hard to narrow the stormwater retention pond in order to keep it out of the RCD. He mentioned a plan to provide free bike racks in garages for anyone who wanted them and pointed out the increase in bike parking spaces. There would be EV charging stations in the guest parking lot, he said.

Council Member Ryan confirmed that the applicant had agreed to leave the 50-foot southern buffer undisturbed, to eliminating language that would permit an alternative 10-foot buffer, and to include a stipulation for all electric. They had not been able to reduce the 73 percent incursion into the upland RCD, Mr. Chupp said.

Council Member Searing proposed changing the wording "mulched" to "natural surface" in order to allow more trail flexibility, and Mr. Chupp agreed to discuss that with the Parks and Recreation Department.

Mayor pro tem Stegman requested that the applicant make all four of the affordable units available to those at the 65 percent of the area median income (AMI). Mr. Chupp replied that one needed to remain at 80 percent for financial reasons, but Mayor pro tem Stegman pointed out that the Council had been getting a lot of pressure from the community to have Capkov Ventures comply with the Inclusionary Zoning Ordinance.

Council Member Huynh confirmed with staff that another traffic analysis could be done after construction. He asked about the feasibility of reducing the speed limit on Cabernet Drive to 15 mph and Planning Director Colleen Wilger pointed out that 15 mph was the goal for most Town residential areas and would be a good recommendation for that road.

Council Member Parker suggested putting speed limits and traffic calming at Stanat's Place as well. That would keep cars from having to radically slow down at the connection to VS, he pointed out.

Mayor Hemminger confirmed that the applicant had agreed to prohibit dedicated short-term rentals (STRs), but Council Member Berry asked if a homeowners association could change that once the units were sold. Mr. Chupp agreed to prevent that by including a stipulation against dedicated STRs in the Conditional Zoning Permit as well.

Vinyard Square residents Emily Tsai, Carl Schuler, Yehua Wei and Zhiyue Lu expressed various concerns about the Cabernet Drive connection. Ms. Tsai questioned when and how the traffic study had been conducted. Mr. Schuler read a letter from a Vintage Drive resident that expressed her safety, access, and privacy concerns. Mr. Wei proposed changing the speed limit from 25 to 15 mph in addition to installing traffic-calming measures. Mr. Lu suggested placing bollards and/or a speed table on the Stanat's Place side of the connection as well.

VS resident Thomas Whisnat read a letter from Anne Maddry regarding her property at 2510 Homestead Road. In the letter, Ms. Maddry requested access to the OWASA line on Stanat's Place and asked that it be shown on the construction plat. She also asked that any easements that she had previously granted across her property be abandoned since they were no longer needed.

Mayor Hemminger confirmed with Mr. Chupp that Capkov Ventures would grant Ms. Maddry a sewer easement to her house as part of the construction drawing process. He would also look at the other easements and talk with staff about them, Mr. Chupp said.

Council members agreed that the Town should commit to doing a post-occupancy traffic analysis and to reducing the speed limit on



Cabernet Drive. They recommended installing speed bumps, at the very least.

Several Council members requested that the applicant make all four affordable units available to those at 65 percent AMI.

Council Member Parker ascertained from Town Attorney Ann Anderson that various Town departments would need to address any request to install traffic calming devices on the Stanat's Place side. Mr. Chupp pointed out the need for approval from the fire marshal and Duke Energy, and Council Member Parker recommended that he figure that out.

Mr. Chupp agreed to offer all four affordable units at 65 percent AMI.

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council closed the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council adopt R-10. The motion carried by a unanimous vote.

A motion was made by Council Member Berry, seconded by Council Member Parker, that the Council enact O-5 as amended. The motion carried by a unanimous vote.

### CONCEPT PLAN REVIEW(S)

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

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

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

15. Concept Plan Review: 157 E. Rosemary St.

[\[22-0755\]](#)

Planning Director Colleen Wilger presented a concept plan for an 11-story (149-foot) building with 50 multi-family units on a 0.3-acre site at 157 East Rosemary Street. The concept included ground-level retail, below-grade parking, and five affordable units, she said. She pointed out that the site was in Subarea E of the Downtown Focus Area, where the typical height was four stories at the front and six stories at the rear. Multi-family residential was a primary land use in Subarea E, which was currently zoned Town Center-2, she said.

Ms. Wilger presented comments from the Town's advisory boards and Urban Designer Brian Peterson. Several of those comments pertained to the proposed height, traffic impacts, and the Town's desire to have affordable units blend in with the market rate units. Mr. Peterson had proposed flipping the retail to the other side of the building where it could align with a nearby park and had suggested having the overall height fall between a nearby UNC laboratory building and a nearby residential neighborhood, she said.

Ms. Wilger recommended that the Council hear the presentation and then adopt R-12 transmitting comments to applicant.

Don Tise, of Tise-Kiester Architects, said that the proposed project would fulfill the Town's stated goals of increasing year-round residents and activating Rosemary Street. He said that rezoning the property to Town Center-3/Conditional Zoning District would allow the floor/area ratio and height that they were seeking.

Mr. Tise presented simple street views of the property and aerial views of surrounding areas. He noted that the site was not located in the Town's Historic District and said that the proposed building would fit in well with the other new development that was transforming Downtown Chapel Hill.

Mr. Tise went over details of the conceptual design and pointed out that the proposed 74,000 square-foot height was less than the allowed maximum height of 81,000 square feet. He said that the concrete structure would be tall with a narrow footprint. There would be 23 below-grade parking spaces and the building would be constructed with high quality materials that would include a lot of glass, he said.

The Council confirmed with Mr. Tise that a recent sale price at a comparable building had been \$650 per square foot but that he expected their sale prices to be higher than that. He said that units would range from 700 to 1,300 square feet, depending upon the number of bedrooms. He agreed to conform with whatever Inclusionary Zoning standards were required for the affordable units.

The Mayor and Council emphasized that the affordable units should be spread throughout the building and more varied in size. Several Council

members said that the advisory boards' comments seemed reasonable and that they agreed with Brian Peterson's recommendations.

Council Member Anderson emphasized the need to avoid a canyon effect on East Rosemary Street but said she thought a tall building was a reasonable use for the parcel. The Town needed well-built, higher-end condos downtown for year-round residents, she said.

Mayor Hemminger agreed that the proposed uses were good but said that she was struck by the height so close to residential areas and the Historic District. Council Members Searing and Parker expressed concern about the height as well, and Council Member Ryan said that she could not support the current proposal because of the proposed height. She pointed out that TC-2 allowed a core height of 92 feet, which was still a tall building.

Council Member Parker said that the project would be better if the applicant could acquire all or part of a next-door parking lot and shift the mass of the building down and out. Intruding into the Historic District would be worth it for a good project, he said.

Council Members Huynh and Stegman said that they did not object to the proposed height as long as it was a great design and included the transitions that Mr. Peterson had recommended. Council Member Huynh said that the project would present a great opportunity for a rooftop amenity.

Council Member Ryan asked the applicant to consider restricting sales to those who were older than 21. She also asked for guidance from staff on potentially leasing parking spaces in the adjacent deck.

A motion was made by Council Member Anderson, seconded by Council Member Miller-Foushee, that the Council adopt R-12. The motion carried by a unanimous vote.

## **ADJOURNMENT**

This meeting was adjourned at 11:23 p.m.