



TOWN OF CHAPEL HILL

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

Town Council

Meeting Minutes - Final

Mayor Pam Hemminger
Mayor pro tem Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, June 9, 2021

7:00 PM

Virtual Meeting

Language Access Statement

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

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

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919-969-5105.

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_v5sxxAL4TSi7tMefYFy5kw After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 894 3099 7917

View Council meetings live at <https://chapelhill.legistar.com/Calendar.aspx> – and on Chapel Hill Gov-TV (townofchapelhill.org/GovTV).

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Loryn Clark, Deputy Town Manager Mary Jane Nirdlinger, Town Attorney Ann Anderson, Urban Designer Brian Peterson, Assistant Planning Director Judy Johnson, Planning Director Colleen Willger, Economic Development Manager Dwight Bassett, Business Management Director Amy Oland, Business Management Assistant Director Matt Brinkley, Manager of Engineering and Infrastructure Chris Roberts, Traffic Engineering Manager Kumar Neppalli, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and reviewed the agenda.

Mayor Hemminger called the roll and all Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Proclamation: South Orange Rescue Squad Day.

[\[21-0548\]](#)

Mayor Hemminger read a proclamation that honored and thanked the South Orange Rescue Squad for 50 years of volunteer service. The Rescue Squad helped to save lives 365 days a year by providing ambulances, emergency management, technical rescue services, and more, she said. The proclamation declared June 11, 2021 to be South Orange Rescue Squad Day in Chapel Hill and encouraged all residents to show gratitude.

0.02 Mayor Hemminger Regarding Employee Promotions.

[\[21-0549\]](#)

Town Manager Maurice Jones congratulated and thanked Mary Jane Nirdlinger and Loryn Clark, who had been promoted to deputy town managers along with Ran Northam, who was the Town's new communications manager.

0.03 Mayor Hemminger Regarding Upcoming Meetings.

[\[21-0550\]](#)

Mayor Hemminger announced a virtual public meeting at 7:00 p.m. on June 10th regarding reallocation of Culbreth Lane during repaving. She recommended checking the Town website for more information.

0.04 Mayor Hemminger Regarding Pop-Up Vaccine Clinic.

[\[21-0551\]](#)

Mayor Hemminger said that free COVID-19 vaccinations would be available at Smith Middle School on June 24 from 9:00 a.m. to 2:00 p.m. More information was available on the Town's website, she said.

0.05 Mayor Hemminger Regarding Additional Upcoming Meetings.

[\[21-0552\]](#)

Mayor Hemminger said the Re-imagining Community Safety Task Force

would meet on June 14th at 5:30 p.m., and the next Council Meeting would be on June 16th at 7:00 p.m.

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. Parks, Greenways and Recreation Commission Request that the Council Authorize a \$100,000 Match towards a North Carolina Land and Water Conservation Trust Fund Grant Application.

[\[21-0517\]](#)

Jeanette Bench, vice chair of the Parks, Greenways, and Recreation Commission, asked the Council to support land conservation efforts to protect particular parcels and to add them to the Town's open space.

Bo Howse, representing the Triangle Land Conservancy and the NC Botanical Garden, expressed support for the petition and offered to give the Council a tour of the property in question.

This petition was received and referred to the Town Manager and Mayor.

- 1.01 Elizabeth Youseff on Behalf of the Borgen Project Request to Send Letter to State Leaders Regarding Global Development Programs.

[\[21-0553\]](#)

Elizabeth Youseff explained that the Borgen Project was a national, non-profit, non-partisan organization that worked to engage citizens in efforts to address global poverty. She asked Council Members to send letters to Senators Burr, Tillis and Price regarding the value and importance of such global development programs.

This matter was received and referred to the Town Manager and Mayor.

- 1.02 Robert Beasley Request Regarding Jay Street Land Tract Development Project Funding.

[\[21-0554\]](#)

Robert Beasley, a Chapel Hill resident, said that the Jay Street land tract had been purchased in 2005 with open space bond funds and that a 2018

decision to develop it conflicted with that original intent. He petitioned the Town to investigate the matter.

This matter was received and referred to the Town Manager and Mayor.

1.03 Council Members Parker, Ryan, Huynh, Stegman, and Gu
Request Regarding Comprehensive Review of Stormwater
Regulations.

[\[21-0555\]](#)

Mayor pro tem Parker pointed out that the Town's stormwater regulations had not been significantly updated since 2003. He and Council Members Ryan, Huynh, Stegman and Gu were therefore asking for a comprehensive staff review and a proposal for any new or amended regulations within 18 months, he said.

This matter was received and referred to the Town Manager and Mayor.

2. Deborah Fulghieri Request Town Staff Bring Forward Historical and Environmental Information for the Town-Owned Property at Mt. Carmel Church Road and Bennett Road.

[\[21-0518\]](#)

Mayor said that another petition "on the list" asked staff to bring forward historical and environmental information on Town-owned property at Mt. Carmel Church Road and Bennett Road, but that petition isn't listed here. The Mayor said she was not familiar with the list she was referring to.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that these Petitions be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

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 Ryan, seconded by Mayor pro tem Parker, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

3. Approve all Consent Agenda Items.

[\[21-0519\]](#)

4. Amend the 2021-2022 Community Development Block Grant Program Plan.

[\[21-0520\]](#)

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

5. Award a Bid for Street Patching, Milling, Resurfacing, and

[\[21-0521\]](#)

Re-Striping on Town-Maintained Streets.

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

6. Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program. [\[21-0522\]](#)

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

7. Authorize the Town Manager to Negotiate and Execute a Sole Source Contract for Software Modules and Implementation Services from Trapeze Software Group, Inc. [\[21-0523\]](#)

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

8. Authorize the Town Manager to Negotiate and Sign an Automated Passenger Counters Sole Source Purchase Contract. [\[21-0524\]](#)

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

9. Close a Portion of Public Right-of-Way of Maxwell Road within the Glen Lennox Development. [\[21-0525\]](#)

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

INFORMATION

10. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0526\]](#)

DISCUSSION

11. Consider the Final Budget and Related Items for FY 2021-22. [\[21-0527\]](#)

Town Manager Maurice Jones recommended that the Council adopt a \$117 million budget for the FY 2021-2022 beginning on July 1, 2021. He pointed out that the budget focused on recovery and restoration after the COVID-19 pandemic and supported the Council's strategic goals and priorities. The proposed property tax rate was 51.4 cents, he said.

Mr. Jones said that the budget included a 3 percent pay adjustment for employees and was focused on climate change, social equity, and infrastructure, he said. He pointed out that there were no significant reductions to fee schedule or core services. He reviewed proposed allocations and explained where changes had been made in order to reduce the proposed property tax rate by one cent. He thanked the Council for its robust and productive discussions, staff members for their hard work, and the public for participating.

The Mayor and Council praised staff for the great job they had done during such difficult times. They had put together a budget that would keep the Town moving forward, Mayor Hemminger said, adding that discussions regarding uses for federal American Rescue Plan funds would occur at a later date.

Council Member Anderson confirmed with Mr. Jones that there were not enough available funds to purchase tracking software for a Short Term Rental (STR) enforcement program. She characterized the notion of staff trying to identify STR violators as "grim" and advocated for adding that to the list of programs that might be funded from any year-end surplus.

Mayor pro tem Parker confirmed with Mr. Jones that income from permitting fees would not be enough to cover the cost of tracking software. The Town should at least look into setting up an STR hotline for people to submit complaints, he said.

Council Members Stegman and Parker ascertained that staff was still looking for ways to help some Town residents with property tax issues. They proposed that staff determine whether the Town could use an approach similar to one used by Orange County.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that O-2 be enacted. The motion carried by a unanimous vote.

- 12.** Open a Public Hearing to Consider Closing an Unimproved and Unpaved Portion of Mitchell Lane Public Right-of-Way.

[\[21-0528\]](#)

Engineering and Infrastructure Manager Chris Roberts presented a request to close a portion of the Mitchell Lane public right of way (ROW). There was no use for that ROW and there had been no opposition to the closing, he pointed out. He provided additional details about the area and said that all interested parties had agreed to the plan. He recommended that the Council open and close the public hearing, allow written comments for 24 hours, and consider approving the ROW closing on June 23, 2021.

Omar Zinn, a Chapel Hill resident, said that he, his brother, and resident Jeff Tate were essentially swapping land in order to enable a true ROW.

A motion was made by Council Member Anderson, seconded by Council Member Buansi, to close the public hearing 24-hours after discussing this item to allow additional comments in the record per recent legislation. The motion carried by a unanimous vote.

- 13.** Open a Legislative Hearing to Consider Incorporating the Climate Action and Response Plan as a Component of the

[\[21-0529\]](#)

Town's Comprehensive Plan.

Deputy Town Manager Mary Jane Nirdlinger explained the request to recognize the Town's Climate Action and Response Plan as part of the Council's local land use goals, policies, and programs. The Plan could be used as the basis for site-specific conditions in a conditional zoning district, she said.

Citing a memo from Community Resilience Officer John Richardson, Ms. Nirdlinger gave examples of how proposed conditions would support the goals of the Climate Action Plan. She said that the Planning Commission and the Environmental Sustainability Advisory Board had both unanimously recommended that the Climate Action and Response Plan be incorporated in the Town's Comprehensive Plan.

Ms. Nirdlinger recommended that the Council open the public hearing, close the hearing, allow written comments for 24 hours, and then consider a final decision on June 23, 2021.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, to close the public hearing 24-hours after discussing this item to allow additional comments in the record per recent legislation. The motion carried by a unanimous vote.

14. Open the Public Hearing on the Issuance of Limited Obligation Bonds and Consider Approving the Guaranteed Maximum Price for the Rosemary Deck Project. (no attachment)

[\[21-0530\]](#)

Ms. Nirdlinger asked the Council to approve a \$39 million guaranteed maximum budget for the Rosemary Deck Project and to open a public hearing on the Limited Obligation Bond (LOB) financing. She said that a prior budget, which had been included in the 2020 Economic Development Agreement (EDA), had been based on best available information at that time. The current budget was based on bids that the Town had received on May 21, 2021, she said.

Ms. Nirdlinger noted that the budget included a 2.32 percent contingency. She said that staff would return on June 16, 2021 to request that the Council approve a resolution authorizing the Manager to sign the construction contract. Staff was targeting June 23rd as the closing date and demolition would begin in early July 2021, she said.

Adam Fouse, a project executive with Samet Corporation, said that the increased costs for the Rosemary Deck since July 2020 were consistent with industry-wide market trends. According to Associated General Contractors, the average increase in construction costs between April 2020 and February 2021 had been 12.8 percent, he said. The Rosemary Deck

Project had increased by 11.2 percent or 12.8 percent when the cost of rock removal was included, he said.

Mr. Fouse explained that the cost increases were primarily related to construction elements that include metal such as vertical structures, the building exterior, elevators, plumbing, mechanical/electrical systems, and site work. He discussed options for possible cost savings that could amount to about \$400,000.

Finance Director Amy Oland outlined a plan to borrow up to \$39 million in Limited Obligation Bonds (LOBs) with the goal of having a self-sustaining Parking Fund that could ultimately support the debt service. She said that a \$3.5 million contribution from the University of North Carolina at Chapel Hill (UNC-CH) would help to offset the negative cash flow at the beginning of the project. She would return in the fall with information on whether American Rescue Plan (ARP) funds could be used to help offset some costs as well, she said.

Ms. Oland explained that Limited Obligation Bonds (LOBs) must be repaid from a specific revenue stream and that they required collateral. The plan was to issue up to \$39 million for the Rosemary Deck Project and \$6.48 million for the second phase of the Elliott Road reconstruction phase of the Ephesus Fordham Project, she said.

Ms. Oland explained that the Town would use the Rosemary Deck for collateral and might be able to use the Town Operations Center as collateral as well. She discussed other possible sources of revenue for debt service and said that staff had been looking at the Town's outstanding debt to see where there could be savings based on the current low interest rates.

Ms. Oland proposed that the Council open the public hearing, receive comments on the LOB issuance, close the hearing and take public comments for 24 hours and approve the resolution for the guaranteed maximum price for the Rosemary Deck Project. On June 23, 2021, staff would return to the Council for adoption of the final resolution and documents related to the LOB issuance, she said.

Council Questions:

Council Member Ryan pointed out that plumbing costs had increased by \$1 million and confirmed with Mr. Fouse that the cost of piping had substantially increased. She verified with Ms. Nirdlinger that staff would look for a different source of funding such as ARP funds for any photo-voltaic aspects of the project. The Deck would be built to support those, Ms. Nirdlinger said.

Council Member Ryan expressed concern about the value engineering savings and asked about the possibility of obtaining higher quality items. Mr. Fouse replied that the items were consistent with those being used in other projects across the region and would not provide a substantially inferior product.

Council Member Ryan also expressed concern about having only a 2.32 percent contingency. She asked how that compared with the industry standard, and Mr. Fouse replied that it was a realistic amount for the size of the project. Samet Corporation would work with the Town to manage it very tightly, he said.

Council Member Gu asked if the construction contract with a guaranteed maximum price had been finalized, and Ms. Nirdlinger replied that staff was currently reviewing that. Council Members would normally authorize the Manager to execute it based on their decisions at the current meeting, Ms. Nirdlinger said.

Council Member Gu asked if the Town's independent consultant had approved the stated maximum price, and Ms. Nirdlinger replied that Walker Consulting was reviewing the information and would provide its approval in writing.

Council Member Gu asked if all of the regulatory permits for starting construction were in hand, and Mr. Fouse said that all of the major state permits had been issued. Ms. Nirdlinger added that everything was in line and that she had full confidence that the Town permit would be issued as well.

Council Member Gu proposed that the Council wait until all documents were in hand before voting on the \$39 million bond, and Ms. Nirdlinger pointed out that having those in hand could be made a condition for approval. Mayor Hemminger confirmed with Ms. Nirdlinger that the Council could add a stipulation to the current resolution specifying that all documents would be provided by June 23, 2021.

Mayor pro tem Parker said that he had originally thought that Grubb Properties was going to build the deck. He verified with Mr. Fouse that the construction contract was between the Town and Samet Corporation. Council Member Parker pointed out that Grubb, which would continue to manage the contracts, would benefit financially from prices going up. What role would Grubb Properties play in value engineering and keeping prices down, he asked.

Ms. Nirdlinger replied that Grubb Properties had been involved in all discussions and that decisions had primarily been market driven. However, there had been design decisions that had affected the project as

well, she said.

Joe Dye, representing Grubb Properties, said that the current posture of having the contract between Samet and the Town had been arrived at during the EDA process through a team effort that had included Grubb Properties, Samet Corporation, the Town, and the design team. He said that Grubb had been intimately involved in those meetings and had met regularly with Ms. Nirdlinger and Economic Development Officer Dwight Bassett as well. He reminded the Council that Grubb Properties had fronted the cost of rezoning and design.

Council Comments:

Mayor pro tem Parker said that he and other Council Members had recently submitted a petition requesting that Town policies target 15 percent for minority and women business enterprises/disadvantaged enterprises (MWBE/DVE) contractors. Although the Town had not yet officially changed its policy, he wanted to ensure that an effort was being made to include such enterprises in the Rosemary Deck Project, he said.

Mayor pro tem Parker then proposed the following amendment: "...be it further resolved that the final contract for construction shall stipulate that there will be a 15 percent target for MWBE/DVE participation in the project."

Town Manager Maurice Jones commented that staff would do everything possible, at this late point, to try and reach that target. However, reaching 15 percent might not be easy so close to the start of construction, he said.

Mayor Hemminger said that she was pleased with the project and proud of staff for having worked so diligently to make it a reality. It would be a game-changer for Downtown by providing a wet lab and office building that would add vibrancy, bring jobs, and set the area up for the future, she said. She regretted the rise in construction costs, but that was the nature of the regional market, she said.

Council Member Ryan repeated her concern about the small, 2.3 percent contingency, and pointed out that numbers had changed a lot since the Council first began discussing the project. The project was worth it, but she would like staff to "go back and think about that a little more", she said.

Council Member Ryan also pointed out that the increased cost of materials would not affect the developer. She wondered if "you guys" would be interested in re-looking at that and perhaps "sharpen our pencils on that one", she said.

Council Member Gu said that putting so much of the Town's funds into a parking deck would be the wrong investment at the wrong time. She cited news stories about diminishing parking deck use in the future and about how municipalities around the country were thinking about re-purposing theirs. She said that the Greenway Commission needed \$37 million to bring the Town's greenways and mobility plans into reality. That same amount of investment could completely transform the Town, she said.

The Council voted to approve Resolution-1, as amended by Council Member Gu, to require that all documents stipulated in the EDA be in hand by the time of the closing and by Mayor pro tem Parker to include that Town policies would target 15 percent for MWBE/DVE contracting.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, to close the Public Hearing 24-hours after discussing this item to allow additional comments in the record per recent legislation and to adopt R-7.1 as amended. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Mayor pro tem Parker, Council Member Anderson, Council Member Buansi, Council Member Stegman, Council Member Huynh, and Council Member Ryan

Nay: 1 - Council Member Gu

SPECIAL USE PERMIT(S)

Special Use Permit: The Application for a Special Use Permit is Quasi-Judicial. Persons wishing to speak are required to take an oath before providing factual evidence relevant to the proposed application.

Witnesses wishing to provide an opinion about technical or other specialized subjects should first establish that at the beginning of their testimony.

- 15.** Consider an Application for Special Use Permit Modification for University Place, 201 S. Estes Drive.

[\[21-0531\]](#)

Assistant Planning Director Judy Johnson provided background information on an SUP modification request for University Place, a 43-acre site located at the corner of Fordham Boulevard, Estes Drive and Willow Drive. The applicant was considering maintaining the Community Commercial zoning but with Design Standards for specific uses, she said.

Ms. Johnson noted that changes from earlier proposals pertained to conversion rights, a multi-use path, solar power and transit. She said that the applicant had offered a choice of the following affordable housing (AH) scenarios: 15 percent AH for those at 80 percent of the area median

income (AMI), 10 percent AH for those at 65 percent AMI, or a mix of the two. Staff was waiting for a definitive response from Council on that, she said, noting that the term for any of the three scenarios would be 30 years.

Ms. Johnson recommended that the Council close the public hearing and consider approving the SUP if it determined that the application met the four findings of fact contained in the Town's Land Use Management Ordinance.

LeAnn Brown, attorney for the applicant, asked that additional information from the Town's urban designer be considered as part of the evidence.

Council Member Ryan asked why the applicant had said that developing more vertically in Pod D would be a footprint issue, and applicant Ashley Saulpaugh, of RAM Realty Advisors, replied that multi-story buildings require staircases and elevator shafts, which means reducing the amount of square footage on the ground floor.

Council Member Ryan asked if the Town's stormwater staff had any additional recommendations or comments about constructing the proposed building in a floodplain.

Senior Engineer Ernest Odei-Larbi replied that staff had added conditions and that the developer was proposing stormwater improvements. During the final review, staff would make sure that the applicant had adhered to the stipulations, he said.

Council Member Ryan confirmed with Mr. Odei-Larbi that the applicant was proposing to reduce impervious surface and do water quality treatment. Staff had added a condition to ensure that there would be no storage lost or any adverse impact from the development on neighboring properties, he said.

Council Member Anderson questioned Mr. Odei-Larbi extensively about the applicant's stormwater plans. He said that he had not yet seen the applicant's analysis of the peak flow rate for all stress points for water leaving the site but that staff would add relevant conditions for approval and would review the applicant's plan at the Zoning Compliance Permit stage of the process.

Council Member Anderson confirmed with Mr. Odei-Larbi that if an analysis indicated that the applicant needed to meet the 100-year storm, then that would need to be done based on state regulations prior to Town approval. He said that the applicant would not be required to eliminate flooding at Camelot Village but to not make it worse.

Mr. Odei-Larbi said that adding green infrastructure and reducing impervious surface and the peak flow rate for water leaving the site would

provide improvement for low storm events. With large events, the floodplain would flood, he said. He had recommended to Planning that the applicant use elevated structures, rather than foundation, to facilitate water flow but did not know if the developer had seen or agreed to that, he said.

Council Member Ryan confirmed with Ms. Johnson that Blue Hill District sidewalks were wider than five feet and said that the University Place's sidewalks should be as well. She expressed concern that the Community Design Commission (CDC) had not thoroughly reviewed the large development plan and Design Standards. She confirmed with Attorney Anderson that the Council's task was to weigh the evidence and decide whether it met the public purposes that the Town's ordinance sets forth.

Council Member Stegman asked how the Farmer's Market would be legally protected if RAM decided to sell the entire development, and Mr. Saulpaugh replied that he expected a 10 years lease with options for 10 more. If RAM sold the development during that time, a new owner would not have a legal right to remove the Farmer's Market prior to the end of its final term, he said.

Mayor pro tem Parker asked about stipulating that, but Mr. Saulpaugh and Attorney Brown were reluctant to add a stipulation that would tie the applicant's ability to comply with the permit to someone who was not a party to the permit or owner of the land.

Council Member Anderson asked about guaranteeing the Farmer's Market space at a certain rent for a certain number of years, but both attorneys said that putting such a rent control measure in a permit would veer from land use and be more like a private contract. Attorney Anderson pointed out that requiring a rent control measure was prohibited by North Carolina statute.

Council Member Anderson asked if there was better language that could get at the interest, and the attorneys agreed to try and arrive at something that might be workable without veering away from the land use purposes.

Mayor pro tem Parker confirmed with Ms. Johnson that the SUP contained a stipulation requiring the applicant to work with the CDC, the Town's urban designer, and other members of Town staff to review and evaluate the Design Standards, subject to the Town Manager's approval.

The Council ascertained that RAM had reduced the conversion to residential rate from one per 1000 square feet down to one per 800 square feet. Mr. Saulpaugh explained that 800 square feet was the average multi-family unit size and that reducing the conversion rate would preserve more commercial.

Council Member Gu confirmed that the longest continuous portion of Willow Drive frontage was about 168 feet and Mayor Hemminger said she continued to be concerned about the total length and mass of that building. She asked Urban Designer Peterson for input on the design, and he replied that recent improvements had made a big difference in breaking up the long facade. He had suggested flipping a U-shaped portion of the building so that its courtyard would face Willow Drive, he said.

Mayor Hemminger asked if the applicant was willing to consider Mr. Peterson's suggestion, but Mr. Saulpaugh replied flipping the building in that way would create conflicts and mean that some units would be overlooking the mall roof.

Reverend Marcus McFaul, senior pastor at the Olin T. Binkley Baptist Church, raised several concerns about the proposed project and process. He said that there had been a lack of notification from Town staff. A potential change in traffic lanes could dramatically affect the church's entrances and exits and there could be a loss of property and a significant loss of trees, he said. He also expressed concerns about equity and social justice related to the AH plan and about the project's impact on the Bolin Creek Watershed.

Reverend McFaul asked for assurance from the Town that the church would have access to its property during the duration of the project and would have appropriate opportunities for input into aspects that directly affect its operations. He asked that serious consideration be given to creating a community park and playground where the K&W Cafeteria had been located. It could be a joint effort by University Place, Kidzu Children's Museum, and the Binkley Baptist Church, he said.

Ms. Johnson said that she would reach out to Reverend McFaul the following day.

With regard to AH, the majority of Council said they preferred 10 percent at 65 AMI or a mix and some requested that the applicant accept housing vouchers. Several Council Members asked the applicant to give further consideration to the idea of flipping the U-shaped building on Willow Drive. Mayor pro tem Parker and Council Member Gu said that having a pool at street level seemed problematic to them, and Council Member Gu raised the idea of switching the pool with the U-shaped building.

Mayor pro tem Parker confirmed with Mr. Saulpaugh that it had been several months since his team had a substantive conversation with the Binkley Church folks. He acknowledged that items such as the road widening should have been brought to the church's attention earlier. Council Member Buansi confirmed with Ms. Johnson that property owners within 1,000 feet had been notified in late March. Town Traffic Engineering Manager Kumar Neppalli said that staff would meet with

church representatives and find a solution to their traffic concerns.

Council Member Buansi said that he was very concerned about the level of communication with the Church, which was the contiguous property there, especially in relation to the third finding in the Town's ordinance. He asked about the impact of the development on the Church's tree buffer, and Mr. Saulpaugh pointed out that the church had the right to refuse ROW.

Several Council Members said they felt bothered by the lack of CDC review. If the Design Guidelines were accepted, they should be binding, said Council Member Ryan. The Council requested more feedback from staff about the proposed change in conversion rates. Several Council Members expressed support for the Kidzu/Binkley/University Place idea, especially if it included a splash pad.

The Council said that the Willow Drive building was still too large and that a five-foot sidewalk was not generous enough for that proposed urban space. They said that a 20-percent tree canopy was not in the Town's interests and that the applicant should consider a payment in lieu if more trees could not be put on the site.

The Mayor and Council agreed that they needed more time before voting on the application. Council Member Ryan, in particular, stressed the importance of having CDC feedback before voting on the project.

Attorney Brown pointed out that Stipulation 7 in Resolution A provided for a review period subsequent to Council approval. This could be used to hash out any remaining details, she said.

Mr. Saulpaugh commented that RAM had submitted the Design Standards three times and had been working on it with Town Planning staff for a year. Stipulation 7 provided for 75 business days in which the applicant would resubmit the Design Standards following SUP approval and work with the CDC and Planning staff, he said. He pointed out that the Town Manager would then have ultimate approval of the Design Standards.

Council Member Anderson commented that several Council Members had voiced reservations in the past because they had not understood the Design Standards or what implementing them rather than a site plan would mean. She did not feel comfortable approving Design Standards and delegating their review to the CDC, she said.

Mayor pro tem Parker pointed out that Stipulation 7 also included review by Town staff, including the urban designer, and the CDC. As long as the Town Manager had the authority to not approve and send the application back to the Council at the end of 75 days, he could accept that, he said.

The majority of Council Members agreed with Mayor pro tem Parker's position, but Council Members Ryan and Gu said that the project was moving too fast considering the issues that had been raised.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, to continue the Public Hearing to June 16, 2021. The motion carried by a unanimous vote.

APPOINTMENTS

16. Appointments to the Chapel Hill Downtown Partnership. [\[21-0532\]](#)

The Council reappointed Mimi Hock to the Downtown Property Owner seat on the Chapel Hill Downtown Partnership.

17. Appointments to the Chapel Hill Public Library Advisory Board and Adopt a Resolution Transmitting Recommendation to the Orange County Board of County Commissioners. [\[21-0533\]](#)

The Council reappointed Lucas Beal, Nicole Klett and Blaine Schmidt to the Chapel Hill Public Library Advisory Board. The Council also adopted R-10 recommending Alison Smith be appointed by the Orange County Board of Commissioners to the County-appointed seat.

A motion was made by Council Member Ryan, seconded by Council Member Anderson, that R-10 be adopted as amended. The motion carried by a unanimous vote.

18. Appointments to the Cultural Arts Commission. [\[21-0534\]](#)

The Council reappointed Annetta Streater, Joshua Rosenstein and Xilong Zhao to the Cultural Arts Commission.

19. Appointments to the Human Services Advisory Board. [\[21-0535\]](#)

The Council reappointed Josh Ravitch and appointed Kit Stanley to the Human Services Advisory Board.

ADJOURNMENT

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