

**DRAFT SUMMARY MINUTES OF A CLOSED SESSION
OF THE CHAPEL HILL TOWN COUNCIL
WEDNESDAY, FEBRUARY 28, 2018
FIRST FLOOR CONFERENCE ROOM, TOWN HALL**

Council Members present: Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Allen Buansi, Donna Bell, Hongbin Gu, Nancy Oates, Michael Parker, Rachel Schaevitz, and Karen Stegman.

Staff present: Town Manager Roger Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Assistant Town Manager Mary Jane Nirdlinger, Economic Development Officer Dwight Bassett, Hart & Hackman Environmental Consultants Steve Hart and Keith Johnson, and Deputy Town Clerk Amy Harvey.

In the preceding business meeting, COUNCIL MEMBER RACHEL SCHAEVITZ MOVED, SECONDED BY MAYOR PRO TEM JESSICA ANDERSON, TO ENTER INTO CLOSED SESSION AS AUTHORIZED BY GENERAL STATUTE SECTION 143-318.11 (A)(4) TO CONSIDER AN ECONOMIC DEVELOPMENT PROPOSAL; AND AS AUTHORIZED BY GENERAL STATUTE 143-318.11(A)(5) TO CONSIDER POSSIBLE ACQUISITION OF REAL PROPERTY. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

The Council reconvened and Mayor Hemminger called the session to order at 8:07 p.m.

Mr. Stancil stated that after providing an update on the current status of the Police Station at 828 Martin Luther King Jr Blvd, the process underway to create a Municipal Services Center on Estes Drive Extension and he would ask the Council to make decisions for those properties.

Ms. Nirdlinger showed images of both locations and provided background on the current police station site. On October 11, 2017, the Council authorized exploration of the property as an economic development project and for the potential sale of the property to Belmont Sayer. She compared milestone events for both the police station site, as well as, the process for the Municipal Services Center.

Mr. Hart described the location of the coal ash on the police station property. He noted that the North Carolina Department of Environmental Quality (NCDEQ) risk assessment for those walking along the trails was OK. Mr. Hart stated that the primary concern was for metals, for which some was found in the ground water mainly near the coal ash site and added that there were no groundwater users in the area.

Council members inquired about the risks and the stability of the embankment. Mr. Hart acknowledged the human risk for exposure to carcinogens with the primary risk from arsenic. He stated that the dose levels for construction workers and pedestrians were not a concern. Mr. Hart noted that the embankment appears to be stable, but that erosion was starting to become a concern due to stormwater.

Mr. Hart continued to describe the investigation of the site and stated that if the Council chose to go through remediation that the removal would be costly. He suggested that the exposed area be covered, a retaining wall be added, stormwater diversion be added, and that a small removal may be needed near the trail.

Council members continued to ask questions to have a better understanding of the site and potential challenges associated with the site.

Mr. Stancil shared the two questions that the staff would pose at the end of the discussion. Option one, work with the firm to determine potential for development and let them file a brownfield application. Option two, negotiate an agreement for private sale to that company.

Mr. Bassett described what might occur with a brownfield site. The cost of construction would likely be higher due to the need to manage the soil differently if they were drilling or covering the site to a certain level prior to construction for example, he said.

Mr. Johnson stated that the Town was looking into this prior to NCDEQ compelling it to take a directed action. He reiterated the voluntary assessment process the Town had already completed. He stated that remediation would also be a voluntary action if the Town chose. Mr. Johnson reviewed the actions that the Town could take: enter into a brownfield agreement with a developer and negotiate a price to sell in the spring; put the property on the market to sell; voluntary remediation by the Town; and status quo.

Council members briefly inquired about culpability but the discussion netted no clear definitive outcome.

The Council grappled with the need for additional information and the ability to make the decisions to proceed. Mr. Johnson explained that with a brownfield site, some measures would be addressed to mitigate public health risks, such as restricting first floor residential uses, continual monitoring for surface water, deed restrictions for ground water, and yearly review to maintain a cap on the coal ash deposit.

Mr. Bassett provided information from a Belmont Sayer appraisal of the property. He also shared some rough estimates for the options already described as being about \$2 million to \$10 million as a conservative estimate for full removal costs.

Council members inquired about the Estes Road Extension site. Ms. Nirdlinger confirmed that an archeological evaluation was done and nothing major was indicated. She noted that the property was likely a farm prior to the university purchase.

Council members inquired about the existing and projected tax information for this site. Mr. Stancil stated that he would provide that information.

Mr. Bassett described next steps which included an April closed session, May 8 public meeting, and land use process. Mr. Hart stated that the brownfield process included opportunities to hear public interests. Council Member Bell recalled a March 2017 public session video that may help to understand the conditions of the site and the public interests as they were at that time.

MAYOR PRO TEM JESSICA ANDERSON MOVED, SECONDED BY COUNCIL MEMBER RACHEL SCHAEVITZ TO AUTHORIZE THE TOWN MANAGER AND TOWN ATTORNEY TO NEGOTIATE WITH BELMONT SAYER FOR THE POTENTIAL SALE OF THE PROPERTY WHICH MAY INCLUDE A SUBSIDY AND TO AUTHORIZE BELMONT SAYER TO EXPLORE A BROWNFIELD OPTION WITH THE STATE FOR THIS PROPERTY. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Ms. Nirdlinger, Mr. Hart, Mr. Johnson, and Mr. Bassett left at 9:42 p.m.

ITEM #2: CONSIDER POSSIBLE ACQUISITION OF REAL PROPERTY

[Summary discussion will be released when appropriate.]

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY COUNCIL MEMBER NANCY OATES TO ADJOURN THE MEETING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

The meeting adjourned at 10:50 p.m.