



# TOWN OF CHAPEL HILL

## Town Council

### Meeting Minutes - Final

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, February 9, 2022**

**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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如需口头或  
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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 Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council business meetings and work sessions. Please participate in a voluntary demographic survey <https://www.townofchapelhill.org/demosurvey> before accessing the Zoom webinar registration. After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 863 7984 5606

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

#### OPENING

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

## ROLL CALL

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

**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, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, Police Chief Chris Blue, Police Captain Donnie Rhoads, Transportation Planning Manager Bergen Watterson, Business Management Director Amy Oland, and Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

## ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding The People's Academy Application Deadline.

[\[22-0107\]](#)

Mayor Hemminger said that the People's Academy had extended its deadline for accepting applications to February 18th. Classes would run from February 26 to March 19, 2022, she said.

0.02 Mayor Hemminger Regarding Let's Talk Town.

[\[22-0108\]](#)

Mayor Hemminger announced that another round of Let's Talk Town would begin on February 18th. Virtual office hours would be held on Tuesday 4:00-5:00 p.m. and Wednesday 12:00-1:00 p.m. and in-person sessions would take place at the Chapel Hill Public Library on Saturday from 10:00-11:00 a.m., she said.

0.03 Mayor Hemminger Regarding Next Week's Council Meeting and Council Retreat.

[\[22-0109\]](#)

Mayor Hemminger pointed out that the Council would not meet the following week because it would be holding its annual retreat on February 18-19, 2022.

0.04 Mayor Hemminger Regarding The Passing of Jim Huegerich.

[\[22-0110\]](#)

Mayor Hemminger offered condolences to the family of Ombuds Program Director Jim Huegerich, who had recently passed away. Mr. Huegerich had served the Town in various capacities for nearly five decades and would be

greatly missed, she said.

#### 0.05 Mayor Hemminger Regarding Black History Month Events.

[\[22-0111\]](#)

Mayor Hemminger announced that the Town would celebrate Black History Month with movies, podcasts, reading lists and more. She said that the University of North Carolina at Chapel Hill (UNC-CH) would hold a series of lectures and a banquet later in the month. Those interested should check the Town website for more information, she said.

#### 0.06 Proclamation: Black History Month.

[\[22-0112\]](#)

Council Member Miller-Foushee read a proclamation recognizing February 2022 as Black History Month in Chapel Hill. The Town would be celebrating the achievements of African Americans who had been instrumental in shaping the character, culture, and economic life of North Carolina and the nation, she said. The proclamation urged all to celebrate the contributions that African American people had made to the nation and world.

#### 0.07 Council Member Berry Regarding Openings On The Community Policing Advisory Committee.

[\[22-0113\]](#)

Council Member Berry pointed out that the Community Policing Advisory Committee, Planning Commission, and other Town boards were looking for applicants.

#### 0.08 Mayor Hemminger Regarding COVID-19 Update.

[\[22-0114\]](#)

Mayor Hemminger said that Orange County's mask mandate would continue until the rate of COVID-19 cases dropped below 5 percent positive. Council meetings might continue being virtual through March, she said, noting that Orange County was at 16 percent positive and that other parts of the state were even higher.

### **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. Tab Combs Request Anti-dooring Ordinance. [\[22-0094\]](#)

A motion was made by Council Member Anderson, seconded by Council Member Parker, that this Petition be received and referred. The motion carried by a unanimous vote.

1.02 Jeffrey Charles Request Homestead Rd. Development. [\[22-0106\]](#)

Jeffrey Charles, an Orange County Advisory Board on Aging member, read portions of his request that the Town require developers to maintain the current 50-100 foot tree buffers between developments along Homestead Road. His petition included several requests regarding connectivity, clear-cutting of trees, and gravel roads as well.

A motion was made by Council Member Anderson, seconded by Council Member Parker, that this Petition be received and referred. 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 Huynh, seconded by Mayor pro tem Stegman, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[22-0095\]](#)

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

3. Approve the 2021-22 Independent Audit Contract. [\[22-0096\]](#)

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

4. Call a Legislative Hearing for the Future Consideration of a Parking Payment-in-Lieu System, Land Use Management Ordinance Text Amendment, and Associated Policy on February 23, 2022. [\[22-0097\]](#)

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

5. Call a Public Hearing to Consider Closing a Portion of Public Right-of-Way of Maxwell Road and Hamilton Road within the Glen Lennox Development on March 9, 2022. [\[22-0098\]](#)

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

6. Amend the 2021-22 Council Calendar. [\[22-0099\]](#)

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

7. Adopt Minutes from June 16, 21, 23, and 28, 2021 Meetings. [\[22-0100\]](#)

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

### INFORMATION

8. Receive Upcoming Public Hearing Items and Petition Status List. [\[22-0101\]](#)

This item was received as presented.

### DISCUSSION

9. Bicycle and Pedestrian Safety Update. [\[22-0102\]](#)

Transportation Planning Manager Bergen Watterson and representatives from the Chapel Hill Police Department (CHPD) gave a joint response to several bicycle and pedestrian accidents that had happened recently in Town.

Police Captain Donnie Rhodes began the PowerPoint presentation with a review of the Town's existing safety initiatives. He said that a team of representatives from several departments met regularly to discuss concerns, review upcoming projects and events, and vet ideas for new projects. The CHPD was active in Watch for Me NC, a statewide program that provided officers with training in bike and pedestrian laws and safety, he said. He also described the Governor's Highway Safety Program, which had provided the Town with grants for crosswalk enforcement and education.

Ms. Watterson pointed out that the Town had implemented Vision Zero with a grant from the Governor's Highway Safety Program. That initiative would enhance safety by changing road design, addressing speed, and increasing safe transportation options, she said. She described how a Vision Zero Task Force had engaged in crosswalk enforcement efforts, created a crash report and online dashboard, and made small-scale pedestrian improvements.

Ms. Watterson said that the Vision Zero Task Force would propose three text amendments in the spring. Those would support Vision Zero goals by formalizing a process for bike and pedestrian payments in lieu, making speed limit changes, and establishing neighborhood slow zones, she said. Additionally, a proposed anti-dooring ordinance would prohibit people from opening car doors on the vehicle side of traffic in some circumstances, she said.

Ms. Watterson said that a Road to Zero Dashboard would include an annual crash report focused on where and when crashes happen. She shared data from a 2021 crash report, which showed a significant increase in serious injuries since 2019 even though the number of crashes had remained about the same. Sixteen people had been hit in Town crosswalks over the past year, she said, and she pointed out that the percentage of non-whites who had been crash victims over the past five years was disproportionately high.

Ms. Watterson said that 44 percent of Town roads were maintained by the NC Department of Transportation (NC-DOT) and that 78 percent of pedestrian crashes and 93 percent of bike crashes in 2020 had happened on those roads. Some 2021 accidents had been serious and there had been one fatality, she said.

Police Chief Chris Blue explained that the CHPD was increasing its enforcement efforts. He said that the Town was committing additional resources to crosswalk enforcement and that the CHPD would issue citations and penalties to violators who were charged and convicted. He hoped to be able to scale those enforcement efforts back when other, long-term remedies were implemented, he said.

Ms. Watterson discussed smaller scale safety improvements that the Town was making such as installing flashing beacons and speed display signs at some intersections and school zones. The Town of Chapel Hill and NC-DOT would do a coordinated speed study on Estes Drive and would evaluate a request to lower the speed limit in some sections there, she said. NC-DOT had agreed to evaluate signal improvements at some other locations as well, she said.

Ms. Watterson pointed out that Town staff had increased its collaboration with researchers at the Highway Safety Research Center (HSRC) and were hoping for additional safety studies that would lead to more effective crosswalk treatments. Staff's goal was to make infrastructure and policy changes that would make the environment safe enough that crashes would not result in serious injury or death, she said.

Mayor Hemminger praised staff for working with NC-DOT and others to quickly implement safety improvements. She pointed out that community safety was a shared responsibility. Drivers should pay attention and not be distracted by phones and pedestrians and cyclists needed to be more aware of their surroundings, she said.

In response to a question from Mayor pro tem Stegman about how bike lanes and multi-use paths were sometimes blocked during construction, Captain Rhodes said that construction sites should have Town-approved detour plans. Residents could call the Police Department if those were absent, he said.

Mayor pro tem Stegman asked about problems with snow being thrown on sidewalks during road clearing, but Ms. Watterson pointed out that it did not fall under Transportation Department responsibilities.

Mayor pro tem Stegman proposed that someone from NC-DOT come and speak directly with the Council about an apparent disconnect between Vision Zero goals and DOT operations.

Mayor Hemminger said that local mayors and chairs meet with NC-DOT quarterly and at other times as well. She offered to include interested Council Members in some of those conversations. NC-DOT had embraced the Complete Streets concept but was behind on its project list, which was currently underfunded, she said.

Council Member Parker remarked that NC-DOT appeared to see Complete Streets as an appendage rather than an integral part of how roads should be built. Much work would need to be done statewide before NC-DOT would be the kind of partner that municipalities needed, he said.

Council Member Parker confirmed with Ms. Watterson that staff's goal was to work on visibility and speed and that they would update the Town's Pedestrian Safety Action Plan based on improved data. Council Member Huyhn confirmed with her that the Town was not allowed to place traffic-calming devices on NC-DOT roads but that staff did plan to put speed tables on some Town-owned roads.

Council Member Searing verified with Ms. Watterson that most schools in Town had flashing lights, if needed, at least at primary crosswalks. She said that an intern would do a comprehensive inventory of school zones over the summer, and Council Member Berry asked her to investigate whether Northside Elementary School lacked crosswalks.

Council Member Searing asked how the Town planned to address the fact that some electric bicycles could get up to 30 MPH. Captain Rhodes and Chief Blue replied that the CHPD was investigating training opportunities to prepare for that.

Council Member Miller-Foushee asked for more information about the disproportionate number of accidents in some communities, and Ms. Watterson replied that she believed it was the result of a historic lack of investment combined with lower income and transit dependency. Staff planned to look at the issue through an equity lens during the Pedestrian Safety Action Plan updating process, she said.

Mayor Hemminger commented that Metro Mayors had met with NC-DOT several times to express their displeasure over the lack of funding and direction toward pedestrian and bike safety. All North Carolina towns had been struggling with those issues, and the Metropolitan Planning Organization and other groups had been more united than ever in asking

for more investment in bike and pedestrian safety, she said.

Geoffrey Greene, a Chapel Hill resident, said that snow and snowplows sometimes block sidewalks and that trucks block side-paths in Town. In addition, a new bike lane on Country Club Road is directly in the door zone of parked cars, he said.

Martin Jones said that some Town-owned roads, such as Cameron Avenue, were poorly maintained and dangerous. He recommended dedicating funds toward making Town streets safer for pedestrians and cyclists.

UNC student Ellie Heffernan described being knocked off her electric scooter on Hillsborough Street the previous evening. Her helmet had been broken in half and she had gone to the hospital for emergency concussion protocol. She emphasized the importance of educating drivers and building protected bike lanes.

Chapel Hill residents Rebecca Fox, Heidi Perry, and Alyson West encouraged the Council to shift the Town away from cars. Ms. Fox said she was afraid to walk or bike anywhere in Town after having had a bad experience and several frightening encounters. Ms. Perry recommended that the Town increase public education efforts and require motorcycles, scooters and e-bikes to obey speed limits. Ms. West said that a large number of residents would support the town investing in safer biking, walking and transit.

Ed Harrison, a Chapel Hill resident, recommended that the Council put a flashing signal at an area along Colony Woods Drive/Ephesus Church Road where Chapel Hill children crossed at a horseshoe curve to go to a Durham public school. He said that Ephesus Church Road had become a speedway in the last year or so. Sometimes, such areas do not have fatalities because people are too afraid to ride bikes there, he said.

Derek Ross, a Chapel Hill resident, proposed prioritizing the most vulnerable populations and requiring developers to adhere to Vision Zero goals.

Stephen Whitlow, a Chapel Hill resident, described conditions on Cameron Avenue and a micro-connection through the Brier Ridge Lane neighborhood that were dangerous for cyclists.

Caroline Chen, youth liaison to the Planning Commission, urged the Council to prioritize pedestrian and cyclist projects when deciding how to use Town resources. She said that the timing of traffic lights at East Chapel Hill High School did not synchronize in a way that protected bikes and pedestrians.



Robert Beasley, a Chapel Hill resident, said that motorcyclists were encouraged to take a safety class while bicyclists were not. Such safety classes teach how to ride defensively and survive on roads, he pointed out.

Savannah Bowers, a Chapel Hill resident, spoke about an uneven balance of power among road users. She said that she knew many conscientious cyclists who had, had life-changing injuries from being hit by cars in Chapel Hill.

Council Member Ryan agreed with Mr. Harrison's comments about the dangerous crosswalk on Ephesus Church Road. In addition, she said that investing in greenways should be part of the conversation about making biking safer.

Council Member Huynh mentioned that he had installed an electronic horn on his e-bike after almost being hit by a vehicle. He emphasized the importance of having clear signage regarding micro-connections and trails that can connect to greenways from some parts of Town.

Council Member Huynh confirmed with Ms. Watterson that Vision Zero prioritized pedestrian and cyclist safety as part of the development review process. She said that transportation impact analyses would include bike and pedestrian accessibility and safety levels of service. Moreover, the Transportation and Connectivity Advisory Board was working on a development review check-list that would prioritize vulnerable road users, she said.

Council Member Berry pointed out that senior citizens and others did not feel safe walking in some parts of Town because of poor lighting and uneven terrain.

Council Member Parker asked staff to speed up the process, if possible. He proposed that the Town budget include specific allocations for bike and pedestrian safety.

Mayor pro tem Stegman agreed that the issue should be elevated in Town funding priorities. The Town's Connectivity and Mobility Plan would go into action as soon as it was funded and the Council needed to be more ambitious about getting that infrastructure in place, she said. She asked staff to arrange a meeting between the Council and NC-DOT.

Council Member Searing said that the city of Raleigh had passed multiple bonds to build its greenway trails. Even though Chapel Hill did not have a tax base as large as Raleigh's, it could still explore unconventional ways of using natural surface trails, he said.

Council Member Berry proposed that electronic messaging signs be placed around Town with messages that convey what was being shared on social media and other places.

This item was received as presented.

**10. Discuss FY 2021 Excess Fund Balance Appropriation.**

[\[22-0103\]](#)

Town Manager Maurice Jones said that the Town had finished the year in a very strong financial position despite the challenges associated with the COVID-19 pandemic. There was \$7.9 million in excess Fund Balance for FY 2021, he said, and he attributed that to conservative budgeting practices, significant sales tax growth, and a Town hiring freeze.

Mr. Jones recommended setting aside \$3.4 million of the excess to ensure that the Town reaches its target Fund Balance of 22 percent of the General Fund for FY 2022. The remainder could be used to address Council and community interests, organizational needs, infrastructure and maintenance, and pandemic recovery and restoration, he said.

Mr. Jones acknowledged that he had previously proposed appropriating \$500,000 of the excess funds for climate action projects. However, the Council had expressed a preference for replenishing areas that had been underfunded and/or cut from the budget during the pandemic, he said. He pointed out that the Town budget would include close to \$500,000 for climate action and that funds from a federal infrastructure bill would likely be applicable to climate action projects as well.

Mr. Jones noted that the Council had voted to put \$500,000 toward the first phase of the Employee Compensation and Classification study about which staff had already presented results. He proposed appropriating about \$500,000 toward affordable housing and human services projects, \$750,000 for maintenance, \$900,000 toward vehicle replacement, \$750,000 for a new fire engine, \$650,000 for improving streets, and \$500,000 for one-time budget add-ons.

Mr. Jones pointed out that he was not recommending using excess Fund Balance for a splash pad but that other funds, such as those from a federal American Rescue Plan Act (ARPA), might be used for that.

Director of Business Management Amy Oland provided additional information on staff's recommended use of the funds for emergency housing assistance, food distribution, property acquisition and pre-development activities for affordable housing projects, a racial equity assessment tool, and transitional housing maintenance. Priority projects included \$520,000 to \$550,000 for replacing the Post Office/Courthouse roof (and repairing its cupola) and \$200,000 for repairing the Town Hall parking deck, she said.

Ms. Oland noted a current backlog of \$8.65 million in vehicle replacement

projects and a \$14.5 million backlog for street resurfacing projects. She said that the proposed expenditures would be used to patch and resurface 14 Town-maintained streets. Potential one-time expenditures included implementing new software systems, COVID-related supplies and materials, the Parks and Recreation Department's comprehensive plan, and a new mower, she said. There was a \$9.3 million backlog for Town departments, which consisted mainly of new position requests and operation expansions, she pointed out.

Mr. Jones said that staff could look at directing some funds toward bike and pedestrian improvement, if the Council so desired. Approximately \$10 million in ARPA funds could be used for community infrastructure projects and federal Infrastructure Act funds would be coming as well, he said. He proposed that upcoming discussions regarding the FY 22 budget include incorporating more long-term funding for bike and pedestrian infrastructure improvements.

The Council confirmed with Mr. Jones that staff had not reviewed all funding requests and that he would provide a broader breakdown of potential uses during his next report. Mayor pro tem Stegman asked staff to bring back information on how Vision Zero was being applied to the streets item.

Mayor Hemminger recommended that staff obtain another bid on the Courthouse roof replacement because the amount being presented seemed too high. She also requested that all bids on roof replacements include the cost of making them solar ready.

Council Member Parker proposed giving one-time bonuses to first responders and front-line workers who had gone beyond the call of duty during the pandemic, and Mr. Jones pointed out that ARPA funds would be more suitable for that purpose.

Kate Sayre, a Chapel Hill resident, presented several reasons why having a splash pad in Town would benefit the community. She encouraged the Council to consider using excess Fund Balance for that purpose.

Mayor Hemminger pointed out that the Council had stated an intention to pursue a splash pad but had not voted on the details. ARPA funds could be considered for that purpose as well, and the Council was weighing the priorities, she said.

The Mayor and Council expressed support for the Manager's recommendations regarding maintenance, vehicles, software and efficiency upgrades, and a new fire engine. They supported using Fund Balance to catch up on things that had been delayed, or which had not been affordable. They noted that some items being left out might be addressed with ARPA funding.

Some Council Members expressed disappointment over climate action funding not being included. Mayor pro tem Stegman pointed out, however, that making bike and pedestrian improvements was among the Town's climate action goals. Council Member Parker emphasized the need to invest more money in bike and pedestrian infrastructure, regardless of where the money comes from.

Mr. Jones asked the Council for specific feedback regarding the splash pad, and Council Member Parker replied that the question was whether a splash pad was needed. He said that he would like to see realistic costs early on.

Mayor pro tem Stegman said that she loved the idea of a splash pad, but it was not a top priority for her. The Town had many critical safety and equity issues to address and she felt reluctant to propose using ARPA funds for that purpose, she said.

Council Members Berry and Huynh said that maintenance and other deferred items should be prioritized. Council Member Berry said that she was not opposed to a splash pad but was against using excess Fund Balance for that purpose. Council Member Huynh proposed using \$15,000 of excess Fund Balance to kick-start the splash pad design process, but not commit \$500,000 without knowing the ultimate cost.

Council Member Miller-Foushee said that a splash pad would be a good family-friendly, community amenity but that Parks and Recreation repair and maintenance needs superseded it. She was against using excess Fund Balance for a splash pad and thought that ARPA funds should be used to help those who had been most impacted by COVID-19, she said.

Council Member Searing said that he thought the splash pad was a good idea, and Mayor Hemminger said that the splash pad was not on her Fund Balance appropriations list, but she liked Council Member Huynh's suggestion to spend \$15,000 to assess the idea. Pointing out that \$500,000 would go further toward bike and pedestrian improvements or parks and recreation maintenance, she proposed that staff further analyze funding street maintenance from Two-Thirds Bonds.

Mr. Jones said that he would return to the Council at the end of the month for formal appropriations approval.

This item was received as presented.

### *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.  
approved.

**11. Concept Plan Review: Homestead Road Tri-Point, 2217  
Homestead Road.**

[\[22-0104\]](#)

Assistant Planning Director Judy Johnson gave a brief PowerPoint presentation on a concept plan for Tri-Point Townhomes, a 103-unit development on 15 acres along Homestead Road. She explained that the site had been re-zoned to Residential-5/Conditional Zoning District in 2018 for a 200-apartment community for active adults that had not moved forward.

Ms. Johnson pointed out that the site was located in Sub-Area A of the Martin Luther King Jr. Boulevard Focus Area, where four- to six-story townhomes and residences were a typical land use. She said that staff had not formally reviewed the plan but that some advisory boards and the Town's urban designer had looked at it and provided comments.

Ms. Johnson described a plan to have natural green areas interspersed throughout the site. She said that Town boards had liked the idea of preserving trees and open space. However, the Community Design Commission had questioned the townhomes' garage doors being in front and the Housing Advisory Board wanted to see affordable units at lower area median income (AMI) levels, she said.

Ms. Johnson said that the Stormwater Management Utility Advisory Board wanted the applicant to capture all runoff from the site so that there would be no impact on adjacent properties. Board members also encouraged the applicant to consider enhancing the stormwater pond and pointed out that a new stream determination needed to be performed, she said.

Ms. Johnson reviewed some design enhancements that Urban Designer Brian Peterson had recommended and said that he had proposed either putting the garage doors in the rear of the buildings or improving the

design in the front to add more variety.

Ms. Johnson recommended that the Council adopt Resolution 7, which would transmit its comments to the applicant. She said that the next step would be for the applicant to submit a formal application.

Developer Richard Gurlitz provided additional details on the project's location, nearby amenities, and road improvements. He said that most of the units would have three bedrooms, 2.5 bathrooms, and a mix of one- and two-car garages. The single-family townhomes would meet the Town's "missing middle" goals and the project would meet its Inclusionary Zoning ordinance by providing 15 percent affordable housing plus .45 percent as a payment in lieu, he said.

Mr. Gurlitz pointed out that Residential 5 zoning allowed 15 units per acre but that his proposal was for only 6.5 units per acre. He said that 86 of the townhomes would be 26 feet wide and have two-car garages. Seventeen would be 22 feet wide with one-car garages and those would be scattered throughout the site, he said.

Mr. Gurlitz discussed access, lighting, buffers, sidewalks, and a potential bike lane through the site. He noted a connection to a multi-use trail along Homestead Road and pointed out that a bus route was nearby. He said that the concept plan included a small splash pad, a play area with swings, a community area, and outside laptop stations. Stormwater would go into a detention pond at the front of the site, he said.

Mr. Gurlitz showed design renderings and indicated where changes had been made as a result of discussions with Mr. Peterson. He said that most of the townhomes would be arranged as four units, which would make them look more like large houses than rows of identical buildings. He cautioned that moving the garages to the backs of the buildings would mean losing backyards.

The Council verified with staff that the applicant was asking for the same Conditional Use Zoning even though its plan was less dense than the project that had been rezoned for the site. Council Members questioned the proposed "missing middle" price points. They confirmed with Mr. Davenport that he envisioned selling the smallest units in the very low \$400,000 range.

The Council confirmed with Mr. Gurlitz that the 15 affordable units would be split between 80 and 65 percent of the AMI. Those would range in size from 1,600 to 2,200 square feet and would be randomly dispersed throughout the development, he said. The Council verified with him that the bedroom distribution would be the same as for the 1,800-2,200 square-foot market rate units and that the affordable units would all have one-car garages.

The Council and Mr. Gurlitz discussed the road connection to the Courtyards at Homestead Road and he said that he supported having only a pedestrian connection there. The Council confirmed with him that the concept plan included four small parking areas scattered throughout the site and that there was no on-street parking currently envisioned.

Dianne Martin, a Courtyards at Homestead Road resident, said that she and her neighbors would consider it a "bait and switch" if the 111 conditions that had been attached when the property was rezoned in 2018 were not honored.

Several Courtyards resident spoke: Andre Boursse expressed concern about stormwater runoff; Derek Ross said that safety continued to be residents' overriding consideration; Betsy Crittenden said that senior citizens' needs were being ignored or disregarded; Jeffrey Charles described current mobility issues. All of the speakers requested that the connection to Tri-Point be for bikes, pedestrians and emergency vehicles only.

Courtyards resident Steve Wilhoit said that committing to Vision Zero should include mitigating the traffic impact of new developments on existing populations. Peter Lee described how The Courtyards at Homestead differed from other senior living developments and was the only neighborhood in Town for active people over 55 who wished to own their own homes. Tami Kasrawi said that the Town needed more communities such as the Courtyards that were more than just housing projects.

Chapel Hill resident Nancy Oates urged the developer to designate the undeveloped spaces between buildings as tree protection areas, and she emphasized the importance of including indoor gathering space. She said that a small parking lot for visitors should be included in the plan as well.

Chapel Hill resident Scott Windham said that the proposed concept plan was rooted in untrue assumptions about how people want to live and get around. He said that the Tri-Point Townhomes would compound existing problems, and he asked the Council to reject car-centered proposals that do not include forward-looking climate pieces or mention energy consumption ratings.

The Council encouraged the developer to take another look at its definition of "missing middle", and Council Member Huynh said that the Town was aiming for the \$300,000 to \$350,000 price range. Some Council Members said that they would consider accepting more density and/or slightly smaller units if that would achieve lower price points. Council Member Miller-Foushee encouraged the applicant to lower some of the affordable units to 60 percent of AMI.

The Council praised the applicant's energy efficiency efforts but proposed

making the project 100 percent electric, and solar ready, if not solar. Council Member Parker recommended making sure that homeowner association rules would not prohibit such efforts, and Council Member Huynh asked the applicant to include 240 volt outlets in all garages.

The Council agreed that the Town needed to reach a conclusion regarding connectivity and should stop requiring developers to include stub-outs to adjacent properties if that was not important. They expressed support for Courtyard residents' request for a bike/pedestrians/emergency access connection and Mayor Hemminger asked the developer to speak with the fire marshal and the Courtyards community about that issue before returning to the Council.

The Mayor and Council praised the proposal for tree preservation and small natural areas sprinkled throughout the site. Council Member Ryan urged the applicant to take special care with stormwater, and the Mayor and several Council Members recommended that the stormwater pond be made into an amenity.

Mayor Hemminger said that she understood the rationale for putting garages in front but she recommended minimizing their appearance as much as possible. Several Council Members asked for a less "car-centric" design and Council Member Huynh proposed that more of the units have only one-car garages.

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

## **APPOINTMENTS**

### **12. Appointments to the Community Policing Advisory Committee.**

[\[22-0105\]](#)

The Council appointed Tim Pressley to the Community Policing Advisory Committee. Additional vacancies remain.

## **ADJOURNMENT**

This meeting was adjourned at 10:59 p.m.