

**11-28-2018 Town Council Meeting**  
**Responses to Council Questions (#1)**

**ITEM #6: Consider Authorizing the Town Manager to Execute a Cooperative Agreement with GoTriangle on the Durham-Orange Light Rail Transit Project**

**Council Question:** Is there an estimated timeline for when we would see the 90% construction drawings?

**GoTriangle Response:** *There will be three review periods for various 90% plan sets.*

- *First quarter 2019 – Finley Golf Course area (this is early and separate because they will need to move a few of the holes and reestablish the golf course ahead of the rest of construction)*
- *Mid-May 2019 – “Civil West”, which includes all of the segments within Town, specifically bridges, station foundations, underground work, site preparation, erosion/sediment control, etc.*
- *Mid-August 2019 - Corridor plans, which include rail/track, above ground portions of the system, station finishes, final park and ride lots, landscaping, etc.*

*In addition, Town staff and GoTriangle will be holding meetings shortly to address some of the more complex issues that arose during the Town’s 50% plan review.*

**Council Question:** Who will be the PCM for the Town?

**Staff Response:** *Bergen Watterson, Transportation Planning Manager, will be the PCM for the Town.*

**Council Question:** Would you recommend that we more specifically define "reasonable notice" (Page 4, first paragraph)? It seems to me that nothing undermines trust faster than having another entity show up unexpectedly (see NC DOT). Can we be more specific about what notice means (i.e. is a voicemail to someone, who may or not be at their desk that day, sufficient or is it in writing to a defined team, with minimum of x days notice, etc.?).

**Staff Response:** *Our Engineering Construction Permit (ECP) addresses this issue in a few different ways. While surveyors have a legal right to access public property and perform work without notification, contractors or others engaged in construction do not. The ECP form includes the following among its standard conditions:*

1. *Prior to actual start of construction and only upon Town’s receipt of final stamped plans, the Contractor must have a construction conference with the Engineering Inspector. Commencement of work will not be allowed prior to the Engineering Inspector obtaining*

## **11-28-2018 Town Council Meeting** **Responses to Council Questions (#1)**

*a set of final stamped plans and attending a construction conference. The scope of the conference will vary with the complexity of the project.*

- 2. At least TWO (2) days prior to beginning construction, the Contractor must notify the Engineering Inspector of the time he will begin construction.*

**Council Question:** The slide on p. 46 makes reference to resolving issues. What sorts of issues do you anticipate, and what sort of resolution would you expect?

**GoTriangle Response:** *One purpose of the cooperative agreement is to provide a foundation for the cooperative resolution of issues related to construction and final design. Examples include maintenance of Town traffic during construction, relocation of utilities within the Town, and the implementation of stormwater management. In order to achieve the best possible outcome, GoTriangle and Chapel Hill will need to work together. The cooperative agreement describes how this cooperation will be achieved.*

**Council Question:** The slide on p. 48 makes reference to the town's ability to review and comment at the 90% design stage. Does the town have any leverage to insist on changes, if something is suboptimal? When Duke University wanted to give input on design changes near its hospital, it had \$2.4 million in right-of-way that GoTriangle needed for the project. Does Chapel Hill have any leverage that would increase the likelihood of obtaining improvements to the design?

**Staff Response:** *The Town has limited leverage. GoTriangle's commitment to go through the Engineering Construction Permit (ECP) process helps to empower the Town. Some key areas of Town review include street construction, traffic signal implementation, and safety access. The Town's ability to insist on certain revisions depends on the extent to which the revisions are needed to meet applicable state and federal laws related to the design of the project.*

**Council Question:** The Cooperative Agreement, section J, second paragraph (p. 57 in our packet) reads that the town should not delay permit issuance to resolve issues. Can we insert wording that GoTriangle must provide reasonable notice for issues it wants resolved? That would help the town avoid being backed into a corner and pressured to issue a permit before best minds had a chance to work out a resolution.

**GoTriangle Response:** *We can insert the suggested language into the Cooperative Agreement.*

**Council Question:** May we see a copy of the June 29th agreement with GoTriangle referenced on pg. 6 of the co-op agreement?

**11-28-2018 Town Council Meeting**  
**Responses to Council Questions (#1)**

**Staff Response:** *See attached copy of the June 29th Reimbursement Agreement with GoTriangle.*

**Council Question:** To date, have any other Cooperative Agreements been executed?

**GoTriangle Response:** *The Memorandum of Understanding with the Department of Veterans Affairs Medical Center - Durham has been executed. Cooperative Agreements with North Carolina Central University, University of North Carolina at Chapel Hill, PSNC, and AT&T are being routed for signatures this week. The agreement with the City of Durham is complete and on its City Council agenda for consideration on Monday, December 3rd.*

**Council Question:** In lieu of zoning review, p. 3 of the draft Cooperative Agreement indicates that the Town would review and approve construction of the project through the Town's Engineering Construction Permit process. Is it possible to have this subject to zoning review? What would be the benefits and drawbacks of having construction subject to zoning review?

**Staff Response:** *State statutes only authorize municipalities to use their zoning powers for the construction or use of buildings of the State of North Carolina or its political subdivisions. As a result, the GoTriangle light rail project is exempt from Town regulations. Meeting the Town's zoning standards would make the project subject to the Town's zoning standards for parking, landscaping, buffers, stormwater management, signage, and allowable uses, among others. This would apply primarily to the parking lots, driveways, and roads associated with the project, as well as the linear rail corridor itself. GoTriangle is addressing many of these issues in its designs for the project, but has not agreed to make the project specifically subject to these standards. However, it has agreed to go through the Engineering Construction Permit (ECP) review process to meet the Town's construction requirements.*

**Council Question:** Can you describe the Town's Engineering Construction Permit (ECP) process?

**Staff Response:** *The Town issues an ECP after reviewing development and infrastructure projects for compliance with the Town's Public Works Engineering Design Manual, including construction specifications for site features such as streets and sidewalks, stormwater management facilities, and parking. Construction plans are reviewed by the Planning Department, the Fire Marshal, Building Services Department, Parks and Recreation Department, and the Engineering Department to confirm that all aspects of the project are in compliance with Town, State, and Federal standards and regulations. Applicants must provide an erosion control bond and surety bond approved by the legal department (if bonds are required). Erosion*

**11-28-2018 Town Council Meeting**  
**Responses to Council Questions (#1)**

*control bonds are required if the land disturbance is greater than one acre. Surety bonds are only required if work is being performed in the Town right of way or if part of the development will become Town right of way. In addition, applicants must provide a copy of the general contractor's state license and a certificate of liability insurance naming the Town as additionally insured, and pay all inspection fees.*

**Council Question:** How has collaboration between the Town and GoTriangle been going with respect to the development of preliminary construction plans for the project?

**Staff Response:** *The review of the construction plans to date has been collaborative and productive. Town staff and GoTriangle are holding follow-up meetings to address some of the more complex issues that arose during the Town's 50% plan review.*

**Council Question:** I assume that this draft Cooperative Agreement was developed in consultation with the Town Attorney, correct?

**Staff Response:** *Yes, the draft Cooperative Agreement was developed in consultation with the Town Attorney.*

**Council Question:** Does the Town have any other existing Cooperative Agreements?

**Staff Response:** *Yes, the Town has a number of other existing Cooperative Agreements. Some examples include ones for Solid Waste, Transit Partners, Water and Sewer Boundary, Joint Planning, Police and Fire Mutual Aid, Bus Service to Special Events in Carrboro, and Water Service with Durham.*

**11-28-2018 Town Council Meeting**  
**Responses to Council Questions (#2)**

**ITEM #6: Consider Authorizing the Town Manager to Execute a Cooperative Agreement with GoTriangle on the Durham-Orange Light Rail Transit Project**

**Council Question:** What is the status of the planning process for the Gateway Station and other station areas which the Mayor asked for during one of our Economic Sustainability meetings?

**Staff Response:** *An update on the planning process for the Gateway Station is on the agenda for the Dec. 7th meeting of the Council Committee on Economic Sustainability (CCES).*

**Council Question:** Is the station area at the Friday Center treated the same as the two on-campus stations or will the town have some say about design, stormwater or other standards?

**Staff Response:** *Buildings on the property would be subject to Town regulation, including Town standards such as building design and stormwater management.*

**Council Question:** Under the current agreement, would the Town be able to impose or set standards for height, floor area ratio, green space, parking deck design.... when GoTriangle develops the surface parking lots in the future?

**Staff Response:** *If parking decks were built on surface lots owned by GoTriangle, the decks would constitute buildings that are subject to Town land use regulation. As a result, the Town would be able to set standards for building features such as height, floor area ratio, and parking deck design.*

**Council Question:** What is involved in the Engineering Construction Permit review that has been identified instead of the rezoning and permitting process for this project?

**Staff Response:** The Town issues an ECP after reviewing development and infrastructure projects for compliance with the Town's Public Works Engineering Design Manual, including construction specifications for site features such as streets and sidewalks, stormwater management facilities, and parking. Construction plans are reviewed by the Planning Department, the Fire Marshal, Building Services Department, Parks and Recreation Department, and the Engineering Department to confirm that all aspects of the project are in compliance with Town, State, and Federal standards and regulations. Applicants must provide an erosion control bond and surety bond approved by the legal department (if bonds are required). Erosion control bonds are required if the land disturbance is greater than one acre. Surety bonds are only required if work is being performed in the Town right of way or if part of the development will become Town right of way. In addition, applicants must provide a

**11-28-2018 Town Council Meeting**  
**Responses to Council Questions (#2)**

copy of the general contractor's state license and a certificate of liability insurance naming the Town as additionally insured, and pay all inspection fees.

**Council Question:** Would you please provide a copy of the June 29, 2018 Cost Sharing agreement that is referenced?

**Staff Response:** Please find a copy of the agreement attached.