



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, November 17, 2021

7:00 PM

Virtual Meeting

Language Access Statement

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

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919-969-5105.

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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 an 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: 811 5733 9241

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

ROLL CALL

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, Principal Planner Anya Grahn, Director of Affordable Housing and Community Connections Sarah Vinas, Senior Planner Becky McDonnell, Manager of Engineering & Infrastructure Chris Roberts, Public Housing Director Faith Brodie, Affordable Housing Development Officer Emily Holt, Ombudsman Anita Badrock, and Deputy Town Clerk Amy Harvey.

OPENING

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

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Proclamation: Small Business Saturday.

[\[21-0904\]](#)

The Mayor announced the Small Business Saturday Proclamation. Tamara Lackey made comments about this proclamation at the conclusion of item 13.

0.02 Proclamation: OWASA "Care To Share" Day.

[\[21-0906\]](#)

Council Member Gu said that Care to Share, a partnership between the Orange Water and Sewer Authority (OWASA) and The Interfaith Council, had been helping residents with their past due utility bills since 1997. She read a proclamation that declared November 8th to be Care to Share Day in Chapel Hill. The proclamation asked OWASA customers to make contributions, noting that the need had nearly tripled during the COVID-19 pandemic.

0.03 Mayor Hemminger Regarding Thanks and Giving Food Truck Rodeo.

[\[21-0907\]](#)

Mayor Hemminger said that an array of local food trucks and non-profit organizations would be at Legion Road for a community picnic on November 21st from noon to 4:00 p.m. Non-profit organizations would be accepting non-perishable food and other items during the event, she said.

0.04 Mayor Hemminger Regarding Future Meetings.

[\[21-0908\]](#)

Mayor Hemminger pointed out that the Council would have two more meetings before its winter break, and she summarized those formats. A December 3rd Economic Sustainability meeting might be postponed to January 2022, she said.

0.05 Mayor Hemminger Regarding State Budget.

[\[21-0909\]](#)

Mayor Hemminger pointed out that state legislators had removed five of seven policy statements before sending the annual budget to the governor. As a result, the Town's tree ordinance, short-term rental and stormwater controls, and rules regarding school placement would remain

and funding would be restored to the Snap Program for Transit, she said. She noted that removing Town rights regarding billboards and small cell tower placements had remained in the budget, however.

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. Will Raymond Request Regarding Ethical Rules Guiding Council, Staff and Advisory Board Conduct.

[\[21-0882\]](#)

Mayor Hemminger acknowledged receiving Mr. Raymond's petition.

- 1.06 Pristine Onvoha Request to Prioritize Bolin Creek Restoration.

[\[21-0910\]](#)

Pristine Onvoha, a Chapel Hill High School student, shared the results of a study that she had participated in on potential impacts of urbanization on Bolin Creek water quality. She made several recommendations and asked the Town to prioritize restoration and environmental sustainability more heavily.

- 1.07 Kendall Page Request to Assign Executive Planning Jurisdiction to Orange County for an Old Lystra Property.

[\[21-0911\]](#)

Mayor Hemminger acknowledged receiving Kendall Page's petition.

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

2. Approve all Consent Agenda Items. [\[21-0883\]](#)

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

3. Approve Project Ordinance Amendment to Recognize Limited Obligation Financing Proceeds. [\[21-0884\]](#)

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

4. Authorize a \$100,000 Contribution To the NC Botanical Garden Foundation's Purchase of Property for Stillhouse Bottom Nature Preserve. [\[21-0885\]](#)

Mayor Hemminger said that a proposed \$100,000 donation from the Town to the NC Botanical Garden Foundation would be put toward expanding the Stillhouse Bottom Nature Preserve from 23 to 48 acres. She said that the Botanical Garden had been working to secure more than 100 additional acres through land donations and conservation easements and that the Town had helped to purchase two properties in 2010 and 2019. The Parks and Recreation Department was developing a map that would show all of the Town's parks and preserved open spaces, she said.

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

5. Adopt a Resolution Supporting the FY23 Chapel Hill Transportation Demand Management Application to the Triangle J Council of Governments. [\[21-0886\]](#)

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

6. Amend the Stormwater Management Utility Advisory Board Membership to Include Renters of Single-Family Residential Property within Chapel Hill. [\[21-0887\]](#)

Mayor pro tem Parker said he hoped that all types of renters would be allowed to participate on the Stormwater Board, and Mayor Hemminger replied that a text amendment related to that would be brought before the Council.

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

7. Support the Request to Ask NCDOT to Place Honorary Highway Name Signs for Dean Smith and Roy Williams on Sections of U.S. Highway 40. [\[21-0888\]](#)

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

8. Approve a Request for Expedited Processing and Limited Scope Review of a Conditional Zoning Application for 307 North Roberson Street. [\[21-0889\]](#)

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

INFORMATION

9. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0890\]](#)

This item was received as presented.

10. Staff Update on the Petition for Long-Range Planning for Future Growth Consistent with Town Values [\[21-0891\]](#)

Mayor Hemminger said that further discussions regarding this item would take place at a later date.

This item was received as presented.

11. Staff Update on the Petition to Implement Strategies to Rapidly Promote Increased Production and Availability of Affordable and Missing Middle Housing [\[21-0892\]](#)

This item was received as presented.

DISCUSSION

12. Close the Legislative Hearing and Consider: Land Use Management Ordinance Text Amendment - Section 3.6.2(E) Related to Historic District Commission Review Criteria. [\[21-0893\]](#)

Principal Planner Anya Grahn explained that the proposed Land Use Management Ordinance (LUMO) text amendment would reinsert a congruity standard pertaining to the Historic District Commission's authority to make findings regarding a project's congruity with the Historic District. That standard had been removed in April 2021, she said. She recommended that the Council close the legislative hearing, adopt Resolution A, and enact Ordinance A.

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

A motion was made by Council Member Ryan, seconded by Council Member Anderson, that R-7 be adopted, and to approve the Resolution of Consistency with the Comprehensive Plan. The motion carried by a unanimous vote.

A motion was made by Council Member Ryan, seconded by Council Member Buansi, that O-4 be enacted, and to approve the LUMO text change. The motion carried by a unanimous vote.

13. Approve the Modified Recommended Funding Plan for the Affordable Housing Development Reserve.

[\[21-0894\]](#)

Director of Affordable Housing and Community Connections Sarah Viñas reviewed how the Town's Affordable Housing Development Reserve had been dedicating annual allocations equivalent to approximately one cent on the tax rate to the development and preservation of affordable housing (AH) since 2015. She discussed some of the previous recipients and the funding amounts that they had received.

Ms. Viñas said that 2021 was the second year that requests had exceeded available funds and that the Housing Advisory Board (HAB) had recommended funding the following projects: a CASA project at 2200 Homestead Road; an EmPOWERment, Inc. plan to purchase one house and move another; and partial funding to allow Habitat for Humanity to purchase property for future affordable units. Because funding all requests would leave a gap of \$244,000, HAB members had not recommended a Community Home Trust project that they thought could receive funding elsewhere, she said.

Sue Hunter, HAB chair, explained the reasoning behind HAB members' recommendations: CASA needed to obtain Town funding in order to access additional grant funds; one EmPOWERment home was ready for people to move in; and the other needed to be moved before the end of the year. Habitat and Community Home Trust were both likely able to find funding from other sources.

Ms. Viñas pointed out that \$229,000 was available in an Opportunity Fund that the Council had established for large-scale projects. She said that the Council could use those funds, if desired, to fully fund Habitat's request. A modified funding plan that included that \$229,000 would total approximately \$663,000 and would support the development of 128 affordable units, she said. She recommended that the Council adopt Resolution 10, which would approve the modified plan.

Jennifer Player, Habitat for Humanity of Orange County president and CEO, thanked the HAB, Town Council, and staff for recognizing the importance of acquiring land in order to build affordable homes in the future. She requested that the Council fully fund Habitat's request.

Delores Bailey, EmPOWERment Inc. executive director, provided background information on how EmPOWERment had been trying to

leverage funds. She thanked the Council for understanding the reasons why some things had to be done differently.

Mayor Hemminger commented on the difficulty of fully subsidizing one group and not another, and she recommended finding ways to make that work better in the future. With regard to Habitat's request, she pointed out that land would become more expensive in the future. She intimated that the Town would be receiving good financial news in December 2021 and said that staff's recommendations to use Opportunity Fund money "would not break the bank". Securing land for the future and getting affordable units online right away were both important Town goals, she pointed out.

Several Council Members said they agreed with the Mayor's comments about the importance of land banking and that they hoped EmPOWERment and Habitat would both be fully funded. Council Member Buansi confirmed with staff that adopting Resolution 10 would allow staff to immediately move forward with performance agreements and that funding would be available as soon as the organizations needed it.

Mayor Hemminger mentioned that Council Member Huynh's presence on the EmPOWERment, Inc. board did not represent a conflict of interest because he was not a voting member.

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

0.01 Proclamation: Small Business Saturday.

[\[21-0905\]](#)

Tamara Lackey, owner of Coco, an espresso bar and bistro located at Glen Lennox, received the proclamation on behalf of the many small businesses located throughout Chapel Hill. She thanked the Council for declaring November 27th as Small Business Saturday and pointed out that two-thirds of every dollar spent in Town stayed in Town.

- 14.** Close the Legislative Hearing and Consider an Application for Conditional Zoning for Rosemary-Columbia Street Hotel Property Assemblage at 108, 110, and 114 W. Rosemary Street, 205 and 207 N. Columbia Street, and 208 Pritchard Avenue from Residential-3 (R-3), Office/Institutional-1 (OI-1), and Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD).

[\[21-0895\]](#)

Ms. Grahn gave a PowerPoint presentation on a rezoning request for a hotel property assemblage on 1.31-acres at the corner of Rosemary and Columbia Streets. She said that the application to rezone from

Residential 3/Office Institutional/Town Center 2 to Town Center 2/Conditional Zoning District had gone through the Town process and was before the Council for action.

Ms. Grahn outlined the proposal to demolish four surface parking lots and a small structure and build a 130- to 135-room hotel over a parking garage. She presented a diagram showing the parcels being proposed for a land swap with the Town and explained that the Town would continue to own a Historic Town Hall (HTH) and an adjacent lot that would become a park.

Ms. Grahn pointed out that the Council had been generally supportive of the revised plans at a November 10th meeting but had asked to incorporate e-bike share spaces and more ADA parking. She said that revised Ordinance A included those changes, plus a new stipulation related to community benefits and a commitment to hiring local workers.

Ms. Grahn described some proposed changes to lot lines and noted that the number of garage parking stalls had been reduced from 70 to 40. She said that a left-turn lane onto Columbia Street had been removed. She said that the applicant was requesting modifications to regulations regarding landscape buffers and she provided details on those proposed changes.

Ms. Grahn pointed out that the LUMO required a 40-foot primary building height, but the applicant was proposing 42 and 53 feet. The LUMO also required a 50-foot secondary building height, and the applicant was proposing 65 feet along Columbia Street, she said. She recommended that the Council close the legislative hearing, adopt Resolution A, and enact Ordinance A, for approval.

Developer Dan Jewell, of Coulter Jewell Thames, discussed the project's details and pointed out that the current public hearing was the third since the project was proposed in 2019. He said that having a new, large parking deck in the vicinity had allowed the reduction in parking spaces. He reviewed other recent changes to the plan and asked the Council to approve the Conditional Zoning request.

Mayor pro tem Parker confirmed with Mr. Jewell and Town staff that the Town would be responsible for maintaining the park and that the applicant would install an e-bike station. Council Member Ryan verified that an electric vehicle charging station in the deck would serve as a handicapped space as well. Mayor Hemminger confirmed that the applicant was willing to install a waterline from Historic Town Hall to the park.

Matt Gladdek, Chapel Hill Downtown Partnership executive director, thanked Council Members for the thought and care that they had put into

the process and urged them to approve the application. The project would be very important for the downtown area, he said, and he praised the developer for working with the Town to refine the details.

Council Members expressed enthusiasm for the project and the opportunities it would bring to the Downtown area. They praised the community park, rooftop dining, shade trees, shared parking, and agreement to employ local residents in particular. Council Member Buansi urged the applicant to connect with local non-profits and make sure that residents were aware and able to apply for the jobs.

Mayor Hemminger thanked the applicant for being willing to listen and for creating a Chapel Hill-based project that would bring opportunities to the Downtown district.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, to close the Legislative Hearing. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-11 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that O-5 be enacted as amended. The motion carried by a unanimous vote.

15. Close the Legislative Hearing and Consider an Application for Conditional Zoning, 150 East Rosemary Street.

[\[21-0896\]](#)

Senior Planner Becky McDonnell gave a PowerPoint presentation on a proposal to rezone 1.5 acres at the corner of Henderson and East Rosemary Streets from Town Center 2 to Town Center 3/Conditional Zoning District and construct a seven-story lab and office building there. The proposed project would include 158 car and 181 bicycle parking spaces, with some e-bike spaces as well, she said.

Ms. McDonnell said that the applicant, Grubb Properties, had requested an increase in the maximum set-back height (from 44 to 112 feet) and the maximum core height (from 120 to 240 feet). She said that recent updates to the application pertained to additional green space, ADA accessibility, public art and programming, shade trees, and the location of a solid waste enclosure.

Ms. McDonnell pointed out that the developer had provided cross sections and renderings on the building's height, massing, and relationship to nearby buildings. Grubb Properties had also provided an acoustical study and proposed options for screening a mechanical penthouse, she said.

She recommended that the Council close the legislative hearing and consider adopting Resolution A and enacting Ordinance A, for approval.

Michael Stevenson, an architect with Perkins Eastman, presented design details on the proposed building and adjacent greenspace. He showed renderings of how the development would look once the trees had grown in. He said that every level of the park would be ADA accessible from some point but that making the entire space accessible from top to bottom would require a retaining wall along Henderson Street. He showed proposed locations for 25 e-bike spaces.

Mr. Stevenson presented animated graphics to give a sense of the building's height and mass in the context of the Downtown area, and he showed how it would look from Franklin Street. The animation was intended to give a sense of how people would experience the building, and its mechanical penthouse, when moving through the streets, he said.

Mr. Stevenson discussed options for trees within the Town green and emphasized that Grubb Properties had always considered that space to be a potential backdrop for public art. A prior suggestion to put artwork on a trash compactor gate did not mean that it was the only opportunity for art, he said. He showed several other locations throughout the park where he imagined that sculpture and other installations could be placed.

Mr. Stevenson addressed the applicant's proposal to move an existing trash compactor down to street level where it could be screened from view and would not obstruct pedestrians coming through Post Office Alley. He said that designers did not see other promising solutions for trash given the site's layout.

Mr. Stevenson presented a list of potential lab uses but said that it was too soon to say exactly who the tenants would be. He pointed out that each lab tenant would need to go through the Town's design and permitting process. Lab materials would be picked up by a specialized disposal company and not combined with the general trash, he said.

Mr. Stevenson said that a recent acoustical analysis had concluded that noise from the mechanical penthouse would be about 45 decibels on Franklin Street. Typical ambient street sound was 70-80 decibels, he said.

Council Members raised questions and made comments about the building's height, potential noise, the trash compactor's location, and safety. They suggested that the applicant lower the mechanical penthouse, reduce its size, or put barriers around it to deflect or absorb sound.

Council Member Gu confirmed with Ms. McDonnell that the LUMO allowed "research activities" only but did not specify research level. Ms. McDonnell

agreed to obtain information on whether any other regulation would dictate level, and Mayor Hemminger recommended finding out what the guidance on wet labs was in Durham and Research Triangle Park as well. Mayor pro tem Parker suggested also looking at how the University of North Carolina regulated its labs on campus.

Mayor Hemminger asked the applicant to take another look at the trash compactor problem. She proposed that they consider giving up a few parking spaces to create a space for storing rolled-out trash carts. She understood the applicant's reasoning but wanted to see a better option than putting garbage collection next to a park and pedestrian area, she said.

The Mayor and Council said that the proposed building continued to seem as though it would loom over the smaller buildings on Franklin Street. They asked the applicant to consider what else could be done to make it feel more like a part of Downtown.

Mr. Gladdek expressed support for the project. He said that he was not aware of any complaints about noise from a Durham project that had 700,000 square feet of wet lab space with another 200,000 square feet under construction. The current ambient noise on East Franklin Street was higher than what would come from the proposed mechanical tower, he said.

Scott Levitan, a Community Design Commission member who was speaking only for himself, listed the credentials that qualified him to be an expert on lab space development and gave Cambridge, MA as an example of where modern labs could co-exist with historic buildings and add character to an area. He explained why lab buildings needed 15 feet floor-to-floor. He said that the proposed design would enhance the Rosemary Street block and urged the Council to focus on the experience on the street.

Brandon Morande, a Chapel Hill resident, asked if the plan would include accessible public restrooms, and Mayor Hemminger pointed out that those were in the public parking deck across the street.

David Schwartz, speaking on behalf of the Historic District Commission (HDC), read comments from a September 14, 2021, meeting at which the HDC had voted 5-1 to approve the project. He said that the approval included two conditions: that there be public artwork on the trash enclosure gates, if those remain in the plan, and that the project use Town standards for street lights. The applicant had already agreed to both conditions, he said.

Phillip Lyons, Preservation Chapel Hill (PCH) president, said that PCH

agreed with the Mayor about moving the trash compactor somewhere else. He expressed concern that the proposed building would loom over the 100 East Rosemary block, which was on the National Register of Historic Places, and over the Old Post Office and North Street, which were both in the Town's Historic District. He urged the Council to consider limiting the building to much less than 140 feet.

Mayor Hemminger read a written comment from Dr. Edward Marshall, a Chapel Hill resident that recommended determining and possibly restricting the types of biological materials that the wet labs would be able to use.

Council Members repeated their concerns about the building's height and scale and made several suggestions, such as: eliminating a floor; reduce building depth and enlarging the alley; distributing some of the mechanical equipment throughout the building; reducing the overall height; and wrapping the penthouse in something decorative.

The Council agreed on the need to find a better solution for trash and said that they were looking forward to hearing more creative ideas from the applicant. Mayor Hemminger and Council Member Ryan said that the Franklin Street façade needed more thought as well. It should not be "back of house," said the Mayor.

With regard to noise, Council Member Gu said that HVAC sound was different from ambient restaurant noise. However, Council Member Huynh said that he was not as concerned about noise. He pointed out that a rooftop dance club would be right next door.

Council Members agreed that the appropriate level of biological material should be specified in the resolution, as should the applicant's commitment to EV stations and conduit. Mayor pro tem Parker asked the applicant to take another look at having a bike-share station, and Council Member Buansi requested more specific information on what an ADA ramp would be like for someone who was using it. Council Member Ryan proposed that the Council and applicant have a more specific discussion about LEED standards.

Mayor Hemminger pointed out that the Council had the option of revisiting the application at its December meeting, and Council Members agreed to do so. Council Member Ryan asked that the applicant present a view of the building from Carolina Coffee Shop area, if they did return in December.

Mayor Hemminger commented on the amount of energy and resources that Grubb Properties had put into other Chapel Hill buildings and urged them to try a little harder to improve the current one. She said that there was

a need for such an enterprise downtown but said that the massing and height felt counter to the rest of Franklin Street. She emphasized the general interest in finding a better solution for trash than having it at street level in the Historic District. She confirmed that the applicant was willing to return on Dec 1, 2021.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that this Item be continued to December 1, 2022. The motion carried by a unanimous vote, though Council Members Anderson and Huynh did not vote.

16. Consider Adopting Greene Tract Resolution for Recombination Plat and Conceptual Plan.

[\[21-0897\]](#)

Assistant Planning Director Judy Johnson gave a brief PowerPoint presentation on the Greene Tract (GT), a 164-acre wooded area owned by Chapel Hill, Carrboro and Orange County jointly. She explained that Orange County owned 60 of the acres and the three partners owned the other 104 acres jointly. She said that background information on the GT could be found at orangecountync.gov.

Ms. Johnson explained that the Town had been using "Mapping Our Community's Future", a 2016 report by the Historic Rogers Road Neighborhood Task Force, as a strategy document for developing the land. The three partners had adopted resolutions in 2020 designating 123 acres as a joint preserve, 16 acres for a school site/recreation area, and 66 acres for housing and mixed use, she said. She noted that an environmental assessment had been completed and that the Council had authorized the Mayor to sign a memo of understanding with the other two partners.

Ms. Johnson presented a map of the GT and said that the resolution before the Council began to label it with uses. She explained that the shape of Orange County's parcel had been reconfigured and that a new south-to-north connection had been added that would allow better connectivity for wildlife. She showed where 16 acres at the southern end had been designated for a school/recreation area and where other areas had been designated for development.

Ms. Johnson described the ways in which the Town had obtained public input during the pandemic. She said that public comments had pertained to: the need for greenspace, park space, and trails; concern about traffic issues and access; questions about impacts on the ecosystem, watershed, vegetation and wildlife concerns; support for affordable housing; and a desire to preserve 80 percent of the GT. There had been discussion about the location and need for a school site and also some concern about including market rate housing, she said.

Ms. Johnson explained that adopting Resolution 15 would approve the

recombined plat with modified property lines. It would reaffirm the land uses and acreages and included additional references to "Mapping Our Community's Future" and authorized the Town Manager to sign the recombined plat, she said. She pointed out that both Carrboro and Orange County had already unanimously approved similar resolutions.

Mayor Hemminger reminded the Council and public that Resolution 15 would only realign the parcels. She said that the Council had pushed hard for the environmental assessment and that the current concept would yield at least 82 acres of protected land. She said that discussions regarding the GT had been going on for more than 25 years and that the three partners were taking incremental steps in an effort to stop going in circles.

Mayor Hemminger emphasized that the GT was within the Town's planning jurisdiction, which meant that any development there would need to go through the Town's planning process. The current meeting was only about realigning the two parcels, she said.

Council Member Gu confirmed with the Mayor that the Council was not currently deciding how much land would be conserved and how much would be developed. The Mayor and several Council Members said that the Council had already passed related resolutions in January and April 2021, and Ms. Johnson said that the current resolution would merely reaffirm those numbers and put them on the map.

Douglas Frederick, a Chapel Hill resident and a retired forester, argued that developing the GT would have a significant impact on the Booker Creek watershed, due to stormwater run-off. He said that the Center for Bio-Diversity had identified the GT as a very significant forest. He cautioned against full-scale development and asked the Council to prioritize the GT's natural character.

Nancy Oates, a Chapel Hill resident, proposed that the Council add a sentence to the resolution stating its commitment to donate any of land slated for development to a non-profit organization that would ensure that 100 percent of the housing would be affordable. She characterized the resolution before the Council as "troublesome" because ramifications of changing the borders were not clear.

Larry Reid Sr., a Chapel Hill resident who owns property adjacent to the GT, thanked the Council for listening to the Rogers Road community, for moving the GT discussion forward, and for completing the environmental impact analysis. He said that the Town had made a lot of empty promises over the years and that the Historic Rogers Road community was hoping for justice. Recent Town Councils had stepped up every time they had been asked and the community had faith that the current Council would continue to do so, he said.

Abel Hastings, a Chapel Hill resident, said that the current plan did not reflect the common community themes that his group, Neighbors United, and others had arrived at in 2016. There was no restriction on the amount of market rate or commercial development, no limits on density, and no mention of the remaining land becoming a park, he said. He said that the preserved area was smaller than before and that the plan was not following the recommendations of previous teams and national environmental experts.

Buffie Webber, a Chapel Hill resident, characterized the GT as just a small forest in a small town and said that the three partners were trying to determine how everyone would live together in the future. She urged the Council to proceed with what the Rogers Road community had steadfastly and continuously said they wanted. There was not much community support for pulling the issue back into a planning environment, she said.

Melissa McCullough, a Chapel Hill resident, read a letter that she had sent to the Town urging adoption of the resolution. Her letter addressed the environmental racism and broken promises that local governments had inflicted on the Rogers Road community over decades. She encouraged the Council to respect the work that had been done and the promises that had been made.

Adam Searing, a Chapel Hill resident, said that the Resolution 15 did not include a prohibition against selling land to a private developer. The Town needed to get the details of that language right in order to preserve what could be its greatest forest park, he said.

Minister Robert Campbell, a Rogers Road resident, pointed out that the current land reconfiguration was not a declaration for development, and he encouraged all to come together and discuss how to move forward. He said that AH could work hand-in-hand with the environment. There was a lot of misinformation about the GT, he said, and he volunteered to take people on tours.

Delores Bailey, a Chapel Hill resident, said Resolution 15 was merely a reconfiguration of work that had already been done. The GT was not, and never had been, a forest, she said, noting that it had been purchased to be a landfill. She urged the Council to vote for the resolution so that everyone could finally come to the table and listen to one another.

Dr. Edward Marshall, coordinator of Booker Creek Neighborhood Preservation Alliance, said that clear-cutting roughly 80 acres at the end waters of Booker Creek made no sense. He characterized the current process as "faux democracy" and asked for a new vision for Chapel Hill that would include more community dialogue and an approach to GT development that would balance racial equity with affordable housing and forest preservation.

Brandon Morande, a Chapel Hill resident, said that the partners and community groups had worked tirelessly for many years to find an environmentally sustainable way to preserve the corridors while also addressing community needs. There was community-wide support for the resolution, he said

All Council Members spoke in favor of the resolution, and some pointed out that planning for the Greene Tract had been underway openly since 1999. Council Member Huynh said that the idea of conservation in "Mapping Our Community's Future" had never meant leaving the land as it is. The Council pointed out that a large portion of the land would remain open for enjoyment and connection to the natural world.

Council Members said that pitting environmental preservation against affordable housing was creating a false choice since having both was feasible. Council Member Gu said that voting for Resolution 15 would not be a declaration for development and would definitely not mean turning the 66 acres into the next Blue Hill District.

Council Members commented on the environmental injustices that had been perpetrated upon the Rogers Road community for nearly 50 years. Mayor pro tem Parker said that the GT plan was the merest down payment on the enormous debt that was owed to that community. Council Members said that moving ahead with Resolution 15 would be a step toward fulfilling a promise that should have been met many years ago.

The Council discussed how the goal would be to figure out realistic development options while preserving as much greenspace as possible. Council Member Ryan suggested that everyone take a minute to celebrate that part of the vote and that it meant preserving 50 acres of forest well into the future.

Mayor Hemminger said she was pleased to hear Council Members' comments. She had been involved with the GT in different capacities over many years and was determined to make good on all the promises that it had made to the Rogers Road community, she said. She emphasized that no decisions had been made regarding development and that approving R-15 would merely move the process a step closer to the visions outlined in "Mapping Our Community's Future".

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-15 be adopted as amended. The motion carried by a unanimous vote.

- 18.** Consider Approving a Process for Town Council Members to Submit Petition, Resolution, and Proclamation Requests

[\[21-0899\]](#)

This item was not addressed.

No action was taken on this matter.

17. Update on Town Affordable Development Projects: Trinity Court and Jay Street.

[\[21-0898\]](#)

Ms. Viñas pointed said that staff had been making progress toward the Council's AH goals, with 550 affordable units coming online over the next several years. She provided brief background information on Trinity Court and Jay Street, two potential AH developments located on public land. She said that staff would return on January 12, 2022, for Council approval of site control agreements related to those properties.

Public Housing Director Faith Brodie presented additional information about Trinity Court, which had begun exhibiting structural deficiencies and deterioration of some units in 2014-2015. She said that residents had all been successfully relocated and that the Council had directed staff to partner with local firms and agencies to re-imagine that building.

Affordable Housing Development Officer Emily Holt gave an update on financing plans for both Trinity Court and Jay Street. In the fall of 2019, the Council had authorized staff to develop partnerships for those projects and staff had ultimately recommended the Taft-Mills Group to co-develop them with Community Home Trust, she said.

Ms. Holt reminded the Council that a concept plan for Jay Street had been submitted in March 2021. She said that staff was currently processing related community feedback. The plan for Jay Street included 48 affordable rental apartments and a community space in a two- to three-story building that would disturb only half of the site, she said. She explained that staff intended to submit a Conditional Zoning application for Jay Street within the next few weeks.

Ms. Holt said that Trinity Court and Jay Street would both be 100 percent affordable. If they were tax credit projects, they would serve people whose incomes were up to 80 percent of the area median, as long as the average income was less than 60 percent, she said. She pointed out that the Town had only applied for 4 percent tax credits in the past, but said that recent changes had made projects more competitive and the developers were confident that the Town had a chance of obtaining 9 percent.

Ms. Holt provided a comparison of rules and schedules for 9 percent versus 4 percent tax credits and pointed out that the 4 percent scenario would leave a funding gap. She said that staff would present recommendations for using AH Bond funds if additional funding were needed. She described what submitting a 9 percent tax credit application would involve and said that the process would run from January to May 2022. Tax credit awards

would be released in September 2022, she said.

The Council asked about the strategy of submitting tax credit applications for two separate Town projects, and Ms. Holt replied that staff believed that doing so was preferable to submitting the wrong one and having it lose. Council asked whether money for housing would be part of a federal infrastructure bill, and Mayor Hemminger and Town Attorney Ann Anderson replied that they did not yet know.

Council Member Gu asked about infrastructure costs if the Town were not able to secure the 9 percent tax credit, and Dustin Mills, of the Taft-Mills Group, replied that the Jay Street project probably would not need any local contributions if it were awarded 9 percent. If Trinity Court were the one to succeed, then the Town would need to find additional funds to bridge the Jay Street gap, he said.

Council Member Gu confirmed with Mr. Mills that the budget for Jay Street anticipated a need for improvements. She asked if units could be reserved for Chapel Hill applicants, and several Council Members replied that fair housing rules would not allow that. Council Member Stegman confirmed with Ms. Brodie, however, that partnering with Orange County meant that preferences in the County's voucher system would apply to Chapel Hill as well.

In response to a question from Council about potential repercussions if the Town did not get the 9 percent tax credit and decided to fund one or both projects at 4 percent, Ms. Viñas said that a variety of additional funding sources could be considered such as bonds, American Rescue Plan funds, Orange County, and other local AH sources. She acknowledged that some projects might be delayed and there would be less funding for others. Staff would proceed with the assumption that some funding might be needed and would explore those options, Ms. Viñas said.

Penny Sparacino, a Chapel Hill resident, expressed concern that developing Jay Street could lead to traffic issues that a traffic impact analysis (TIA) had not addressed. She asked when that clarification would be available to the public, and staff replied that they had just received the draft TIA and had not had a chance to review it yet.

Robert Beasley, a Chapel Hill resident, pointed out that the Jay Street property had been purchased with Open Space Bond funds. He said that his Village Drive community had raised issues regarding density, pedestrian safety, and sound issues, but that the project appeared to be moving forward without addressing those concerns.

Ms. Oates verified with staff that the Town would retain ownership of the property and give a 99-year ground lease to the development partners.

Mr. Morande recommended exploring ways to maintain at least a portion of the units in Town ownership and to use vouchers for people experiencing homelessness. He proposed finding a way to prioritize those who were on the Town's public housing wait list.

Council Member Anderson expressed concern about the large amount of subsidy that Jay Street would need if it did not secure the 9 percent tax credit. Council Members Ryan and Gu said that Trinity Court seemed more ready to move forward, and Council Member Ryan said that she would defer to staff on the issue of submitting both projects at the same time. If the Town did not receive a tax credit for Jay Street in 2022, it could wait a year and try again, she said.

Mayor Hemminger said that the Raleigh Housing Authority had recommended submitting all projects so that one would, hopefully, be chosen. Trinity Court and Jay Street would not be competing against each other, she said.

This matter was discussed.

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.

- 19.** Concept Plan Review: Trinity Court (Project No. 21-071)

[\[21-0900\]](#)

The Council postponed this item to December 1, 2021.

APPOINTMENTS

- 20.** Appointments to the Community Policing Advisory Committee.

[\[21-0901\]](#)

Appointments were not made and were moved to December 1.

21. Appointments to the Planning Commission.

[\[21-0902\]](#)

Appointments were not made and were moved to December 1.

ADJOURNMENT

The meeting was adjourned at 11:56 p.m.