



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

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

Mayor Pam Hemminger
Mayor pro tem Jessica Anderson
Council Member Donna Bell
Council Member Allen Buansi
Council Member Hongbin Gu

Council Member Nancy Oates
Council Member Michael Parker
Council Member Karen Stegman
Council Member Rachel Schaevitz

Wednesday, January 16, 2019

7:00 PM

RM 110 | Council Chamber

Roll Call

Present: 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Transit Director Brian Litchfield, Operations Manager Judy Johnson, Planning Director Ben Hitchings, LUMO Project Manager Alisa Duffey Rogers, Downtown Special Project Manager Sarah Poulton, Lieutenant Steve Lehew, Transit Development Manager Matthew Cecil, Director of Organizational and Strategic Initiatives Rae Buckley, Police Chief and Executive Director for Community Safety Chris Blue, Fire Inspector Greg Peeler, Deputy Town Clerk Amy Harvey

OPENING

Mayor Hemminger opened the meeting at 7:00 p.m.

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. Ann Loftin Petition Regarding Flooding in Briarcliff and Ridgefield.

[\[19-0025\]](#)

Ann Loftin, a Chapel Hill resident, said that flooding in her Briarcliff neighborhood had reached a critical "mess" and she described water damage to her house. Ms. Loftin said that many others had signed her petition, and she asked the Council to appoint someone to talk with them as soon as possible.

Mayor Hemminger assured Ms. Loftin that the Town was taking the issue seriously. She said that the Metro Mayors had raised the issue with FEMA and that Carrboro Mayor Lydia Lavelle had been working with FEMA to see what help might be available.

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

1.1. Claudia Sheppard Regarding Eubanks Road and Northwood Neighborhood.

[\[19-0066\]](#)

Claudia Sheppard, representing Neighbors for Northwood, petitioned the Council to not allow the NC Department of Transportation (DOT) to reroute Eubanks Road through their residential neighborhood as part of its Interstate 40 widening project. She said that doing so would destroy homes, lower property values, threaten well and septic systems, and radically alter the character of Northwood. The petition asked the Council to officially endorse Plan 4B, which most closely aligns with protecting the neighborhood.

Mayor pro tem Anderson expressed enthusiastic support for Plan 4B and said she was eager to vote for it.

Mayor Hemminger confirmed with the Town Manager Maurice Jones that the item would come before the Council on January 30, 2019.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Oates, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

1.2. John Morris Regarding GoTriangle Meetings and Materials.

[\[19-0064\]](#)

John Morris, a Chapel Hill resident, said that he had not been allowed to attend a closed light rail transit (LRT) meeting in Durham. He expressed concern that the public would not be given enough information to fully consider the choices. Mr. Morris petitioned the Council to urge the Orange County Commissioners to make information from the January 10, 2019 meeting public and to have future GoTriangle/Durham County meetings open to the press and public.

Mayor Hemminger commented that the Town had asked GoTriangle to provide meeting summaries but staff had not yet received them.

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

1.3. Mayor Hemminger and Council Members Buansi and Stegman Regarding the Jefferson Davis Highway Marker.

[\[19-0065\]](#)

Mayor Hemminger explained that there had been numerous requests to remove the Jefferson Davis Highway marker from Franklin Street. She and Council Members Stegman and Buansi were petitioning the Council to authorize the Town Attorney to write a letter to the NC Attorney General for an opinion on whether the marker could be removed, she said.

A motion was made by Council Member Buansi, seconded by Council Member Stegman, that this Petition be received and authorize the Town Attorney to prepare the letter. The motion carried by a unanimous vote.

PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA

ANNOUNCEMENTS BY COUNCIL MEMBERS

1.4. Council Member Oates Regarding State Historic Preservation Office Meeting Regarding Historic District.

[\[19-0071\]](#)

Council Member Oates said that a meeting about possibly extending the Historic District to the west would be held the following day at 5:30 pm at Town Hall.

1.5. Council Member Stegman Regarding Advancing Racial Equity Workshop in Charlotte.

[\[19-0067\]](#)

Council Member Stegman said that she had participated in the Racial Equity Workshop and praised the training that it offered. She would share more information about that with Council members, she said.

1.6. Mayor Hemminger Regarding Rental Assistance Program Meeting.

[\[19-0068\]](#)

Mayor Hemminger announced a meeting on ways to improve the Rental Assistance Program from 6:30-8:00 pm on January 17th at the Hargraves Center. There would be a second session on Saturday at 11:00 am at the Chapel Hill Public Library, she said.

1.7. Mayor Hemminger Regarding Public Information Meetings Regarding Cedar Fork Subwatershed Study.

[\[19-0069\]](#)

Mayor Hemminger said that two public information meetings regarding the Cedar Forks Sub-watershed Study would be held on January 23rd at the

Chapel Hill Public Library at 11:30 am and 5:30 pm.

1.8. Mayor Hemminger Regarding Martin Luther King, Jr Events. [\[19-0070\]](#)

Mayor Hemminger noted that a number of events would be held in Town on Martin Luther King Day. An NAACP rally and interfaith service would begin at 9:00 am at Peace and Justice Plaza and would be followed by a service at First Baptist Church, she said.

CONSENT

Approval of the Consent Agenda

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

2. Approve all Consent Agenda Items. [\[19-0026\]](#)

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

3. Approve the Miscellaneous Budget Ordinance Amendments to Adjust Various Fund Budgets for FY 2018-19. [\[19-0027\]](#)

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

4. Appoint Two New Members to the Varsity Theatre Task Force. [\[19-0028\]](#)

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

5. Continue the Public Hearings for the Active Adults, 2217 Homestead Road, Applications for Rezoning and Special Use Permit to January 30, 2019. [\[19-0029\]](#)

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

6. Adopt Minutes from October 25, 2017 and November 1, 15, 29, 2017 and December 6, 2017 Meetings. [\[19-0030\]](#)

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[19-0031\]](#)

This item was received as presented.

8. Receive Signed Cooperative Agreement with GoTriangle on the Durham-Orange Light Rail Transit Project. [\[19-0032\]](#)

This item was received as presented.

DISCUSSION

9. Consider UNC Health Care Eastowne Master Plan Project Timeline.

[\[19-0033\]](#)

Planning Director Ben Hitchings recommended that the Council receive information regarding UNC Healthcare's master planning process and share comments with the applicant. He reminded Council members that several conditions had been discussed during a prior meeting with UNC Healthcare representatives. These included delineating an alignment for a multi-use path, having considerable public input during the master planning process, and doing a future traffic analysis, Mr. Hitchings said.

Simon George, Vice President for Real Estate and Development at UNC Healthcare, gave a PowerPoint presentation on how UNC Healthcare planned to conduct its Eastowne master planning process. He described the project team, gave an overview of the planned medical office building, and outlined a collaborative planning process that included UNC Healthcare, the Town, the public, and other stakeholders. Mr. George said that the medical office building was scheduled for completion in fall 2020.

John Martin, a Principal with Elkus Manfredi Architects, discussed the unique opportunity of working with the Town to shape a vision for the 48-acre Eastowne project. He discussed a review process and schedule and pointed out that the applicant had agreed to not propose additional structures until the master plan was completed. Mr. Martin said that the applicant was leaning toward a Development Agreement (DA) process with a long-range vision of 30-50 years.

Mr. Martin proposed a four-phase planning process that would include six to seven months of visioning/public input, multiple scenarios for developing the 48 acres, narrowing down to a preferred alternative, and negotiating a final DA. Mr. Martin expressed confidence that these steps could be accomplished in 18 months but acknowledged that it might take longer.

Mr. George explained that the next step would be a work session with the Town on February 6, 2019. He said he hoped for a February 20th Council resolution on the process and schedule. Public meetings could then begin in March, he said.

Mayor pro tem Anderson asked when a scope of work for an urban designer would be determined.

Mr. Hitchings replied that he would return with that information.

Mayor Hemminger pointed out that such things could be discussed at an upcoming Council work session.

Council Member Parker asked about the Town's staff role and whether staff had assessed its internal resources for going through the process

that UNC Healthcare had outlined.

Mr. Hitchings replied that the project was in the Town's work plan and that he would enumerate staff's role more specifically if Council were interested in negotiating a DA.

Council Member Schaevitz confirmed with Mr. Hitchings that the quasi-judicial process associated with a Special Use Permit (SUP) would begin with the filing of a formal application. The Council could participate in discussions at the concept plan stage of an SUP, Mr. Hitchings pointed out.

Council Member Gu asked about Master Land Use Plans, and Mr. Hitchings explained that they involved a quasi-judicial decision on a master plan at the outset with details of the project coming through as an SUP. Master Land Use Plans were not that appealing to applicants such as UNC Healthcare because they require multiple quasi-judicial hearings, he said.

Council Member Gu pointed out that the Town was in the process of developing its Future Land Use Map (FLUM). She asked if any consideration had been given to integrating that with UNC Healthcare's long-term master planning process.

Mr. Hitchings replied that Council decisions regarding the FLUM could certainly be included in high level discussions. The DA process would go into much more detail over a period of months to specifically describe activities that would be appropriate and allowable on the Eastowne site, he said. Mr. Hitchings said that higher level guidance from the FLUM could be communicated to the applicant and included in the public discussions.

Mayor Hemminger confirmed with Council members that none of them were concerned about using a DA process. She suggested that they think about guiding principles to bring forward at the Council work session.

Council Member Schaevitz confirmed that UNC Healthcare and Town staff would make arrangements for the Council to tour the site.

Julie McClintock, a Chapel Hill resident, told of her experience with the Carolina North DA when she was a Council member. She said that the Town had begun by developing guiding principles. Two major issues had been transportation and environment, which was also the case with Eastowne, she pointed out. Ms. McClintock said that there had been public meetings with UNC's Board of Trustees and public comment at every meeting.

Council Member Bell asked staff to bring back a summary of information that the previous Council had provided regarding development in that area. Being reminded of the foundations that previous Councils had set would allow the Town to fill in new information rather than reinventing the

wheel, she said.

Mayor pro tem Anderson asked how the Council could address the applicant's master plan in the context of the surrounding area.

Mr. Hitchings replied that staff had been assembling a presentation that would look at different quadrants of that gateway area in a holistic fashion. He would bring that to Council in February or March 2019, he said.

Council Member Parker noted the importance of having a Town negotiating position and not simply reacting to UNC Healthcare's proposal. He suggested that staff start harvesting information that would help the Council clarify the Town's goals.

Mr. Hitchings replied that such a conversation could begin on February 6th at the Council's work session.

Council Member Buansi expressed appreciation to UNC Healthcare for offering to be flexible regarding time and for creating a website. He stressed the importance of updating the website as fast as possible so citizens would feel informed when they could not attend meetings.

This item was received as presented.

10. North South Bus Rapid Transit - Locally Preferred Alternative Update. (*Reissued from 12/5/18)

[\[19-0034\]](#)

Transit Director Brian Litchfield gave a PowerPoint presentation on the Bus Rapid Transit (BRT) project for the Town's north-south corridor. He provided a brief history on the project's origin and goals and on the Council's adoption of a locally preferred alternative in 2016. He described the technical and policy committee memberships and discussed public engagement efforts.

Mr. Litchfield said the Town would be looking at station placement/design and streetscape during the 30 percent design phase of the project. The Town would then submit a request to the Federal Transportation Administration (FTA) for consideration to move into the engineering phase, he said.

Mr. Litchfield noted that the Council had adopted three locally preferred alternative (LPA) options in 2016. He said that opportunities to make adjustments to station locations and other changes would exist through 30 percent design and the environmental work. Mr. Litchfield proposed that the Council adopt a revised LPA.

Julia Suprock, a transportation planner with AECOM Consultants, said that extending the BRT to Durham Technical Community College in Hillsborough had been considered but that low ridership would not justify the cost. She

explained the consideration and analysis that had gone into trying to narrow down multiple guideway options at the northern end of the route. Ms. Suprock outlined several recommendations and gave reasons for AECOM's recommendation to eliminate a center running guideway option.

Council Member Oates asked about right-of-way (ROW) issues between Estes Drive and Hillsborough Street.

Ms. Suprock explained that a narrower ROW at that location meant more constraints on having a median. Council Member Oates confirmed with Ms. Suprock that there was a potential to take a little extra ROW, but doing so would increase capital costs.

Dan Meyers, a project lead with AECOM Consultants, discussed adding bike and pedestrian facilities and innovative ways to provide safety. He said the plan would increase the bike route from about 60 percent to about 84 percent of the BRT line. Mr. Meyers reviewed next steps and recommended the Council adopt the revised LPA with several changes he had listed.

Council Member Stegman said Martin Luther King Jr. Boulevard (MLK) was dangerous for pedestrians and bicyclists. She asked if there were details about what improvements would look like.

Mr. Meyers replied that those details would be addressed as part of the 30 percent design over the next four to five months.

Mayor pro tem Anderson asked for more information on a "pretty substantial" funding gap.

Mr. Litchfield replied there was no guarantee of federal funds but that the FTA had viewed the project favorably. Staff continued to work on the challenge of non-federal funding, he said. He explained that a small portion would come through the Orange County Transit Plan tax, but the rest would have to come from state or other non-federal sources. Mr. Litchfield discussed possible funding sources and said the local funding gap would be between \$5.8 million and \$10.5 million, depending on which alternative was ultimately chosen.

Council Member Buansi confirmed with Mr. Litchfield that BRT would make fewer stops than current buses but that some level of local bus service would continue as well.

Council Member Parker verified with Mr. Litchfield that the savings derived from not having to purchase new buses would help fill a small portion of the funding gap.

Council Member Gu asked about the impact of narrowing dedicated areas on cars and other traffic

Mr. Litchfield replied that a traffic impact analysis would be performed. He pointed out that DOT controlled that section of the road. Constructing a lane would be more likely than converting one, he said.

Council Member Gu confirmed with Mr. Litchfield that a multi-use path was envisioned for most of the corridor.

Mayor Hemminger verified that the current plan was for nine lanes. She described that as "massive" and like a freeway at an entryway to the community. It may be challenging for pedestrians, she said, adding that she was interested in reducing the number of lanes. She expressed concern about "losing the feel of who we are".

Mayor pro tem Anderson ascertained from Mr. Litchfield that urban design would begin when the project moved into the 30-percent design stage. She argued for beginning that earlier, and Mr. Litchfield offered to return with a response to that prior to the 20-percent design phase.

Mayor Hemminger confirmed with Mr. Litchfield that the Transit Partners (UNC and Carrboro) had discussed the current update at their meetings and that the Town's advisory board chairs could be involved.

Mayor pro tem Anderson said she did not necessarily want the 20-percent design coming back to her. However, she would like to have more input into the 30-percent design from urban design experts, she said.

Mr. Litchfield replied that a review of the corridor's potential would generally be done later in the process when the federal funding was in place. However, he could look into doing it in the environmental phase rather than the engineering phase, he said. He offered to return with more information about the feasibility and cost of doing so.

Council Member Schaevitz confirmed that there would be a reduction in the median from north of Homestead Road up to Eubanks Road. She ascertained from the presenters that there would be opportunities for some greenspace in the median, and the distance from one side of Martin Luther King Jr. Blvd. to the other would not change in most cases. She was not as concerned with the number of lanes as she was with how wide the road would look and feel, Council Member Schaevitz said.

Council Member Parker said, in summary, that the Council wanted to know what kind of total street environment it was creating up and down the corridor. They wanted to create an urban environment that people want to be in with a BRT, rather than imposing a BRT on the existing environment, he said. Council Member Parker noted that Council members generally wanted MLK to be a boulevard, rather than a highway.

Council Member Bell said there was value in going from seven to nine

lanes, but also a value in making sure it is well-designed as a place for people to be in. She cautioned against designing something that DOT could not implement. The Town needed to remember that it did not own the road and that DOT needed to be part of any conversation, she pointed out.

Council Member Oates said that it seemed as though the Town would need all of those lanes to meet the traffic count that DOT had described. She would be watching for how those lanes would merge down to one without creating a bottleneck in the Downtown area, she said.

Mr. Litchfield and Ms. Suprock agreed with that concern and said that the traffic analysis would address that area as well. The biggest time-saver would come from having a dedicated lane through downtown, they said.

Council Member Gu requested that the next presentation include options for different types of intersections, numbers of lanes, and so forth -- for both the proposed street width and narrower.

Council Member Schaevitz said she was more interested in conversion than construction, but wondered how that would affect the timeline.

Mr. Litchfield agreed to provide further analysis of those options, and Mr. Meyers said that DOT was willing to convert if it could be sure there would not be traffic backups.

Council Member Buansi asked for visual examples of the different lane widths, and Mr. Litchfield replied that Pittsborough Street by the Carolina Inn was about 10.5 feet wide. He would return with pictures, he said.

Mayor pro tem Anderson moved that staff look into the fiscal impact of having a transit-oriented development consultant do a corridor study with an advisory committee of Town board members and Council members concurrently with the 30-percent design work.

Council Member Oates confirmed that the Council would address the cost before hiring such a consultant, and the motion passed unanimously.

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

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

11. Charting Our Future - Considerations for the Refined Future Land Use Map.

[\[19-0035\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffy Rogers gave a PowerPoint presentation on the Refined Future Land Use Map (FLUM), which she characterized as a bridge that provided the Town with policy guidance as it moved into the LUMO rewrite process. The FLUM would be an amendment to the Chapel Hill 2020 Comprehensive Plan that would replace the current land use plan, she explained.

Ms. Duffy Rogers listed the Town's Future Focus Areas and discussed the results of an online citizens' preference survey. The survey would be one input into the FLUM refinement process, she said. She said that a separate Council survey had found an agreement on concentrating development at transit hubs, connecting those hubs to adjacent neighborhoods with multi-modal connections, and creating activated pedestrian-oriented spaces in places such as University Place.

Ms. Duffy Rogers noted that some Council members had indicated concern about having five-story buildings adjacent to Northside. She was not sure if that concern applied to use, height, or both, she said. The Council had also indicated concern about height at West Franklin, North Graham, and North Robertson, and she hoped to get more clarification about those and any other concerns, she said.

Ms. Duffy Rogers explained that she would return to the Council with a blueprint on February 8, 2019. If Council concurred with that document, she would bring back a draft FLUM on March 1st, she said. She would present these documents to the Council Committee on Economic Sustainability as well, Ms. Duffy Rogers said.

Council Member Gu asked about a set of maps regarding stormwater, traffic, public spaces, and more.

Ms. Duffy Rogers replied that the draft FLUM would include examples of what staff believed should be in the map series. They would ask the Council on March 1st what others should be included, she said.

Council Member Stegman asked about fiscal analysis, such as data on how particular types of development were related to population growth and data to evaluate the impact of potential plans.

Ms. Duffy Rogers replied that she recalled a discussion about giving the blueprint to the Town's economic development officer for evaluation of whether or not the uses shown would benefit the Town's tax base and/or meet any anticipated needs for non-residential development.

Council Member Stegman asked if something similar would be possible for residential development.

Ms. Duffy Rogers offered to bring back an answer regarding how some number of units might or might not meet the Town's population needs.

Council Member Stegman asked if staff was planning to incorporate Council values.

Ms. Duffy Rogers replied that staff anticipated adding Council and community input and then giving the Council an opportunity to review and discuss.

Mayor pro tem Anderson asked if that would also be the time when they would include environment, traffic, and other considerations. How would the Town integrate things such as flood areas into its decision-making without an overlay map, she asked.

Ms. Duffy Rogers replied that staff fully intended to have a map series that would bring many of the Town's previous planning efforts together.

Mayor pro tem Anderson verified with Ms. Duffy Rogers that those maps would be available during the first portion of the LUMO rewrite.

Council Member Parker pointed out that the FLUM was meant to be an articulation of what the Town wanted to look like over the next 30-40 years. The Council would not want to adopt its FLUM if its desires could not be met, he said. For example, the Town could not tell residents that it would like to have a station in an area that was a floodplain, he said.

Ms. Duffy Rogers replied that a swath in a floodplain would be recognized as part of the FLUM.

Council Members Gu and Anderson expressed concern about the order of things. They expressed a preference for having more guidance regarding constraints and so forth when making choices for what would go in specific areas, rather than having those choices edited out afterward because they were not feasible.

Ms. Duffy Rogers replied that the purpose of the prior exercise in which Council members had made choices was to provide staff with general guidance on the Council's preferences for land use, density, and intensity. It was to get some general feedback, she said.

Council Member Oates confirmed with Ms. Duffy Rogers that the blueprint would be sent to Council members on the Monday before the February 8th meeting.

Linda Brown, a Chapel Hill resident, said that the FLUM must match the promise of the Paris Accord regarding climate change. She said that a well-designed plan should identify streams and include information about low-lying areas that must be protected for water quality and to mitigate the effects of flooding. Ms. Brown made several recommendations and comments regarding greenspace, transit, air quality, density, and the cost

of services versus property tax revenue. She said the draft land use maps bore no relation to reality.

Ms. McClintock said the draft land use maps lacked a theme and appeared to call for a bland uniformity along all corridors and adjacent neighborhoods. Carrying it out would result in "a soulless, characterless town that looks a lot like other towns that have lost their history and identity," she said. She had identified a number of omissions and would send that information to the Town, she said. Ms. McClintock also read a statement from Kimberly Brewer, a Chapel Hill resident, which said that pushing density would destroy her affordable neighborhood.

Ms. Duffy Rogers asked for clarification of a Council comment about the use and height of structures along West Rosemary Street.

Mayor pro tem Anderson and Council Member Buansi explained that the Council did not want tall buildings overshadowing adjacent neighborhoods.

Council Member Parker pointed out that Downtown was like a mosaic with virtually every block being different. For example, the north sides of West Rosemary and West Franklin Streets should be treated differently from their south sides, he said.

Ms. Duffy Rogers replied that this confirmed what she had understood since the West Rosemary Street Guide limited the height to 48 feet on the south side.

Mayor pro tem Anderson said the Town needed to do more work on its guiding principles and the trade-offs between different uses in different places. The Council needed to be more specific about how it made choices, she said, adding that she was not against density per se if it served a purpose. Mayor pro tem Anderson stated she was not feeling good about the draft maps.

Ms. Duffy Rogers proposed that the Council wait and evaluate the blueprint she would present on February 8th. If it did not represent what the Council wanted, staff could back up and have more conversations about goals, she said. She said some of the Council's concerns would apply more to the LUMO rewrite. Moving from the FLUM directly into the LUMO seemed to be causing uncertainty, she said, adding that the Council seemed to want to bridge that gap in the early part of the LUMO rewrite.

Mayor Hemminger stated that Council members were wondering what was being used as guiding principles. She said the Council had given consistent messages about transitions to neighborhoods, staying on corridors, not redoing the map for the entire community, getting around/mobility, and so forth. However, it had not specifically stated aspects, such as mixes of housing, the character of entryways, etc., she said. It seemed like it was being put together and handed to the

consultant to draw when there were still pieces that had not been discussed, said Mayor Hemminger.

Mayor Hemminger said she wondered if Ms. Duffy Rogers would remember that the Council wanted green spaces, public spaces, connections to things, a specific transit node rather than just a stop, and tree canopy, to name a few. What is the Town really saying with "nurturing our environment" and what does that mean today, she said. Mayor Hemminger pointed out that the Council's retreat would occur before February 8th, so they might have more information on the blueprint, she said.

Mayor pro tem Anderson said the Council had not had an opportunity to describe the "amazing and inspirational" spaces it was trying to create. It had not discussed how to move beyond something that currently looks incremental to an exciting vision of where they were trying to go, she said.

This item was received as presented.

12. Electric Scooter Update.

[\[19-0036\]](#)

Downtown Special Projects Manager Sarah Poulton gave a PowerPoint presentation on the "constantly changing" situation regarding electric scooters in North Carolina. She explained that the scooters contained electric motors that could accelerate up to 25 mph without assistance. The cost of purchase was about \$400, she said.

Ms. Poulton said that various companies had been promoting rentable, shareable scooters which cost about \$1.00 to unlock and about 15-cents per minute. In August, Scootershare had dropped about 90 scooters on the periphery of UNC's campus and were later removed at the request of the University and Town, she said. Additional scooter companies had reached out with offers as well, she said.

Ms. Poulton discussed issues pertaining to safety and sidewalk clutter and said the Town had been working closely with UNC and Carrboro regarding the topic. She provided information on approaches other municipalities had taken.

Lieutenant Steve Lahey, representing the Special Operations Division of the Chapel Hill Police Department, discussed local ordinances that affect the operation of scooters within Town limits. He said there was no clear-cut definition of electric scooters in NC state law, so they would currently be classified as mopeds. A scooter would need to be registered and insured, a rider would need to wear a DOT helmet, and the scooter could not be ridden on sidewalks, he said. Lt. Lahey said the NC Legislature was aware of the issue and might address it in the current year.

Council Member Stegman confirmed with Mayor Hemminger and Ms. Poulton that scooter companies did not provide helmets and that riders in towns that allow scooters did not typically wear them.

Mayor Hemminger confirmed from Ms. Poulton that she had not seen any municipality allow higher than 15 mph even though a scooters' mechanical maximum is 25 mph. Mayor Hemminger said some cities had mandated locking them at 10 or 12 mph.

Council Member Stegman asked about age limits, and Ms. Poulton said some companies do require riders to attest they are 18 or over.

Than Austin, Associate Director with UNC Transportation and Parking, shared the University's experience with having scooters dropped on campus and receiving many complaints during that two-day period. The University has since updated its ordinance to prohibit any sort of electric motorized vehicles on campus sidewalks. UNC was waiting to see what happened with state law and what the best practice would be, he said.

Ms. Poulton said that staff's next steps would be to receive feedback from the Council, the Transportation and Connectivity Advisory Board, and other stakeholders. Staff would monitor state actions and continue collaborating with UNC and the Town of Carrboro, she said.

Mayor pro tem Anderson confirmed with Ms. Poulton that some municipalities had tried to provide parking spaces in order to reduce sidewalk clutter, but it was not clear how they had been enforcing that. Mayor pro tem Anderson and Mr. Austin mentioned parking ideas that included "docks" and "nests," and Council Member Stegman said that some places had been experimenting with geo-fencing which continues to charge a user who does not leave the scooter in the right place.

Mayor pro tem Anderson wondered if the Town could do a pilot program, but Ms. Poulton replied that it was difficult to imagine a pilot program that did not have UNC's and Carrboro's participation.

Council Members Parker and Gu verified with Ms. Poulton that the scooters had small headlights and governors that monitored speed. However, they could go faster than the monitored speed when going downhill, Ms. Poulton pointed out.

Council Member Gu verified with Manager Jones that the Town would need to consider whether it has the capacity to actually enforce any rules that it put in place. Allowing scooters would have a budgetary impact, and that was why other places had imposed fees to offset the cost, Mr. Jones said.

Council Member Buansi asked if there had been any discernible impact on the Carolina Bike Program during the days when scooters were dropped at UNC campus.

Mr. Austin said he assumed there had been. The University had invested heavily in its bike share program and the same people who use that would probably use scooters, he pointed out.

Council Member Buansi asked if other municipalities had fined people who left scooters in the wrong places.

Ms. Poulton replied that Durham planned to charge \$50 for having to relocate a scooter and that others were also considering fines.

John Reese, a Chapel Hill resident, recommended the Council think about how the Town could accommodate alternate, affordable means of transportation such as scooters. People ride them on sidewalks because they are not comfortable riding on streets, he pointed out. Mr. Reese proposed that the Town double down on making every street safe for bikes, scooters, and other alternate forms of transportation.

Bob Epting, a Chapel Hill resident, testified about serious injuries that his daughter and her friend had suffered while riding scooters at night in Raleigh without helmets. Electric scooters were "an invitation to disaster for people who have not ridden them and hit unexpected conditions," he said. Mr. Epting said that class action suits were being filed against scooter companies and municipalities that allow them on unsafe streets.

Council Member Buansi expressed concern about risks to those with disabilities. He stressed the importance of anticipating such problems in advance.

Council Member Stegman said she was excited about alternative forms of transit and their importance to the environment, traffic, and affordability. She acknowledged the concerns about safety and disability access, but noted that some companies were being responsive to those concerns. The Town had the opportunity to say what it wanted and let companies compete, she pointed out.

Council Member Parker pointed out that scooters and other forms of alternative transportation were coming and the country would have to figure it out. He said about that all electrically-powered devices would have unique challenges and recommended the Town be part of a national conversation and rely on the wisdom of other places.

Council Member Schaevitz verified with Ms. Poulton that Carrboro was approaching scooters like bikeshare operations and was waiting to learn what the state legislature decided. Carrboro had agreed that a coordinated approach with the Town and UNC made the most sense, Ms. Poulton said.

Council Member Schaevitz said that she had initially been less interested

because of the safety issues but was keeping an open mind.

Council Member Oates asked about liability issues.

Town Attorney Ralph Karpinos replied that liability was based on specific facts and was difficult to answer in the abstract.

Mayor pro tem Anderson expressed support for coordinating with partners, waiting to see what the legislature does, and thinking about how to address safety issues.

Council Member Gu agreed that safety was a top priority. She said the Town would need to address how to control, monitor and enforce speed before she would feel comfortable introducing electric scooters to the Town.

Council Member Bell asked if any of the companies provided public education regarding safety, and Council Member Stegman said that some of them did.

Mayor Hemminger said that best practices were to keep them off sidewalks and have a lower speed, according to other mayors. She agreed that the Town should coordinate any effort with Carrboro and UNC and said that geo-fencing could also keep scooters out of areas where they were not allowed.

This item was received as presented.

13. Update on the Negotiations for the Amity Station Development Agreement.

[\[19-0037\]](#)

Council Member Parker gave a PowerPoint presentation regarding negotiations he, and Council Members Oates, Anderson and Bell had been having regarding the Amity Station, a proposed mixed-use project on 2.3 acres on West Rosemary Street. He said that Council adoption of Resolution 6 would authorize those negotiations to continue.

Council Member Parker provided background on the project since 2017. He noted that the site was located in the Northside Neighborhood Conservation District. Negotiations had reached an impasse in June 2018 over whether graduate students would be excluded from the development, but had resumed again in August 2018, he said. Council Member Parker said the Committee had voted (3-1) to continue negotiating, subject to concurrence from the full Council. Key issues for further negotiation pertained to the scope, community benefits, and Town assistance issues, he said.

Council Member Schaevitz noted the financial implications of having no timeline.

Council Member Buansi asked how Northside residents felt about the project, and Mayor pro tem Anderson and Council Member Parker referred him to an email from Hudson Vaughn.

Council Member Parker characterized the project as "tolerable". He said it was not clear if the Northside neighborhood saw the affordable housing as a direct benefit to them and that he had doubts about whether the project, as currently proposed, provided enough community benefits.

Mayor pro tem Anderson acknowledged that she had been the dissenting vote. Amity Station was not what the Town wanted, she said, adding that the current proposal did not meet the Rosemary Street Guidelines. She felt strongly that it was not the right project for the site, she said.

Council Member Stegman noted that one of the Council's goals was for Downtown to not just appeal to students. She asked the negotiating team if the project had the potential to have other people living there.

Council Member Bell said she thought the project would attract graduate students and young professionals, but would not bring families to the Downtown. Multi-family housing on a very expensive piece of land would not create housing opportunities for people in the middle income range, she said.

Council Member Bell said she agreed that the project was not exciting, but said that exciting projects did not typically get built. She proposed asking staff what things would be valuable to the Town at that location. Council Member Bell said the neighbors had been fatigued early in the process. She blamed the Council, in part, for not being the adults in the room and telling the neighbors and developer to keep talking to each other, she said.

Mayor Hemminger said she wanted the negotiating team to continue and perhaps create a timeline with an end date. She did not want to make a decision about the project itself at the current time, she said.

A motion was made by Council Member Parker, seconded by Council Member Oates, that R-6 be adopted. The motion carried by the following vote:

Aye: 6 - Mayor Hemminger, Council Member Bell, Council Member Buansi, Council Member Oates, Council Member Parker, and Council Member Stegman

Nay: 3 - Mayor pro tem Anderson, Council Member Gu, and Council Member Schaevitz

APPOINTMENTS

14. Appointment to the Parks, Greenways and Recreation

[\[19-0038\]](#)

Commission.

The Council appointed Lydia Ndugga and Renuka Soll to the Parks, Greenways, and Recreation Commission.

REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS

A motion was made by Council Member Parker, seconded by Council Member Buansi, that the Council entered into closed session as authorized by N.C. General Statute Section 143-318.11(a)(3) to consult with the Town Attorney. The motion carried by a unanimous vote.

ADJOURNMENT

The Council recessed the meeting at 11:31 p.m. and adjourned the meeting at the conclusion of the closed session.