



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 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, October 13, 2021 **7:00 PM** **Virtual Meeting**

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 Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_buNtrEUUnQ_qjLL-xdK6UUg After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 837 2865 0965

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

Roll Call

Present: 7 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, and Council Member Amy Ryan

Absent: 1 - Council Member Tai Huynh

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Senior Ombudsman Jim Huegerich, Ombudsman Anita Badrock, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, Senior Planner Anya Grahn, Planner II Becky McDonnell, Senior Planner Corey Liles, Housing Director Faith Brodie, Public Housing Management Analyst Stacy Todd, Public Works Director Lance Norris, Stormwater Engineer II Alisha Goldstein, Housing Development Officer Emily Holt, Affordable Housing Manager Nate Broman-Fulks, Interim Director of Affordable Housing & Community Connections Sarah Vinas, Economic Development Specialist Laura Selmer, Sustainability Officer John Richardson, Manager of Engineering & Infrastructure Chris Roberts, Senior Engineer Ernest Odei-Larbi, Communications Manager Ran Northam, Communications and Public Affairs Director and Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and reviewed the agenda.

Mayor Hemminger called the roll and all Council Members replied that they were present, with the exception of Council Member Huynh, who was traveling for work.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Celebrating Successes Video

[\[21-0777\]](#)

The Council viewed a Community Arts & Culture Commission video that showed highlights from recent events and activities. The video included footage from a "Juneteenth" celebration that had paid tribute to the historic contributions that African Americans had made to Chapel Hill. Mayor Hemminger thanked the Commission for helping to honor the Town's history and diversity, and she thanked the Delta Sigma Theta sorority for raising funds to enable an African American Trailblazers mural project.

0.02 Proclamation: Ombuds Day

[\[21-0778\]](#)

Council Member Ryan read a proclamation recognizing members of the University of North Carolina and the Town's Ombuds Offices. She explained how those offices helped to navigate questions, disputes, complaints and concerns. She declared October 14, 2021 to be Ombud's Day in Chapel Hill and thanked both organizations for their commitment and dedication to the community and its values.

The Town's Senior Ombudsman Jim Huegerich thanked Chapel Hill and the University for recognizing the impact that Ombuds Services have on communities. During a time of polarization, they bring people together and build bridges across differences, he said.

Dawn Osbourne-Adams, director of UNC's Ombuds Office, thanked the Mayor and Council and commented on how the University valued its relationship with the Town's Ombuds Office.

0.03 Proclamation: American Pharmacists Month

[\[21-0779\]](#)

Mayor pro tem Parker read a proclamation declaring October 2021 to be American Pharmacist Month and encouraged all to acknowledge the invaluable contribution that pharmacists make to patient care in hospitals, outpatient clinics and other health care settings.

0.04 Proclamation: Cybersecurity Awareness Month

[\[21-0780\]](#)

Council Member Buansi read a proclamation declaring October 2021 to be Cybersecurity Awareness Month and urged residents to learn more about cyber security and put that knowledge into practice in their homes, schools, workplaces and businesses. The proclamation noted the persistent and growing threat of cyber-attacks and said that the Council believed that raising awareness would help protect Town information and infrastructure.

Mayor Hemminger thanked Chief Information Officer Scott Clark and his team for maintaining cyber security and in helping to keep the community informed.

0.05 Mayor Hemminger Regarding Northside Street Safety Community Meeting. [\[21-0781\]](#)

Mayor Hemminger said that a street safety meeting would be held in person and outdoors at Northside from 6:00-7:00 p.m. on October 14, 2021.

0.06 Mayor Hemminger Regarding Festifall Street Arts Market. [\[21-0782\]](#)

Mayor Hemminger said that a twilight market would be held on Henderson Street on October 15th from 4:00-8:00 p.m. The event, which would kick off Festifall 2021, would be free and open to the public, she said.

0.07 Mayor Hemminger Regarding Booker Creek Working Group. [\[21-0783\]](#)

Mayor Hemminger announced that the Booker Creek Working Group would meet virtually on October 18th at 6:00 p.m. and that the meeting would include time for public comment.

0.08 Mayor Hemminger Regarding Upcoming Council Work Session. [\[21-0784\]](#)

Mayor Hemminger said that the Council would review the Stormwater Management Ordinance and would receive updates from a splash pad working group at an October 20th work session. Council and advisory board meetings would continue to be held virtually through October 2021, she said.

0.09 Mayor Hemminger Regarding Inter-City Visit with San Marcos, Texas. [\[21-0785\]](#)

Mayor Hemminger mentioned that representatives from San Marcos, Texas had recently visited Chapel Hill to learn more about the Town and Gown relations, innovation hubs, and ways to revitalize downtown areas. She would share more information on that meeting in an upcoming memo to Council, she said.

0.10 Council Member Buansi Regarding Freedom Fund Banquet for Chapel Hill-Carrboro NAACP. [\[21-0786\]](#)

Council Member Buansi pointed out that Town residents could get tickets for an October 17th NAACP banquet online. People could attend either virtually or in-person, he said.

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.

0.11 Mayor Hemminger Regarding Petitions on Conflicts of Interest, Construction Vehicles [\[21-0787\]](#)

Mayor Hemminger recommended that petitions on transparency and conflict of interest be sent to the Council Committee on Boards and Commissions as well as the Manager's Office. She asked that those, and a petition to consider a ban on construction vehicles on North and Henderson Streets, be addressed separately but tracked at the same time.

0.12 Tara Kachgal Request Regarding 110 Jay Street. [\[21-0788\]](#)

Tara Kachgal, a Chapel Hill resident, petitioned Town leaders to justify their decision to develop land at 110 Jay Street that had been purchased with 2003 Open Space Bond funds. She disagreed with Town staff's interpretation of a related state statute and said that developing that land would show a lack of respect for residents and for notions of ethics and accountability.

0.13 Savannah Bowers Request Regarding Operational Transparency for Town Government. [\[21-0789\]](#)

Savannah Bowers, a Chapel Hill resident, expressed concern over what she said was the Town's conflict of interest and the lack of a policy that proactively disclosed information to the public. She petitioned the Town to make Council meeting minutes, transcripts, voting records, development activity reports and other information, more user-friendly, and available to the public.

A motion was made by Council Member Anderson, seconded by Council Member Buansi, that these Petitions be received and referred to the Town 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 Anderson, seconded by Council Member Buansi, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[21-0759\]](#)
Mayor Hemminger noted that the Consent Agenda had been amended to add an agreement regarding a Public Library Task Force.
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
2. Adopt a Vision Zero Resolution. [\[21-0760\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Update Council and Advisory Board Policies and Procedures to Comply with Chapter 160D. [\[21-0761\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Call a Legislative Hearing for Land Use Management Ordinance Text Amendments - Proposed Changes to Section 3.6.2 Historic Districts Related to Review Criteria on October 27, 2021. [\[21-0762\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Continue the Legislative Hearing for Conditional Zoning - Amending the Chapel Hill Zoning Atlas to Rezone the Rosemary-Columbia Street Hotel Property Assemblage Located at 108, 110, and 114 W. Rosemary 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) to November 10, 2021. [\[21-0763\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
- 5.01 Approve Creation of the Library Services Task Force. [\[21-0790\]](#)

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

6. Adopt Minutes from June 24, 2020 and July 29, 2020 and September 9 and 16, 2020 and October 7, 21, and 28, 2020 and November 4 and 18, 2020 and December 2 and 9, 2020 Meetings. [\[21-0764\]](#)

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0765\]](#)
This items was received as presented.

DISCUSSION

8. Close the Legislative Hearing and Consider a Conditional Zoning Application - Residence Inn and Summit Place Townhomes, 101-111 Erwin Road, Mixed Use-Village-Conditional Zoning District (MU-V-CZD). [\[21-0766\]](#)

Planner Becky McDonnell gave a PowerPoint presentation on an application to rezone approximately 18 acres on Erwin Road from Residential-3 to Mixed-Use Village, Conditional Zoning District. She pointed out that a Residence-Inn already existed on the property, and she outlined the proposal to expand and build 52 townhomes as well. She showed current and proposed site plans and indicated the location of an existing farm pond on the northern parcel.

Ms. McDonnell said that the applicant would propose a way to alleviate some of the flooding to the adjacent Summerfield Crossing neighborhood. She noted that the applicant was requesting a modification regarding steep slopes. Since September, there had been an updated stormwater impact analysis and updated condition regarding a multi-use path, a new condition regarding the landscape buffer and encroachment, and a new condition for e-bike parking, she said.

Ms. McDonnell pointed out that staff was continuing to receive updates from the applicant and that some of the more recent ones had not been fully reviewed and vetted by staff. She recommended that the Council close the legislative hearing, consider adopting Resolutions A and B, and consider enacting Ordinance A, which would approve the Conditional Zoning application.

Stormwater Engineer Alisha Goldstein gave a PowerPoint overview of existing and proposed drainage plans for the area. She discussed the farm pond's overflow and drainage issues and showed where it currently

discharged into the Summerfield Crossing area during overflows. She said that the farm pond was never intended to be a stormwater detention device.

Ms. Goldstein explained how water from the applicant's stormwater measures, which the Town had approved in 2005, meandered down to Summerfield Crossing as well. It was difficult to determine which, the farm pond or the applicant's stormwater device, was the source of flooding and it could be both, she said. She pointed out that the applicant was currently proposing a much larger stormwater control measure that would meet a higher standard.

Consultant Scott Radway, speaking for the applicant Summit Properties provided more information on the proposed buffer changes, stormwater detention area, setbacks from Erwin Road, and building heights. He asked the Council to consider changing a stipulation regarding a temporary construction easement. He gave a detailed presentation on the farm pond's history, the shape and location of a possible swale, and the probable number of trees that would need to be removed.

Mr. Radway said that the preliminary cost estimate for constructing a swale was \$200,000 to \$225,000, not including tree replacements. The swale would reduce stormwater flow by 75-78 percent in two areas, he said. With regard to a third area, the Council would have to permit some limited activity in the buffer, he pointed out. He said that the cost would be almost impossible for the project to bear and that the applicant was proposing that it be reimbursed with Town stormwater utility funds.

Council Member Ryan asked if the Residence Inn was causing the flooding at Summerfield Crossing, and Ms. Goldstein replied that it was difficult to pinpoint the cause. A combination of overflow from the applicant's stormwater control measure and the farm pond probably caused the flooding, she said.

Council Member Ryan confirmed with Ms. McDonnell that the 100-foot buffer was a separate deed restriction and that staff had included a stipulation to leave it undisturbed unless the Council took action. Ms. McDonnell also confirmed that Transportation staff had reached a compromise with the applicant for a 19.1 easement for a path along Dobbins Drive, even though staff still preferred 30 feet.

Mayor pro tem Parker verified with Ms. Goldstein that the Residence Inn's stormwater management system needed maintenance to make it fully functional and compliant with current regulations. He asked if the applicant was liable for the damage it may be causing by discharging water into people's yards, and Ms. Goldstein said that the Town Attorney would need to answer that.

Council Member Anderson asked why the Town would reimburse the

applicant for remediation, and Town Attorney Ann Anderson replied that she thought there would be legal challenges to any notion of spending Town funds for a private project. Town Manager Maurice Jones said he thought that such an act would be unprecedented.

Council Member Gu raised concerns about the analysis not addressing the entire area, and Mr. Radway replied that the northern portion had been analyzed. It had been determined that addressing that would mean filling in the buffer, which would be just as damaging to trees as putting in a swale, he said.

Council Member Buansi verified with Mr. Radway that the preliminary estimate for 500 feet of pipe was \$225,000. The cost of both a pipe at the top and a swale at the bottom of the site would be more than \$500,000, Mr. Radway said.

Mayor Hemminger confirmed with stormwater staff that a swale would lead to an approximate 75 percent reduction in stormwater runoff and that other measures would significantly help to reduce downstream impact as well. She pointed out that the Town could make changes that would allow a swale in the buffer.

Harvey Krasny, a Summerfield Crossing resident, said that eliminating the existing SUP would remove all restrictions that a previous Council had put in place to protect his neighborhood. He questioned the Residence Inn's need for more hotel rooms and asked the Council to not sacrifice its constituents by changing the zoning.

Margo Ginsberg, an Erwin Village resident, said that the applicant had not been a good steward of its current property or considerate of the surrounding communities.

Linda Brown, a Chapel Hill resident, said that the Residence Inn had not responded to her calls when she saw their containment basin overflowing. The proposed containment pond would discharge water into the buffer and affect residents to the north of it, she said, but she expressed confidence that a swale would solve the flooding problem.

Ivy Belskie, a Woodbridge Lane resident, also said she supported the swale as a condition of approval. If the project were developed without stormwater controls, her community would no longer be affordable due to the cost of flood insurance, she pointed out.

Michael Hoppe, a Windhover Drive resident, asked the Council to maintain the original zoning, allow only 20 single-family apartments, keep the pond as an attraction, and protect downhill neighbors from water damage. He characterized the applicant's current proposal as density overkill.

Shiquiong Hu, a Chapel Hill resident, expressed concern about potential noise, dust, traffic, deforestation, and inconvenience to her nearby community, which she said had not been properly informed of the rezoning request.

Emily Johnson, a Chapel Hill resident, stated that the requested rezoning would go against Town's goals of improving local waterways and conserving biological ecosystems. The project was too dense and would create more traffic in areas that already backed up during rush hours.

Robert Beasley, a Chapel Hill resident, emphasized the Town's obligation to not grant a request that did not address its affordable housing needs. He said that flooding issues could be addressed without proceeding with the proposed development.

H. Morgan, a Chapel Hill resident, expressed support for the rezoning and said that the pandemic had produced a dire need for housing in the Triangle area. As a proponent of growth and progress, she thought there could be a win-win for all parties, she said.

Council Members confirmed with Ms. Goldstein that the application did meet the Town's minimum stormwater requirements. They confirmed that the swale was not required but was a community benefit that the Council could negotiate during a rezoning.

Several Council Members expressed opposition to the notion of having the Town build and pay for the swale and Mayor Hemminger said it would be difficult, legally and precedent-wise, to do so. She asked Ms. Goldstein to bring back an opinion on whether a swale would be a true solution to the flooding problem.

The Council asked for feedback from staff on how much stormwater was coming from the applicant's property and what the Town's normal procedure was for helping neighborhoods in such situations. Council Member Ryan asked for information on the Town's practice and ability to require upgrades. She pointed out that the Council had recently required another developer to build and pay for a multi-use path.

Council Members said they were not ready to make a decision regarding the swale, and Council Member Anderson expressed concern about installing something new if the applicant had not been doing the required upkeep of its current system. Council Member Gu stressed the need to consider the impacts if the proposed detention facility did not work as expected.

Council Members asked for feedback from staff regarding stormwater control measures other than pipes and swales and for further discussion of

the applicant's multi-path proposal. They requested an opinion from Housing and Community staff on the affordable housing aspects of the application. Mayor Hemminger proposed that staff talk with the Town's affordable housing partners about whether or not two-bedroom townhomes would meet the need.

Mayor Hemminger said that the Council would not approve a project that would cause more flooding to downstream neighbors. If a swale was the recommended option, then the applicant would need to decide if it was willing to pay for that, she said. She recommended tabling the item while the applicant worked with staff a while longer. The applicant was welcome to return if it reached an agreement that it thought the Council would be willing to hear, she said.

Mr. Radway confirmed that the legislative hearing would remain open and that the public could comment again when there were answers to the questions that had been raised.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, to continue the Legislative Hearing to November 10, 2021. The motion carried by a unanimous vote.

9. Close the Legislative Hearing and Consider an Application for a Major Modification to the Development Agreement: Glen Lennox Height Modification. [\[21-0767\]](#)

Senior Planner Anya Grahn gave a PowerPoint presentation on a request to allow additional stories on three buildings in the southern portion of Glen Lennox along Raleigh Road and Fordham Boulevard. The purpose was to create a critical mass of residential and office development around a central green space and commercial area, she explained. She said that the applicant had submitted a major modification request in September 2021.

Ms. Grahn explained that a development agreement (DA) between the Town and Grubb Properties, Inc. had been executed in 2014. In March 2021, the applicant had come and explained to the Council that it would propose the major modification, she said. She reminded Council Members that they had requested updated traffic studies and more information on the impacts of increasing building height.

Ms. Grahn said that the applicant had withdrawn its height increase request for one of the buildings after members of the nearby Oakwood neighborhood expressed concerns at a public information meeting. Neighbors had also wanted to preserve trees and maintain greenspace, she said. She recommended that the Council close the public hearing, adopt the Resolution of Consistency, and enact Ordinance A to approve the major DA modification.

The Council confirmed with Joe Dye, executive vice president at Grubb Properties, that the proposed 2.23 acres of additional greenspaces in the area would be more than the 1.5 that was required for Glen Lennox a whole. Mr. Dye agreed to include a stipulation that committed Grubb Properties to more than two acres of green space, which would be open to public.

Molly McConnell, a Glen Lennox Apartments resident, praised Grubb Properties for backing off from its original request for an extra story in the building close to Oakwood. She said that Grubb Properties was always respectful of its tenants, and she pointed out that the new building would include residents who earned 60 percent of the area median income.

Jan Halle, a Chapel Hill resident, asked several questions about plans for the buffer along Oakwood. She confirmed with Mr. Dye that some small brick housing units in the area would most likely remain. She confirmed the location of a possible hotel and verified that the Glen Lennox Shopping Center would be renovated.

Council Member Ryan proposed wording for a stipulation regarding open space, and she pointed out that the Town's evolving standard for architecture along roads asked for step-backs and wide sidewalks with street trees. Additionally, she would like to see the applicant commit to pedestrian safety improvements on Highway NC 54, she said.

Mr. Dye agreed to the stipulation regarding open space but noted that the project was not yet at 100 percent design. He said that Grubb Properties supported a full redesign of the Highway NC 54/Hamilton Road intersection and the pedestrian crossing there.

Council Member Ryan proposed that Resolution A include additions that would require the applicant to: 1) provide approximately two acres of total open and green space in the lower 18-acre zone of the development; 2) work with the Town to meet standards for step-backs, sidewalk width, and street trees along the NC 54 frontage; 3) provide pedestrian safety improvements at NC 54 and Hamilton Road when that intersection is being reconstructed.

Mayor Hemminger expressed appreciation to the applicant for their efforts to work with neighbors to reach an agreement more in line with the original plan. The additional greenspace was a plus as well, she said.

A motion was made by Mayor pro tem Parker, seconded by Council Member Ryan, to close the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Ryan, seconded by Council Member Anderson, to adopt R-13 and enact O-3 as amended. The motion carried by a unanimous vote.

10. Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Section 8.5, Community Design Commission - and Updates to the Advisory Board Membership Policy. [\[21-0768\]](#)

Senior Planner Corey Liles proposed a Land Use Management Ordinance text amendment and a related update regarding advisory board membership rules. He said that proposed changes would reduce the number of Community Design Commission seats from nine to seven, change the number of attendees needed to reach a quorum from five to four and reduce the number of required concurring votes to take a formal action from five to four. He recommended that the Council close the legislative hearing, adopt Resolution A, enact Ordinance A, and adopt Resolution B to update the policy.

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

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, to adopt R-15. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, to enact O-4. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, to adopt R-16. The motion carried by a unanimous vote.

11. Receive Updated Risk Assessment for Police Station Property. [\[21-0769\]](#)

Economic Development Specialist Laura Selmer reported that a risk assessment of the Police Station site's current conditions had recently been undertaken in order to determine current contamination risk levels. Staff anticipated that a Brownfields agreement for the site would reduce current exposure risks by addressing the critical issues and exposure pathways discussed in the report, she said. She said that surface level coal combustion products would be addressed through removal, disposal and/or capping.

Genna Olson, an environmental consultant with Hart & Hickman, presented the results, conclusions, and recommendations of the human health and ecological risk assessment that her firm had conducted. She described current contamination levels, discussed interim remedial measures, and described possible approaches to addressing erosion

control in an embankment area.

Ms. Olson noted that a prior risk assessment had determined that the Bolin Creek Greenway was safe for use. She said that the current analysis had addressed three of the site's exposure areas: the upper level, the area around Bolin Creek, and the embankment. She described the processes and assumptions used to analyze each and compared the results to NC Department of Environmental Quality (DEQ) and other scientific standards.

Ms. Olson said that both DEQ and the NC Environmental Protection Agency were recommending that analysts use a cancer risk of 1 in 10,000, and Hart & Hickman had done so when assessing risk levels in the target areas. She pointed out, though, that the typical Brownfields redevelopment process could include additional actions to minimize exposures.

Ms. Olson presented results for non-residential workers, greenway users, and residents. She said that "exceedances" of acceptable target risk levels had been found in and near the embankment area where permanent measures to address erosion control had already been recommended. She said that exceedances had been found in areas near the embankment as well. Those could be addressed in conjunction with the permanent measures already recommended for the area, she said.

Ms. Olson said that the risk assessment had concluded that the site was safe for all current uses. She recommended implementing permanent measures to prevent erosion and to remediate exposed coal combustion products, if the Town planned to redevelop the site for residential use. She pointed out that an Environmental Management Plan to address risks was required for all Brownfield sites in North Carolina.

In response to a question from Council about permanent mitigation measures for the embankment area, Ms. Olson proposed doing an evaluation after the retaining wall had been built. She pointed out that two feet of soil could be excavated and replaced with clean fill, if necessary.

Robert Gelblum, an environmental attorney who had created the Brownfields Program, said that many redevelopment sites function without having the pollution remediated since groundwater is not used as drinking water in urban and suburban areas. Every effort should always be made to remediate all contamination, but it might be acceptable to forego that in some cases as long as strict land-use restrictions are followed, he said.

Pamela Schultz, a Stormwater Utility Advisory Board member who had conducted chemical exposure health risk assessments at Merck Pharmaceuticals and the Research Triangle Institute, said that the site would be a fantastic location for the Town's Multiple Services Center.

However, she cited a 2019 Environmental Health Perspectives article on the effects of arsenic on the fetus and said that the target risk level that Hart & Hickman had used was at the "high end". She recommended that the Council not consider the property for residential use.

Nicholas Torrey, representing the Southern Environmental Law Center (SELC), said that the current risk assessment appeared to be based on a riskier standard than the one done in 2019. The cancer risk standard of 1 per 10,000 was far less protective than the earlier 1 per 100,000, he pointed out. He said that the Council should not make decisions using the least protective standard available.

Mr. Torrey said that the Hart & Hickman report confirmed that the site should not be used for residential development. The SELC believed that removing the ash from contaminated areas that are exposed, or close to the surface, was the most protective and right approach.

Julie McClintock, representing Friends of Bolin Creek, stated that the risk assessment lacked sufficient recommendations for permanent measures to protect residents. Friends of Bolin Creek supported going ahead with office use but was strongly opposed to residential use for the property, she said.

All three speakers expressed concern about the consultant not having followed through on a 2019 request from Council to continually monitor the soil and regularly sample it in the bottomland area.

Robert Beasley, a Chapel Hill resident, proposed that the Council ask Hart & Hickman if it had a timeframe for when permanent mediation of erosion needed to be in place. He also proposed asking them if another risk assessment would be needed for areas currently covered by impermeable surfaces to determine what contaminates might be underneath.

Council Member Ryan referred to a recent letter from former Council Member Al Rimer, an engineer with Brownfield development experience. The letter was reassuring about the Town's process and the likelihood that the site could be made safe for use.

Council Member Gu asked for more information on remediation measures that ensure residential safety. She asked for information on the impact of stormwater from the embankment and what type of retaining wall would be safe under different stormwater scenarios. She also asked for costs associated with various levels of remediation and how those different levels would impact the value of the land.

Council Member Buansi ascertained from Ms. Olson that a Brownfields program would include monitoring of the site during construction and sampling of any exposed soils at the conclusion of redevelopment. After redevelopment, land-use restrictions would require annual check-ups, Ms.

Olson said. She said that there would be no long-term monitoring but that Hart & Hickman would return and do more sampling if an annual check-up found a problem.

The Mayor and Council requested additional information from Hart & Hickman regarding the equations and ranges that it had used in the assessment.

Mayor Hemminger said that the Council was feeling a little more confident about being able to safely build on the site but wanted additional information before deciding on uses.

Ms. Selmer said that next steps would be to confer with DEQ and work on a draft memo of understanding. She said that staff would hold public information meetings when it had more information on what a site plan might look like. She clarified that the Town would retain ownership and be a co-developer of the creek portion of the site.

This item was received as presented.

12. Receive the Fiscal Year (FY) 2021 Affordable Housing Annual Report. [\[21-0770\]](#)

This item was moved to another meeting due to the lateness of the hour.

13. Authorize the Town Manager to Execute a Site Development Agreement with Self-Help Ventures Fund for the 2200 Homestead Road Mixed-Income Affordable Housing Development. [\[21-0771\]](#)

Affordable Housing Manager Nate Broman-Fulks gave a PowerPoint presentation on a draft agreement (DA) with Self-Help for developing Homestead Gardens, a mixed-income, affordable housing (AH) project at 2200 Homestead Road. He reviewed how the Town Council had dedicating Town-owned land, started a planning process, identified a collaborative of development partners, and approved a Conditional Zoning application for the project.

Mr. Broman-Fulks described the plan for approximately 120 AH units, which would be a mix of apartments, townhomes and duplexes that would serve a range of incomes from lowest up to 115 percent of the area median income (AMI). He pointed out that the development would include many amenities, such as greenways, nature trails, playgrounds, basketball courts, and a community garden.

Mr. Broman-Fulks explained that there would be separate DAs for each of the development collaborative members, which included Habitat for Humanity, Community Home Trust, CASA, and Self-Help. Self-Help's role

as the collaborative's leader and site developer would be to prepare the land for the other three partners to develop, he said.

Affordable Housing Development Officer Emily Holt said that site DA's key components pertained to the conveyance of the Town-owned parcel to Self-Help and Self-Help's roles and responsibilities as the land developer. If the Council authorized the agreement, it would be signed in the fall of 2021 and the land would likely be conveyed to Self-Help in spring 2022, she said.

Ms. Holt said that a groundbreaking was anticipated for summer of 2022 and that staff hoped housing construction would begin by fall 2022 and continue until the middle of 2024. Staff would return to the Council to discuss the DA with the other partners, she said. She said that the Council's adoption of Resolution 18 would authorize the Manager to execute the site DA with Self-Help.

The Council confirmed with Dan Levine, of Self-Help, that development partners would create a homeowners association that would own and manage the common areas. In response to a question from Council, Mr. Levine said that the preliminary budget included contingencies based on the expectation that costs may increase. The Council confirmed that the cost of deed preparation for land conveyances would be factored into the overall budget.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-18 be adopted. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEW

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.

14. Concept Plan Review: 5500 and 5502 Old Chapel Hill Road. [\[21-0772\]](#)

Mr. Liles introduced a concept plan for a multi-family project at 5502 Old Chapel Hill Road. The plan included 90 residential units and 126 parking spaces in a 4- to 5-story building on land zoned Residential 1, he said. He pointed out that the site was in Sub Area A of the Town's Future Land-Use Map where multi-family residential was an appropriate primary use and the typical height was 4-6 stories. The southern portion was a transition area where height could be restricted to no more than four stories, he said.

Mr. Liles said that the Community Design Commission had commented on the parking layout, building design, and landscaping and that the Housing Advisory Board had addressed the project's ability to serve various housing needs. He said that the Stormwater Utility Management Advisory Board had addressed steep slopes, green infrastructure, and Research Conservation District (RCD) impacts. He recommended that the Council adopt Resolution A, which would transmit comments to the applicant.

Developer Dan Jewell, of Coulter Jewell Thames, presented the concept plan for the applicant, Ernie Brown, a Chapel Hill resident. Mr. Jewell explained that the site's terrain included an intermittent stream. He said that everything in and north of the RCD would remain undisturbed, with the possible exception of very low-impact recreational uses. He said that the five-story building would appear lower than it was because it would be built into a downward slope. Parking would be located in front and behind the building but would be very low scale and landscaped, he said.

Mr. Jewell described the project as mid-range housing targeted to working individuals and families. He proposed that 15 percent of the units be affordable to those at 80 percent of the area median income (AMI). Those affordable units would be indistinguishable from the market rate ones, he said.

Mr. Jewell showed renderings of the proposed modern architecture and asked the Council for feedback on that design. He said that the concept was for a modest scale, multi-family project that was in keeping with FLUM specifications. The applicant probably would ask for Office & Institutional 3/Conditional Zoning but would work with staff to see if another zone would be better, he said.

Council Member Gu expressed concern about the project becoming student apartments, and she asked about rent ranges. Mr. Jewell pointed out that the construction market was currently highly volatile. He would be able to answer that question in about two years when the applicant was ready to build, he said. He said that the project was not being designed for students but was not precluding students either.

Chapel Hill residents Charles Berlin and Robert Beasley both commented on how the plan did not address needs that had been identified in a Rod Stevens Housing Study. Mr. Berlin characterized the concept plan as

another multi-level housing project that did not address the pressing need for middle class working families. Mr. Beasley said that 1.4 parking spaces per unit did not seem sufficient and could lead to on-street parking.

Several Council Members urged the applicant to consider building condos there instead. Council Member Gu said that doing so would assuage her concerns about student housing. The Council proposed that the applicant look at lower than 80 percent AMI. Council Members Stegman and Buansi said they agreed with the Housing Advisory Board's recommendation that the applicant accept housing vouchers, if the units become rentals.

Several Council Members said they liked the proposed architecture. They also liked the proposal for four stories at the street and the fact that there would be no intrusion into the RCD. Council Member Ryan said she agreed with Community Design Commission comments regarding parking in front of the building, and she proposed considering putting some if it underneath.

Council Members said they would like to know if the project could accommodate a future greenway. They asked for information from staff on plans for that area of Town, in general. They recommended that the applicant consult with the Town's urban designer. Mayor pro tem Parker proposed that buildings be completely electric. Council Member Gu said she did not see how the project, as proposed, would address any of the Town's strategic goals.

Mayor Hemminger and the Council pointed out that the Town was looking for home ownership for "missing middle" residents. The Mayor emphasized the need for consistency between this and other projects in Sub Area A and its surroundings. She suggested that the applicant look at working the parking differently.

Mr. Jewell requested information back from the Town on whether it had any near-future plans to initiate a small area plan for Sub Area A.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, to adopt R-19. The motion carried by a unanimous vote. Council Member Anderson did not vote.

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

ADJOURNMENT

This meeting was adjourned at 11:14 p.m.