



TOWN OF CHAPEL HILL

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

Town Council

Meeting Minutes - Draft

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 Rachel Schaevitz
Council Member Karen Stegman

Monday, July 15, 2019

7:15 PM

RM 110 | Council Chamber

Rollcall

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, Police Officer Rick Fahrer, Fire Inspector Chris Kearns, Communications Manager Catherine Lazorko, Planning Director Ben Hitchings, Planning Operations Manager Judy Johnson, Planner II Michael Sudol, Assistant Director of Housing and Community Sarah Vinas, Transportation Demand Community Manager Len Cone, and Deputy Town Clerk Amy Harvey.

SPECIAL MEETING AGENDA ITEM

1. Consider Adopting a Greene Tract Resolution.

[\[19-0664\]](#)

Mayor Hemminger opened the meeting at 7:15 p.m.

Senior Planner Judy Johnson gave a PowerPoint overview of the 164-acre Greene Tract. She said that a substitute resolution (R-C) had been provided in addition to R-A and R-B. She pointed out that the Town's jurisdictional partners (Orange County and the Town of Carrboro) owned the southern 104 acres of the Greene Tract jointly with the Town and that Orange County was the sole owner of a northern 60-acre parcel.

Ms. Johnson reviewed actions taken by the three jurisdictions over many years, including adopting a 2002 resolution that showed 18 acres for affordable housing (AH) and 86 acres of open space. A "Mapping Our Community's Future" report, produced by the Rogers Road neighborhood, had been one of the staff's guiding documents for the area, she said.

Ms. Johnson displayed a map and photos and discussed a recent

environmental scan of the property. She noted the historical and cultural significance of the Greene Tract and explained how R-C differed from R-A, which Orange County and the Town of Carrboro had approved in February 2019. Staff had held five public meetings since February regarding possible locations for AH, a school site, and open space, Ms. Johnson said.

Town Manager Maurice Jones outlined the next steps associated with each of the three resolutions before the Council. He said that R-C was an attempt to promote general uses in the Greene Tract without designating exactly where those uses would be located or how much land would be dedicated to each of them.

Mr. Jones proposed that the Council begin discussions with its jurisdictional partners in July and August. He said that an environmental study would begin in October/November and staff would provide an update at a community meeting in November/December. Staff would present the results and a connectivity study to the Council in January/February and at the Assembly of Government's third community meeting, he said.

Mayor Hemminger thanked staff for working diligently over recent weeks to try and find a path forward.

In response to questions from Council Member Gu, Ms. Johnson described how the staff from the three jurisdictions had done a quick scan of the property and said that a deeper analysis would be needed.

In response to questions from Council Members Oates and Anderson, Mr. Jones explained that staff members and some elected officials from other jurisdictions had discussed the next steps. Environmental and connectivity studies would be needed regardless of which resolution the Council approved and would take three to five months, he said.

Council Member Stegman confirmed with Town Attorney Ralph Karpinos that the Council adopting R-C would reopen the conversation about uses for the property and would have to go back before the other jurisdictional boards.

Ed Harrison, a former Council member, offered historical background on the Greene Tract and expressed support for a resolution that would include performing an updated environmental analysis.

Larry D. Reid, Sr. and Reverend Robert Campbell, Rogers Road area residents, expressed support for R-C. Mr. Reid said that R-C would push the other two jurisdictions to do what they had been asked to do in the past and Reverend Campbell said that maps should not be included until there had been more analysis and discussion.

Abel Hastings, representing The Friends of the Greene Tract Forest, spoke

in favor of R-C and summarized comments from a community meeting. R-A did not address community needs, he said.

Sally Council and Beverly Ferriero, Billabong Lane residents, expressed support for R-C. Ms. Council said that R-A substantially diverged from the 2016 "Mapping Our Community's Future" report.

John Hammond, a Chapel Hill resident, said that it was past time for the Council to act and that a "not in my backyard" response by some people had been especially egregious considering the history of the Rogers Road neighborhood.

Stephen Hall, a field biologist with the NC Natural Heritage Program, stated that the 2000 environmental study had been inadequate because it was conducted in February. He speculated that rare amphibians, such as the four-toed salamander, were living on Greene Tract land.

Adam Searing, a Chapel Hill resident, expressed support for R-C and gave a PowerPoint tour of the Greene Tract that showed the area's natural beauty. He wondered why the Neville Tract was not part of the discussion, he said.

Josh Levenson, a Chapel Hill resident, suggested that the Town consider creating a pollinator garden, park, larger community center, and/or transition zones that include public housing, tiny homes, and environmentally sustainable communities on the Greene Tract. He proposed adding "environmental considerations for living in harmony with the environment" to R-C.

Joal Hall Brown, Chapel Hill Carrboro City Schools (CHCCS) chair, said that preservation of a school site on the Greene Tract would be helpful for the future and asked that CHCCS be allowed to participate in vetting the site.

Andrew and Bethany Slack, Marin Road residents, expressed support for R-C. Mrs. Slack, a civil engineer, said that Marin Road would not be able to support traffic to the designated school site, and Mr. Slack said that R-A had been based on an imprecise scan that Carrboro had approved without notifying neighbors. Both Mr. and Mrs. Slack said that an outside engineering company would be better equipped than Town staff to study the area.

Wesley McMahan, Parks Greenways and Recreation Commission chair, asked the Council to include Town commissions in the decision-making process. He gave examples of information that the commissions would be able to provide and said that proceeding without their perspective would mean missing out on an important opportunity for community engagement.

Lydia Lavelle, Mayor of Carrboro, said that R-A generally identified the

amount of land that would be committed to various uses and enabled moving forward with the studies. R-A was the same resolution that the three boards had discussed throughout 2018 and 2019, she said, and she asked the Council to honor that work and join fellow elected officials by voting for R-A.

Jane Stein, a Chapel Hill resident, agreed with Mayor Lavelle's comments and asked the Council to respect the work that the jurisdictions had done over many years.

Sally Greene, Orange County Commissioner and former Council member, urged the Council to pass R-A. She distributed relevant information that the Council had not previously received and argued that the Town could pass R-A and still achieve all of its relevant goals.

John Rees, a Chapel Hill resident, expressed support for R-A and agreed with what Mayor Lavelle and Commissioner Greene had said. R-C seemed to erase 10 years of hard work in community meetings, he said.

Penny Rich, Orange County Commission chair, asked the Council to vote for R-A. She stressed that the map was merely a concept for discussion and urged everyone to trust each other. No decisions had been made and the numbers were just approximate placeholders, she said.

Mark Marcoplos, Orange County commissioner, spoke as a citizen and characterized R-A as a unique opportunity to address a long-term community vision to create mixed-use AH on government-owned land that was mostly slash pine. He asked the Council to support R-A and to maximize the Greene Tract for the greater good.

Eleanor Kinnaird, an Orange County Affordable Housing Board member, spoke as a Chapel Hill citizen. She urged the Council to adopt R-A and emphasized the Town's severe AH shortage. It would be nice for the Town to have its own beautiful woods in perpetuity, but the Greene Tract belonged to all members of the community, including those who provide necessary services, she said.

Tai Huynh, a Housing Advisory Board member, spoke as a citizen and said that proceeding with R-A would respect the desires of the Rogers Road community and would move the conversation forward. The Greene Tract presented the best opportunity for AH in Chapel Hill, she said.

Joseph Holmes, a University of North Carolina at Chapel Hill student, said that R-A was the best way to meet the needs of the RENA community.

Allison DeMarco, a Chapel Hill resident, read a statement from Orange County Commissioner Mark Dorosin in support of R-A. Commissioner Dorosin stated that the goals of all three jurisdictions were to ensure that the most environmentally sensitive areas be protected and to combine

contiguous areas to maximize their collective options for future development.

Heather Brutz, co-chair for the Chapel Hill-Carrboro NAACP Housing Committee, read a statement urging the Town to pass R-A. The statement expressed concern about delaying the process while the need for AH continued to grow and said that R-A was consistent with NAACP principles.

Michelle Laws, a former Chapel Hill resident, expressed support for the work that the Rogers Road community had done and spoke in favor of R-A. She said that ancestors of the Rogers Road areas would want the Town to house the homeless, ensure that children have a safe school, and protect the environment, she said.

Yvette Mathews, office and community organizer for the Community Empowerment Fund, discussed the plight of low-income people. She was in favor of respecting the environment, but did not understand why elected officials continued to talk when there was an opportunity for AH, she said.

Mayor Hemminger thanked speakers for their comments and said that notification of the meeting had been sent to everyone living within 1,000 feet of the Greene Tract.

Council Member Bell said that she had helped craft a compromise between the community and elected officials but that the resulting resolution was not what was before the Council. According to that compromise, text associated with a map on R-A should have been put into R-C, she explained. She said that the compromise had maintained acreage descriptions and numbers but had not designated what would go where.

Mayor Hemminger pointed out that many meetings had been held in an attempt to find a path forward. She asked staff to put the list of next steps on the screen so that everyone would understand that the Town was continuing to move forward.

Council Member Buansi commented that language such as a reference to "undesirables" that he had heard had no place in the conversation. He mentioned the Rogers Road community's fight against the landfill in their neighborhood, and how they had spent hundreds of hours creating the "Mapping Our Community's Future" report. He respected the work that the partners had put into R-A, but thought that R-C presented the best way forward for those residents, he said.

Council Member Stegman said that the three jurisdictions appeared to agree on the next steps and said she was strongly in favor of moving ahead with R-A because she could not justify more delay.

Council Member Gu said that a decade of broken promises had led to mistrust and that this was why it was so important to do sound research this time. She pointed out that the Greene Tract's neighbors did not want to see significant high density development there. AH was a Town wide issue and the Rogers Road community should not be overburdened, she said.

Council Member Schaevitz said that the compromise that Council Member Bell had brought would achieve many of the Town's goals. It showed the Town's commitment to creating 45 acres of AH/mixed-use development while allowing that to be in an appropriate space based on the pending environmental audit, she said.

Council Member Parker said that R-A contemplated doing everything that people on both sides of the issue had asked for. However, he was willing to accept R-C as a way forward if that was what other Council members preferred, he said.

Council Member Oates said questions seemed to remain about what was on the Greene Tract and the best use of that land. She pointed out that residents had expressed strong opposition to increased traffic during the Rogers Road rezoning process. It was premature to make definite decisions about that land before knowing how people would move around, she said. Council Member Oates said that R-C seemed to be the way to address those issues.

Mayor pro tem Anderson spoke in favor of R-C and said that the Council was trying to bring the community together, not trying to stop or slow the process.

Mr. Karpinos put R-C on the screen, but Council Member Bell said that what was shown was not the version she had proposed that afternoon. Her proposal was like the original R-C, but the designated spaces on the map were changed to "undesignated" and housing was removed from the proposed land use definitions on Exhibit 1 (the map), she said.

Mayor Hemminger said that the Council valued AH and valued the work that the Rogers Road neighborhood had done over 40 years. She said that having to coordinate among three governmental agencies had made the process more difficult and time consuming, and she reviewed all that the Town had done to support the Rogers Road community.

Mayor Hemminger said that the Council wanted to include voices from all over Town, find shared values, work toward a mutual goal, and not make promises that it would not keep. She liked R-C and wanted to work with the other jurisdictions while also respecting the community by notifying

people of the proposed huge change, she said.

Mayor pro tem Anderson moved R-C and Council Member Oates seconded. Council Member Parker proposed a friendly amendment to remove the "be it further resolved..." clause regarding next steps, making that a separate resolution.

The Council discussed changes to R-C and Mayor Hemminger explained that it differed from R-A by not specifying what uses would go where. It was a compromise that said the Town agrees with its partners' values but was not able to say what should go where, she said.

Council Member Parker said that Council Member Bell's proposed revised R-C would replace numbers 1 and 2 in R-C with 1 and 2 from R-A. However, he was not certain that this was what had been moved, he said.

After further discussion, Mayor Hemminger proposed voting on the "be it further resolved..." piece as a separate resolution.

A motion was made by Council Member Schaevitz, seconded by Mayor pro tem Anderson, that the removed "BE IT FURTHER RESOLVED" clause, which outlined goals and target dates for next steps become R-2 and be adopted. The motion carried by a unanimous vote.

Mayor pro tem Anderson moved the original R-C, but several Council members expressed confusion about the differences between the original and the revised resolution.

Mayor Hemminger said that R-C1 had no acreage on it and R-C2 was an amalgamation of A and C with the acreage spelled out. She could support either version, she said.

After more clarifying discussion, the Council voted on Mayor pro tem Anderson's motion to adopt R-C1.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Oates, that the original option C, without the acreage but with the undesignated, purple and green map, be adopted. The motion failed by the following vote:

Aye: 4 - Mayor Hemminger, Mayor pro tem Anderson, Council Member Gu, and Council Member Oates

Nay: 5 - Council Member Bell, Council Member Buansi, Council Member Parker, Council Member Stegman, and Council Member Schaevitz

A motion was made by Council Member Parker, seconded by Council Member Stegman, that R-1C as amended during the meeting and conforms to the intent that Council Member Bell expressed be adopted. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Mayor pro tem Anderson, Council Member Bell, Council Member Buansi, Council Member Parker, Council Member Stegman, and Council Member Schaevitz

Nay: 2 - Council Member Gu, and Council Member Oates

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 Mayor pro tem Anderson, that the Council enter into closed session as authorized by N.C. General Statute Section 143-318.11(a)(4) to consider an economic development matter. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 10:24 p.m.; the Council went into closed session and the meeting adjourned at the end of the closed session.