



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 Karen Stegman
Council Member Rachel Schaevitz

Wednesday, April 10, 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, Police Officer Rick Fahrer, Fire Chief Matt Sullivan, Communications Specialist Mark Losey, Planning Director Ben Hitchings, Planning Operations Manager Judy Johnson, Downtown Special Projects Manager Sarah Poulton, Public Housing Director Faith Thompson, Assistant Director of Housing and Community Sarah Vinas, Executive Director of Housing and Community Loryn Clark, and Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

OPENING

0.01 Celebrating Successes Video: Mayors Save Water Challenge.

[\[19-0323\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. with a Celebrating Successes video about the "Mayors Save Water Challenge". The video featured her and Mayor Lydia Lavelle of Carrboro announcing a competition to determine which Town could garner the highest number of pledges to save water during the month of April 2019. After the video, Mayor Hemminger explained that North Carolina had a limited supply of clean water and asked citizens to take the pledge at the OWASA (Orange Water and Sewer Association) Aquavista portal.

0.02 Proclamation: Sexual Assault Awareness Month.

[\[19-0324\]](#)

Council Member Oates read a proclamation declaring April 2019 to be

Sexual Assault Awareness Month in Chapel Hill. She provided information from the Orange County Rape Crisis Center on the prevalence of sexual and physical assault, the annual cost of rape, and the problem of blaming the victim. Council Member Oates described how the Rape Crisis Center had worked since 1974 to stop sexual violence and support victims and their families.

Julia DaSilva, Orange County Rape Crisis Center board chair, spoke about the Center's prevention and support services. She said that a calendar of April events was available at OCRCC.org.

PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS

Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions to Council webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.

1. Climate Reality Group Request for Council Support of a Resolution Seeing a Local, State, and National Goal of 100% Clean Energy by 2050 and the Creation of Green Jobs.

[\[19-0306\]](#)

Mayor Hemminger said that the Town would bring its Climate Action Plan forward at the April 17th Council meeting.

Kim Piracci, Climate Reality Triangle Group chair, challenged the Town to commit to being free of fossil fuel by the year 2050. She noted that a United Nations climate report had recommended that all aspects of society make immediate and unprecedented changes in order to hold global warming down to 1.5 degrees. Ms. Piracci provided statistics on the consequences of not taking action and said that an affirmative Council vote would put the Town on the path of doing only what was necessary.

Mayor Hemminger pointed out that the Council would be presenting a climate action plan template and would gather input from the community. The Town had been doing a lot of preparation behind the scenes and did not want to make a commitment to the proposed resolution without having an action plan, she said. Mayor Hemminger proposed referring the petition to her and the Town Manager to determine how it would fit in with the Town's plan.

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

1.01 Council Member Anderson Regarding Meeting Minutes and Archives.

[\[19-0325\]](#)

Council Member Bell arrived at 7:11 p.m.

Mayor pro tem Anderson summarized her petition to have Council meeting minutes prepared more quickly, to broadcast more Council meetings, and to receive recent action minutes from all boards and commissions.

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

1.02 Consider a Resolution in Support of Increased Funding for Transit. (R-1)

[\[19-0326\]](#)

Council Member Stegman pointed out that the Town's transit system was the largest, public, fare-free system in the country and had the second highest number of passengers in the state. Most of Chapel Hill Transit's funding came from the Town, the University of North Carolina at Chapel Hill (UNC), and the Town of Carrboro, she said, noting that costs continued to increase.

Council Member Stegman pointed out that the NC Department of Transportation (NC DOT) was reducing its contribution to Transit at the same time that the governor was directing the state to reduce energy consumption. She proposed that the Council ask NC DOT to increase its funding to Transit by increasing State Maintenance Assistance Program (SMAP) funds as well as funding available through the STI process. Resolution 1 further requests that the Town's representatives to the NC General Assembly work to have the STI law amended to expand funding for Transit projects. Council Member Stegman asked that the Council have Resolution 1 sent to Orange County and the Town of Carrboro as well.

A motion was made by Council Member Stegman, seconded by Council Member Bell, that R-1 be adopted. The motion carried by a unanimous vote.

1.03 C.D. Mock Regarding Application before Board of Adjustment.

[\[19-0327\]](#)

C.D. Mock, a Chapel Hill resident, told Council members that the Board of Adjustment (BOA) had not followed the law when it denied his March 7, 2019 application for a variance regarding 817 Tinkerbell Road. His application had met every standard, but he had not been given a reason

for the denial, he said.

Mr. Mock stated that one BOA member had read a prepared statement and another had said that the BOA could not "continue to deny applications like this as it isn't lawful", and he noted that the meeting had been video recorded. He asked the Council to watch that video and do something about how the BOA was not following the law. Mr. Mock also asked for a refund of his \$600 application fee.

This item was received as presented.

ANNOUNCEMENTS BY COUNCIL MEMBERS

1.04 Mayor Hemminger Regarding Durham Explosion.

[\[19-0328\]](#)

Mayor Hemminger sent thoughts and prayers out to victims of a recent gas explosion in downtown Durham. She had been in a nearby building at the time of the explosion and had witnessed a lot of confusion, she said. She said that there had been at least one fatality and 17 people injured.

1.05 Mayor Hemminger Regarding Civil Rights Leader Fred Battle.

[\[19-0329\]](#)

Mayor Hemminger offered condolences to the family of civil rights leader Fred Battle, who had passed away on April 1, 2019. She pointed out that Mr. Battle had participated in Greensboro sit-ins when he was in college and that he later founded Chapel Hill's branch of the NAACP. He had been the Hargraves' Center director and the Towns' parks superintendent as well, she said. Mayor Hemminger said that Mr. Battle's family would join the Council for a proclamation in his honor during the next week.

1.06 Mayor Hemminger Regarding Pop-Up Gallery and Puppet Show.

[\[19-0330\]](#)

Mayor Hemminger announced a three-day, pop-up gallery and puppet show at 109 East Franklin Street over the coming weekend. A schedule for the free event was on the Town's website, she said.

1.07 Mayor Hemminger Regarding Tree Removal.

[\[19-0331\]](#)

Mayor Hemminger mentioned that the Public Works Department would remove a 44-inch willow oak at the corner of Rosemary and Boundary Streets. Prior to the removal, the public was invited to gather at the foot of that tree at 6:00 p.m. on Thursday evening to learn about its history and share stories and comments, she said.

1.08 Mayor Hemminger Regarding Eggstravaganza.

[\[19-0332\]](#)

Mayor Hemminger announced an "Eggstravaganza" at 141 West plaza from 1:00-4:00 p.m. on Sunday. There would be an Easter egg hunt every 15 to 20 minutes and other activities as well, she said.

1.09 Council Member Stegman Regarding 110th Anniversary of NAACP.

[\[19-0333\]](#)

Council Member Stegman said that she had attended the 110th anniversary of NAACP's founding on the previous Sunday. It had been a wonderful commemoration, she said, adding that the Council would present a related proclamation later in the month.

1.10 Council Member Stegman Regarding Workshop on Accessible Transportation and Greenways.

[\[19-0334\]](#)

Council Member Stegman pointed out that a community workshop regarding accessible public transportation and greenways would be held at UNC's new art space on Franklin Street on Tuesday from 6:00 to 8:00 p.m.

1.11 Council Member Schaevitz Regarding Climate Change Address.

[\[19-0335\]](#)

Council Member Schaevitz announced a keynote address regarding climate change by Columbia University Professor Phillip Kitcher on Friday at 5:30 at the Wilson Library. That would be followed on Saturday by a panel discussion at the Center for School Leadership Development, from 9:00 a.m. to 2:00 p.m., she said. Council Member Schaevitz said that both events were free and open to the public.

1.12 Mayor pro tem Anderson Regarding Moms Demand Action.

[\[19-0336\]](#)

Mayor pro tem Anderson pointed out that it was Moms Demand Action Legislative Advocacy Day in Raleigh. The group was rallying to let legislators know that it did not want teachers to be armed and did want an Extreme Risk Protection Order law in North Carolina. She said that citizens could also contact their legislators and/or join Moms Demand Action or North Carolinians Against Gun Violence.

1.13 Mayor Hemminger Regarding Chamber of Commerce Elected Officials Event.

[\[19-0337\]](#)

Mayor Hemminger mentioned that there would be a Chamber of Commerce egg event on Friday at 8:00 a.m. at the K&W Cafeteria. Elected officials, including state legislators, would have a chance to interact, she said.

1.14 Mayor Hemminger Regarding UNC Innovation Showcase.

[\[19-0338\]](#)

Mayor Hemminger announced that an annual UNC Innovation Showcase would take place at the Friday Center the following evening. Many ideas would be presented and there always was an amazing amount of creative energy at those events, she said.

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 Mayor pro tem Anderson, seconded by Council Member Parker, that R-2 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[19-0307\]](#)

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. [\[19-0308\]](#)

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

4. Accept an Easement for the Bolin Creek Trail. [\[19-0309\]](#)

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

INFORMATION

5. Receive Upcoming Public Hearing Items and Petition Status List. [\[19-0310\]](#)

This item was received as presented.

DISCUSSION

6. Consider an Ordinance Text Amendment Amending Chapter 17 of the Code of Ordinances that Regulates Sidewalk Dining Activities. [\[19-0311\]](#)

Downtown Special Project Manager Sarah Poulton gave a PowerPoint presentation on the sidewalk dining text amendment and the goal of making the Towns' commercial districts more vibrant. She said that the proposed change would increase flexibility while staying within the Town's obligations regarding safety and ADA accessibility.

Ms. Poulton outlined how the Town's Sidewalk Dining Ordinance had been enacted in 1995 and was then revised over the years. She said that concerns from restaurants regarding restrictions and the application process had led to the current proposal which would create a new safer and wider streetscape and sidewalks for pedestrians and for sidewalk dining.

Ms. Poulton outlined the specific ordinance changes and said that staff had already made and tested changes to the application process. She

said that the proposed amendment had gone to the Planning Commission for input and that staff was recommending approval of Ordinance 6.

Mayor pro tem Anderson confirmed with Ms. Poulton that the application fee would be \$100 for an initial permit and \$50 to renew. The permit could not be transferred to another owner, and there was no annual reapplication, but a change in the space or occupancy would require a reassessment, Ms. Poulton said.

Council Member Oates verified that alcohol was regulated by Alcohol Law Enforcement, not the Town. She said that a restaurant owner who served alcohol would want to know if they could serve beer and wine outside.

Ms. Poulton agreed but repeated that Alcohol Law Enforcement, not the Town, would make that decision.

Council Member Buansi asked if anything in the ordinance addressed how much notice the Town must give businesses ahead of special events so they could put their furnishings away.

Ms. Poulton replied that staff had intentionally left that aspect vague because special events could not always be predicted, but staff would be open to suggestions, she said. Council Member Buansi recommended setting a standard with an exception for spontaneous events.

Mimi Hock, a downtown property owner who had worked on the application with Ms. Poulton, said that the application process was now straightforward and that the ordinance changes would benefit hers and her tenants' businesses.

Katie Loovis, representing the Chapel Hill Carrboro Chamber of Commerce, said that the Chamber supported the text amendment and hoped the Council would approve it. The Chamber appreciated the thoughtful process which had included a pilot program and the checklist that would make it easy for businesses, she said.

Mayor pro tem Anderson confirmed with Ms. Poulton that staff had endeavored to make the five-foot pathway continuous and aligned. Some businesses would need to work together to make a straight and clear passage from end to end for those sight impaired or with other handicaps, Ms. Poulton said.

Council Member Schaevitz verified with Ms. Poulton that there was nothing about fencing, walls, or other barriers in the text amendment. Ms. Poulton said that some businesses did choose to have barriers but that staff had not added any restrictions.

Mayor Hemminger expressed appreciation for all the hard work and for piloting the idea first. The change would make downtown look more welcoming and friendly, she said, adding that she hoped staff would continue the same type of work regarding pop-up events.

Mayor Hemminger said that the Downtown Partnership alerts businesses in advance of spontaneous special events, so she preferred not to add any extra language regarding those.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that O-6 be enacted. The motion carried by a unanimous vote.

ZONING ATLAS AMENDMENT and SPECIAL USE PERMIT

The development proposal below involves two separate steps: a rezoning application and an application for a special use permit. These two hearings will be conducted separately. You may sign up to speak on each item.

ZONING ATLAS AMENDMENT

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

7. Consider an Application for Zoning Atlas Amendment - Independent Senior Housing, 2217 Homestead Road (Project #17-107).

[\[19-0294\]](#)

Principal Planner Judy Johnson gave a PowerPoint presentation on the second reading for an application to rezone property at 2217 Homestead Road from Residential 2 (R-2) to Residential 5 Conditional (R-5C). She explained that a first reading on March 20, 2019 had failed (5-2) and that state law required a second reading and a 2/3 affirmative vote.

Ms. Johnson explained that the application was for an independent senior housing project that would include 198 dwelling units in a 60-foot tall building with 240,000 square feet of floor area. She noted that 10 percent of the units would be affordable for households earning 60 percent of the area median income (AMI).

Developer Richard Gurlitz said that the current application was exactly the same as it had been two previous times and that he was available to answer questions.

Council Member Oates said she had walked around the property and noticed banded trees. She asked if those were being marked for removal, and Mr. Gurlitz replied that the banding was most likely related to soil testing.

Council Member Oates confirmed with Mr. Gurlitz that the set-back between the property's edge and the parking lot would include 50 feet of existing vegetation and a 20-foot planted buffer. She asked if existing trees could remain in the 20-foot area, and Town Attorney Ralph Karpinos replied that such a stipulation could be proposed during the SUP hearing.

Diane Martin, representing The Courtyards at Homestead residents, gave a PowerPoint presentation about her neighborhood's concerns. She said that the development would set a precedent as the only R-5 zone next to an R-2 zone in Town and would create serious traffic and safety issues along Homestead Road. She emphasized that Courtyards residents were not afraid of change but were opposed to having a massive four-story building next to their small, ranch-style homes.

Ms. Martin addressed traffic concerns in detail and said that the Town needed to take a more integrative and holistic view of traffic in the area. A change to R-5 zoning would have a dramatic impact on the character, quality of life, and safety of The Courtyards neighborhood and would be a breach of trust on the part of the Council, she said. Ms. Martin argued that approving the application would contradict the Chapel Hill 2020 Comprehensive Plan's goal of preserving the character of neighborhoods.

Martin Malloy, a Courtyards resident, asserted that the applicant had never had any intention of honoring a signed agreement with the neighborhood and had "played" everyone. He asked the Council to act in the best interest of all Town residents. AH was important but should not be the only factor in the decision, he said. Mr. Malloy listed ways in which the proposed project did not match Chapel Hill 2020 goals and asked the Council to deny the rezoning application.

Peter Lee, a Courtyards resident, asked the Council to expedite sending a petition, which he had previously submitted, to establish a Senior Citizen Advisory Board. He noted that nearly 20 percent of the Town's residents were older than 55 and said that they could provide valuable input based on their years of experience.

Keely Kriho, representing Meeting of the Minds, stressed the importance of prioritizing the needs of a community's most vulnerable residents. She said that Meetings of the Minds supported the proposal because it would increase AH, even though 20 AH units would be less than the Housing Advisory Board's recommended 15 percent. Ms. Kriho said that some at Meeting of the Minds objected to capping permit fees for a for-profit enterprise.

Mr. Karpinos explained that the issue of whether or not to cap permit fees would be discussed during negotiations over the Performance Agreement,

if the rezoning and special use permit (SUP) were approved. He said that the current agreement was much more general than the later one would be.

Council Member Oates expressed concern about setting a precedent for allowing an R-5 zone next to an R-2 zone. She noted that the Chapel Hill 2020 Plan had designated the entire area for medium density housing and said she agreed with the neighbors' view that a rezoning would violate trust.

Mayor Hemminger gave examples of tall buildings next to single-family homes all over Town. She asked Ms. Johnson to find out if there were any other examples of R-2 and R-5 zones being next to each other.

Council Member Oates said that there were no R-2 zones next to R-5 zones on a 2016 map that she had looked at.

Council Member Gu, liaison to the Transportation and Connectivity Board, asked staff to confirm whether a traffic analysis had concluded that traffic volume would not exceed capacity in the area. She also noted that neighbors had not objected to the traffic when they earlier agreed to a three-story option, even though the number of units would be the same.

Council Member Gu asked if safety would be an issue for seniors in a four-story building.

Fire Chief Matt Sullivan replied that the structure would be built to state standards and would have the highest protection; including sprinklers, fire alarms, and so forth.

Mayor pro tem Anderson confirmed that a senior project on Estes Drive had been rezoned to R-5-C with a text amendment for special use for that property.

A motion was made by Council Member Bell, seconded by Council Member Parker, that O-7 be enacted. The motion carried by the following vote:

Aye: 5 - Mayor Hemminger, Council Member Bell, Council Member Gu, Council Member Parker, and Council Member Stegman

Nay: 4 - Mayor pro tem Anderson, Council Member Buansi, Council Member Oates, and Council Member Schaevitz

SPECIAL USE PERMIT

Special Use Permit: The Application for a Special Use Permit is Quasi-Judicial. Persons wishing to speak are required to take an oath before providing factual evidence relevant to the proposed application.

Witnesses wishing to provide an opinion about technical or other specialized subjects should first establish that at the beginning of their testimony.

8. Consider an Application for Special Use Permit - Independent Senior Housing, 2217 Homestead Road (Project #17-096).

[\[19-0295\]](#)

The Mayor, Manager and Council disclosed ex parte communications regarding the Independent Senior Housing project at 2217 Homestead Road and Mayor Hemminger confirmed that all felt able to keep an open mind regarding the SUP application.

Ms. Johnson gave a PowerPoint presentation regarding the proposed, age-restricted, multi-family residential development with 198 units on 17.1 acres of land with 235-264 parking spaces. She said that the applicant was asking for a modification to allow 38 rather than 50 bicycle parking spaces. She reviewed the four findings for approval and summarized the project's history which included numerous changes regarding AH, a road connection with The Courtyards, greenways, parking, crosswalks, and a requirement to report back to the Council one year after occupancy.

Ms. Johnson said that the applicant was requesting that all recreation be provided on site and that building permit fees be capped at \$10,000. She noted that no roof solar units would be required but that the applicant was willing to install conduits for future use. She recommended that the Council adopt Resolution 5, approving the SUP.

Mayor Hemminger confirmed that the applicant had agreed to all stipulations.

Mayor pro tem Anderson verified with Mr. Karpinos and Mayor Hemminger that capping building fees had been one of the negotiation points for AH.

Council Member Gu asked why the building had not been planned closer to the road, and Ms. Johnson deferred to the applicant to answer later.

Council Member Buansi confirmed with Ms. Johnson that the one-year report would address traffic and speed in both neighborhoods to determine if there was a significant change.

Council Member Schaevitz asked what had been included in a letter of understanding between Courtyard neighbors and the applicant, in addition to the change in height, and Ms. Johnson deferred to the applicant to answer that.

Mr. Gurlitz gave a PowerPoint presentation on how the proposed project would meet the four required findings and comply with the Town's ordinance. He called on Civil Engineer Adam Pike to answer Council Member Gu's question about the building's location on the site.

Mr. Pike said that a desire to maintain a pastoral feel along Homestead Road had led to the decision to set the building back about 400 feet. He described other elements that would create neighborhood connectivity and an opportunity for recreation, and said those would provide value to contiguous properties.

Mr. Pike pointed out that the proposed building was 176,423 square feet less than zoning allowed and that buffers would exceed requirements on three sides. Because the stormwater pond would be larger than the Town required, there would be a greater reduction in run-off, he said.

Mr. Gurlitz pointed out that the Town already had a process underway to address traffic issues along Homestead Road. With regard to Council Member Gu's question about setback, he explained that having a larger stormwater pond had contributed and much rock had also contributed to the building location.

Council Member Stegman asked the applicant if he was willing to cap parking at 264, and Mr. Gurlitz replied that he would prefer to keep the option of going up to 289 and evaluate after a year, as recommended.

Council Member Stegman confirmed that stormwater, as currently planned, would be sufficient for the eventual build-out.

Mr. Gurlitz said they were thinking about putting a dog park and pickle ball courts in the open front area along Homestead Road. Mayor Hemminger asked him if Courtyard residents would be able to use those amenities, and he replied that it was being viewed as not public.

Mr. Gurlitz clarified stipulations regarding the lighting installation schedule and deletion of a payment in lieu for recreation.

Council Member Bell confirmed with Mr. Pike that there would be a maintenance agreement for stormwater facilities, and Mayor Hemminger said that recent data had shown that sand filtration systems worked better over time with stormwater ponds.

Council Member Bell confirmed with the applicant that all of the 232 parking spaces would be standard size, not compact.

Council Member Oates confirmed with Ms. Johnson that standard parking spaces were 8.5 feet wide and 18-20 feet deep.

Mayor Hemminger verified with Alex Eyssen, of Bainbridge Companies, that four electric vehicle parking spaces, and charging stations for two of them, would be included in the first phase.

Council Member Parker requested an additional stipulation for an emergency generator to run some portion of the elevators and hallway lighting if the power failed. He also suggested including more than 38 bicycle parking spaces, but Mr. Gurlitz explained that the 38 would be indoor storage lockers and there were more outside bike racks on site.

Mr. Gurlitz explained that all of the life safety features in the building would have battery backup, except the elevator, but that the elevator could have it as well.

Mayor Hemminger asked Fire Chief Sullivan if elevators were allowed to run on generators and/or battery, and he agreed to explore that.

Council Member Parker said that half of the elevators at Greenbridge had generators, and Mr. Gurlitz expressed agreement to the overall idea.

Mayor pro tem Anderson asked for further clarification regarding the space in front of the property. She confirmed with Mr. Gurlitz that moving it closer to the road, if possible, would save trees in the back but would then leave a different part of the property near The Courtyards at Homestead.

Mayor pro tem Anderson asked why the building site was dependent upon the stormwater pond site.

Mr. Eyssen said that those issues would be addressed during the zoning compliance process. Bainbridge fully expected to change some things and move some things around as part of that process, he said.

Mayor pro tem Anderson confirmed that the current owner was not requiring a setback and commented that the idea must be a rumor.

Council Member Oates confirmed that the applicant expected to use hydraulic excavators to remove rock rather than blasting. She asked again about the trees that had been flagged, and Mr. Gurlitz said he assumed those had been marked when trees were being surveyed. He said that the SUP required cataloging 485 trees on site.

Council Member Oates verified that the applicant was amenable to stipulating that there would be no clear-cutting in the 60-foot buffer area.

Council Member Buansi noted that one of the Chapel Hill 2020 goals was to form more connected communities. He asked what the rationale was for not allowing The Courtyards residents access to the recreation space.

Mr. Eyssen replied that liability was a huge issue and that it could not be open to one group without being open to the public. He did not expect his residents to use The Courtyards at Homestead pool, he pointed out.

Council Member Schaevitz asked about community outreach efforts and Mr. Eyssen described attempts to do so. He said that the goal was to create an area that works for all, and he would continue to work with The Courtyards residents.

Council Member Schaevitz confirmed that Bainbridge did not intend to make up for its AH commitment by increasing market rate rents. However, they were asking for help with the building permit fees because of the cost of the AH component, Mr. Eyssen said.

Council Member Stegman confirmed with Housing and Community Director Loryn Clark that the 60 percent and under AMI rents would include all housing costs, such as utilities, and that that would be in the AH performance agreement. Council Member Stegman also confirmed with her that the Town had not made barriers such as security deposits part of that in the past but could think about how to do so if the Council were interested.

Council Member Oates raised the issue of other fees, and Ms. Clark said that staff could address that issue in the AH performance agreement as well.

Mr. Eyssen said that he was not aware of any additional fees, except perhaps for pets or for parking in the garage.

Mayor Hemminger announced that Item 10 (Community Connections Strategy Report) would be postponed to another meeting due to the late hour.

Ms. Martin said that the Chapel Hill 2020 Plan had not received enough input from seniors. She hoped that she and other neighbors had provided that by raising issues about traffic and high density, she said. She repeated much of what she had said during the rezoning consideration and stressed The Courtyards' request that Kipling Lane not be a cut-through road. The Courtyards at Homestead residents were adamant about having that be for emergency access only and would like it to be marked "no through traffic/emergency vehicles only" in both directions, she said.

Ms. Martin said that Courtyard residents continued to prefer a three-story option, but if that was not feasible, then they wanted to reduce impact by possibly lowering the building site and even the building itself. In summary, they wanted the developer to guarantee that lessees would be 55+ only, to minimize the building height as much as possible, to move the building as far east as possible, to control drainage issues, provide a significant buffer zone, and mitigate parking lot lighting and noise, Ms.

Martin said.

Mr. Lee offered suggestions that included letting the project fail if there were future requests to eliminate the 55+ requirement.

Mayor Hemminger noted that additional stipulations included having a pickle ball court and dog park as part of on-site recreation and providing a generator for at least some portion of the elevators.

Mayor pro tem Anderson asked again about the reasons for not allowing neighbors to use the pickle ball courts, and Mr. Eysen said that an attorney had characterized that as an "attractive nuisance" with respect to risk and liability. Making it even quasi-public would not work and that managers would not be policing it, he said.

Mayor pro tem Anderson pointed out that Amity Station would be open to the public and Mr. Karpinos said that this was part of their development agreement.

Council Member Parker asked about the public green space at Carolina Square, but staff could not recall how that had been designated.

Mayor pro tem Anderson characterized the arrangement as not particularly friendly and said she was confused about why such spaces could be open in some places but not others.

Mr. Karpinos replied that it was up to the property owner to decide if they wanted spaces to be open to the public, and Mayor Hemminger noted the difference between active recreation space and a greenspace with benches.

Council Member Buansi said he understood the legal liability issue and felt reassured that Bainbridge would not be patrolling the area. He praised several components of the project and verified with Mr. Gurlitz that the stormwater devices would be inspected annually. Council Member Buansi stressed the importance of having continued engagement with Courtyards residents and asked that signs be posted prominently during construction.

Council Member Schaevitz asked about the neighbors' suggestion for "no thru traffic" and the applicant agreed to do whatever Chief Sullivan recommended.

Chief Sullivan said that signs would be okay but stressed the importance of having open access for fire trucks.

Mr. Karpinos pointed out that Stipulation 13 required a one-way street but could be changed if the Council agreed to do that.

Council Member Bell spoke about the Town's desire to connect

communities and said that she did not feel comfortable with the proposed limitations. She suggested stipulating that the Town's traffic engineer be consulted regarding the road connection.

Mayor pro tem Anderson said that interfering with the plan for traffic flow might improve conditions in front of some homes but cause annoyance in other parts of the neighborhood. She suggested also asking the traffic engineer how to slow the traffic and make it safer.

Council Member Parker ascertained from Ms. Johnson that having one-way traffic had been a compromise between staff and The Courtyards residents. The Fire Department was comfortable with a one-way connection and would evaluate that in a year, Ms. Johnson said.

Council Member Oates wondered if there was a way to use grass pavers or other devices to make the connection look less like a street.

Council Member Gu asked if the neighbors did not want any additional traffic going through their community or if they were just concerned about speed.

Ms. Martin replied that The Courtyards' streets were narrow and that any traffic not familiar with the neighborhood would be a safety hazard.

Mayor Hemminger asked for a straw vote, and then determined that three Council members were in favor of allowing emergency vehicle access only.

Mayor pro tem Anderson pointed out new Senior Housing residents might not want a cut-through either.

Council Member Oates said that UNC, which was a neighbor as well, could add a connector road near a stop light on its property on the east side which would be a better solution.

Mayor Hemminger asked if those who had not voted in favor of emergency access only wanted one-way access with evaluation in a year.

Council Member Stegman expressed concern that keeping neighborhoods separate from each other would push more traffic onto Homestead Road while also not fulfilling the Town's goal of connecting communities. However, if the connection could not have speed bumps, she was back to favoring the one-way option, she said.

Council Member Bell said that a one-way connection would allow flow but limit traffic numbers, and Council Member Parker said that a one-way connection would provide data.

Council Member Gu asked if there was any way to prevent the 55+ age restriction from being removed in the future.

Mr. Karpinos explained that the current Council could not bind future councils. However, a future Council would consider such a request through a SUP modification process, he said.

Council Member Gu asked that the specific interest be made more explicit.

Council Member Oates asked about strengthening the documentation regarding the affordability and age restrictions so that parents would not be able to rent a unit for their children/students.

Mr. Gurlitz replied that a general statute addresses that in detail with a "lessee occupied" clause.

Council Member Oates asked if a penalty would be imposed if the applicant decided to leave affordable units vacant.

Ms. Clark replied that there was a clear requirement that the unit be occupied by someone who meets eligibility requirements. Part of the AH agreement included enforcement options and reporting requirements, she said. The Town could add a requirement for annual certification about eligibility of all AH renters to the Performance Agreement, she pointed out.

Mayor pro tem Anderson said that she had not supported the increase in density but did not think she had the option of voting against the SUP because the applicant had met the four findings for approval.

Council Member Bell move R-A, as modified.

Mayor Hemminger encouraged the applicant to continue working with their neighbors and to foster a good relationship between the two homeowner associations.

Council Member Oates argued that giving a \$10,000 permitting fee cap to a for-profit organization would set a precedent for others.

Mayor Hemminger replied that the cap had been part of a long negotiation regarding the number of AH units and pointed out that rental firms did not, by law, have to provide AH.

Council Member Oates agreed that the applicant was not required to provide AH, but said that Bainbridge was getting a multi-million dollar benefit with the rezoning.

Council Member Bell did not accept the amendment and Council Member Oates's motion did not receive a second. The original motion, as amended, was then considered.

A motion was made by Council Member Bell, seconded by Council Member Stegman, that the Public Hearing be closed and R-5 be adopted as amended. The motion carried by the following vote:

Aye: 8 - Mayor Hemminger, Mayor pro tem Anderson, Council Member Bell, Council Member Buansi, Council Member Gu, Council Member Parker, Council Member Stegman, and Council Member Schaevitz

Nay: 1 - Council Member Oates

9. Review the Public Housing Master Plan.

[\[19-0312\]](#)

Public Housing Director Faith Thompson gave a PowerPoint overview of the Public Housing Master Plan and asked for Council feedback. She pointed out that a discussion regarding the Rental Assistance Demonstration (RAD) portion would occur at a later time.

Ms. Thompson said that the preliminary Public Housing budget included \$1,126,092 from Housing and Urban Development (HUD) for daily operations and a Capital Fund Grant of \$782,242 for apartment renovations. The Town had not yet heard from HUD, so those figures were based on last year's allotment, she said. Ms. Thompson explained that additional funding sources would include tenant rents, Community Development Block Grant funds, local AH funds, some independent grants, and some Orange County AH money.

Ms. Thompson described positive steps that Public Housing had taken to turn a 2018 "troubled" designation from HUD around and outlined what staff had done to improve occupancy rates. She discussed the Housing Department's challenges and explained how she was addressing those. Ms. Thompson said that she had hired an additional maintenance mechanic and hoped to hire three more staff members which includes a management analyst, by May 2019.

Ms. Thompson said that the Housing and Community Department had created a work plan that included an AH Public Housing Plan. This was in response to the Council's strategic goal of increasing access to housing for individuals across a range of incomes, she said. She said that the estimated cost of fully renovating all 336 Public Housing units would be \$14 million, and she described a seven-year, phased renovation process.

Ms. Thompson addressed Public Housing's community engagement efforts. She said that Section 3 of the HUD Act of 1968 was designed to have

contractors train and use residents as employees and that her department was trying to make it clearer to residents that such a pathway was available to them. She mentioned a monthly newsletter and talked about other community activities, such as clean-ups, pop-ups, neighborhood meetings, and partnerships.

Ms. Thompson addressed the Department's organizational structure, performance measures, and development plans. She addressed the RAD conversion schedule for Trinity Court and Craig Gomains and described renovation and upgrading plans for existing properties.

Council Member Buansi confirmed with Ms. Thompson that she expected to have at least one resident from each neighborhood serve on the Residents Council. He also confirmed that the need for childcare was being addressed by residents who were operating that service from their homes. Ms. Thompson said that she had been hearing more about the need for an after-school program, and Council Member Buansi confirmed with her that she thought the Residents Council would address those issues.

Council Member Buansi ascertained from Ms. Thompson that Neighborhood Watch training entailed working with the Chapel Hill Police Department regarding "situational awareness" and providing safe havens within the community.

Mayor pro tem Anderson praised Ms. Thompson's efforts to replace utilities with sustainable options. She wondered if there were other relatively inexpensive changes that could be made in conjunction with the Town's Climate Action Plan.

Mayor Hemminger replied that LED lighting would be among those things. She pointed out that Ms. Thompson had mentioned working closely with the Town's sustainability officer when making choices and decisions.

Mayor pro tem Anderson asked if it was true that Craig Gomains might be a mixed-income development.

Ms. Clark replied that staff intended to pursue that and had written it into the request for quotes. It would not be an option for Trinity Court, due to timing issues, but it might be possible to increase the density at Craig Gomains as part of the RAD conversation, she said.

Council Member Schaevitz asked about the relationship between Public Housing and local colleges, and Ms. Thompson replied that Durham Tech would be providing skills training on site and UNC students had volunteered to help with community clean-ups and pop-ups.

Council Member Schaevitz determined that Ms. Thompson would be

interested in having a distinguished speaker series, and Mayor pro tem Anderson confirmed that current discussions were being held regarding apprenticeships.

Council Member Stegman ascertained that there was not currently one person who could coordinate and manage relationships with community partners but that Public Housing staff hoped to have one after the management analyst, office assistant, and maintenance mechanic positions were filled. She then asked why the decision had been made to have an outside attorney handle the grievance process.

Ms. Clark replied that the outside attorney had been selected to help Mr. Karpinos at a time when the Residents Council was no longer functioning. That attorney mostly reviewed eviction issues and residents could still appeal to the Housing Director for some decisions, Ms. Clark pointed out.

Council Member Stegman confirmed with Ms. Thompson that there had been indications that HUD funding would decrease even more.

Council Member Parker asked if Public Housing had established any connections with employers who were in a position to hire, such as Chapel Hill Tire and the Home Builders Association. Mayor Hemminger added that home healthcare providers should be on that list as well.

Ms. Thompson replied that she had been thinking more about skill development but that nothing precluded reaching out to those businesses.

Council Member Gu asked for demographic information regarding residents, and Ms. Thompson agreed to provide that. Council Member Gu then asked about collaboration with the school system and pointed out that high school students are always looking for teaching opportunities. That might be especially important during the summer, she said.

Ms. Thompson replied that Public Housing had a good relationship with the school system. High school students tutored children at South Estes and Craig Gomains and might soon begin at Airport Gardens, she said.

Council Member Bell suggested that there be an "aspirational column" for some skills and training ideas, since many of them take a level of staffing and program management that Public Housing did not currently have. She did not want to set expectations for things that were outside current capacity, she said.

Council Member Oates asked why there had been an increase in maintenance costs from 2017 to 2018 and if that would continue every year going forward.

Ms. Thompson explained that the increase had primarily been due to learning about problems during assessments and having to immediately hire contractors to make safety repairs. Now that those things had been done, Public Housing could move on to renovations, she said.

Council Member Oates asked if there was a way to prioritize those who already live in Orange County and/or work in Chapel Hill on the Public Housing waiting list.

Ms. Thompson explained that those who live in Orange County already were prioritized. She offered to check and see if working in Town would entitle one to a preference.

Mayor Hemminger confirmed that Duke Energy had done recent work for Public Housing. She thanked Ms. Thompson for bringing people together in partnerships and said that the Council was very proud of the work she was doing.

This item was received as presented.

10. Receive the Community Connections Strategy.

[\[19-0313\]](#)

This item was deferred.

APPOINTMENTS

11. Approve Membership and Appoint Representatives to Orange County Climate Committee.

[\[19-0314\]](#)

Mayor Hemminger explained that there had been a request to appoint a member of the Council and someone from the Sustainability Department to the Climate Committee. The Manager would return with a process for appointing another individual, she said.

Council Member Stegman asked for a friendly amendment to nominate a member from the Climate Action Coalition. She then agreed to bring that back for consideration when the Council knew more about the Coalition, however.

The Council voted unanimously to adopt Resolution 7 with Council Member Gu and a Sustainability staff member appointed.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Schaevitz, that R-7 be adopted as amended. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 11:32 p.m.

