

**DRAFT SUMMARY MINUTES OF A PUBLIC HEARING
OF THE CHAPEL HILL TOWN COUNCIL
WEDNESDAY, OCTOBER 18, 2017, AT 7:00 PM**

Council Members Present: Mayor Pam Hemminger, Council Member Jessica Anderson, Council Member George Cianciolo, Council Member Sally Greene, Council Member Ed Harrison, Council Member Nancy E. Oates, Council Member Maria T. Palmer, and Council Member Michael Parker.

Council Member(s) Absent: Mayor pro tem Donna Bell.

Staff members present: Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Director of Planning and Development Services Ben Hitchings, Senior Planner Aaron Frank, Interim Operations Manager for Planning and Development Services Judy Johnson, Planner II Jay Heikes, Senior Engineer Sue Burke, Fire Protection Specialist Chris Kearns, Police Officer Rick Fahrer, and Deputy Town Clerk Amy Harvey.

[AGENDA ITEMS](#)

0.1 [Proclamation: Domestic Violence Awareness Month.](#)

Mayor Hemminger called the meeting to order at 7:00 p.m. She said that Mayor pro tem Bell was absent.

Council Member Oates read the Domestic Violence Awareness Month proclamation and cited statistics regarding domestic violence. She said that the Compass Center for Women and Families served approximately 6,000 Orange, Durham and Wake County victims each year. Council Member Oates explained that the Council was proclaiming October 2017 to be Domestic Violence Awareness Month in the Town of Chapel Hill. She urged citizens to become familiar with the signs of domestic violence, and support the work of the Compass Center and other organizations.

Cordelia Heaney, executive director at the Compass Center for Women and Families, accepted the proclamation, and said that the Compass Center's mission was to help people navigate through challenging times in their lives. Ms. Heaney outlined the services that the Center offered, and said that it was a state-designated, domestic violence service provider that had served more than 1,200 Orange County survivors and their families last year. She encouraged all to become involved in addressing domestic violence in the community, and said that the proclamation would help raise awareness.

Mayor Hemminger and Council Member Palmer thanked Ms. Heaney for the important work that the Compass Center for Women and Families was doing.

Mayor Hemminger announced a Project Connect all-day event at the Hargraves Center for people who were (or were at risk of becoming) homeless. There would be an opportunity to connect with services, she said.

Mayor Hemminger mentioned an upcoming Bolin Creek watershed clean-up, which would be part of the North Carolina "Big Sweep" event. Information was available on the Town website, she said.

Mayor Hemminger also announced an American Legion Task Force meeting, a meeting regarding the Wegmans store, and noted that the next Council meeting would be held on Wednesday, October 25th.

1. [Open the Public Hearing: Application for Special Use Permit Modification - Cedars at Meadowmont, 101 Green Cedar Lane \(Project #17-047\).](#)

Town Manager Roger Stancil explained that the applicant had asked staff for help moving the special use permit (SUP) modification request from The Cedars at Meadowmont through the process. Staff had advised the applicant that the item could be put on the Council's October 25th agenda, if no additional work resulted from the current meeting, he said. Alternatively, it could be scheduled for November 29th, if more staff work were required, he said. Mr. Stancil explained that the Council should adopt a resolution to refer the item to either of those two dates.

Senior Planner Aaron Frank gave a PowerPoint presentation regarding the approximately five-acre, assisted-living community. He pointed out that a 2000 SUP approval had included the Dubose Health Center (DHC), a skilled nursing facility located just north of The Cedars on that site. The proposed modification pertained to increases in floor area, impervious surface, and parking, he said. He showed the site layout, and explained the need for an additional 16,325 square feet of floor area, 37 vehicular parking spaces, and 30,268 square feet of impervious surface.

Mr. Frank reported that the Planning Commission (PC), Community Design Commission (CDC), and other Town advisory boards, had reviewed the application, and recommended approval. He noted a stipulation for laying conduit for two electric vehicle charging stations, and said that no changes in fiscal impacts or Town resources were envisioned. Mr. Frank pointed out that a building contemplated in the original SUP had been slightly more intense than what was being requested. The proposed modifications did not exceed the intensities permitted by the Meadowmont Master Land Use Plan, he said, and recommended that the Council recess the public hearing and approve Resolution A.

Ryan Akers, a project manager with McAdams Company, provided additional background and details on the SUP modification request. He showed aerial views, and artist's renderings of the site, and described the proposed expansion. The floor area represented a 2 percent increase over what had been allowable in the previous SUP, but there would be six fewer beds than initially allowed, he said. Mr. Akers explained that finding parking for everyone had become more difficult than the applicant had originally anticipated. He pointed out that the modification

request included an extension of time.

With regard to the Town's recommended stipulations, Mr. Akers asked for flexibility to put the electric charging stations near areas where people were still driving, rather than at the DHC. He pointed out that a traffic management plan, which had been updated in 2015, included traffic reduction goals, bike accommodations, and other incentives. Mr. Akers said that more than 85 percent of the light fixtures were already LED. The applicant was accepting three of the five recommended stipulations, he said.

Council Member Oates confirmed that moving the electric charging stations to another location would not preclude employees from using them. She noted that Mr. Akers had said that the need for additional parking was due to employees being unable to afford to live in Town. She pointed out that the Town was wrestling with that problem and said that it was always good to have such data. Council Member Oates verified with Mr. Akers that the 17 year-old parking plan had not been set up for the current intensity.

Council Member Cianciolo asked why the applicant had not accepted an advisory board recommendation for more renewable energy systems.

Mr. Akers replied that they had discussed possibly using ground heat, but that had turned out to be too costly over time due to the need for a cooling tower during the summer and a heat pump during the winter. He said that solar energy would be very attractive, but they were not sure that it would be the right application for an expansion.

Council Member Cianciolo urged the applicant to try to meet the 2030 AIA standard even though doing so was not a requirement.

Mr. Akers replied that his mechanical engineer had pointed out that a provision of that standard did not work with their footprint. They could try to meet certain provisions but could not meet the entire standard, he said.

Council Member Harrison said that the amount of parking was justified for a skilled nursing facility that was not near a transit stop, and had employees coming from several counties.

Council Member Palmer asked the applicant if they had considered putting affordable housing for employees on the premises.

Mr. Akers pointed out that most of the project was already built out, and that most of the units were owned by community participants. Affordable housing needed to be programmed from the start, and would not be feasible at the current final stage, he said.

Council Member Palmer said that she was disappointed that it had not been requested earlier. She added that the Council would likely do all it could to make affordable housing possible.

COUNCIL MEMBER SALLY GREENE MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO RECESS THE PUBLIC HEARING TO OCTOBER 25, 2017. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0) .

2. [Open the Public Hearing and Consider an Application for Special Use Permit Minor Modification for Construction Start Date Extension at St. Paul's Village, 1604 Purefoy Road \(Project #16-044\). \(R-1\)\(R-2\)](#)

Interim Operations Manager for Planning Judy Johnson explained that the SUP for St. Paul Village had been granted in 2012, but the applicant had been granted an extension, and was currently requesting another extension for five years. In a PowerPoint presentation, she showed the Purefoy Road site of a proposed sanctuary, fellowship hall, health clinic, and daycare center that would also include a mausoleum and a memorial garden. Ms. Johnson pointed out that a Rogers Road sewer project was under construction, and that sewer service would be part of the extension. She recommended that the Council adopt Resolution A, which would extend the construction start date for five years.

Rose Snipes, a St. Paul's Village trustee, provided an update on the church's activities. She said that the church and its congregation had invested \$1.3 million more into the project, and currently owned more than 21 acres. She said that affordable housing was a key element of the project, and that related discussions were continuing with their partners. Ms. Snipes noted that an old house on the site would soon be demolished, but a historic component of that house would be preserved, and would eventually become part of the museum.

Ms. Snipes reviewed changes and adaptations since 2012, and said that the church had recently hired a new architect and construction company. For all of those reasons, it made strategic sense to wait for the sewer project to be in place before starting construction, she said.

Council Member Harrison expressed strong support for the request. He pointed out that the original project had been very ambitious, and said that losing an architect and pastor had been difficult for the church. The request for an extension was justified, said Council Member Harrison. He added that the project had been, and still was ambitious, and he commended those involved in that ambition.

Council Member Greene agreed that the church had had many transitions, challenges, and issues to address. She was sorry that they would not be able to preserve the Hogan-Rogers House, but appreciated that the basement would be preserved, she said. She asked if the church had been able to recycle any of the house's parts.

Ms. Snipes replied that some connected chimneys and the porch were the most that could be saved. The church would know more when the demolition plan was complete, she said. She noted that the Historic Preservation Society was involved with the project. The historical value probably had diminished tremendously by all of the additions to the house over the years, she pointed out. Ms. Snipes said that any history regarding slaves who used to live on that property would be in the basement. The church would also respect and protect a Hogan family cemetery that was on the property, she said.

Mayor Hemminger noted it would take several weeks to orient the new pastor, and she wished the former pastor, Reverend Nixon, well in Wilmington, NC.

COUNCIL MEMBER JESSICA ANDERSON MOVED, SECONDED BY COUNCIL MEMBER MICHAEL PARKER, TO ADJOURN THE PUBLIC HEARING AND ADOPT R-1. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0) .

[A RESOLUTION APPROVING A REQUEST FOR AN EXTENSION OF THE CONSTRUCTION START DATE FOR ST. PAUL VILLAGE SPECIAL USE PERMIT, LOCATED AT 1604 PUREFOY ROAD \(2017-10-18/R-1\)](#)

3. [Open the Public Hearing and Consider: Application for a Conditional Zoning Atlas Amendment - Carolina Flex Park located at 7000 and 7001 Millhouse Road. \(R-3\)\(O-1\)](#)

Director of Planning and Development Services Ben Hitchings provided an overview of the Millhouse Road Enterprise Zone, an area for light industrial development that would require a rezoning only, rather than having to go through the traditional SUP process. Carolina Flex Park would be the Town's first experiment with such conditional zoning, he said. Mr. Hitchings pointed out that the process allowed the Council to have a full discussion with stakeholders about the relative merits of a proposal in a more straightforward way.

Mr. Hitchings pointed out that the Millhouse Road site was designated on the Town's Land Use Plan as suitable for such a zoning district, and was the only place in Town where it could currently be applied. He outlined a proposed new approach that would expedite the process by allowing staff to review and approve additional buildings, that are consistent with the rezoning plan and Land Use Management Ordinance (LUMO) standards. Mr. Hitchings noted that the conditional zoning district had been created in the spring of 2017, and that Carolina Flex Park was the first application.

Planner Jay Heikes provided background on the application, which had been submitted in June 2017, and reviewed the PC's recommendation. He pointed out that the different procedure allowed the Council to immediately decide whether to adjourn the public hearing, whether to adopt a resolution of consistency with Comprehensive Plan (R-3), and whether to enact the zoning atlas amendment (O-1). He explained that the zoning atlas amendment included conditions of approval, conditional uses, rezoning plan, and development commitments that address specific features of the project.

In a PowerPoint presentation, Mr. Heikes displayed an area map showing the location of two separate parcels. The rezoning plan proposed 405,000 square feet of light industrial uses, and that complement those, he said. He showed the proposed accesses to each parcel, and said that the project would comply with recommendations from a traffic impact analysis. Mr. Heikes described a 10-foot wide trail that would be constructed along Millhouse Road. He discussed environmental features, and said that the development would comply with all LUMO standards. The developer was proposing to donate an easement for the Town to construct a natural trail, he said.

Mr. Heikes said that the developer had agreed to all land uses included in the Millhouse Road Enterprise Zone, and to conditions regarding each of seven specific conditional uses. The developer had agreed with all rules regarding conditioned self-storage and was proposing an absolute cap of 190,000 square feet, he said. He said that the developer would comply with standards regarding supply yards, and had agreed to a condition that would prohibit the storage or sale of specific materials.

Mr. Heikes said that the developer would submit a petition for annexation prior to approval of the first phase of development. He also discussed the developer's payment in lieu of a transit stop, transportation management fee, and energy management plan. Both staff and the PC had recommended approval of Ordinance 1 and Resolution 3, said Mr. Heikes.

Council Member Anderson asked why staff had recommended a payment in lieu of bus service rather than just putting a stop there.

Mr. Heikes replied that bus service was not currently available on Millhouse Road even though buses do use it. If transit should provide bus service on that road, then the payment in lieu would become due, he said.

Council Member Anderson asked about building the stop and just not using it for a while.

Mayor Hemminger commented that the assumption was that people would become frustrated if there was a stop that they tried to use, and the buses passed by.

Council Member Oates mentioned that she had seen a 2000-seat event space listed among possible uses. She asked what that was envisioned to be, and how it was related to light industrial uses.

Mr. Heikes deferred to the applicant regarding that, but noted that the statement of justification that parking would primarily be needed during the day. There might be some complementary weekend or nighttime use that could benefit from those parking spaces, he said.

Council Member Oates expressed concern about an entity such as a church coming in and not adding to the tax rolls, but Mayor Hemminger pointed out that such entities pay taxes when leasing space.

Mayor Hemminger mentioned enterprises that she had seen in St. Petersburg and in Burlington that had art workshops during the day and entertainment venues in the evening that were a nice complement.

Council Member Harrison pointed out that there was no specified number of parking spaces listed and asked how that would evolve.

Mr. Heikes replied that LUMO standards would apply and offered reductions for counter-cyclical uses. In addition, the Millhouse Road Enterprise Zone included a mechanism for the

developer to submit additional information if more or less parking was required. Staff would then look at that when the applicant came in for a zoning compliance permit, he explained.

Council Member Harrison noted the possibility of spillover parking on Millhouse Road and/or nearby Carraway Village.

Dan Jewell, of Coulter Jewell Thames, provided additional details on the application, and said that the applicant had agreed to meet all LUMO requirements associated with each building permit. He reminded the Council that stormwater management would be at a higher level of control than was normally required. He outlined the Town's six conditions of approval, and explained how the application would meet all of them. Mr. Jewell noted that a place of assembly was a potential use, and said that a 2,000-seat capacity envisioned a possible conference center, space for large weddings, and a plethora of other potential uses.

Council Member Greene confirmed that the supply yard would be buffered according to LUMO standards on the Millhouse Road side, and Mayor Hemminger verified that electric charging stations, and a conduit on the roof for future solar power would be included.

Council Member Anderson asked about impacts on surrounding properties, and Mr. Jewell explained how cars might be able to go back and forth without necessarily going onto Millhouse Road. He said that the traffic impact analysis had looked at all potential uses, and traffic impacts, and had come up with improvements to Eubanks and Millhouse Roads that would be based on the intensity of development that actually occurs.

Council Member Parker confirmed with Mr. Jewell that some road improvements could be coordinated with those being made for Carraway Village.

Council Member Oates asked how road improvements for the two projects would be coordinated, and Mr. Jewell said that the Flex Park would develop in phases, and probably would make its road improvements after those for Carraway Village.

Ms. Johnson commented that Carraway Village anticipated beginning construction on the road in spring 2018, which was likely prior to the Millhouse Road project getting underway.

Terese Triumph, a Blackwood Mountain road resident, asked about the amount of forest clearing. She noted an increase of traffic on Millhouse Road and pointed out that the Emerson Waldorf School was located there and asked if traffic impact had been studied.

Mr. Jewell replied that the project included Resource Conservation District land, and would also be adding vegetation, as well, in order to meet landscape and parking lot shade requirements. A traffic consultant did not think there would be an impact farther back on Millhouse Road toward 86, and had not recommended any improvements there, he said. Mr. Jewell agreed to look at that report to see if a trip generation analysis had been done.

Carol Small, a Chapel Hill resident, noted the site's proximity to a landfill, and asked if a soil or water study had found any abnormalities.

Mr. Jewell replied that a Phase 1 environmental impact study would need to be done to meet funding requirements. The Town had done a stream determination, but soil testing for contamination would be done when they began designing the first building, he said.

Mayor Hemminger pointed out that the nearby landfill had been closed down about 40 years prior, and explained that the applicant would report any contamination to the Town and the NC Division of Environmental Quality, which would require avoidance or remediation if any contamination was found.

Mayor Hemminger said that she was excited about the opportunities and was looking forward to the progression of the Town's first enterprise zone.

Council Member Parker said that he shared that enthusiasm, and was impressed by the speed of the application process. The Town would get this kind of development, and get it in a way that was sensitive to the needs regarding time of the developer and the end-users, he said.

Mayor Hemminger commended staff for helping to find a conditional zoning tool that would help reach Council goals. She was eager to see how that tool worked, she said.

Council Member Harrison noted that the development agreement tool was now in place, and said that he was pleased to have this second legislative process where all parties could discuss the important matters.

Mayor Hemminger confirmed with Mr. Jewell that the charging stations and conduit would be installed.

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY COUNCIL MEMBER NANCY E. OATES, TO ADJOURN THE PUBLIC HEARING AND ENACT O-1. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0) .

[AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 7000 AND 7001 MILLHOUSE ROAD TO INNOVATIVE, LIGHT INDUSTRIAL CONDITIONAL ZONING DISTRICT \(PROJECT 17-069\) \(2017-10-18/O-1\)](#)

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY COUNCIL MEMBER MARIA T. PALMER, TO ADOPT R-3. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0) .

[A RESOLUTION REGARDING THE APPLICATION FOR CONDITIONAL ZONING ATLAS AMENDMENT AT THE PROPERTY LOCATED AT 7000 AND 7001 MILLHOUSE ROAD TO INNOVATIVE, LIGHT INDUSTRIAL CONDITIONAL ZONING DISTRICT \(LICZD\)\(PROJECT 17-069\) AND CONSISTENCY WITH THE COMPREHENSIVE PLAN \(2017-10-18/R-3\)](#)

4. [Consider Proposal to Adjust Land Use Management Ordinance: Historic District Commission Procedures. \(R-4\)](#)

Mayor Hemminger said that recent discussions regarding communication with Town boards and commissions had led to the list of recommendations that was before the Council. She explained that the goal was to discuss those recommendations, and then refer them back to the Historic District Commission (HDC), the Board of Adjustment (BOA), and the Planning Commission (PC), for comments. The Council would vote on the matter at a later Council meeting, she said.

Mayor Hemminger reviewed and explained each of the recommendations in the report. These pertained to: requiring the findings of fact to reference the evidence supporting the findings; clarifying the congruity standard as an approval/denial standard; reducing the amount of time for action to be taken on an application for a certificate of appropriateness; clarifying the language on submitting a new application, as opposed to reconsideration of an application which had been denied; clarifying the HDC's responsibilities with respect to the Concept Plan Review; and clarifying the Council's expectations of HDC and BOA members.

Mayor Hemminger elaborated on each of those recommendations. She then pointed out that the Town was held liable when issues arose, and said she wanted to make sure that the process was clearly defined, and that every board member understood that s/he needed to follow the guidelines. Mayor Hemminger characterized the proposed resolution as a template that would be sent out to Town boards and commissions for feedback.

Council Member Cianciolo expressed support for all of the suggestions, with the exception of one that would have the Town Manager determine whether a change on a new application was "substantive." He recommended that the manager work with the commissions to determine what would be considered substantive.

Council Member Harrison expressed reservations about the clock starting when staff determines that an application is complete. He noted that applications had turned up at the HDC that it did not find to be complete, and asked how "complete" was currently being defined.

Town Attorney Ralph Karpinos replied that staff would be looking at that. If it had been accepted then, it had been deemed as complete, he said, adding that a commission would deny an application at that point if it determined that it could not approve it. However, the decision to accept it had to be made before it got to the commission, and staff needed to have clarity about when to accept, and start the clock, he said. Mr. Karpinos pointed out that an application is different when accepted than it is when the applicant walks in the door with it.

Council Member Harrison said that the boards and commissions needed to hear that clarification.

Mayor Hemminger said that there had been some discussion about reserving one position on the HDC for an architect and another for a non-HDC person from the community.

Council Member Greene replied that she thought having all HDC members live in historic

districts had been opposed in the past and was not allowed. She argued for having one HDC representative, at minimum, and for having an architect and/or a trained preservationist on the HDC as well.

Bob Epting, HDC chair, thanked the Council for its suggestions. He agreed that the HDC needed to make its processes more understandable to citizens and to clarify its final orders so that applicants would clearly understand them. The HDC had already begun to undertake changes to its processes and foundation documents, and those were similar to what was being suggested, he said.

Mr. Epting discussed initiatives that the HDC was taking regarding the form used to grant or deny a certificate of appropriateness application. He discussed plans regarding the HDC design guidelines. He said that the HDC had asked for additional staff resources to generate staff reports and had undertaken a series of public meetings to educate the public about applicable laws and ordinances.

Mr. Epting said that he could recall only one denied application during his 10 months on the HDC, and the Board of Adjustment had overturned that one on appeal. Historically, more than 90 percent of the applications that the HDC reviewed were granted within 30 days of accepting the application, he said. He suggested that cutting the time-frame might harm applicants, who often need to revise and resubmit. Mr. Epting expressed gratitude for the Council's suggestions, but proposed waiting to see what effect the changes he had outlined would have. To a certain extent, that would determine whether the suggestions should be accepted, modified, or perhaps "put on the table," he said.

Mayor Hemminger said that board chairs and legal counsel would meet on Tuesday to start the process of how to communicate better and create a better process for everyone. The intention was to begin with the Town's legal counsel and the Committee on Boards and Commissions, she said.

Council Member Greene thanked Mr. Epting for mentioning the value of historic districts to the entire Town. That was why she felt strongly that the HDC should not be entirely made up of historic district residents, she said. She pointed out that there was an annual state historic preservation meeting and said that she hoped the Town was continuing to forge those relationships.

Mr. Epting replied that the HDC had already had several meetings with the state since September. He pointed out that the HDC included one member from outside the historic district and had included architects for at least 40 years.

Council Member Palmer commented that the Council's suggested procedures had not been drafted because of any perception of a problem, but by an interest in helping the boards function better. The goal was to help facilitate, not to control, she said.

Catharine Burns, a North Street resident with historic preservationist training, gave a brief summary of her written statement. She had been stunned when she moved to Chapel Hill two

and a half years ago and had seen how far off track the Town had gone with respect to historic preservation, she said. Ms. Burns described the Town as being "way behind the curve" in several areas and in need of significant changes. She said that she respected the Town's efforts but had felt concerned when she saw the proposed procedures because so much more needed to be done.

Council Member Oates, liaison to the HDC, said there was much in the report to consider and that the proposed time length was a good tool. She noted that 94 percent of the projects that had come before the HDC since the 1980s had been approved. She proposed that the Town Manager move forward with hiring a consultant to revise the design guidelines, and described some of the difficulties to which not having guidelines had led. Council Member Oates asked to codify her recommendation by adding them to Resolution 4.

Mr. Stancil replied that the Town had been talking with the state historic preservation office to identify a consultant. He would be glad to coordinate with Mr. Epting as that process moved forward, he said.

Council Member Oates asked again that that intent be codified in writing as well.

Mayor Hemminger proposed stating that design guidelines were a priority to move forward, and Council Member Oates asked that the Council also state that it supported hiring a consultant.

Council Member Harrison said that it had been well worth giving Mr. Epting all the time he needed for his report. He pointed out that the world had been very different 40 years ago and said it was the sense of the Council that an update needed to proceed quickly.

Council Member Anderson asked about opportunities for public input.

Mayor Hemminger replied that the public could go to HDC, BOA or PC meetings, and would also have a chance to comment when the item came back to the Council. Staff was still figuring out whether there needed to be two public hearings in relation to the LUMO changes, she said.

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO ADOPT R-4 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0) .

[A RESOLUTION REFERRING THE OCTOBER 18, 2017 REPORT AND RECOMMENDATIONS OF THE COUNCIL COMMITTEE ON BOARDS AND COMMISSIONS TO THE HISTORIC DISTRICT COMMISSION, THE PLANNING COMMISSION AND TOWN MANAGER FOR RECOMMENDATIONS \(2017-10-18/R-4\) as Amended \(PDF\)](#)

5. [Open the Public Hearing and Consider Enacting Amendments to Section 5-56 of the Town Code to Incorporate the Revised Flood Insurance Study and Flood Insurance Rate Maps. \(O-2\)](#)

Senior Stormwater Engineer Sue Burke provided information on the proposed amendments to the Flood Damage Prevention Ordinance. She pointed out that the amendments would be the last step in the process of adopting revised flood insurance studies and flood insurance rate maps. FEMA and its state partners had prepared the materials, which were the basis for regulating development in the floodplain, she said.

Ms. Burke explained that the Orange County maps were among the first all-digital maps in the country. She gave a PowerPoint presentation showing how the maps had changed and said that residents would have an opportunity to comment on them during a public meeting process. The action before the Council was to adopt the revised studies and maps by enacting Ordinance 2, she said, noting that not enacting O-2 would result in the Town being suspended from the National Flood Insurance Program.

Council Member Cianciolo asked if there was any way to contest a map.

Ms. Burke replied that the public comment period allowed residents to present technical, empirical data regarding why their individual property had been wrongly mapped into the floodplain. That information would go to FEMA for evaluation, she said, noting that the Town had submitted seven appeals and FEMA had approved most of them.

Council Member Anderson verified with Ms. Burke that most of the affected properties had been located in one particular area.

Ms. Burke said that most modifications had been relatively minor, and that entire neighborhoods had not been shifted into or out of the floodplain.

Council Member Anderson asked if the Town would likely hear from additional people after approving the maps.

Ms. Burke replied that staff continued to hear from residents, who then typically conclude that they do not want to pursue an appeal when they understand that they would have to provide scientific documentation.

COUNCIL MEMBER MICHAEL PARKER MOVED, SECONDED BY COUNCIL MEMBER JESSICA ANDERSON, TO CLOSE THE PUBLIC HEARING AND ENACT O-2 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0) .

[AN ORDINANCE AMENDING SECTION 5-56 OF THE TOWN CODE ADOPTING REVISIONS TO THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAP PANELS \(2017-10-18/O-2\) as Amended \(PDF\)](#)

The meeting was adjourned at 9:22 p.m.