



TOWN OF CHAPEL HILL

Town Council Meeting Agenda

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

Mayor Pam Hemminger
Mayor pro tem Karen Stegman
Council Member Jessica Anderson
Council Member Camille Berry
Council Member Tai Huynh

Council Member Paris Miller-Foushee
Council Member Michael Parker
Council Member Amy Ryan
Council Member Adam Searing

Wednesday, February 9, 2022 7:00 PM

Virtual Meeting

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend. The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council business meetings and work sessions. Please participate in a voluntary demographic survey <https://www.townofchapelhill.org/demosurvey> before accessing the Zoom webinar registration. After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 863 7984 5606

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

OPENING

ROLL CALL

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. Tab Combs Request Anti-dooring Ordinance. [\[22-0094\]](#)

ANNOUNCEMENTS BY COUNCIL MEMBERS

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.

2. Approve all Consent Agenda Items. [\[22-0095\]](#)

By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.

3. Approve the 2021-22 Independent Audit Contract. [\[22-0096\]](#)

By adopting the resolution, the Council authorizes the Mayor to approve the contract for the Town's 2021-22 independent audit from Martin Starnes & Associates, CPAs, P.A.

4. Call a Legislative Hearing for the Future Consideration of a Parking Payment-in-Lieu System, Land Use Management Ordinance Text Amendment, and Associated Policy on February 23, 2022. [\[22-0097\]](#)

By adopting the resolution, the Council calls a legislative hearing for the future consideration of a Parking Payment-in-Lieu system, Land Use Management Ordinance text amendment, and associated policy on February 23, 2022.

5. Call a Public Hearing to Consider Closing a Portion of Public Right-of-Way of Maxwell Road and Hamilton Road within the Glen Lennox Development on March 9, 2022. [\[22-0098\]](#)

By adopting the resolution, the Council calls a Public Hearing to consider closing a portion of the public right-of-way of Maxwell Road and Hamilton Road in accordance with Section 5.4(a)(2) of the Glen Lennox Development Agreement on March 9, 2022.

6. Amend the 2021-22 Council Calendar. [\[22-0099\]](#)

By adopting the resolution, the Council amends the 2021-21 Council calendar to schedule a March Work Session.

- 7.** Adopt Minutes from June 16, 21, 23, and 28, 2021 Meetings. [\[22-0100\]](#)

By adopting the resolution, the Council approves the summary minutes of past meetings which serve as official records of the meetings.

INFORMATION

- 8.** Receive Upcoming Public Hearing Items and Petition Status List. [\[22-0101\]](#)

By accepting the report, the Council acknowledges receipt of the Scheduled Public Hearings and Status of Petitions to Council lists.

DISCUSSION

- 9.** Bicycle and Pedestrian Safety Update. [\[22-0102\]](#)

PRESENTER: Bergen Watterson, Transportation Planning Manager
Donnie Rhoads, Police Captain

RECOMMENDATION: That the Council receive an update on bicycle and pedestrian safety efforts and offer feedback.

- 10.** Discuss FY 2021 Excess Fund Balance Appropriation. [\[22-0103\]](#)

PRESENTER: Maurice Jones, Town Manager
Amy Oland, Business Management Director

RECOMMENDATION: That the Council receive an update on the FY 2021 Excess Fund Balance Appropriation and to provide the opportunity to discuss the intended uses for these funds.

CONCEPT PLAN REVIEW(S)

Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

As a courtesy to others, people speaking on an agenda item are normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make

prior arrangements through the Mayor's Office by calling 968-2714.

- 11.** Concept Plan Review: Homestead Road Tri-Point,
2217 Homestead Road.

[\[22-0104\]](#)

PRESENTER: Judy Johnson, Assistant Planning Director

- a. Review of process
- b. Presentation by the applicant
- c. Comments from the Community Design Commission
- d. Comments from the Housing Advisory Board
- e. Comments from the Stormwater Management Utility Advisory Board
- f. Comments from the public
- g. Comments and questions from the Mayor and Town Council
- h. Motion to adopt a resolution transmitting Council comments to the applicant.

RECOMMENDATION: That the Council adopt the resolution transmitting comments to the applicant.

APPOINTMENTS

- 12.** Appointments to the Community Policing Advisory
Committee.

[\[22-0105\]](#)

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



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 1., File #: [22-0094], Version: 1

Meeting Date: 2/9/2022

Tab Combs Request Anti dooring Ordinance.

Staff:

Sabrina M. Oliver, Director and Town Clerk
Amy T. Harvey, Deputy Town Clerk

Department:

Communications and Public Affairs

Overview: 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 <https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status>](https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status) webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.



Recommendation(s):

That the Council consider the petition.



Attachments:

- Tab Combs Request

Amy Harvey

From: Jeanette Coffin
Sent: Monday, January 31, 2022 11:32 AM
To: Tab Combs
Cc: Colleen Willger; Adam Searing; Amy Ryan; Camille Berry; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Paris Miller-Foushee; Tai Huynh; Amy Harvey; Ann Anderson; Carolyn Worsley; Laura Selmer; Loryn Clark; Mary Jane Nirdlinger; Maurice Jones; Rae Buckley; Ran Northam; Ross Tompkins; Sabrina Oliver
Subject: RE: Anti-dooring ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin



Jeanette Coffin
 Office Assistant
[Town of Chapel Hill Manager's Office](#)
[405 Martin Luther King Jr. Blvd.](#)
[Chapel Hill, NC 27514](#)
 (o) 919-968-2743 | (f) 919-969-2063

From: Tab Combs <tab.combs@gmail.com>
Sent: Monday, January 31, 2022 10:18 AM
To: Town Council <mayorandcouncil@townofchapelhill.org>
Subject: Anti-dooring ordinance

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Dear Mayor and Council

North Carolina is one of a handful of states that does not have a law protecting bicyclists from dooring incidents like the one that hospitalized a local bicyclist last week. However, several cities in North Carolina have adopted 'anti-dooring' ordinances. I am writing to encourage you to introduce and adopt such an amendment to Chapel Hill's town code.

Here is Raleigh's version, which may serve as a useful example for Chapel Hill:

https://library.municode.com/nc/raleigh/codes/code_of_ordinances?nodeId=DIVIICOGEOR_PT11TR_CH2MOVETR_ART_HMIDRRU_S11-2137LIOPMOVEDOINTR

The specific text is as follows:

Sec. 11-2137. - LIMITATION ON OPENING MOTOR VEHICLE DOORS INTO TRAFFIC.

It shall be unlawful to open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving motor vehicle or bicycle traffic for a period of time longer than necessary to load or unload passengers.

Thank you for your prompt consideration of this matter.

Tab Combs

Chapel Hill, NC



TOWN OF CHAPEL HILL

Town Hall
405 Martin Luther King Jr.
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Item Overview

Item #: 2., **File #:** [22-0095], **Version:** 1

Meeting Date: 2/9/2022

Approve all Consent Agenda Items.

Staff:

Sabrina M. Oliver, Director/Town Clerk
Amy T. Harvey, Deputy Town Clerk

Department:

Communications and Public Affairs

Overview: Items of a routine nature to be voted on in a block. Any item may be removed from the Consent Agenda by the request of the Mayor or any Council Member.



Recommendation(s):

That the Council adopt the various resolutions and ordinances.

Fiscal Impact/Resources: Please refer to each agenda item for specific fiscal notes.



Attachments:

- Resolution

**A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES
(2022-02-09/R-1)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following resolutions and ordinances as submitted by the Town Manager in regard to the following:

3. Approve the 2021-22 Independent Audit Contract. (R-2)
4. Call a Legislative Hearing for the Future Consideration of a Parking Payment-in-Lieu System, Land Use Management Ordinance Text Amendment, and Associated Policy on February 23, 2022. (R-3)
5. Call a Public Hearing to Consider Closing a Portion of Public Right-of-Way of Maxwell Road and Hamilton Road within the Glen Lennox Development on March 9, 2022. (R-4)
6. Amend the 2021-22 Council Calendar. (R-5)
7. Adopt Minutes from June 16, 21, 23, and 28, 2021 Meetings. (R-6)

This the 9th day of February 2022.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 3., **File #:** [22-0096], **Version:** 1

Meeting Date: 2/9/2022

Approve the 2021-22 Independent Audit Contract.

Staff:

Amy Oland, Director

Department:

Business Management

Overview: Martin Starnes & Associates, CPA's, P.A. has been the Town's external auditor for the past fourteen years and have provided consistent and responsive services and competitive pricing throughout their tenure. In June of 2017, Council awarded the Audit Services Contract for FY 2016-17 to Martin Starnes after a Request for Proposals (RFP) process. The Contract allows four one-year contract extensions. Martin Starnes & Associates, CPAs, P.A. was selected based on a number of key factors: firm experience and capacity, audit team qualifications, and audit approach.

Based on the timely and reliable service we have received from Martin Starnes & Associates, CPAs, P.A. we wish to continue the relationship for one additional year (FY 2022). We plan to issue a new Request for Proposal for audit services next fiscal year (FY 2023).

Per North Carolina General Statute 159-34, each unit of local government shall have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant. The auditor shall be selected by and shall report directly to the governing board. The audit contract shall (i) be in writing, (ii) include the entire entity in the scope of the audit, (iii) require that a typewritten or printed report on the audit be prepared as set forth herein, (iv) include all of its terms and conditions, and (v) be submitted to the secretary for his approval as to form, terms, conditions, and compliance with the rule of the Local Government Commission.



Recommendation(s):

That the Council adopt the attached resolution to authorize the Mayor to approve the contract for the Town's 2021-22 independent audit from Martin Starnes & Associates, CPAs, P.A.



Attachments:

- Resolution
- 2021-22 Audit Contract

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE 2021-22 AUDIT CONTRACT WITH MARTIN STARNES & ASSOCIATES, CPAs, P.A. (2022-09/R-2)

WHEREAS, the Town of Chapel Hill is required by the Local Government Budget and Fiscal Control Act to have its accounts audited annually by a certified public accounting firm after the close of the fiscal year; and

WHEREAS, the Town of Chapel Hill issued a request for proposals in 2017 and selected Martin Starnes & Associates, CPAs, P.A. to conduct the FY 2016-17 audit with an option to renew their contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves a one year audit contract and authorizes the Mayor to execute the contract as presented in the February 9, 2022 meeting materials for the Town's 2021-22 independent audit from Martin Starnes & Associates, CPAs, P.A. in the amount of \$55,700.

This the 9th day of February, 2022.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council authorizes the Mayor to approve the contract for the Town's 2021-22 independent audit from Martin Starnes & Associates, CPAs, P.A.

The of and	Governing Board Town Council
	Primary Government Unit Town of Chapel Hill, NC
	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Martin Starnes & Associates, CPAs, P.A.
	Auditor Address 730 13th Avenue Dr. SE, Hickory, NC 28602

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/22	Audit Report Due Date 10/31/22
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Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.
- If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:

Title and Unit / Company:

Email Address:

Amy Oland

Director of Business Management, Town of Chapel Hill

aoland@townofchapelhill.org

OR Not Applicable (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

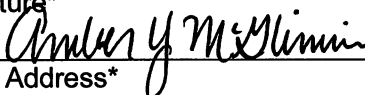
Primary Government Unit	Town of Chapel Hill, NC
Audit Fee	\$ See engagement letter
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ N/A
Writing Financial Statements	\$ N/A
All Other Non-Attest Services	\$ N/A
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 39,787.50

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 0.00

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Martin Starnes & Associates, CPAs, P.A.	
Authorized Firm Representative (typed or printed)* Amber Y. McGhinnis	Signature* 
Date* 01/26/22	Email Address* amcghinnis@msa.cpa

GOVERNMENTAL UNIT

Governmental Unit* Town of Chapel Hill, NC	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)* Pam Hemminger, Mayor	Signature*
Date	Email Address phemminger@townofchapelhill.org

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Amy Oland, Director of Business Management	Signature*
Date of Pre-Audit Certificate*	Email Address* aoland@townofchapelhill.org

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
N/A	
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
N/A	
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT



Koonce, Wooten & Haywood, LLP
CERTIFIED PUBLIC ACCOUNTANTS

Report on the Firm's System of Quality Control

To the Shareholders of Martin Starnes & Associates, CPAs, P.A. and the Peer Review Committee, Coastal Peer Review, Inc.

We have reviewed the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. (the firm) in effect for the year ended December 31, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and an audit of an employee benefit plan.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. in effect for the year ended December 31, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Martin Starnes & Associates, CPAs, P.A. has received a peer review rating of *pass*.

Koonce, Wooten & Haywood, LLP

Koonce, Wooten & Haywood, LLP

May 4, 2021

Raleigh

4060 Barrett Drive
Post Office Box 17806
Raleigh, North Carolina 27619

919 782 9265
919 783 8937 FAX

Durham

3500 Westgate Drive
Suite 203
Durham, North Carolina 27707

919 354 2584
919 489 8183 FAX

Pittsboro

579 West Street
Post Office Box 1399
Pittsboro, North Carolina 27312

919 542 6000
919 542 5764 FAX

Smithfield

212 East Church Street
Post Office Box 2348
Smithfield, North Carolina 27577

919 934 1121
919 934 1217 FAX



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 4., File #: [22-0097], Version: 1

Meeting Date: 2/9/2022

Call a Legislative Hearing for the Future Consideration of a Parking Payment-in-Lieu System, Land Use Management Ordinance Text Amendment, and Associated Policy on February 23, 2022.

Staff:

Colleen Willger, Director

Judy Johnson, Assistant Director

Dwight Bassett, Director

Michael Carew, Parking Services Manager

Department:

Planning

Economic Development

Parking

Overview: A change to the Land Use Management Ordinance to set parking requirements in Town Center zoning districts and offer parking payment-in-lieu options.



Recommendation(s):

That the Council adopt a resolution calling a Legislative Hearing on February 23, 2022 for a Land Use Management Ordinance Text Amendment to Section 5.9.2.

Additional Information:

- Currently properties within the Town Center zoning districts do not have parking requirements or parking minimums.
- The proposed Land Use Management Ordinance text amendments would require a minimum of 50 percent of the parking proposed in a Town Center zoning district as a payment-in-lieu and provide parking requirements in the Town Center zoning districts.
- The Council could also consider a proposed Town Code amendment to update other relevant sections of the Town Code and include a reference to the fee schedule for the appropriate parking payment-in-lieu amount.
- A Council policy to be considered would include an expectation to providing 50 percent of the required parking as a payment-in-lieu for projects receiving Council entitlements in Town Center zoning districts.



Attachments:

- Resolution

A RESOLUTION CALLING A LEGISLATIVE HEARING TO CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT TO SECTION 5.9.2 AND AN AMENDMENT TO CHAPTER 11A OF THE CODE OF ORDINANCES PERTAINING TO METHODS OF PROVIDING REQUIRED PARKING AND LOADING AND TO SUPPORT A POLICY FOR PARKING PAYMENT-IN-LIEU ON FEBRUARY 23, 2022 (2022-02-09/R-3).

WHEREAS, the Town Council seeks to encourage the best land uses in new development that occurs downtown; and

WHEREAS, requiring every new development provide their own parking is not the best land use for the future of downtown; and

WHEREAS, using public resources for the benefit of development and as a shared resource helps create a more efficient system for managing parking resources; and

WHEREAS, the Land Use Management Ordinance Section 5.9.2 offers uses located within Town Center zoning districts the opportunity to achieve compliance with the parking requirements by making a payment to the Town of Chapel Hill Parking Fund in accordance with Chapter 11A of the Code of Ordinances; and

WHEREAS, on January 26 the Council called a hearing for February 9, 2022; and

WHEREAS, staff needs to postpone the item to February 23.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Legislative Hearing for the future consideration of a Parking Payment-in-Lieu system, Land Use Management Ordinance text amendment, and associated policy on February 23, 2022.

This the 9th day of February 2022.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council calls a legislative hearing for the future consideration of a Parking Payment-in-Lieu system, Land Use Management Ordinance text amendment, and associated policy on February 23, 2022.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 5., **File #:** [22-0098], **Version:** 1

Meeting Date: 2/9/2022

Call a Public Hearing to Consider Closing a Portion of Public Right-of-Way of Maxwell Road and Hamilton Road within the Glen Lennox Development on March 9, 2022.

Staff:

Lance Norris, Director
Chris Roberts, Manager of Engineering and Infrastructure

Department:

Public Works

Overview: The Glen Lennox Development includes a proposed realignment of Maxwell Road and Hamilton Road. The realignment involves closing a portion of the existing public right-of-way and dedicating new right-of-way. These realignments are in accordance with Section 5.4 (a)(2) of the Glen Lennox Development Agreement.

More information about the Glen Lennox Development Agreement may be found at:

<https://www.townofchapelhill.org/government/departments-services/planning/development-activity-report/glen-lennox>

North Carolina General Statute Sec. 160A-299 sets the process for closing public rights-of-way, requiring the Council to adopt a resolution declaring its intent to close the public right-of-way and to call a public hearing. The resolution will be published once a week for four successive weeks before the hearing. A notice of the closing and public hearing will be posted in at least two places along the right-of-way.

★ **Recommendation(s):**

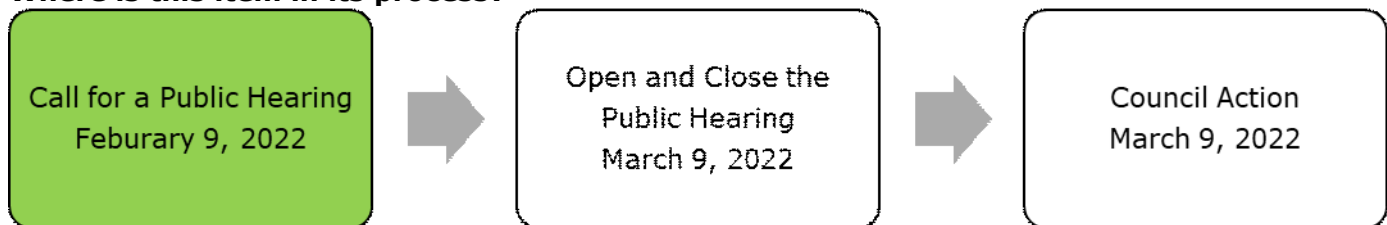
That the Council adopt the resolution to call a Public Hearing to consider closing a portion of the public right-of-way to support the realignment of Maxwell Road and Hamilton Road within the Glen Lennox Development on March 9, 2022.

Fiscal Impact/Resources: No known impacts have been identified

Key Issues:

- The sole adjacent property owner is Glen Lennox Apartments, LLC, who is requesting the closure.

Where is this item in its process?



Attachments:

- Resolution

Item #: 5., File #: [22-0098], Version: 1

Meeting Date: 2/9/2022

- Closure Request Letter from Ballentine Associates with Exhibit of Requested Maxwell Road and Hamilton Road Right-of-Way Closure
- NC Statute 160A-299

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER A REQUEST TO CLOSE A PORTION OF PUBLIC RIGHT-OF-WAY OF MAXWELL ROAD AND HAMILTON ROAD WITHIN THE GLEN LENNOX DEVELOPMENT ON MARCH 9, 2022 (2022-02-09/R-4)

WHEREAS, the Town of Chapel Hill has received a request, from Ballentine Associates to close a portion of public right-of-way for a realignment of Maxwell Road and Hamilton Road within the Glen Lennox Development; and

WHEREAS, the sole abutting property of this public right-of-way is owned by the requesting party, Glen Lennox Apartments, LLC; and

WHEREAS, the realignments of Maxwell Road and Hamilton Road is in accordance with Section 5.4 (a)(2) of the Glen Lennox Development Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares its intent to consider closing the subject portion of the Maxwell Road and Hamilton Road public right-of-way.

BE IT FURTHER RESOLVED that the Council calls a Public Hearing at 7:00 p.m. on Wednesday, March 9, 2022 in a virtual meeting to receive public comment on the proposed closure of said right-of-way and hereby authorizes the Town Manager to arrange publication, posting, and mailing of notices of the Public Hearing as required by law. The Public Hearing will be closed and on March 9, 2022, the Council may take final action.

This the 9th day of February, 2022.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council calls a Public Hearing to consider closing a portion of the public right-of-way of Maxwell Road and Hamilton Road in accordance with Section 5.4(a)(2) of the Glen Lennox Development Agreement on March 9, 2022.

10 Nov 21

Mr. Chris Roberts, PE
 Manager of Engineering & Infrastructure
 Town of Chapel Hill Public Works Department
 6850 Millhouse Road
 Chapel Hill, NC 27514-5705



BALLENTINE
 ASSOCIATES, PA

Subject: Glen Lennox Block 4
 Hamilton Road and Maxwell Road Realignment

Dear Chris,

The proposed development of Glen Lennox Block 4 includes the realignment of a portion of Hamilton Road and Maxwell Road between Berkley Road and NC Highway 54. The realignment will be performed in accordance with Section 5.4 (a)(2) of the Glen Lennox Development Agreement and will involve abandoning a portion of the existing public right-of-way and dedication of new right-of-way. It is our understanding that the Town Council must approve the right-of-way abandonment part of this and that you are the person who must initiate this process. We are starting our DACP design associated with Block 4 and wanted to go ahead and initiate the abandonment process.

To support this request, I have attached the following items:

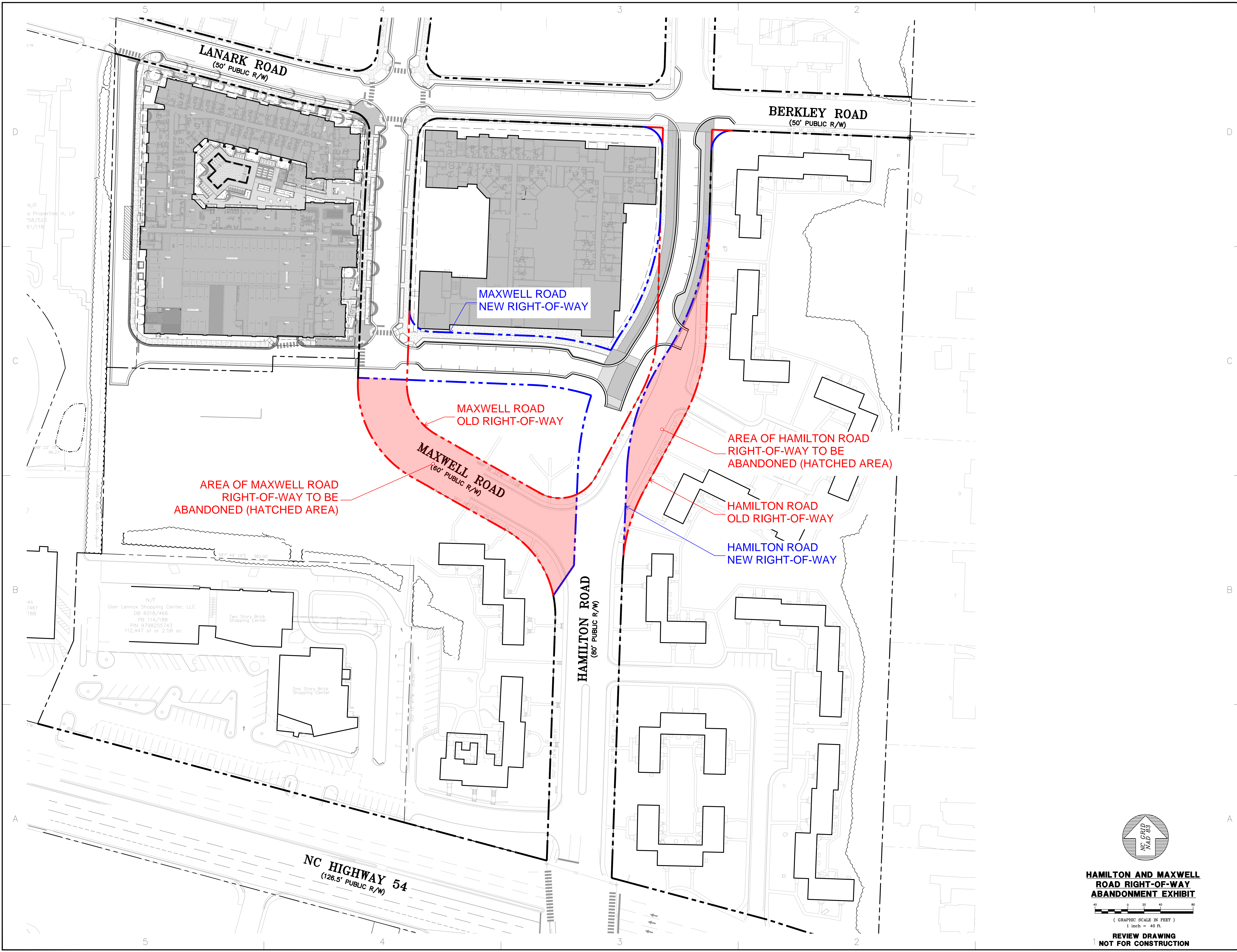
- Hamilton and Maxwell Road Right-of-Way Abandonment Exhibit dated 10 Nov 21.

Our understanding is that the first step in the process will be for your staff to prepare a Council consent agenda item, which will establish a Council Public Hearing on the matter at a subsequent Council meeting. We are hopeful this item can be included in the next available Council consent agenda and scheduled for the soonest public hearing possible thereafter.

Thanks very much for your assistance with this and please don't hesitate to call me should you have any questions or if you require additional information.

Yours very truly,
 BALLENTINE ASSOCIATES, PA

Dillon W. Smith, PE
 Engineering Team Leader



AREA OF MAXWELL ROAD
RIGHT-OF-WAY TO BE
ABANDONED (HATCHED AREA)

MAXWELL ROAD
OLD RIGHT-OF-WAY

MAXWELL ROAD
(60' PUBLIC R/W)

AREA OF HAMILTON ROAD
RIGHT-OF-WAY TO BE
ABANDONED (HATCHED AREA)

HAMILTON ROAD
OLD RIGHT-OF-WAY

HAMILTON ROAD
NEW RIGHT-OF-WAY

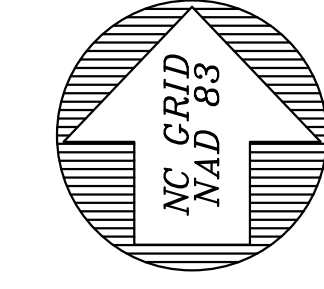
HAMILTON ROAD
(80' PUBLIC R/W)

N/F
Glen Lennox Shopping Center, LLC
DB 6018/466
PB 114/188
PIN 9798255743
112,447 sq. ft. or 2.58 ac

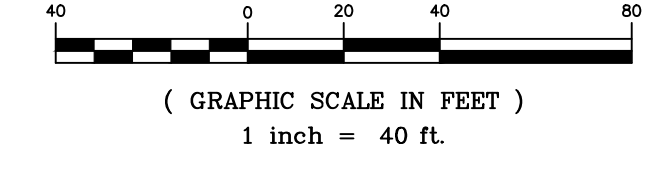
Two Story Brick
Shopping Center

One Story Brick
Shopping Center

NC HIGHWAY 54
(126.5' PUBLIC R/W)



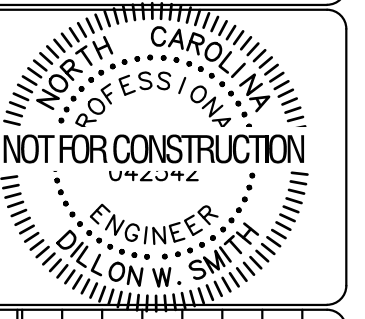
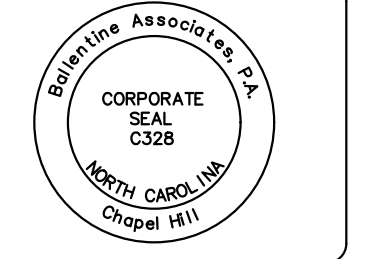
**HAMILTON AND MAXWELL
ROAD RIGHT-OF-WAY
ABANDONMENT EXHIBIT**



(GRAPHIC SCALE IN FEET)
1 inch = 40 ft.
**REVIEW DRAWING
NOT FOR CONSTRUCTION**

**BALLENTINE
ASSOCIATES, P.A.**
221 PROVIDENCE ROAD,
CHAPEL HILL, N.C. 27514
(919) 929 - 0461

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HEREOF WITHOUT PRIOR PERMISSION OF
BALLENTINE ASSOCIATES, P.A. WILL BE
SUBJECT TO LEGAL ACTION.



DATE

REVISIONS

OWNER INFORMATION

GRUBB PROPERTIES
117 EDENBURGH SOUTH DRIVE
SUITE 110
CARY, NC 27511
OWNER'S REPRESENTATIVE:
JOE DYE
(919) 388-5774
FAX (919) 388-5774
EMAIL: joedye@grubbs.com

DATE

ISSUED

LINK APARTMENTS TEKKA

GLEN LENNOX - BLOCK 4 - PHASE 1

CHAPEL HILL, NC

SCHMATIC DRAWINGS

JOB # 107013.91

DATE: 10 NOV 21

SCALE: AS NOTED

DRAWN BY: D.W.S.

REVIEWED BY: G.J.R.

SHEET

C1001-1

§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 6., **File #:** [22-0099], **Version:** 1

Meeting Date: 2/9/2022

Amend the 2021-22 Council Calendar.

Staff:

Sabrina Oliver, Director
Amy Harvey, Deputy Town Clerk

Department:

Communications and Public Affairs

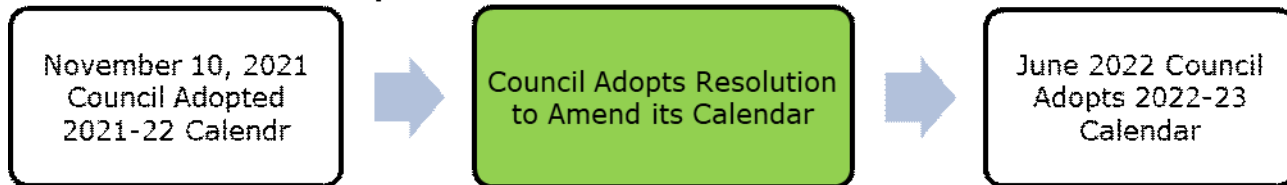
Overview: The Council adopted its 2021-22 meeting calendar on November 10, 2021. This action amends the Council calendar to incorporate a March Work Session.



Recommendation(s):

That the Council adopt a resolution amending the 2021-22 Council calendar to incorporate scheduling changes.

Where is this item in its process?



Attachments:

- Resolution
- Proposed Chapel Hill Town Council 2021-22 Meeting Calendar

A RESOLUTION AMENDING THE COUNCIL'S 2021-22 MEETING CALENDAR (2022-02-09/R-5)

WHEREAS, on November 11, 2021, the Council adopted its 2021-22 meeting calendar; and

WHEREAS, the Town Council wants to schedule a Work Session on March 2, 2022 to discuss the Municipal Services Center/828 MLK item; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council amends its 2021-22 meeting calendar to add the following meetings:

- March 2, 2022, Work Session at 6:30 p.m., online, see the Town's Calendar for details.

BE IT FURTHER RESOLVED that the Council continues to hold meetings in a virtual environment until conditions permit meetings in a physical environment. This extends the provisions in (2020-10-28/R-13).

BE IT FURTHER RESOLVED that the Council conducts the remote meetings as described in Resolution (2020-04-22/R-7).

This the 9th day of February, 2022.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council amends the 2021-21 Council calendar to schedule a March Work Session.

Adopted Chapel Hill Town Council 2021 Meeting Calendar

JULY							AUGUST							SEPTEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3	1	2	3	4	5	6	7				1	2	3	4
4	5	6	7	8	9	10	8	9	10	11	12	13	14	5	6	7	8	9	10	11
11	12	13	14	15	16	17	15	16	17	18	19	20	21	12	13	14	15	16	17	18
18	19	20	21	22	23	24	22	23	24	25	26	27	28	19	20	21	22	23	24	25
25	26	27	28	29	30	31	29	30	31					26	27	28	29	30		

OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2		1	2	3	4	5	6				1	2	3	4
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
31																				

Proposed 2022 Meeting Calendar

JANUARY							FEBRUARY							MARCH						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1			1	2	3	4	5			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28						27	28	29	30	31		
30	31																			

APRIL							MAY							JUNE						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7				1	2	3	4
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30		

18	Regular Meetings 7 PM @ Town Hall	7	Council Work Sessions 6:30 PM @ Library	10	Other Meetings *Check web calendar for time/location
35	Total Number of Meetings	12	Town Holidays	10	CCES Meetings**

List of Meetings by Date

August 2021¹

- 25-W-Special Meeting², 7 PM
- 30-M-Special Meeting, 7 PM

September 2021

- 1-W-Regular Meeting
- 22-W-Regular Meeting with Closed Session
- 29-W-Work Session

October 2021

- 13-W-Regular Meeting
- 20-W-Special Meeting²
- 20-W-Work Session
- 27-W-Regular Meeting

November 2021

- 10-W-Regular Meeting with Closed Session
- 17-W-Regular Meeting

December 2021

- 1-W-Regular Meeting, Work Session with Closed Session
- 8-W-Organizational Meeting

January 2022

- 5-W-Work Session
- 12-W-Regular Meeting
- 25-T-Assembly of Governments, time/location TBD
- 26-W-Regular Meeting

February 2022

- 2-W-Work Session
- 9-W-Regular Meeting
- 18-F-Council Retreat, 3:30 p.m. /location TBD
- 19-Sa-Council Retreat, 8:30 a.m. /location TBD
- 23-W-Regular Meeting

March 2022

- 2-W-Work Session
- 9-W-Regular Meeting
- 16-W-Work Session
- 23-W-Regular Meeting

April 2022

- 6-W-Regular Meeting
- 13-W-Work Session
- 27-W-Regular Meeting
- TBD-Legislative Breakfast

May 2022

- 4-W-Regular Meeting
- 11-W- Work Session
- 18-W- Regular Meeting
- 25-W- Budget Work Session (Tentative)

June 2022

- 1-W-Budget Work Session (Tentative)
- 8-Regular Meeting
- 15-Regular Meeting

Proposed change for February 9 approval

**Council Committee on Economic Sustainability

Meets monthly on the first Friday at 8 AM, unless otherwise indicated. These are held virtually, see [web calendar](#) for details. When the Committee returns to physical meetings the Council Committee on Economic Sustainability meetings are held at the Chapel Hill Public Library, Meeting Room B, (100 Library Drive, Chapel Hill, NC 27514) For more Committee information, see <https://www.townofchapelhill.org/government/departments-services/economic-development/council-economic-sustainability-committee>

¹ Unless otherwise noted, Council Regular and Organizational meetings start at 7:00 p.m. and Council Work Sessions start at 6:30 p.m. both are held virtually, see web calendar (<https://www.townofchapelhill.org/government/newsroom/calendar>) for details. When Council returns to physical meetings Council Regular and Organizational meetings are held in the Chapel Hill Town Hall, Council Chamber (405 MLK Jr Blvd, Chapel Hill, NC 27514); Council Work Sessions are held at the Chapel Hill Public Library, Meeting Room B, (100 Library Drive, Chapel Hill, NC 27514)

² It is anticipated that the Council will go into closed session, as authorized by North Carolina General Statute Section 143-318.11(a)(6) to discuss a personnel matter.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 7., **File #:** [22-0100], **Version:** 1

Meeting Date: 2/9/2022

Adopt Minutes from June 16, 21, 23, and 28, 2021 Meetings.

Staff:

Sabrina M. Oliver, Director
Amy Harvey, Deputy Town Clerk
Nikki Catalano, Transcriptionist

Department:

Communications and Public Affairs

Overview: These minutes are prepared for the meetings listed below.



Recommendation(s):

That the Council approve the attached summary minutes of past meetings.



Attachments:

- Resolution
- June 16, 2021 Regular Meeting
- June 21, 2021 Special Meeting
- June 23, 2021 Regular Meeting
- June 28, 2021 Special Meeting

A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2022-02-09/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts summary minutes for meetings held on June 16, 21, 23, and 28, 2021 Meetings.

This the 9th day of February, 2022.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council approves the summary minutes of past meetings which serve as official records of the meetings.



TOWN OF CHAPEL HILL

Town Council Meeting Minutes - Draft

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

Mayor Pam Hemminger
Mayor pro tem Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, June 16, 2021 **7:00 PM** **Virtual Meeting**

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

<https://us02web.zoom.us/join/91012020000>
After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 860 4112 2141

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Senior Planner Anya Grahn, Traffic Engineering Manager Kumar Neppalli, Urban Designer Brian Peterson, Stormwater Engineer III Alisha Goldstein, Interim Housing and Community Director Sarah Viñas, Deputy Town Manager Loryn Clark, Planning Director Colleen Willger, Director of Organizational and Strategic Initiatives Rae Buckley, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and pointed out that

Town Council

Meeting Minutes - Draft

June 16, 2021

Agenda Item 10 had been moved to the June 28th meeting. The COVID-19 state of emergency had been extended to the end of July and evictions were being stayed as well, she said.

Mayor Hemminger called the roll and all Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Proclamation: Eugenia Floyd Day. [\[21-0573\]](#)

Council Member Buansi read a proclamation declaring June 16, 2021 to be Eugenia Floyd Day in Chapel Hill. Ms. Floyd had been named NC Teacher of the Year and the proclamation listed details of her educational background, which included an MA in Gifted Education. In addition to being a fourth grade teacher in the Chapel Hill-Carrboro City Schools, Ms. Floyd had created an impactful neighborhood tutoring program. The Town was grateful for her dedicated work as a mentor, advocate, role model and leader, Council Member Buansi read.

Mayor Hemminger congratulated Ms. Floyd and expressed gratitude on behalf of the Town for her commitment to its children.

Ms. Floyd said that she looked forward to representing her hometown of Chapel Hill and advocating for North Carolina's students and teachers. She thanked the many businesses and organizations that had made the honor possible. She pointed out that she and Council Member Buansi were among the many former Chapel Hill-Carrboro Schools students who had decided to stay and contribute to the Town.

0.02 Proclamation: Juneteenth. [\[21-0574\]](#)

Council Member Gu read a proclamation for Juneteenth, which explained that June 19, 1865 was the date when enslaved people in Galveston, Texas were among the last to be informed that they had been freed. Juneteenth was a time to reflect and take stock of progress made, and not made, since the abolition of slavery, the proclamation said. It urged all residents and employers to take action to advance freedom and equality. The Town's first annual Juneteenth celebration would be held from June 18th to June 20th on virtual platforms and at in-person events, Council Member Gu said.

0.03 Mayor Hemminger Regarding COVID-19 Vaccination Program for Homebound Individuals. [\[21-0575\]](#)

Mayor Hemminger announced that a mobile vaccine team from Orange County was available to come to individuals' homes. She recommended that anyone interested visit their website or call 919-245-6127 for more information.

0.04 Mayor Hemminger Regarding Upcoming Meetings. [\[21-0576\]](#)

Mayor Hemminger said that the Council would address concept plans for the Jay Street Apartments, St. Paul Community Village, and 101 East Rosemary Street at its June 21, 2021 meeting. She reminded Council Members that a closed session may follow that meeting.

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. Stephen Fleck Request to Delay Voting on the Aura Conditional Zoning Permit Application. [\[21-0556\]](#)

The Council did not take comment on this item.

1.01 Rachel Gray Request Regarding West Chapel Hill Cemetery. [\[21-0577\]](#)

Rachel Gray, a Chapel Hill resident, petitioned the Council to conduct recommended actions from a 2011 Environmental Services Inc. study regarding the West Chapel Hill Cemetery. She requested that the Town determine if there were any grave sites outside the current cemetery boundary before approving the Jay Street development project.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that the petitions be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

1.02 Robert Beasley Request Regarding Proposed Jay Street Apartments and Affordable Housing Development on Public Land Planning Process. [\[21-0578\]](#)

Robert Beasley, a Chapel Hill resident, petitioned the Council to stop the Jay Street development project and revise the Town's process of developing affordable housing on public land. He said that the Town had purchased the Jay Street tract in 2005 with 1996 and 2003 Open Space Bond funds that residents had approved for land preservation. To proceed

with the Jay Street Apartments would violate NC General Statute, Chapter 160D, Article 13, he said.

1.03 Pamela Cooper Request Regarding Stormwater Study for Jay Street Site. [\[21-0579\]](#)

Pamela Cooper, speaking on behalf of the Village West Community and surrounding neighborhoods, expressed opposition to the Jay Street development and asked that a stormwater report be completed before the project proceeded further. She said that clearing and paving that woodland site would likely cause severe drainage and flooding problems.

The Council voted unanimously to receive all petitions and refer them to the Mayor and Manager. Mayor Hemminger said that she would discuss the petitions with the Town Attorney and would have a response regarding the Jay Street concept plan review the following week.

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.

4. Authorize the Town Manager to Negotiate and Execute a Construction Contract for the Rosemary Parking Deck Project. [\[21-0559\]](#)

Item pulled and moved to June 21, 2021.

Approval of the Consent Agenda

A motion was made that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[21-0557\]](#)

3. Authorize the Town Manager and Town Attorney to Initiate Eminent Domain Proceedings for the Elliott Road Extension Project. [\[21-0558\]](#)

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

5. Adopt a Calendar of Council Meetings through December 2021. [\[21-0560\]](#)

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

DISCUSSION

5.01 Motion to Move Item #10 Regarding University Place Special Use Modification to June 28, 2021. [\[21-0580\]](#)

A motion was made by Council Member Anderson, seconded by Council Member Huynh, to adopt R-10.1. The motion carried by a unanimous vote.

6. Review Draft Orange Countywide Racial Equity Plan Framework. [\[21-0561\]](#)

Assistant Director of Housing and Community Sarah Viñas said that the Town had been working with Orange County, Carrboro and Hillsborough since the fall of 2020 to develop a shared approach to racial equity work. The resulting Countywide Racial Equity Plan had been based on a Government Alliance on Race and Equity (GARE) model, she said.

Ms. Viñas explained that GARE was a national network of local government organizations, which the Town had joined in 2019, that focused on addressing institutional and structural racism. She said that staffs from the four local jurisdictions had participated in a year-long GARE orientation program and then worked together to develop a shared approach to racial equity.

Director of Organizational and Strategic Initiatives Rae Buckley outlined a framework for undertaking racial equity work across municipalities based on the GARE model. She described a racial equity review tool that staff would be bringing forward to Council. That tool would look at data and determine benefits and impacts and would also address evaluation and accountability, she said.

Ms. Buckley said that a major portion of the Countywide Racial Equity Plan would be focused on establishing a training strategy. She said that the Town's approach would be systemic and would provide training to policy makers, managers, staff, commissions and community partners. She urged the Council to think about developing principles for community engagement that included sharing and shifting power.

Ms. Buckley said that the Racial Equity Tool would have an index that would include maps and key performance indicators. Orange County would build it as a dashboard tool that would be available to the public, she said. She proposed that next steps in the process include refining the framework, engaging in more community discussions, and returning to the Council in the fall to consider the framework and training strategy.

Council Member Buansi confirmed with Ms. Buckley that the Town's new Diversity Equity and Inclusion Officer would provide strategic leadership across all projects and initiatives. The officer would work with the Council to translate its priorities into programs and would provide leadership on the GARE project, she said. He confirmed with Ms. Viñas that all Town teams would be involved in some way and that the Housing and Community Department expected to be centrally involved.

The Council ascertained from Ms. Viñas that the GARE approach was focused on organizational training and change and that any community training probably would be done through other models. They asked who would decide whether the tool, once finished, was accurate or compete. Ms. Buckley said that staff was looking for Council direction on which policy areas and/or decision points would be most beneficial.

Council Member Stegman asked if the racial equity tool could be used to help uncover broader systemic issues and structural inequities, and both Ms. Viñas and Ms. Buckley replied that it could be scaled up to look at broader issues. The Council confirmed with Ms. Buckley that staff had the resources to create the Plan's structure and that later conversations with Council would address building it out.

Council Member Gu verified that staff intended to reach out to all community groups, including the local Asian community. Mayor Hemminger asked about including people with disabilities, and Ms. Buckley said that the GARE model begins with race but would then highlight other marginalized populations.

This items was received as presented.

7. Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.11 Regarding Blue Hill Form District Use Categories. [\[21-0562\]](#)

Planning Director Colleen Willger presented a Land Use Management Ordinance (LUMO) text amendment for Council approval. She explained that the goal was to include primary residence and dedicated STRs in the Blue Hill District and explained that a cross-reference for definitions would allow any updates upon later adoption of a Townwide STR ordinance. She recommended that the Council consider adopting the Resolution of Consistency and enacting Ordinance A.

Council Member Ryan asked how the ordinance would meet the provisions of a larger Townwide ordinance, and Ms. Willger explained that language would need to be added to the code to create a cross-reference. Council Member Ryan strongly recommended doing that so that rules the Council developed for STRs would apply in the Blue Hill District as well.

Mayor pro tem Parker commented that the same issue had been raised at the last meeting. He was surprised that it had not been addressed, he said, and Town Attorney Ann Anderson replied that the Council's clear direction had been to limit this ordinance to the change from commercial to residential.

Mayor pro tem Parker said that the Council had asked if provisions

regarding multi-family would apply in the BHD and that staff had replied that they would. He asked if staff could simply add that language and avoid having to go through the entire text amendment process.

Ms. Willger replied that it could be packaged with future text amendments. Mayor pro tem Parker said that doing so would leave a large loophole that would allow people to put unlimited STRs in multi-family residences in the Blue Hill District.

Mayor Hemminger said that it sounded as though the Council was interested in having a process. She suggested enacting the proposed change, which had already been vetted by the Planning Commission, and then have a process for adding another to close the loophole. She pointed out that this would need to come back to Council in the fall.

The Council voted unanimously to enact the ordinance regarding the use category change. They asked staff to remove the loophole as quickly as possible, before the end of year, if possible.

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

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that O-1 be enacted. The motion carried by a unanimous vote.

8. Consider an Application for Conditional Zoning - Aura Development, 1000 Martin Luther King Jr. Blvd. from Residential-1 (R-1) to Office/Institutional-3 (OI-3) (Project 20-074) [\[21-0563\]](#)

Assistant Planning Manager Judy Johnson presented the conditional zoning application from Trinsic Residential Group to rezone approximately 16 acres at 1000 Martin Luther King Jr. Boulevard (MLK) from Residential-1 to Office Institutional-3-Conditional Zoning District. She summarized the review process thus far and pointed out that a revised ordinance, which included adjustments to a stormwater condition, had been sent to the Council that afternoon.

Ms. Johnson showed the site on a map and described nearby developments. She reviewed the proposal for 419 residential units and 15,000 square feet of commercial space. She said that topics raised at the last Council meeting had been around traffic congestion, an Estes Drive cross-section, decoupling parking fees from rents, a median on MLK, stormwater controls, and affordable housing. She said that the Council could approve the project by adopting Resolution 7 and enacting revised Ordinance 2.

Traffic Engineering Manager Kumar Neppalli reported that NC Department of Transportation (NC DOT) staff had recently looked at an Estes Drive/Somerset Drive intersection and said they did see a benefit to having a traffic signal there. NC DOT wanted to gather more information and work with staff, community and Council to come up with a solution for that intersection, he said.

Mayor Hemminger explained that NC DOT did not currently have the pedestrian counts to warrant a signal at that intersection but would have those counts when the pedestrian and bike path goes in. They would work with the Town to put a signal there, she said.

Ms. Johnson noted a staff recommendation to combine Stipulations 17 and 18 and removed Stipulation 18 from Ordinance A. That would allow a two-foot planting strip, five-foot bike lane, six-foot landscape strip, and eight-foot sidewalk along Estes Drive, and would widen the street lanes from 10 to 11 feet, she said. She pointed out that the Town Manager and NC DOT would need to approve all details before the project could proceed.

Ms. Johnson said that another stipulation would ensure the decoupling of parking and apartment fees. She showed where a proposed median would be located on MLK but pointed out that it had not yet been approved by NC DOT or the Town. She outlined the developer's plan for diverting stormwater away from the Amity Church area, and she pointed out that a second culvert would be enlarged as part of the Town's Estes Drive project.

Ms. Johnson said that the applicant had agreed to provide an impact analysis demonstrating that post-development peak stormwater flow for the 50-year and 100-year storms would not exceed pre-development peak flow.

Ms. Johnson said that the for-sale affordable townhomes would be indistinguishable on the outside from the market rate units. Nine rental units would be at 80 percent of area median income (AMI) and 20 would be at 65 percent AMI, both for 30 years, she said.

The Council confirmed with Ms. Johnson that the Town's arborist had concurred that a six-foot planting strip would be sufficient. They confirmed that staff believed the stormwater plan would lower the run-off to the Amity Church and that, as stipulated, the project could not go forward until the culvert had been deemed adequate to accommodate the flow. They verified that the applicant was only required to safely convey stormwater off its own site but would agree to a stipulation to monitor the effects of water going downstream.

Council Member Gu said that she wanted to see the applicant's detailed stormwater calculations, and Mr. Freeman replied that those had been submitted during the third review cycle of Zoning Compliance Permit plans, and he did not know why she hadn't seen them.

When she asked if they would voluntarily undertake a before-construction analysis that would show no adverse impact on surrounding properties, Hunter Freeman, a project manager with McAdams Company, said that the plan to reduce peak flow to below pre-development conditions at all discharge points for the 1-, 2-, 25-, 50- and 100-year storms satisfied the Town's requirement for having no impact downstream.

Council Members asked about stormwater effects on lower areas around the stream, but staff did not have information on that because the LUMO only accounts for things that happen on site. Council Member Anderson asked about adding a stipulation ensuring that the applicant would be responsible if something negative were to happen to downstream neighbors as a result of the Aura project.

Developer Dan Jewell, of Counter Jewell Thames, replied that the applicant would be willing to commit to observing how the culvert functioned after Aura was constructed. If any repairs were needed downstream, the proper thing would be to work with the Town to figure out what it would take to fix it, he said. He said that the applicant could certainly take on the responsibility of monitoring it. Council Member Anderson confirmed with him that they would also be willing to contribute something toward any solution.

The Council confirmed with Consultant Susana Dancy that Trinsic would accept Section 8 housing vouchers for the affordable apartments. In response to a question about having an affordable housing provider manage those, Ms. Dancy said that it needed to be done internally in order to have the affordable units mix in with the others as the Council had requested.

The Council confirmed that the applicant agreed to pay a proportional share of the Somerset traffic light and would provide bike and pedestrian access during construction. They verified with staff that all road improvements should be completed before Aura reached occupancy. In response to a question about whether the applicant would consider a stipulation for a right in/right out driveway if Somerset Drive improvements were made, Ms. Dancy said that Trinsic could not do that because having retail required having full access.

The Council ascertained that the applicant would not be willing to put an age restriction on the residential units. They verified with Ms. Dancy that large canopy streets could be installed in a six-foot planting strip. They

determined from Mr. Neppalli that 11-foot vehicle lanes were required by NC DOT and were not negotiable. Mr. Jewell explained that liability concerns prevented Trinsic from having a splash pad at Aura.

Council Member Gu said that the document should state that the developer's intent was to provide programming for the park, and that was only one example of the many needed revisions, she said. She and the applicant discussed what would be a reasonable contribution toward the Somerset traffic signal, and she said that a third of the cost seemed reasonable. Ms. Dancy replied that the applicant would commit to \$25,000.

Council Member Gu asked that details regarding the decoupling of rents and parking rates be made more specific in the ordinance, but Mr. Jewell replied that the rental apartment rates had not yet been established.

The Council confirmed that the applicant was reluctant to impose an age restriction, since doing so would create challenges with lenders and other partners. They discussed whether staff had been able to add sufficient new language regarding issues such as the \$25,000 commitment for a traffic signal, the downstream commitment, and Section 8 housing vouchers for them to take a vote at the current meeting.

Council Members Ryan and Parker, former co-chairs of the Central West Small Area Plan process, discussed how assumptions and community concerns had been different 10 years ago when the Carolina North development appeared to be imminent. They commented on the unprecedented level of traffic modeling that had been done and on how the applicant's stormwater analysis exceeded Town requirements.

Council Member Ryan said that Aura would provide significant community amenities, would extend the greenways system, and would create a better and more safely connected neighborhood. Mayor pro tem Parker said that, on balance, the project met the principles that had been outlined in the Central West Plan and would be a plus for the community.

Council Member Anderson and Mayor Hemminger stressed the importance of having "gentle density" in the parcels behind Aura that go back toward the residential neighborhood.

Council Members commented on how they had pushed hard on all issues and that all of their questions had been answered. They thanked the Aura neighbors and others who had worked with the Town in a genuine effort to make the project better. They pointed out that the Town had been talking about the missing demographic of people in the late 20s to early 30s and said that Aura would be the kind of car-free community that young people wanted. They said that a willingness to agree to stipulations that far

exceeded current regulations showed good faith on the applicant's part.

Council Member Buansi agreed with other Council Members' comments but said he was not comfortable with the lack of clarity regarding stormwater impacts on people downstream. He acknowledged that it was not necessarily the applicant's responsibility to provide that information, but said that he wanted to see it before deciding how to vote.

Council Member Gu said that she wanted to see numbers on how the stormwater plan would actually work for the 100-year storm. She said there were still safety issues regarding a gap in the multi-modal path. She said that the Town needed to be sure that the parking incentive would be applied properly. The Council had not had time to read about the plan for recreational and other small areas, she said.

Mayor Hemminger said that she felt conflicted. She understood the stormwater concerns but had never before seen so much scrutiny or a developer so willing to rearrange a project, she said. She pointed out that Trinsic had agreed to exceed Town standards and said she was hopeful that the engineering would work.

Mayor Hemminger said that safety had always been her main concern and that she had been hoping for more assurance from NC DOT about the intersections. She wished the project were a little less dense, she said, but she pointed out that the Town had decided to not sprawl 30 years ago and needed to build more densely now and address the resulting infrastructure issues as a result.

Ms. Johnson showed the language for new stipulations regarding housing vouchers, stormwater stipulations, recreation area, payment in lieu for a traffic signal, and downstream analysis. The Council voted (6-2) to approve the Resolution of Consistency, with Council Members Buansi and Gu voting nay. They voted (5-3) to approve Ordinance A, as amended, with Council Members Buansi and Gu and Mayor Hemminger voting nay. As a result, the item would come back for second reading on June 23, 2021, Mayor Hemminger said.

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that R-7 be adopted. The motion carried by the following vote:

Aye: 6 - Mayor Hemminger, Mayor pro tem Parker, Council Member Anderson, Council Member Stegman, Council Member Huynh, and Council Member Ryan

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

A motion was made by Mayor pro tem Parker, seconded by Council Member

Huynh, that O-2 be enacted as revised. The motion failed adoption on first reading by the following vote:

Aye: 5 - Mayor pro tem Parker, Council Member Anderson, Council Member Stegman, Council Member Huynh, and Council Member Ryan

Nay: 3 - Mayor Hemminger, Council Member Buansi, and Council Member Gu

9. Continued Public Hearing: Land Use Management Ordinance Text Amendments - Proposed Changes to Articles 3, 4, 6, and Appendix A Related to Short-Term Rentals. [\[21-0564\]](#)

Senior Planner Anya Grahn gave a PowerPoint presentation on several proposed LUMO text amendments related to short-term rental (STR) regulations. She reviewed the process since June 2019 and said that comments and recommendations the Council had expressed at a May 19, 2021 meeting had led to the proposed updates.

Ms. Grahn summarized the recommended changes, which included requiring permits for dedicated and primary STRs, allowing primary residential STRs in all zoning districts, permitting dedicated STRs in mixed-use and commercial zoning districts, limiting dedicated STRs to the greater of two units or 3 percent of units in multi-family developments, providing operational requirements for STRs, and treating STR violations the same as zoning violations.

Ms. Grahn pointed out that the Town was not legally able to require that rental properties be registered. She said that any STR regulation would need to be part of an ordinance because NC general statutes did not allow them as part of adopted policies. STRs would have to be regulated through land-use rules, which would require issuing zoning compliance permits, she said. She explained that the Town would need to adopt a law through the STR ordinance and then tweak that ordinance through a public process after determining how well it was working.

Ms. Grahn recommended that the Council receive public comment, move to close the public hearing, receive written comment for 24 hours, and consider enacting the Ordinance A at its June 23, 2021 meeting.

Council Members confirmed with Ms. Grahn that "signage" referred to STR marketing signs. They ascertained that staff believed an 18-month phase-out period would be sufficient for the Planning Department to determine how to administer, permit, educate and launch the STR program.

Council Member Gu asked about providing a hotline for complaints, and Ms. Grahn agreed to look into it but said that doing so would require staff resources, which were currently limited. Council Member Buansi asked if STR operators could see a guest's age on his/her profile, and Ms. Grahn said that she believed they could but would check to be certain. Council Member Ryan proposed distinguishing between hosted and dedicated STRs when addressing age restrictions. She was only concerned about the dedicated ones, she said.

The Council determined from Ms. Willger that an estimated 250 applications would bring in \$31,000 to \$37,000, which could be used to buy STR monitoring software. Staff was working on bringing a more exact amount, as well as any maintenance cost information, to the Council within the next few days, she said.

Alexa Nota, a former STR Task Force member, said that no evidence had ever been presented that proved dedicated STRs to be the cause of chronic or systemic issues in Town. The only responsible Council action would be to create a program that would allow all current responsible hosts in all zoning districts to register, pay their taxes, and welcome respectful visitors, she said.

Eric Plow, a Chapel Hill resident, asked Council Members to study the reasoning behind the Planning Commission's recommendation that no action be taken. He asked them to grandfather existing STRs to operate as usual until the property changes ownership. He recommended doing an 18-month pilot study and holding off on passing an ordinance until more information had been obtained.

Jeffery Roether, attorney for Atma Hotel Group, questioned the proposed 18-month compliance window for existing, dedicated STRs. He said that it would give rights to those who were not in compliance over those who were. He raised questions about changing the primary residence threshold definition from 60 to 50 percent. A straightforward residence requirement would be more appropriate and easier to enforce than a specific number of days, he said.

Scott Jennings, a Chapel Hill resident, said that it had been consistently shown that STRs do not cause worrisome community issues. The proposed limit regarding multi-family housing would be unfair and owners of smaller units should have the right to govern their properties as they see fit as long as they operate in a safe manner, he said. He urged the Council to accept the Planning Commission's recommendation.

David Hartman, a Chapel Hill resident, pointed out that only two of the Town's 11 hotels charged less than \$156 per night and that the two most expensive ones were charging \$302 and \$509 nightly. Occupancy did not

appear to have suffered to the degree that the hoteliers would have everyone believe, he said, adding that the most expensive hotel had recently been "sold out" even though there were no special events occurring in Town.

Robert David, Laurel Hill Neighborhood Association board secretary, said that Laurel Hill residents were not against tourism but felt that Chapel Hill was already well served by its hotels. Laurel Hill's more than 80 residences, which were very close to UNC campus, did not wish to become local lodging for UNC visitors, he said. Moreover, the resulting on-street parking would make Laurel Hill Road treacherous, he said.

Susan Menninger, a Chapel Hill resident, said that some of her family members had saved their homes by doing STRs during the last economic downturn. She asked the Council to be cautious about infringing upon people's rights to use their property as they see fit, as long as they do not break any laws or create nuisances.

Joe Valentine, owner of a dedicated STR in a residential zone, described the types of medical emergencies and family gatherings that make STRs a better choice than hotels for his guests. He said that local government could regulate land use, but not land ownership, and that the STR ordinance appeared to be over-reaching and going beyond the Council's delegated powers.

Francis Lewinski, Orange County Association of Realtors' Government Affairs Committee chair, expressed full support for a pilot program that would gather data that would enable an informed decision. He discussed the large number of people who come to Town for medical purposes and recommended that the Town remain inclusive by not banning or over-regulating STRs.

P. J. Warshaw, a Chapel Hill resident, characterized the proposed text amendments as solutions in search of problems. He asked the Council to change the minimum age back to 18, since 21 would be inconsistent without the same restriction on hotels, off-campus housing, and long-term leases. He recommended that the Council trust operators to manage parking safely. Any disruptive outlying properties could be addressed with the Town's existing noise ordinances and/or special events permitting, he said.

Katie Looois, speaking on behalf of coalition that included the Chamber of Commerce, local hoteliers, CHALT (Chapel Hill Alliance for a Livable Town), and "a former Chapel Hill mayor", said that the draft ordinance reflected a fair and reasonable position. It would limit dedicated STRs to the same zones as hotels so that they could do the same commercial activity, but would allow tremendous flexibility to primary residence STRs, she said.

Ms. Loovis requested that the Council reconsider the 18-month sunset period, which the coalition believed to be excessive, and returning to the earlier 6-month period. In addition, the coalition asked that the Council return to at least a 60 percent, preferably 75 percent, minimum occupancy requirement for primary residence STRs, she said.

Stephen Bradford, a government affairs director with NC Realtors, said that STRs were not commercial in any way. They were a residential use of property and should be treated as such, as had been found in court cases across multiple states, he said. He said that land use was determined by how a property is used, not by who owns it.

Mayor Hemminger said that there would be more time for the Council to deliberate the following week. She asked Council Members to state a preference regarding the following four questions:

1) Should the required age be 18 or 21? The Mayor and most Council Members said that age 18 was okay. Mayor pro tem Parker had no preference and Council Members Ryan and Anderson wanted more information about whether determining people's age was legal. If it was, then age 21 for dedicated and 18 for primary, said Council Member Ryan.

2) How many parked cars should be allowed? Council Members Anderson, Huynh, Stegman and Buansi thought it made sense to link cars to the number of bedrooms, and Mayor Hemminger said she essentially agreed but thought one additional car should be allowed. Mayor pro tem Parker said he was not sure that limiting the number of cars was the right approach, given the variety of circumstances, but did not know of a better one. Council Member Ryan said the goal was to ensure that parking was adequate but not all over front yards.

3) What should the length of a sunset provision be? Most Council Members said that 12-18 months made sense but asked for feedback from staff on whether 12 months was feasible. Council Member Stegman proposed two years, but said that 18 months would be fine. She and Mayor Hemminger asked to see data at 12 months to get a sense of the impact.

4) Should there be a limit on the number of events? The majority of Council Members thought there should be a limit but wanted feedback from staff on what a reasonable limit would be. Some proposed finding a way to link that number to the type of event and the capacity of the property.

Mayor pro tem Parker said that he disliked passing rules that might not be enforceable. He wanted to understand what the enforcement framework

would be and how confident staff was that it could be managed, he said.

Council Member Stegman recommended making the ordinance less complicated by focusing on better enforcement of fewer things. She stressed the importance of finding ways that people could report bad behavior without calling the police.

Council Member Gu expressed doubt regarding the legality of having a regulation that addresses STRs alone and stressed the importance of being able to enforce it. She agreed that the Council needed to address the community's concerns but was not seeing enough data to support putting the proposed text amendments in place, she said.

The Council voted unanimously to return on June 23, 2021 for a vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, to close the public hearing 24-hours after discussing this item to allow additional comments in the record per recent legislation. The motion carried by a unanimous vote.

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.

10. Consider an Application for Special Use Permit Modification for University Place, 201 S. Estes Drive. [\[21-0565\]](#)

Item #10 moved to June 28, 2021.

ADJOURNMENT

This meeting adjourned at 11:25 p.m.



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

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

Mayor Pam Hemminger
Mayor pro tem Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Monday, June 21, 2021 **6:30 PM** **Virtual Meeting**

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_c-aKKEsyQVqI0J6Gd8-bsQ After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 845 3837 4014

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

Roll Call

Present: 6 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Absent: 2 - Council Member Jessica Anderson, and Council Member Allen Buansi

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Affordable Housing Development Officer Emily Holt, Planning Director Colleen Willger, Economic Development and Parking Services Director Dwight Bassett, Interim Housing and Community Director Sarah Vifas, Affordable Housing Manager Nate Broman-Fulks, Economic Development Specialist Laura Selmer, Deputy Town Manager Loryn Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the special meeting at 6:30 p.m. She reviewed the agenda and noted that a closed session would follow the virtual meeting. She called the roll and all Council Members replied that they were present, with the exception of Council Members Buansi and Anderson, who had been excused due to prior commitments.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding July 4th Fireworks. [\[21-0605\]](#)

Mayor Hemminger announced that the July 4th fireworks celebration would be held at Southern Community Park. COVID-related safety measures would be in place, she said, adding that more information was available on the Town's website.

0.02 Mayor Hemminger Regarding Upcoming Meeting. [\[21-0606\]](#)

Mayor Hemminger said that the Council would meet again on June 23, 2021, to address more than 20 additional agenda items. In addition, there was a meeting tentatively scheduled for June 28th in case the Council was not able to complete its agenda on the 23rd, she said.

DISCUSSION

1. Authorize the Town Manager to Negotiate and Execute a Construction Contract for the Rosemary Parking Deck Project. [\[21-0568\]](#)

Deputy Town Manager Mary Jane Nirdlinger explained that this item had been pulled from a previous consent agenda for discussion at the current meeting. She said that a couple of questions had been answered regarding the Town Manager's authority to negotiate and execute a construction contract for the Rosemary Parking Deck Project and that all documents required for an Economic Development Agreement with Grubb Properties were in hand.

Upon Council authorization, the Town Manager would negotiate and execute a final construction contract and Samet Construction would confirm the bid lock and the pricing, Ms. Nirdlinger said. She said that a closing had been scheduled for June 23, 2021, demolition would begin in early July, and construction would begin in September 2021 with completion expected for fall 2022.

Ms. Nirdlinger noted that the project budget was \$39 million and discussed the items that were included in that amount. She said that Grubb Properties had agreed to reduce its \$1,400,000 fee to \$1,156,000 its July estimate.

Council Members confirmed with Ms. Nirdlinger that "guaranteed maximum cost" meant the price was locked in. That guarantee would protect the Town if the cost of materials were to rise again, she said. The Council also verified with her that representatives from the University of North Carolina at Chapel Hill (UNC-CH) had said that the rise in construction costs was what they had expected.

The Mayor and Council thanked staff and Grubb Properties for renegotiating Grubb's fee.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-1 be adopted. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEWS

Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

As a courtesy to others, people speaking on an agenda item are normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.

2. Concept Plan Review: St Paul Community Village, 1604 Purefoy Drive. [\[21-0569\]](#)

Assistant Planning Director Judy Johnson presented a concept plan for St. Paul's Community Village, a five-parcel development that would be in a Residential-5-Conditional Zoning District on Purefoy Drive. She showed the 24-acre site on a map and indicated the nearby developments. She said that the applicant, St. Paul AME Church, was proposing about 350 residential units, a worship center, conference and events space, possible retail space, and outdoor and indoor recreational areas. The applicant could apply for either a Special-Use Permit, Conditional Zoning or an Economic Development Agreement, she said.

Ms. Johnson pointed out that the Town's Future Land Use Map identified the area as institutional/high residential and that the Town's Mobility Plan showed future pedestrian and bike lanes there. She said that the Community Design Commission (CDC) and the Housing Advisory Board

(HAB) had raised concerns about density, massing, transitions to nearby neighborhoods, stormwater, and parking numbers. The HAB was encouraging the applicant to target an area median income (AMI) below 60 percent and consider retail subsidies and vouchers, she said.

Dr. Rose Snipes, representing the St. Paul AME Leadership Committee, presented a "re-imagined" plan for the site and discussed how a 2012 SUP had been extended in 2016. She explained that the project vision included mixed-use facilities, active and passive recreation, historic preservation elements, community facilities, educational and training spaces, community-focused retail space, and a worship center.

Dr. Snipes provided details on the plan's evolution to one that currently included an increase in housing density and improvements to the area's natural environment. She showed a preliminary diagram of the project's orientation and layout and outlined a proposed increase in floor area, additional retail space, a re-designated parking area, and an extended road.

Dr. Snipes said that building heights would vary up to five stories. She explained that a 2017 sewer project had provided the opportunity to expand and said that the project's financial success would depend on the proposed increase in density. She outlined a plan that would have construction begin by the end of 2021.

Dr. Snipes provided details about a community center/events space with a community market, small eateries, and other amenities. She noted a need to reestablish the natural flow of water across the property by turning a wetland area back to effective green spaces.

The Council confirmed with Ms. Johnson that the Town's Mobility Plan identified an area road that needed improvements. They confirmed with Dr. Snipes that the buildings would include elevators, the project probably would be tax exempt, and the senior living building would include AH as well. They verified that the distribution of 1-, 2- and 3-bedroom units in the mixed housing building was based on a market analysis of both buildings.

In response to a comment about AH Bond funding, Dr. Snipes said that St. Paul AME was planning to fund the project on its own but was always willing to form partnerships. She pointed out that EmPOWERment Inc. had been part of the project since its inception. The church had been a stakeholder with AH various groups, including Habitat for Humanity, she said.

The Council and applicant discussed how industrial dumping along the western border in the early 1990s had blocked the flow of water to the site and led to stagnation and fallen trees. Ms. Johnson said that several beaver dams had created water problems as well.

Council Members confirmed that the applicant planned to retain an historic church and intended to discuss collaborating and/or sharing space with the nearby RENA Center. Dr. Snipes said that shared parking could be negotiated with the RENA Center as long as there was a sufficient amount for Community Village residents. Mayor Hemminger commented that Orange County leaders had been discussing an expansion request from the RENA Center and looking at a proposal that would include federal American Recovery Plan funds.

In response to a comment about the value of home-ownership, Dr. Snipes said there was an equal need for rental units. There would be some limited ownership opportunities connected with the church, but home ownership had not been the church's financial strategy, she said. When asked about the possibility of the development becoming student housing, Dr. Snipes replied that workforce housing was their target population.

Mayor Hemminger confirmed with Dr. Snipes that the St. Paul's AME would be open to working with Urban Designer Brian Peterson on the project in addition to their own proposed architect, Perkins and Will.

Molly McConnell, a Chapel Hill resident, praised St. Paul AME Church for its hospitality, compassion and vision and for including affordable rental units in its plan.

Delores Bailey, executive director of EmPOWERment, Inc., said that she had been involved with the project since its inception and strongly supported it. There was a dire housing need for those in the 30-60 percent of area median income (AMI) range, she said, and she praised the applicant for creating a project with 25 percent affordable units.

The Mayor and Council expressed enthusiasm for the opportunity to add more vibrancy and community-centered activity to the particular section of Town. They asked the applicant to explore, including more units at the 60 and under AMI level, and to accept housing vouchers. Council Member Huynh said that including units at the 30 percent level would add huge value to the community. Mayor pro tem Parker proposed that the applicant work with the Affordable Housing Coalition to shift toward lower income levels.

Council Member Huynh recommended that the project include more 2- and 3-bedroom units. Several Council Members asked the applicant to work on reducing parking and exploring the possibility of sharing parking with the RENA community. The Mayor and Council recommended that the applicant have stormwater experts look at the wetland area early on to make sure that the reclamation project was feasible.

A motion was made by Mayor pro tem Parker, seconded by Council Member

Stegman, that R-2 be adopted. The motion carried by a unanimous vote.

3. Concept Plan Review: Jay Street Apartments, 66 Jay Street. [\[21-0570\]](#)

Mayor Hemminger said that staff was in the process of investigating two petitions regarding the Jay Street property. The Council would not be voting on anything before those findings were presented in the fall, she said.

Ms. Johnson summarized the Jay Street Apartments concept plan for a Town-sponsored affordable housing (AH) project on the Chapel Hill/Carrboro border near the Tanyard Branch Greenway. She said that the proposed 48-52 AH apartment complex would include 1-, 2- and 3-bedroom units, community building, playground and picnic center. She said that the CDC and HAB had both reviewed the concept plan and had raised concerns about site constraints and access. The boards had praised the AH aspect, but the HAB had discussed accepting housing vouchers, she said.

Interim Director of Community and Housing Sara Viñas emphasized that the process was at the very early stage and that there would be many more opportunities for community input. She reviewed how the Town had prioritized using its own land to facilitate AH development since 2011 and had created AH projects such as Greenfields and 2011 Homestead Road.

Affordable Housing Development Officer Emily Holt provided background on the project, which had begun in 2018 when the Council prioritized the land for AH. Staff had ultimately signed a memo of understanding with Taft-Mills Group, LLC and Community Home Trust in February and had submitted a concept plan application in March, she said. She said that staff had been gathering feedback from the community on the conceptual project since its inception.

Developer Dustin Mills, of Taft-Mills LLC, described his Greenville-based company's experience as a workforce housing developer. He said that Taft-Mills had built about 1,000 AH units since 2014 and showed visuals of projects they had done in North Carolina and elsewhere.

Mr. Mills said that a driving principle behind the Jay Street Apartments concept was to leave about half of the seven-acre site undisturbed. The site was well-located for AH, with a bus stop within walking distance and direct access to the Tanyard Branch Trail, he said. He described a plan for two 3-story garden style buildings with a breezeway between.

Mr. Mills said that some Jay Street Apartments residents would be in the 80 percent AMI range, but the majority would be at 60 percent or below, down to 30 percent AMI. Eligibility for tax credits required a minimum affordability period of 30 years, he pointed out. He said that incentives existed for adding an additional 30 years.

Mr. Mills described potential on-site amenities and proposed financing the

approximate \$9 million development with tax exempt bonds and 4 percent low-income housing tax credits. The plan would meet buffer requirements and exceed them in some areas, he said. He showed architectural renderings of the built environment and pointed out that most of the surrounding area consisted of multi-family properties.

Mr. Mills showed a list of the interested parties that his firm had met with and said that answers to questions the community had raised were on the Taft-Mills and Community Home Trust websites. Concerns had been expressed about issues such as saving trees, traffic, site impact, visual changes, road restrictions, parking, access to Tanyard Branch Trail, and trash collection, he said. He said that his designers were considering ways to incorporate feedback from Urban Designer Brian Peterson.

In response to a question from Council Member Ryan, Mr. Mills explained that the Community Home Trust would manage the property. There would be no direct affiliation with the NC Housing Authority regarding ownership or management of the development, he said.

Mayor pro tem Parker said that affordability should be longer than 30 years, and Mr. Mills replied that he would support making Jay Street as affordable as long as possible. Thirty years was merely the statutory timeline associated with the initial allocation of tax credits, he said.

The Council confirmed that the project would be a tax-paying entity. They ascertained that Taft-Mills foresaw a probable \$2-3 million contribution from the Town, or Orange County, since the project would likely qualify for only the 4 percent tax credit option. Mayor pro tem Parker calculated that the Town would pay between 25 and 35 percent of the total project cost, not including the value of the land, which would mean subsidizing around \$60,000 per unit.

Council Member Gu raised questions about the narrowness of Jay Street, but Mr. Mills replied that there was sufficient space to pass in both directions. He would work with the Town to determine whether improvements would be required, he said, and she confirmed with him that the proposed \$9 million from the Town would include a reasonable amount for off-site work.

Robert Beasley, a Chapel Hill resident, pointed out that the Town had purchased the Jay Street property in 2005 with Open Space Bond funds. Moving forward with a private development project would violate the will of the voters, he said.

Joanna Vajda read a petition from 134 Village West residents, relatives, and friends, which stated that Jay Street Apartments would cause environmental, traffic and safety issues for them and their neighbors. The development would be in direct conflict with the 2005 Open Space Bond

Fund vote, she said, adding that residents were primarily concerned about traffic and potential flooding.

Chapel Hill residents Tara Kachgal, Susan Bolotin, Laura Wilkinson, Margaret Widener and Trisha Lester all raised concerns about issues such as inadequate bus service to and from the area, traffic on one narrow road leading into the area, no sidewalks, and flooding.

Rachel Gray and Penny Sparacino argued that providing low-income rentals would not increase quality of life in the way that helping people to buy properties would. Ms. Sparacino said that Jay Street Apartment residents would be spending what money they did have on gas. Ms. Gray said that adding 95 parking spaces would exacerbate existing traffic problems, including pedestrian safety. It would be unethical to build on land that had been purchased with Open Space Bond funds and was located near unmarked grave sites, she said.

Julie Pace, a Village West resident, criticized the Council for entering into a contract with Taft-Mills, an all-white organization. She expressed concern about how few AH units were being created in Town, in general, and said that payments in lieu were among factors pushing the Town to build them on open space lands. UNC would eventually need the Jay Street area to connect to Carolina North, and the Town should finish mapping the adjacent historical cemetery before adding to its destruction, she said.

Pam Cooper, a Chapel Hill resident, said that the project's environmental impact would be overwhelmingly negative and that little quality of life would be created by establishing housing in such a cramped space near the railroad tracks.

George Barrett, executive director of the Marion Cheeks Jackson Center, characterized the need for AH in Chapel Hill as a justice and equity issue. He said that the nearby Northside community overwhelmingly supported the Jay Street development. If the Town wanted to create safety and economic opportunities for those on the margins, Jay Street was exactly the type of project that was needed, he said.

Yvette Matthews, office and community organizer for the Community Empowerment Fund, said that she saw people every day who were at 30 percent AMI and below level and suffering. Developing the Jay Street property would mean a lot to those who were living on the streets, she said.

Delores Bailey said that the best way to produce AH was to put it on Town-owned property. She encouraged others to work with the Community Home Trust as well and said that the need for AH was so

desperate that everyone would have to give up something somewhere.

Mayor Hemminger thanked the speakers for their comments and emphasized that the Council was only looking at a concept plan. Staff would investigate the petitions and return to Council with more information in the fall, she said.

The Mayor and Council said that they had walked the site. They praised the proposal to build AH while preserving half of the site but agreed that the bike, pedestrian and road infrastructure would need to be safe. They proposed looking at ways to reduce the amount of parking and decoupling parking and rental fees. They recommended that the design be more responsive to the site's topography and suggested rearranging the space to create more distance from surrounding neighborhoods.

The Council stressed the value of working with the Town's urban designer on the plan. Council Member Ryan expressed interest in exploring a CDC recommendation for a permanent conservation easement. Council Members commented on the need to understand the implications of citizens' petitions and to protect the nearby cemetery.

Mayor Hemminger said that the Town would need to address citizens' questions before it could move forward. Ensuring traffic and pedestrian safety was one of the site's challenges and the Council would need good answers on that, she said. She pointed out that the Town had a desperate need for AH in places where people could access amenities. She was disappointed to hear about bus service issues and wanted to explore that further, she said.

A motion was made by Council Member Huynh, seconded by Mayor pro tem Parker, that R-3 be adopted. The motion carried by a unanimous vote.

4. Concept Plan Review: 101 East Rosemary Street. [\[21-0571\]](#)

Ms. Johnson gave a brief PowerPoint presentation on a concept plan for a 7-story building at 101 E. Rosemary Street in the Town's Downtown Future Focus Area. She said that the applicant, Grubb Properties, was proposing to rezone the property, under its Link Apartments brand, from Town Center-2 to Town Center-3-Conditional Zoning District. The proposed project would include approximately 140 apartments, shops, commercial offices, parks and gathering spaces, in addition to the apartments, she said.

Ms. Johnson presented a photo of the location and gave a brief overview of the site plan. She said that the Town's Land Use Management Ordinance allowed up to four stories, including setbacks, at that location. The CDC and HAB had both recommended more AH, encouraged rental vouchers and street activation, and expressed concern about the

development becoming student housing, she said. She mentioned that the boards had also noted the importance of design, considering the site's prominent location, and had commented on the need for special sensitivity to the area's historic architecture.

Joe Dye, executive vice president of Grubb Properties, said that Link Apartments Rosemary would be part of the continuing redevelopment of the 100 block of East Rosemary and would bring more 25 to 35 year-old post-graduate students and professionals to the Downtown area.

Kristen Casper, of Grubb Properties, explained that Link Properties typically targeted those earning 60-140 percent of AMI. Proposed floor plans would range from 360 to a little more than 1,100 square feet, she said, and she described additional amenities that would be oriented toward young professionals. Few students live in Link Apartments because of their small sizes, she said.

Ms. Casper said that Link Apartments Rosemary would include approximately 140 units, 91 one-bedrooms and 19 two-bedrooms. A swimming pool and fitness center would typically be at ground level, she said. She explained that there would be no on-site parking and that residents would share parking at the East Rosemary Deck.

Brian Bunce with BB&M Architects said that the concept plan closely followed input from Urban Designer Brian Peterson, the CDC, and BB&M's own instincts from having worked many times in an urban context. He showed an overhead view of the site as well as images of other Link properties.

Mr. Bunce described a building facade that would anchor the corner but allow pedestrians to flow through easily. He proposed setting the entire building back, rather than stepping it back, in order to allow for more terracing and street activation in front. The building would pick up on materials from both the new parking deck and the Old Town Hall, he said.

Council Members confirmed with Mr. Dye that a payment in lieu for parking would be acceptable to Grubb Properties. Council Member Huynh asked if the applicant would accept housing vouchers, and Ms. Casper replied that Link Properties' typical target was 60-140 percent of AMI. Mayor Hemminger confirmed that the building on the E. Rosemary Street side would be 75 feet tall, with each floor being a little under 11 feet.

Delores Bailey expressed concern about the lack of an AH plan. She pointed out that a person holding a voucher could afford an apartment at 60 percent AMI. Additionally, she did not see anything that would prevent students from renting those apartments and did not see how such a tall building would blend into the corner, she said.

The Mayor and Council voiced concerns about the proposed height, massing, and contemporary design. They pointed out that Town plans called for four stories at the street and up to a six-story core. The Town had stated a specific preference for buildings that step back from the street, they said.

Council Members said they wanted to see generous sidewalks with large street trees. They said that a modern design worked well on Grubb Properties' other Rosemary Street buildings but seemed disconnected at the corner, which was near the Old Town Hall and other smaller scale brick buildings.

Mayor pro tem Parker suggested designing a building that would combine the two areas with step-backs and slightly different materials on the Columbia Street side that would make it fit in better with the look and feel of the neighborhood there. He suggested that the applicant take visual cues from the Rosemary Street Hotel. In addition, a rooftop restaurant/bar would make the building a special destination, he pointed out.

Council Members said that having fitness and leasing centers at ground level would do nothing to activate the street. They proposed including a library, art gallery or performance space instead. Some suggested that the project include retail. They raised concerns about parking deck capacity and asked staff to bring back information on how the Town planned to balance that among its different goals.

The Council asked to see a clear AH plan and a commitment to accepting housing vouchers. Mayor Hemminger said that the Town and applicant probably could agree on an AH plan if the applicant would be willing to work with a group that qualifies people for AH.

All Council Members expressed opposition to having student housing at the location and said they wanted to see a concrete plan to avoid that. Mayor Hemminger commented on the probability that students with resources would flock to the building, and she stressed that it was not what the Town wanted.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-4 be adopted. The motion carried by a unanimous vote.

CONTINUED DISCUSSION

- 5 Update on Redevelopment of Police Station Property at 828 [\[21-0572\]](#)
Martin Luther King, Jr Boulevard.
Economic Development Specialist Laura Selmer introduced Ken Reiter,

president of Belmont-Sayre, who presented the pros and cons of two scenarios for redeveloping the contaminated Police Station site at 828 Martin Luther King Jr. Boulevard. One scenario included 60-80,000 square feet of market rate office space or the Town's Multiple Services Center), up to 300 multi-family housing units, and a dedicated 690-space parking structure, he said. The other scenario was all commercial and included the Multiple Services Center and another standalone office building.

John Gallagher, of Belmont-Sayre, discussed case studies of Brownfield sites in Raleigh, Durham, Chapel Hill and Winston Salem. He explained how contamination had been safely contained with the land redeveloped at those locations.

Ms. Selmer said that some of the Town's Climate Action Plan goals could be met with infill redevelopment, which could preserve greenspace and provide an opportunity for trail- and transit-oriented development. The Multiple Services Center (MSC) could serve as a model for future "triple bottom line" sustainable development that addresses community, environmental and fiscal impacts, she said.

Ms. Selmer outlined staff's work plan for the summer. She said that the Council would meet with Hart & Hickman on June 23rd to discuss methodology and risk and then would return in the fall with a draft Economic Development Agreement (EDA) for discussion. She shared comments that staff had heard from the Council and community regarding safety, sustainable design, public benefits, and best and highest uses for the site. She asked the Council what other guiding principles it would like staff to consider when exploring site reuse and an EDA.

The Council asked Mr. Reiter about possible hybrid models that might fall between the two scenarios, and he said that everything was possible and that staff would benefit from having parameters. There was a market limit on commercial space and a huge demand for multi-family residential housing, he pointed out.

Mayor pro tem Parker pointed out that the highest and best use for Chapel Hill did not mean getting the largest economic return possible. He asked if the presence of coal ash would prevent a park or other public recreational amenity from being built at the location. Mr. Reiter replied that the uses would drive the remedy. Ms. Selmer recommended consulting with Urban Designer Brian Peterson about what and where such spaces could be.

Megan Kimbell, an attorney with Southern Environmental Law Center (SELC), characterized the case studies that Belmont-Sayre had presented as misleading. She said that the pollutants at Raleigh's Union Station site had not been from coal ash. Studies had found a significant amount

of arsenic in the upper portion of the Town's site, she said. She stressed that building on top of the Town's 40 feet of coal ash, construction debris, and large pockets of water would be very different from building on top of a car dealership or dry cleaner site.

Julie McClintock, a Chapel Hill resident and environmentalist, stressed the need to consider a risk assessment that had been performed on the site. She said that many technical questions had not been addressed and that staff had done an insufficient job of understanding the relative risks of different uses.

Several Council Members said that they liked the idea of having some form of public gathering space on the site and would like information on the safety and cost implications of that scenario. Mayor Hemminger and Council Member Stegman proposed adding "the creative use of public space and community benefits" to the guiding principles. The Council encourage staff to take Ms. Kimbell up on her offer to consult with them.

Mayor Hemminger said that she was not excited about having apartment buildings and the police station at such a density level and wanted to see what other options might be available. She did like the idea of having the police station return to that location, but it would need to be physically and financially feasible, she said.

This item was received as presented.

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

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, to enter into a closed session as authorized by General Statute Section 143-318.11(a)(3), to consult with the Town Attorney regarding a judicial action and to preserve attorney-client privilege. At the conclusion of the closed session, the Council will adopt a single motion to end the closed session and adjourn the meeting without taking further action.. The motion carried by a unanimous vote.

ADJOURNMENT

The Council recessed the meeting at 11:06 p.m. and adjourned the meeting at the conclusion of the closed session.



TOWN OF CHAPEL HILL

Town Council Meeting Minutes - Draft

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

Mayor Pam Hemminger
Mayor pro tem Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, June 23, 2021 **7:00 PM** **Virtual Meeting**

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_mPZV9Eb3TXGsIC8LgrOhVA After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 853 2778 0522

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

Roll Call

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

Absent: 1 - Council Member Jessica Anderson

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, Traffic Engineering Manager Kumar Neppalli, Economic Development Specialist Laura Selmer, Police Chief and Executive Director for Community Safety Chris Blue, Senior Planner Anya Grahn, DEI Officer Shenekia Weeks, Economic Development Office Dwight Bassett, Assistant Chief of Police Jabe Hunter, Public Housing Director Faith Brodie, Communications and Public Affairs Director and Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

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

Town Council

Meeting Minutes - Draft

June 23, 2021

agenda. She pointed out that seven of the agenda items pertained to development or redevelopment and that Items 11 and 15 had been moved to the June 28th Council meeting. Council meetings would continue to be held virtually through July, she said.

Mayor Hemminger called the roll and all Council Members replied that they were present, with the exception of Council Member Anderson, who was absent/excused.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Proclamation: Olympic Day.

[\[21-0607\]](#)

Mayor pro tem Parker read a proclamation regarding a worldwide celebration of the modern Olympic movement. The proclamation named June 23, 2021 as Olympic Day in Chapel Hill and encouraged all residents to participate in sports and physical fitness activities. Mayor pro tem Parker pointed out that Orange County had been proposed as a possible location for the 2027 Summer World University Games.

Mayor Hemminger said that the Town was pleased to join Orange County, The University of North Carolina and other Triangle area partners in supporting the bid to bring the Summer World University Games to the Triangle area in 2027.

0.02 Mayor Hemminger Regarding "Vets on the Move" Event.

[\[21-0608\]](#)

Mayor Hemminger said that Vets on the Move, a new program aimed at connecting area veterans with multi-modal transportation, would be launched at 140 West Franklin Street on June 25th from 4:00 to 6:00 p.m.

0.03 Mayor Hemminger Regarding Fourth of July Fireworks.

[\[21-0609\]](#)

Mayor Hemminger announced that a fireworks celebration would be held at Southern Community Park on July 4th. She explained that it would be a scaled-down event due to the COVID-19 pandemic, and she encouraged attendees to practice good safety measures.

0.04 Mayor Hemminger Regarding Council Meeting on June 28.

[\[21-0610\]](#)

Mayor Hemminger said that the Council would hold an additional meeting on June 28th at 6:30 p.m. and then begin its summer recess.

0.05 Council Member Stegman Regarding Small Town Pride Event.

[\[21-0611\]](#)

Council Member Stegman said that a food truck rodeo and dance party would be held on June 24th from 5:00 to 8:00 p.m. at Carrboro Town Commons as part of Pride Month celebrations.

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

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

0.06 Molly McConnell Request Regarding Amending the LUMO to Allow 30 Feet Buffer from Roadways. [\[21-0612\]](#)

Molly McConnell, a Chapel Hill resident, commented on her petition to amend the Town's Land Use Management Ordinance (LUMO) to include 30-foot minimum buffers from roadways for all developments that are not in the Town's Central Business District.

0.07 Robert Beasley Request Regarding Affordable Housing at Trinity Court. [\[21-0613\]](#)

Robert Beasley, a Chapel Hill resident, said that Trinity Court was an ideal place for affordable housing (AH) and should be a top priority for rapid development in the Town's AH strategy. He petitioned the Council to hold a public hearing on its redevelopment status, with a focus on making it available for families on the Section 8 AH waiting list before the end of FY 2022.

0.08 Steven Fleck Request Regarding Delaying Decision for Aura Development. [\[21-0614\]](#)

Steven Fleck commented on his petition to delay any decision on the Aura Development in order to allow time for unbiased assessments of outstanding issues from outside experts. He mentioned some of those issues and said that rushing to a vote would risk creating both short- and long-term problems.

Mayor Hemminger pointed out that the Council could not legally address petitions regarding items that were already on the printed agenda. Therefore, the Council voted unanimously to receive and refer the first two petitions and to take the third under advisement.

A motion was made by Mayor pro tem Parker, seconded by Council Member Ryan, to receive and refer the McConnell and Beasley petitions to the Town

Manager and Mayor. The motion carried by a unanimous vote.

CONSENT

Items of a routine nature will be placed on the Consent Agenda to be voted on in a block. Any item may be removed from the Consent Agenda by request of the Mayor or any Council Member.

Approval of the Consent Agenda

A motion was made by Council Member Ryan, seconded by Council Member Stegman, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[21-0581\]](#)
2. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2020-21. [\[21-0582\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Adopt Final Resolution for Approval of Limited Obligation Bonds. [\[21-0583\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Authorize the Town Manager to Execute a Contract for Construction Administration Services for the Estes Drive Bicycle-Pedestrian Improvement Project. [\[21-0584\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Award a Bid for the Road Reconstruction of Country Club Road. [\[21-0585\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
6. Incorporate the Climate Action and Response Plan as a Component of the Town's Comprehensive Plan. [\[21-0586\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
7. Close an Unimproved and Unpaved Portion of Mitchell Lane Public Right-of-Way. [\[21-0587\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
8. Call a Public Hearing to Consider a Land Use Management Ordinance Text Amendment to Section 8.5 Revising Rules of the Community Design Commission for September 1, 2021. [\[21-0588\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

9. Call a Public Hearing on September 22, 2021 for the Future Consideration of a Parking Payment-in-Lieu System, Land Use Management Ordinance Text Amendment, and Associated Policy. [\[21-0589\]](#)

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

INFORMATION

10. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0590\]](#)

This item was received as presented.

DISCUSSION

11. Second Reading to Consider an Application for Conditional Zoning - Aura Development, 1000 Martin Luther King, Jr. Blvd. [\[21-0591\]](#)

A motion was made by Mayor pro tem Parker, seconded by Council Member Ryan, to defer this item to the June 28, 2021 meeting. The motion carried by a unanimous vote.

SPECIAL USE PERMIT

12. Consider an Application for Special Use Permit Modification -Timberlyne Offices, 120 Banks Drive. [\[21-0592\]](#)

Assistant Planning Director Judy Johnson presented a Special-Use Permit (SUP) modification request for Timberlyne Offices, which would replace the Timberlyne Movie Theater on Banks Drive. She said that the applicant was proposing a change in use, parking, and floor area but would maintain the same zoning. Ms. Johnson showed the proposed changes on a site plan and said that all Town advisory boards had approved the request, with some conditions. Staff recommended that the Council adopt Resolution 10, for approval, she said.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-10 be adopted. The motion carried by a unanimous vote.

CONTINUED DISCUSSION

13. Receive Recommendations of the Re-Imagining Community Safety Task Force. [\[21-0593\]](#)

Jaelyn Gilstrap, a Re-imagining Community Safety Taskforce (TF) member, reviewed how the TF had been created in memory of those impacted by racial terror and injustice. She said that its mission had been to create concrete, actionable recommendations that would increase public safety,

eliminate structural inequities, and enable everyone to thrive. She provided details of the TF's seven-item charge and said that the presentation would address the recommendations for change and further study and the final report.

Paris Miller, a TF member, reviewed the TF's three-stage process, which had included presentations, community outreach and meetings. She showed examples of how TF members had worked to make their final report something that the community would want to read. The report addressed prevention, crisis and post-crisis, and included 28 recommendations and 31 action items, she said.

Ms. Gilstrap provided additional information on the top five recommendations. These were: 1) implementing an outreach and harm reduction committee to support responding to mental health and other crises in a non-police manner; 2) restructuring how 911 calls would be received and directed; 3) having accessible affordable housing, especially for those in crisis; 4) expanding existing policing alternatives to include deflection, diversion, expungement and support; and 5) collaborating among non-profits, faith communities, community leaders and activists to brain-storm ways of promoting community safety.

Ms. Gilstrap pointed out that many more recommendations were included in the report. She said that the TF had recommended that the Council continue to look into the topic of School Resource Officers (SROs) with groups that had already begun exploring that.

Interim Director of Community and Housing Sarah Viñas, the TF project manager, proposed that the Town develop an action plan and establish a framework for reporting to Council and community regarding implementation. She recommended that the Council receive the TF's findings and adopt Resolution 12, which would send the report to the Town Manager and authorize him to implement next steps. Staff would return in the fall with a status update, she said.

The Mayor and Council congratulated all involved for a job well done. Mayor Hemminger said that the Council would hold a full and robust discussion of the TF's very important work in the fall. She hoped TF members would stay engaged and continue to participate, she said.

Council Members Huynh, Stegman and Buansi, the Council's TF liaisons, praised the effort, the process, and the final report. They said they were looking forward to responding to the call to action in the fall. Other Council Members praised the TF as well. They commented on the diversity of its membership and said that its work had exceeded their high expectations.

Town Manager Maurice Jones thanked the TF and staff for the tremendous 10-month effort. He introduced Shanekia Weeks, the Town's new Diversity, Equity and Inclusion Officer, and said that she would be working closely with staff and community to facilitate the fall discussions.

A motion was made by Council Member Huynh, seconded by Council Member Stegman, that R-12 be adopted. The motion carried by a unanimous vote.

14. Consider an Application for Conditional Zoning for Putt Putt Fun Center, 2200 Eubanks Road (115/135 Chapel Point Road) Community Commercial-Conditional Zoning District and Office/Institutional-2-Conditional Zoning District (OI-2-CZD). [\[21-0594\]](#)

Ms. Johnson said that the Conditional Zoning application for a Putt Putt Fun Center on a 19-acre site next to Carraway Village near Eubanks Road had reached the end of its process. She explained the proposal would divide the area into two Conditional Zoning districts: Office Institutional-2; and Community Commercial. A recreational facility would include mini-golf and go-carts and the other zoning district would be a self-storage facility, she said. She described stormwater and buffer modifications and said that the applicant had agreed to a stipulation that the go-carts be powered by electricity.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-13 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that O-8 be enacted as amended. The motion carried by a unanimous vote.

15. Consider Funding the ReVive Recovery Plan with Dollars from the American Rescue Plan. [\[21-0595\]](#)

The Council agreed to move this item to June 28, 2021.

16. Redevelopment and Risk Assessment of Police Station Property at 828 Martin Luther King, Jr. Boulevard. [\[21-0596\]](#)

Genna Olson, a branch manager with Hart and Hickman, gave an PowerPoint presentation on the risk assessment for the upland portion of the Town's Police Station property. She said that the site contained a mixture of coal combustion products (CCPs) and construction materials and that interim measures had successfully addressed the CCP risks in the Bolin Creek Trail area. The next step would be a more comprehensive risk assessment of the site to define final clean-up goals and permanent remedial measures, she said.

Ms. Olson outlined the steps that Hart and Hickman would take to assess

the risk in three separate sections of the property. She said that an ecological assessment would calculate health risks over an individual's lifetime due to exposure. She discussed what risks might trigger additional actions and said that Hart and Hickman's approach would be consistent with both US Environmental Protection Agency (EPA) and NC Department of Environmental Quality (DEQ) risk assessment guidance.

Economic Development Specialist Laura Selmer said that any redevelopment of the site would be done in conjunction with remediation. She described the work that Town staff and the Town's development partner Belmont-Sayre intended to undertake over the summer. The goal was to draft an Economic Development Agreement (EDA) for discussion in the fall that would be based on guiding principles, she said.

Ms. Selmer said that Town staff had met with the Southern Environmental Law Center (SELC) and others, such as Friends of Bolin Creek, many times over the years regarding the Police Station remediation project. The Town's environmental consultants had participated in those meetings as well, and the Town's responses to SELC comments were on the Town website, she said.

Council Members confirmed with Ms. Olson that both human health and ecological risk assessments would probably be completed within two months. In response to questions from the Council about interim measures, Ms. Olson pointed out that Hart and Hickman had created a 96-page environmental management plan for that work. She said that measures such as the silt fence had been working so far and that more permanent measures probably would not need to be inspected as frequently. The risk assessment would be full, comprehensive, and site-wide. Mechanisms also would be in place to manage risks in perpetuity, she said.

Nicholas Torrey, representing the SELC, urged the Town to focus on cleaning up the coal ash dump site before committing to building anything on top of it. A whole host of serious issues had not been addressed and the studies that had been done did not appear to be fully reliable, he said. He stated that several questions in the SELC's letter to the Town had not been answered, and he cited some of those. He said the sampling that the Council had requested in 2019 had not been done, and he characterized that as a serious concern.

Mr. Torrey said that soil sampling that had been done in the upland area in 2017 had shown arsenic levels significantly higher than all standards. Arsenic levels in the coal ash itself, which was close to the surface, was even far higher than that, he said. He emphasized that the SELC had very serious concerns about building on the site. They had major concerns about the interim measures as well, he said, and he characterized the

situation as a disaster waiting to happen.

In response to Mr. Torrey's comments, Ms. Selmer said that it had been the historical practice across the country to use coal ash combustion products as structural fill and that NC DEQ had deemed coal ash to be acceptable for base courses on roadways and other uses. She said that the Town had done extensive sampling and studies and was continuing to inspect the area for erosion. Whatever was ultimately done on the site would include proper capping, which was the safest path to making the area permanently safe for the public, she said.

Ms. Olson assured the Council that Hart & Hickman would recommend ways to prevent risks associated with arsenic and other contaminants. That's what risk assessment is, she said. With regard to the carcinogenic risk, Hart and Hickman was following EPA and DEQ recommendations but might lower the target risk levels, if needed, she said.

Robert Beasley, a Chapel Hill resident, expressed concern about long-term risk management and mitigation being the Town's responsibility. However, Ms. Selmer explained that Belmont-Sayre would most likely become the party responsible for maintenance under a Brownfields agreement with the Town.

Council Member Ryan suggested that SELC members annotate the areas in their letter that they believed had not been adequately answered. In addition, she pointed out that the Town would need to ensure that Belmont-Sayre could afford the long-term maintenance.

Council Member Gu said there was no justification for not getting a third opinion regarding the coal ash. The Council needed to be able to tell the community that it had done the most it could to ensure safety, she pointed out. She said she hoped that the next risk analysis would address various risks and mediation scenarios rather than just taking samples.

The Council voted (6 to 1) to allow staff to work on an EDA over the summer. Council Member Gu explained that she voted against it because she believed the Council should have the complete risk analysis in hand before proceeding with an EDA.

Mayor Hemminger said that she looked forward to getting the evaluation and risk analysis, which the Council would use in the fall when making any determinations regarding moving forward.

A motion was made by Council Member Huynh, seconded by Mayor pro tem Parker, that staff work on an Economic Development proposal. The motion carried by the following vote:

Aye: 6 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Stegman, Council Member Huynh, and Council Member Ryan

Nay: 1 - Council Member Gu

17. Consider Land Use Management Ordinance Text Amendments - Proposed Changes to Articles 3, 4, and 6 and Appendix A Related to Short-Term Rentals. [\[21-0597\]](#)

Senior Planner Anya Grahn gave a PowerPoint presentation on proposed LUMO text amendments (TAs) related to short-term rentals (STRs). She said that the Council had held two public hearings on the TAs, the Planning Commission had reviewed them, and the item was now before the Council for possible action.

Ms. Grahn explained that the LUMO only permitted STRs that meet the definition for home occupation, tourist home, or overnight lodging (in the Blue Hill District). She said that revised Ordinance A would: require STR permits; allow primary residence STRs in all zoning districts; permit dedicated STRs in mixed-use and commercial districts; limit dedicated STRs in multi-family developments to the greater of two units or 3 percent of units; and provide operational requirements for STRs.

Ms. Grahn proposed two types of permits: Primary Residence STR, where the property owner is home 50 percent of the time; and Dedicated STR, where the property is exclusively used as an STR, or the property owner is away for more than 50 percent of the time.

Ms. Grahn said that the proposed charge for an STR Permit was \$150 and that the estimated 250 STRs in Town would provide about \$37,500 annually. She reviewed operational requirements and said that the minimum age would be 18, rather than 21. Violations would be treated the same as other zoning violations, she said. She proposed bringing all STRs into compliance within 18 months of when the TAs go into effect.

Ms. Grahn recommended that the Council adopt the Resolution of Consistency (R-16), enact Ordinance 16 approving the proposed amended TAs, and approve Resolution 16.1 to amend the budget to include an STR Permit fee. If enacted, staff would develop the STR Permit and conduct an educational campaign with the public, she said. By spring 2022, an STR Permit application would be available and the deadline for compliance would be December 23, 2022, said Ms. Grahn.

Mayor Hemminger verified with Ms. Grahn that homeowners associations could institute rules that were more, but not less, stringent.

Mayor pro tem Parker confirmed with Planning Director Colleen Willger that staff would present a process and timeline for bringing the Blue Hill District into compliance at the Council's first meeting in the fall.

In response to a question from the Council about whether there would be no enforcement for a year, Ms. Grahn pointed out that existing regulations regarding noise, parking, and other nuisances would continue to be enforced. With regard to a question about granting exceptions to long-time dedicated rental operators, she said that staff was continuing to look at that. She also agreed to determine if there was a way to allow people to start registering in early spring, without a fee.

The Council asked about potential parking issues, and Ms. Grahn said that standards would remain limited to 40 percent of front yard and that Town standards would need to be met before anyone could put a parking lot behind a home. The Council verified with her that enforcement of the ordinance would be complaint-based until the Town was able to obtain tracking software.

Mayor Hemminger pointed out that a postcard with misinformation had been mailed out anonymously to a large number of residents. She clarified that the Council had never talked about rezoning neighborhoods to allow dedicated STRs. Several Council Members pointed out that actions such as disseminating misinformation did not contribute to healthy discussions and good solutions.

The Mayor and Council thanked Ms. Grahn and other staff members for finding a middle ground after a very long and difficult process, and they thanked community members for their feedback. They said that STR operators should be registered as soon as possible, and Council Member Stegman raised the idea of offering an incentive. The Council stressed the importance of finding a way to fund the tracking software. They said they wanted to bring the Blue Hill District into compliance as soon as possible.

Mayor Hemminger pointed out that the registration process would be an evolving one. Eighteen months would provide enough time to understand where STRs were located and what was and was not working, she said. She proposed figuring out a reporting system such as an answering machine that gets picked up by staff. Community members had said they were hesitant to call 911 with STR-related complaints, she pointed out.

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that R-16 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Ryan, seconded by Council Member Stegman, that O-9 be enacted as amended. The motion carried by a

unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-16.1 be adopted. The motion carried by a unanimous vote.

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.

18. Open the Public Hearing: Limited Scope Special Use Permit for Tri-City Medical Office Building, 5002 Barbee Chapel Road. [\[21-0598\]](#)

Ms. Johnson said that the Council had authorized a limited scope Special-Use Permit for a 60,000 square-foot medical office building on 2.4 acres at the corner of Barbee Chapel Road and Highway 54. The request was to modify the construction start and completion dates, but not to change the site plan, she said. She recommended that the Council open the public hearing, receive comments, and the recess the public hearing to September 1, 2021.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, to continue the Public Hearing to September 1, 2021. The motion carried by a unanimous vote.

CONTINUED DISCUSSION

19. Open the Public Hearing: Application for Conditional Zoning - Rosemary-Columbia Street Hotel at 108, 110, and 114 W. Rosemary Street (Project 20-076). [\[21-0599\]](#)

Ms. Grahn gave a PowerPoint presentation on a rezoning application for a 48,111 square-foot hotel on a 1.31-acre site at the corner of Rosemary and Columbia Streets next to Historic Town Hall (HTH). The proposed Rosemary-Columbia Street Hotel would have 125 to 140 rooms and an 8,887 square-foot parking garage and would include a land swap with the Town, she said. The site was currently zone Town Center 2/Office Institutional 1/Residential 3 and the applicant was proposing a rezoning to Town Center 2/Conditional Zoning District, she said.

Ms. Grahn indicated on a map where the property was located. She showed how it backed up to the Northside Neighborhood and explained how it fit in with surrounding properties and streets. She said that the applicant, Chapel Hill Ventures LLC, was proposing requesting a change in

buffer and height requirements and would explain that request to the Council.

Ms. Grahn reported that the application had been through multiple rounds of staff review. She summarized advisory boards' recommendations and said that the Community Design Commission wanted to review and approve building elevations in an iterative process. Ms. Grahn recommended that the Council open the public hearing, receive comments, close the public hearing, and schedule consideration for action on September 22, 2021.

Developer Dan Jewell, of Coulter Jewell Thames LLC, gave a PowerPoint overview of the proposal. He described an extended stay hotel that would have 140 rooms, 70 parking spaces with all but 11 spaces under the building, and parking for 10 bicycles. He outlined details on the proposal to swap a Town-owned parking lot for property on Pritchard Avenue.

Mr. Jewell said that the applicant would build a pocket park at its own expense on Town property adjacent to the Historic Town Hall. He said that a traffic impact analysis had found that the project would have minimal impact and had not recommended any road improvements. However, the applicant would make a contribution to Chapel Hill Transit, he said.

Mr. Jewell said that he had met several times with Northside representatives and would continue to do so. He explained that the requested buffer reductions would not be against the residential neighborhood but toward the commercial properties to the north and a parking lot to the south. He said that LUMO requirements regarding buffers were not in keeping with the spirit of creating a friendly urban area. He pointed out that the applicant was proposing to install almost twice as many canopy trees as it would remove.

Architect Jared Martinson, with MHA Works, described how the design had changed since it was first presented to the Town in 2019. It currently incorporated the spirit of Historic Town Hall and included most of Urban Designer Brian Peterson's comments, he said. He showed architectural renderings of the project from different viewpoints and reviewed plan details. The project would provide community benefits, such as new jobs, public art, a park, additional tax revenues, and possible opportunities for local contractors, he said.

Mayor pro tem Parker asked about making the 26-foot wide driveway narrower, and Mr. Jewell explained that the proposed width and absence of trees there was meeting the Town fire marshal's requirements. Mayor pro tem Parker raised concerns about crossing three-four lanes to make a left turn out of that driveway.

Council Members asked about the applicant's plan for using 15 percent local minority contractors, and Mr. Jewell said that they would provide the Council with precise numbers on that. Council Member Buansi confirmed with Mr. Jewell that there had been three meetings with neighbors since December 2019 and that neighbors had raised concerns about the building's height and possible park uses. In response to Council comments, Ms. Grahn agreed to check on whether Town guidelines specified that the Northside transition zone should be 50 feet.

The Council verified that the developer would build the park at its own expense and dedicate it to the Town. Council Member Gu asked if the applicant would commit to helping maintain Historic Town Hall, and Mr. Jewell offered to discuss that with his team and Town staff. The Council confirmed that trash and other back-of-house needs would be handled under the building and within its footprint.

Council Members confirmed that the rooftop terrace, as currently conceived, would be open to the public on the Rosemary Street side and limited to hotel guests on the Columbia Street side. They determined that the applicant envisioned some form of artwork starting at the top of the parking deck entrance, wrapping the building, and following along Columbia Street.

Michael Hoppe, a Chapel Hill resident, said that his letters to the Council and Planning Commission had explained his position.

Matt Gladdeck, executive director of the Downtown Partnership, said he was grateful to the developer for working closely with the Town and being willing to change the design. He said that the proposed park was a necessity for civic events and that the Historic Town Hall could fill a vital need by becoming a third place for people to congregate downtown.

Delores Bailey, executive director of EmPOWERment, Inc. but speaking as a community activist, expressed concern about the building's proposed height. She urged the Council to require the developer to stay at the 50-foot guideline. She wondered if hotel parking would be available and free during weekend athletic events and she asked if extended stay could mean 6-12 months. She and others were concerned about how the public might use the park, she said, and she pointed out that loitering had previously taken place at Historic Town Hall.

Council Members said that they liked the rooftop amenity, the green building focus, the park, and the bike share. Several raised concerns about the proposed height next to the Northside Neighborhood. Council Member Ryan pointed out that the maximum primary building height in Town Center 2 was 30 feet when adjacent to a residential zone.

Council Members were not impressed by the proposed design, which some characterized as uninspiring, generic looking, blocky, industrial looking, and not doing justice to the site. Mayor pro tem Parker said that the design seemed disjointed from other new developments in the area.

Several Council Members were not enthusiastic about having a long blank wall along the parking deck. Some objected to the proposal for so much parking when there would be large, new parking decks nearby. They said that a proposed left turn onto South Columbia Street would not work, and Council Member Ryan characterized it as a disaster waiting to happen.

Mayor Hemminger said she liked the idea of turning underutilized spaces at the Downtown entryway into cool places that were needed downtown and thought the developer was on the right track. She pointed out that the proposal would give the Town a property on Pritchard Avenue that could be turned into affordable housing. She liked the reduced number of parking spaces, she said, and she encouraged the applicant to consider reducing it even further. She recommended working with the fire marshal regarding the driveway.

A motion was made by Council Member Buansi, seconded by Council Member Huynh, to continue the Public Hearing to September 22, 2021. The motion carried by a unanimous vote.

20. Open the Public Hearing for Conditional Zoning - Residence Inn and Summit Place Townhomes, 101-111 Erwin Road, Mixed Use-Village-Conditional Zoning District.

[\[21-0600\]](#)

Ms. Johnson gave a PowerPoint presentation on a proposal to expand a Residence Inn by adding 54 rooms and also construct 52 townhomes on a 17.7-acre site along Erwin Road. She said that the southern portion of the site was currently zoned Residential 3/Conditional Zoning District, and the northern piece was zoned Residential 2. The applicant was proposing to rezone the property to Mixed-Use Village/Conditional Zoning District, she said. The original SUP for the Residence Inn had been approved in 2003 and the applicant had installed stormwater retention when the Residence Inn was constructed, she said.

Ms. Johnson indicated a Research Conservation District in the southern portion of the site and said that the applicant was not proposing to encroach upon that. Most of the site's steep slopes were man made and associated with construction of either the Residence Inn or a farm pond that had been built in the 1950s, she said. She noted that there was a northern connection to the recently-approved Christ Community Church.

Ms. Johnson said that the applicant was requesting modifications to

regulations that would allow an increase in the maximum parking spaces (from 101 to 117) and an increase in the amount of steep slope disturbance. A combination of payment in lieu, walking path and common areas was being proposed as the active recreation requirement, she explained. She said that the Town's advisory boards had all recommended approval, with conditions. She recommended that the Council open the public hearing, receive comments, and continue the public hearing to September 1, 2021.

Scott Radway, speaking on behalf of Summit Hospitality LLC, gave a PowerPoint presentation that included details of the project's history and visuals of the site and surrounding areas. He said that the applicant's goal was to develop the project with uses and building heights that were in the Town's Future Land Use Map and to create affordable ownership opportunities. The proposed expansion would essentially replace a two-story building with a four-story one and reorient parking to the north of that, he said.

Mr. Radway explained how the plan had changed from being multi-family during the concept stage to its current proposal for townhomes. He pointed out that hotel parking had been reduced. There was now a right in/right out entrance and stormwater storage capacity had increased. He described how the project had been designed to be a pedestrian-friendly neighborhood. The need for additional parking had resulted from spaces being tucked among the buildings rather than on the street, he said. He pointed out that the proposed 35 percent impervious surface was about half of what was allowed in a mixed-use district.

Mr. Radway said that the two-story townhome building would be 108 feet from the property line. He said that the buffer between the hotel and Summerfield Crossing would remain at 100 feet, although the new building would be three to four feet taller than the current one.

Mr. Radway said that stormwater management improvements would reduce runoff and flooding along the property line. He described a plan to empty the old pond, remove the dam, and put in permanent stormwater facilities. The developer would then build the parking, develop the townhomes, and replace the two-story hotel with a four-story one, he said.

The Council confirmed that adding 0.9 parking spaces per hotel suite was the minimum allowed in the ordinance. They ascertained that Urban Designer Brian Peterson had looked at the townhome community layout. The applicant had incorporated some of Mr. Peterson's suggestions and would follow up with others when they reach the construction plans stage, Mr. Radway said. The Council confirmed that the new hotel building would be about four feet taller than the existing one.

Council Member Ryan verified that the applicant felt it was necessary to move into the 100-foot buffer that had been negotiated with neighbors in 2003 in order to construct their stormwater facility. She asked if the proposed mitigation within that buffer would lead to a loss of trees, and Mr. Radway said he did not yet know.

Mr. Radway explained that the Town's Stormwater Advisory Board had proposed adding a pipe or open channel and leaving 30-40 feet of untouched buffer on both sides. However, that was still conceptual and not part of the current proposal, he said. Council Member Ryan asked him to return with an opinion on whether stormwater could be handled in a different way.

Council Member Stegman asked how the walking paths, which the applicant was counting as recreational space, differed from sidewalks. Mr. Radway explained how they would loop around the neighborhood in a way that would provide the health benefits of walking for both children and adults. She asked if three proposed common areas were playgrounds or community spaces, and he replied that no specifics had yet been proposed for those spaces.

Council Members determined that the affordable housing plan was for seven townhomes, which would be approximately 15 percent of the total units. Four of those would be at 80 percent of the area median income and three would be at 65 percent, Mr. Radway said. He explained that all of the affordable townhomes would have the same character, materials, texture and feel as the market rate ones.

Harvey Krasny, a Summerfield Crossing resident, said that the Town had set limits on the size of the hotel complex in the 2003 SUP and that Marriott Hotels had accepted those terms. He pointed out that the Council had then taken no action in 2006 when Summit asked to change that SUP by replacing an affordable housing component with a payment in lieu. The Town had wisely set limits on the size of the hotel complex, and Summit needed to continue honoring the terms that it had gladly accepted, he said.

Michael Hoppe, a Summersfield Crossing resident, said that cramming so much residential development into such a relatively small place would be in complete disharmony with nearby residential neighborhoods.

Rebecca Smith, a Windhover Subdivision resident, said that a four-story building would dominate the nearby residential areas. She said that stormwater had not been seriously thought out and there would be traffic safety issues on Erwin Road with the addition of 54 townhomes.

Linda Brown, a Summerfield Crossing resident, said that the proposal was an improvement over the 2018 plan and she commended the applicant for the much-needed townhomes and affordable units. She expressed concern, however, about potential stormwater impacts during and after construction and asked the Council to support the Environmental Stewardship Advisory Board's recommendations for construction management. Ms. Brown also said that so many trees had fallen in the wet buffer area that adding a ditch or swale there would not cause problems.

The Council praised the proposal for townhomes and affordable housing, but recommended that the applicant revise aspects of the site plan. Some said that having townhomes on front of busy Erwin Road would not be pleasant and made no sense. Some said that there seemed to be too much concrete and proposed re-configuring the land to allow more space for houses and less for roads. Council Member Stegman recommended reducing the parking.

Council Members advised the applicant to work harder with Town staff on the recreational component. They said that common areas were not the same a recreation space and sidewalks were not walking paths. They stressed that a neighborhood should include community gathering places such as a playground, dog park, clubhouse, splash pads, and so forth.

The Mayor and Council expressed concern about stormwater issues and recommended that staff evaluate the applicant's proposal more heavily. Mayor Hemminger said that she preferred a natural solution to a pipe, since day-lighting improved water quality and helped wildlife. The Town could not allow the applicant to build something that would flood neighbors' properties, she said.

The Council raised concerns about removing part of a buffer that had been negotiated in the 2003 SUP and they encouraged the applicant to find a way to retain the entire 100 feet. The Mayor and several Council Members emphasized their desire to honor previous agreements.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, to continue the Public Hearing to September 1, 2021. The motion carried by a unanimous vote.

APPOINTMENTS

21. Appointments to the Community Policing Advisory Committee. [\[21-0601\]](#)
The Council reappointed Shiala Baldwin to the Community Policing Advisory Committee.
22. Appointments to the Housing Advisory Board. [\[21-0602\]](#)

The Council appointed Brandon Morande, Anthony Parrish, and Alice Jacoby to the Housing Advisory Board.

23. Appointments to the Justice in Action Committee. [\[21-0603\]](#)

The Council reappointed Ruby Garcia and Nul Oh and also appointed Tiki Wendle, and Ryan Phillips to the Justice in Action Committee.

24. Appointments to the Parks, Greenways and Recreation Commission. [\[21-0604\]](#)

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

ADJOURNMENT

The meeting was adjourned at 11:45 p.m.



TOWN OF CHAPEL HILL

Town Council Meeting Minutes - Draft

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

Mayor Pam Hemminger
Mayor pro tem Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Monday, June 28, 2021 **7:00 PM** **Virtual Meeting**

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_hBTJSt08RD2HZ38gclpwJg After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 882 4801 6670

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

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, Transportation Planning Manager Bergen Watterson, Traffic Engineering Manager Kumar Neppalli, Economic Development Officer Dwight Bassett, Stormwater Engineer III Alisha Goldstein, Stormwater Engineer III Mary Beth Meumann, Urban Designer Brian Peterson, Senior Engineer Sue Burke, Communications and Public Affairs Director and Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. She pointed out

that Item 2 had been postponed to September and that the second reading for the Aura project would be first on the agenda.

Mayor Hemminger called the roll and all Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding the Reimagining Safety Task Force Report. [\[21-0627\]](#)

Mayor Hemminger said that the Re-imagining Safety Task Force had presented its final report and that staff would bring a related work plan to the Council in the fall. The Council would be issuing a Mayor's Salute in appreciation of the Task Force's work, she said.

0.02 Mayor Hemminger Regarding Fourth of July Fireworks. [\[21-0628\]](#)

Mayor Hemminger pointed out that the upcoming Fourth of July fireworks at Southern Community Park would be a smaller event this year due to COVID-19. The Town had been working hard to create a safe celebration, she said.

0.03 Mayor Hemminger Regarding Council Summer Break. [\[21-0629\]](#)

Mayor Hemminger said that this would be the Council's last meeting before its summer break. She thanked everyone for working so hard through another difficult pandemic year. Even though the Council would not meet regularly over the summer, the Town would continue to function and Council Members would have small retreat in late August, she said. She expressed pride in the work that the Council had done and said she hoped to be able to meet in person on September 1, 2021.

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

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

0.04 Scott Harrison Request to Allow Comments on Aura Public [\[21-0630\]](#)

Hearing.

Scott Harrison, a Chapel Hill resident, asked to speak about the Aura Development, but Mayor Hemminger pointed out that the public comment period for that item had ended.

0.05 Council Member Ryan on Behalf of Mayor Hemminger, Council Member Stegman, and Council Member Gu Request Regarding Stormwater Storage Basin Projects. [\[21-0631\]](#)

Council Member Ryan presented a petition regarding the Town's Stormwater Storage Basin Project. She said that the petition was on behalf of herself, Mayor Hemminger and Council Members Stegman and Gu. The petition asked the Town Manager to delay soliciting quotations for the design and construction of new flood storage basins on the Lower Booker Creek and Eastwood Lake projects until the Town could re-evaluate and explore alternatives, she explained. She pointed out that Council and community members had raised concerns at a May 5, 2021 meeting about the deforestation and disruption of bottom land ecosystems that accompanied the construction of large stormwater basins.

Council Member Ryan said that the petition also asked staff to revise the goals and criteria for future watershed studies and improvement planning to include preservation of forest, habitat, and natural hydrology as issues to be considered during project design.

A motion was made by Mayor pro tem 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.

0.06 Council Member Gu Regarding School Group Planting Milkweed for Butterflies. [\[21-0632\]](#)

Council Member Gu announced a Planting Milkweeds for Monarch Butterflies event to be held on July 3. The East Chapel Hill High School Monarch Butterfly Club had initiated the event, 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.

1. Approve all Consent Agenda Items. [\[21-0618\]](#)
2. Authorize the Stormwater Management Utility Advisory Board to Review Qualifying Concept Plans. [\[21-0619\]](#)

This item was removed from the agenda.

DISCUSSION

4. Second Reading to Consider an Application for Conditional Zoning - Aura Development, 1000 Martin Luther King, Jr. Blvd. [\[21-0621\]](#)

Assistant Planning Director Judy Johnson said that the proposed Aura Development, on a 16-acre site at the northeast corner of Martin Luther King Jr. Boulevard and Estes Drive, had been through two public hearings and was currently before the Council for a second reading. She pointed out that a revised stipulation included a condition regarding enhanced tree plantings. She recommended that the Council consider enacting revised Ordinance 1, which would begin a technical phase that would ensure that the Aura development complied with the Town's Land Use Management Ordinance (LUMO).

Developer Dan Jewell, of Coulter Jewell Thames LLC, said that the applicant, Trinsic Residential Group, agreed to all stipulations including the additional one regarding tree plantings.

Mayor Hemminger explained that the second reading would require only five affirmative votes to pass. She pointed out that the application had failed to receive a super-majority on the first reading.

Council Member Gu asked what "fully manage" stormwater meant. Hunter Freeman, with McAdams Company, provided a detailed explanation regarding peak flow in the post-development condition being equal to or below pre-development levels at every point of discharge for up to the 100-year storm. Additionally, Mr. Jewell pointed out that the applicant had agreed to a performance standard that would need to be met during the Zoning Compliance Permit stage of the process.

Mayor Hemminger commented on how decisions regarding developments were often difficult when the information was highly technical and there were competing goals and interests involved. It had been deeply disturbing that some Council Members had received threatening and hateful emails from the public and frustrating to see misinformation being disseminated, she said. She said that such behavior eroded trust and did not lead to better decisions and that the Council deserved respect for working hard to reach the best outcome. She hoped that all could agree to disagree respectfully and move forward together, she said.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that O-1 be enacted as amended. The motion carried by the following vote:

- Aye:** 5 - Mayor pro tem Parker, Council Member Anderson, Council Member Stegman, Council Member Huynh, and Council Member Ryan
- Nay:** 3 - Mayor Hemminger, Council Member Buansi, and Council Member Gu

3. Consider Funding the ReVive Recovery Plan with Dollars from the American Rescue Plan. [\[21-0620\]](#)

Economic Development Officer Dwight Bassett proposed using some American Rescue Plan funds for a ReVive Recovery Plan that would target \$200,000 in business grants; \$150,000 in marketing funds for Chapel Hill, specifically Downtown, \$120,000 in Opportunity Grants; \$110,000 for a Downtown Together Initiative; and \$70,000 for Workforce Development.

Mr. Bassett provided details and examples of each plan recommendation and explained how the funds would be dispersed. He commented on activities that staff had been working on as part of the ReVive Recovery Plan and recommended that the Council adopt Resolution 15, which would fund the Plan with American Rescue Plan dollars.

The Council confirmed with Mr. Bassett that \$31,000 had been included for the Downtown Partnership and that the Partnership's director felt comfortable with that amount in addition to other Town funding. The Council verified that business grants would be open for applications once staff had initiated the guidelines.

Mr. Bassett said that opportunity grants tended to be community- and interest-driven and that successfully implementing the proposed two projects, working with Andrea Reusing on vendor opportunities for the parking lot behind the Lantern and Basnight Lane, and improving a temporary structure for the Farmers Market at University Place, probably would take most of the remaining \$90,000. He characterized those projects as good, impactful ones that could benefit downtown as well as the area around University Place.

Council Member Gu asked if opportunity grants would be closed until the Town could determine whether those two projects could work. Mr. Bassett replied that staff was willing to listen to any ideas, and he pointed out that additional American Rescue Plan funds would be available in the future.

Mayor Hemminger said that the Council would be discussing additional American Rescue Plan funds in the fall and would be asking for community input, ideas and initiatives regarding that funding. The ReVive Recovery Plan was just a small piece that needed to be enacted before September,

she explained.

Council Member Huynh asked about the legality of stipulating that a certain percentage of business and opportunity grants must go to women- or minority-owned businesses. Town Attorney Ann Anderson said that she would research that and bring back an answer. Council Member Huynh proposed including such language throughout the materials and setting targets, if doing so was legal.

Michelle Laws, speaking on behalf of the Chapel Hill-Carrboro NAACP Economic Committee, recommended strengthening the resolution's language to say "invest in" women- and minority-owned businesses rather than "embrace" them. She emphasized specifically directing much of the funding to people of color and asked the Council to consider supporting native, non-college-educated residents who work in service and low-wage jobs.

Council Member Huynh proposed changing the language to "invest" rather than "embrace" and amending the plan to include specific targets for opportunity and business grants for minority- and women-owned businesses, if the Town Attorney finds that it would be legal to do so.

Council Member Gu questioned setting percentages, stating that American Rescue Plan funding should go to those who were suffering the most. Council Member Huynh replied that he was proposing a target, not a restriction, and Mr. Bassett commented that 20 percent was reasonable and that the goal could be 50 percent for micro and entrepreneur grants.

A motion was made by Council Member Huynh, seconded by Council Member Buansi that R-3 be adopted as amended. The motion carried by a unanimous vote.

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that Council Member Anderson be excused from the meeting due to technical difficulties. The motion carried by a unanimous vote.

5. Consider Enacting Changes to the Town Noise and Garbage, Trash, and Refuse Ordinances to Remove Criminal Penalties and Clarify the Civil Enforcement Remedies. [\[21-0622\]](#)

Town Manager Maurice Jones said that enactment of the proposal before the Council would remove criminal penalties from noise and garbage ordinances and replace them with civil penalties. It would streamline and clarify civil enforcement of code, add penalties to areas of the ordinances that did not have them, and establish a pathway for addressing repeat offenders, he said. He proposed instituting an escalating fine that would

begin at \$25 and increase up to \$500.

Mr. Jones said that staff had made some clarifying changes and corrected gender specific sections of the ordinances. He provided specifics on each change and said that staff would continue to look at other ordinances where penalties could be converted from criminal to civil and report back to Council in the fall.

Mayor Hemminger said that the changes were a first step and would create a pathway for decriminalizing other Town ordinances as well. She confirmed with the Attorney Anderson that a person, such as a landlord, who allows the noise or trash issue to continue would be held responsible as well. She said that such efforts had been effective in other cities and that she was looking forward to seeing additional similar changes in Town as well.

Mayor pro tem Parker asked how motorcycles and other loud vehicles on Franklin and Rosemary Streets might be included. Attorney Anderson offered to talk with the Police Chief to see if changes were needed in other parts of the code to address street noise. For the most part, the Noise Ordinance related to noise originating in parcels, she said.

Council Members confirmed with Mr. Jones that enforcement would be a combination of actively watching previous violators and responding to citizens' complaints. Council Member Buansi thanked the Town Attorney and Town Manager for diving deeply into the issue, which he and Council Member Stegman had raised in 2018.

Ms. Anderson clarified that "decriminalizing" meant taking a certain aspect away from the court system. However, if a series of fines did not alter the behavior of an egregious offender, the Town would still be able to go to court on a civil basis and get an injunction or order to make the offender stop, she pointed out.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that O-2 be enacted. The motion carried by a unanimous vote.

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.

6. Consider an Application for Special Use Permit Modification for [\[21-0623\]](#)

University Place, 201 S. Estes Drive.

Ms. Johnson pointed out that this was the sixth hearing on a Special-Use Permit (SUP) modification request regarding University Place, a 43-acre site at the northwest corner of Fordham Boulevard and Estes Drive. She showed the area on a map and said that the applicant, RRPV University Chapel Hill Ltd. Partnership, was asking to expand some permitted uses but was not requesting a zoning change.

Ms. Johnson presented several revised stipulations and said that the applicant and Town staff had met with representatives from the adjacent Binkley Baptist Church. The group had decided not to limit University Place to one access because doing so would have a detrimental impact on the church, she said. In addition, a multi-use path in that area would be designed in consultation with the church and any landscape materials that were removed from church property would be replaced with similar types in consultation with the church, she explained.

Ms. Johnson said that additional stipulations included maintaining access to the church at all times during construction and that the applicant would discuss scheduling with them. The applicant would also be required to preserve a 10-foot buffer and keep new structures close to the church at a maximum of 34 feet tall and at least 100 feet from the property line, she said. She said that the parties had also agreed to formalize a pedestrian cross-access easement at the Harris Teeter driveway.

In addition to stipulations pertaining to Binkley Baptist Church, several quantifiers had been added regarding stormwater, Ms. Johnson said. Moreover, staff had recommended that 10 percent of the units be affordable at 65 percent of the area median income, she said. She noted that the applicant and the Farmer's Market had agreed to negotiate a lease.

Ms. Johnson said that staff had reviewed the applicant's Design Standards, and she explained the differences between those and the Blue Hill District's code. She recommended that Council Members consider closing the public hearing and adopting Resolution 6 if they could determine that the application met the following four findings required by the Town's Comprehensive Plan.

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land-Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the

value of contiguous property;

4. Conform to the general plans for the physical development of the Town as embodied in the Land-Use Management Ordinance and in the 2020 Comprehensive Plan.

Attorney for the applicant, LeAnn Brown, said that the applicant agreed with all of the stipulations.

In response to questions from Council, Traffic Engineering Manager Kumar Neppalli reported that a traffic impact analysis had indicated a level of service E-F for the Willow Drive approach to Fordham Boulevard. He said that Willow Drive was not wide enough to build another left-turn lane there and that the Town and NC Department of Transportation (NC-DOT) would need to address that problem. He recommended that the applicant provide a payment in lieu (PIL) for signal timing at the intersection.

The Council confirmed with Urban Designer Brian Peterson that he had suggested some changes to the applicant's Design Standards (DSs), which would be further refined in the future. Council Members verified with Ms. Johnson and Attorney Anderson that the DSs were a condition of SUP approval and that the applicant would need a compelling reason to make them less stringent. Ms. Johnson agreed to provide additional information on how any variances would be handled.

Council Member Ryan asked to strengthen the wording "where possible" regarding tree preservation. She confirmed with stormwater engineer Mary Beth Muemann that the multi-family building would be elevated. She asked Mr. Neppalli if the mitigations he mentioned would address potential 750-foot queues along Willow Drive. He repeated what he had said earlier about plans to improve signal timing and making other changes to the area. Council Member Ryan pointed out that planting trees so close to the road had been an issue with another project, and Ms. Johnson said she would look into that.

Council Member Stegman clarified with Ms. Johnson that the LUMO did not specify how a payment in lieu for trees would work and said she would like to see an agreement on some minimum. She confirmed with Ms. Johnson that other projects in the applicant's plan would meet tree requirements as closely as possible as they unfold.

In response to questions from Council Member Gu, Ashley Saulpaugh, of RAM Realty, described the proposed phasing process and said that full diagrams would be submitted at the Zoning Compliance Permit stage of the process. She commented on a large area of impervious surface, and he replied that overall impervious surface would be reduced by 1.2 acres.

Council Member Gu confirmed with stormwater engineer Mary Beth Muemann that staff's analyses were not able to count stormwater because the site received and discharged it to multiple points. However, the Town did require developers to remove impervious surface and build stormwater control measures based on their approved designs, Ms. Muemann said.

Council Member Gu spoke extensively on the difficulty of judging whether the stormwater system would work and on the lack of a guarantee, such as a bond, in case it failed. Ms. Muemann pointed out that the applicant must meet Town standards. If it turned out that they needed to remove more pervious surface, provide more stormwater management, or do something else in order to meet that standard, then they would have to do that, she said.

Council Member Gu continued to express concerns. Ms. Muemann pointed out that the applicant would be required to use FEMA verified models for flood elevations. She said that staff would review the design to ensure that it was in compliance with Town and other requirements. The Town's Flood Damage Prevention Ordinance required that the applicant show no increase in flood elevations, she said.

Mayor Hemminger clarified with Ms. Johnson and Mr. Saulpaugh that no setback was proposed from Fordham Boulevard because there would be an average 50-foot right-of-way from the edge of that road to the property line. He said that there would be a hedge, planting strip, and a 10-foot multi-use trail there, however.

Mayor Hemminger confirmed that electric vehicle charging stations and pre-wiring in the parking deck would meet Town standards. She expressed support for a combination of tree canopy and payment in lieu, and verified that the applicant had discussed enhancing the existing 10-foot buffer with the Binkley Baptist Church.

In response to a request from Mayor Hemminger for further description of what the proposed apartment building on Willow Drive would look like, the applicant described a three-section building that would have setbacks to break up its mass and length. She confirmed that the building would be 59 feet above street level on the northern end and a maximum of 72 feet near Estes Drive.

Attorney Robert Hornik, speaking on behalf of Binkley Baptist Church, said that the amended stipulations had gone a long way toward addressing his client's concerns. There would be consultations and site visits, and the church would help plan where the 10-foot wide path would go before work on it began, he said. He pointed out that a planned building next to the church had been reduced from 75 to a maximum of 34 feet and that it must be at least 100-feet away from the property line.

Virginia Gray, a Chapel Hill resident, expressed concern about a provision to convert unused commercial space to residential space, and said she hoped the Town would prevent the developer from making that swap. She also characterized the agreement to accept a payment in lieu for part of the tree canopy as disappointing, pointing out that the LUMO required 30 percent and that various Town boards had specified that 30 percent should be the standard. Similarly, the developer was being praised for reducing impervious surface from 78 to 75 percent when various boards and commissions had said that the 70 percent standard should be upheld, she said.

Janet O'Neal, a Binkley Baptist Church member, described why the proposed modifications were so important to the church. She said that interior and exterior sanctuaries were equally important and that greenspace and landscaping were essential to the church's mission.

Julie McClintock, a Chapel Hill resident, asked the Council to deny the application. She said that the cumulative effect of a number of approved upstream projects could make University Place more prone to flooding. The public needed to know what was in the plan and it was difficult to determine whether or not the project met the four findings based on so little information, she said.

Michelle Laws, representing the Chapel Hill-Carrboro NAACP, urged the applicant to reach out to the public housing community located on Fordham Boulevard across from University Place. She said that many who lived there represented some of the Town's most vulnerable, lower income residents. The NAACP could help the applicant engage with that community, she said.

Linda Brown, a Chapel Hill resident, spoke in favor of including affordable retail and dining spaces that would be available to small businesses. She said that the multi-family units should not tower above the surrounding community and that there should be "for sale" affordable units and townhouses. Chapel Hill did not need any more luxury apartments, she said.

Attorney Brown said that the evidence had shown that the proposed SUP modification met the four findings of fact required for approval. The applicant had presented evidence to support those findings through expert testimony, and stipulations had been added to address Town concerns, she said. She said that the burden was on the Council to present any evidence to the contrary.

Ms. Brown pointed out that the applicant had agreed to 137 stipulations and that its Design Standards would become another after it had been

finalized in consultation with Town staff. She said that the LUMO included a provision that allowed modifications to regulations if the Council found that public purposes would be satisfied to an equivalent or greater degree.

Ms. Brown said that the applicant had offered expert testimony regarding its stormwater plan and that competent Town staff could monitor and ensure that proposed stipulations were being followed. The evidence presented indicated that the plan would not affect existing floodplain elevations and that it would reduce some nutrient runoff, she said. She said that the Town had not required any other developer to install a program to monitor water coming off its site and that she was not sure the state would even allow that.

Ms. Brown stated that the several of the proposed modifications would reduce building footprints and create density in a way that would decrease and substantially improve the impervious surface ratio. She said that an un-refuted appraisal had found that the development would maintain or enhance the value of contiguous properties. The applicant's commitment to a 20 percent tree canopy, and a payment in lieu if it could not reach 30 percent, was 7 percent higher than the current requirement, she pointed out.

Council Member Gu asked the Town Attorney how far the applicant could deviate from LUMO expectations. Ms. Anderson replied that it was for the Council to determine that based on finding 2 and the evidence in the record. She said that "public purposes satisfied to an equivalent or greater degree" was the LUMO standard for modifications to regulations and that the Council could not alter that standard with its own analysis.

Council Member Ryan said that she could not approve a development that would cause traffic problems in the area, and she asked if the applicant would agree to have an evaluation of the Willow Drive intersection after Phase 1. She said that she did not think the current iteration complied with two of the four findings. She argued that a public purpose would not be met by allowing a modification to impervious surface regulations and Resource Conservation District standards in a historically flood-prone location. In addition, the streetscape plan did not meet Future Land Use Map (FLUM) principles and did not hold its future large buildings to those Town standards, she said.

Council Member Gu said she had serious concerns about potential health and safety issues due to climate change and runoff from upland developments. It was too risky to allow the Aura project to deviate from tree canopy and impervious surface regulations, she said, emphasizing that stormwater and flooding should be the Town's primary concern.

Mayor pro tem Parker said that the proposed development would improve existing conditions by reducing impervious surface, putting stormwater management in place, reducing parking, flood-proofing many of the facilities there, and increasing tree canopy. He was concerned about the length of the building along Willow Drive but did not feel that rose to a level where the four findings were not met, he said.

Council Member Buansi expressed appreciation for the applicant's efforts to reach a solution with the Binkley Baptist Church. According to staff, the project would come closer to LUMO stormwater standards by reducing impervious surface and improving runoff with no increase in flood elevations, he pointed out. He said that the proposal seemed to meet the four findings but that he probably would see it differently in a Conditional Zoning process.

Mayor Hemminger and Council Members Huynh and Stegman agreed with what Council Members Parker and Buansi had said. Council Member Stegman commented that the plan included many positives such as a reduction in impervious surface, a space for the Farmers Market, affordable rentals, and green space.

Mayor Hemminger pointed out that University Place did need to be redeveloped, and she said that the proposed plan provided an opportunity to get more commercial and incubator space for groups that needed support. Flooding issues would be improved and having more walking and bike lanes was a plus, she said. However, she was concerned about traffic stacking up and the building's mass along Willow Drive, she said.

Ms. Johnson summarized the additional proposed stipulations: A requirement for a follow-up study after completion of Phase 1 to confirm that the Willow/Fordham intersection was performing adequately; and a minimum of 30 percent tree canopy coverage with 20 percent of that being vegetation on site and the remaining being a payment in lieu.

Council Members proposed broadening the follow-up traffic study to include "acceptable queue lengths" and the Binkley Baptist Church in those conversations. Council Member Gu asked for a stipulation to include a 70 percent impervious surface goal or a payment in lieu to improve stormwater if the applicant could not implement that but there was no Council support for that.

Attorney Brown accepted the tree canopy stipulation, but said she was not comfortable with the follow-up traffic study because the applicant was not able to obtain right-of-way to add another lane. Attorney Anderson agreed, noting that having a condition that required an applicant to do something that might not be possible could pose potential future problems for the Town.

After some discussion, the Council and attorneys agreed to stipulate that the developer and Town would work with the Binkley Baptist Church, Willow Terrace Homeowners Association, NC-DOT and other contiguous and adjacent properties to formulate a plan for achieving an acceptable level of service, if that was needed.

The Council voted (6-1) to close the hearing, with Council Member Gu voting nay. Council Member Huynh moved to approve revised Resolution A, and he did not accept a friendly amendment from Council Member Gu to change the impervious surface goal to 80 percent. Council Member Gu moved to include that change but there was no second. The Council voted (5-2) to accept the revised resolution and stipulations, with Council Members Gu and Ryan voting nay.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, to close the evidentiary hearing. The motion carried by the following vote:

Aye: 6 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Stegman, Council Member Huynh, and Council Member Ryan

Nay: 1 - Council Member Gu

Excused: 1 - Council Member Anderson

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-6 adopted as amended. The motion carried by the following vote:

Aye: 5 - Mayor Hemminger, Mayor pro tem Parker, Council Member Buansi, Council Member Stegman, and Council Member Huynh

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

Excused: 1 - Council Member Anderson

ADJOURNMENT

Mayor Hemminger pointed out that the Council was beginning its summer recess and would return in late August.

This meeting was adjourned at 10:35 p.m.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 8., File #: [22-0101], Version: 1

Meeting Date: 2/9/2022

Receive Upcoming Public Hearing Items and Petition Status List.

Staff:

Sabrina Oliver, Director and Town Clerk
Amy Harvey, Deputy Town Clerk

Department:

Communications and Public Affairs



Recommendation(s):

That the Council accept the reports as presented.

Background:

Two pages on our website have been created to track:

- public hearings scheduled for upcoming Council meetings; and
- petitions received, including their status and who you can call for information.

The goal is to provide, in easily available spaces, information that allows people to know when Council will be seeking their comments on a particular topic of development and to know the status of a petition submitted at Council meetings.

In addition to being on the website, these pages will be included in each agenda for Council information,

Fiscal Impact/Resources: Staff time was allocated to create the semi-automated web pages, and additional staff time will be needed for maintenance.



Attachments:

- Scheduled Public Hearings <<https://www.townofchapelhill.org/government/mayor-and-council/council-minutes-and-videos/scheduled-public-hearings>>
- Status of Petitions to Council <<https://www.townofchapelhill.org/government/mayor-and-council/how-to-submit-a-petition/petition-status>>

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By accepting the report, the Council acknowledges receipt of the Scheduled Public Hearings and Status of Petitions to Council lists.

SCHEDULED PUBLIC HEARINGS

This webpage lists public hearings that are scheduled for a *specific Council meeting date*, although periodically, some may be continued to a future date. Public hearings may relate to the Land Use Management Ordinance (LUMO), Residential or Commercial Development, Budget, Transportation, or Housing issues. Meeting materials are posted at [Council Meeting Agendas](#), [Minutes](#) and [Videos](#).

Interested in a development project not yet scheduled for Council review? See the [Development Activity Report](#) for the project's current status.

February 9, 2022

- Open a Legislative Hearing for the Future Consideration of a Parking Payment-in-Lieu System, Land Use Management Ordinance Text Amendment, and Associated Policy.
- CONCEPT PLAN REVIEW: HOMESTEAD ROAD TRI-POINT ([Planning Project #21-083](#))

February 23, 2022

- Initial Budget Public Forum on the Annual Budget, Capital Program, Use of Grants and Related Items, and Potential Legislative Requests

March 23, 2022

- Concept Plan Review: HILLMONT (Planning Project #22-004)

STATUS OF PETITIONS TO COUNCIL

Petitions submitted during the Town Council meetings are added to the list below, typically within five business days of the meeting date.

To contact the department responsible, click on the department name. Meeting materials are posted on the [Council Meetings calendar](#).

Public Initiated		Council Initiated		Closed	
Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status	
01/12/2022	Burwell Ware	Request to Regulate Fast-food Drive-Throughs.	Planning & Development Services	Staff is preparing information to respond to this request.	
01/12/2022	Joel Hornstein	Request for Underground Electric Lines on East Franklin Street.	Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Staff is preparing information to respond to this request.	
01/12/2022	Environmental Stewardship Advisory Board	Request to Adopt New Electrification Policies for Chapel Hill.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff will seek to incorporate information related to this request in the next Climate Action and Response Plan update to Council, in the first quarter of 2022..	
11/17/2021	Kendall Page and Paul Dubbeling	Request to Assign Executive Planning Jurisdiction to Orange County for an Old Lystra Property.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Planning & Development Services	At their 01/12/22 meeting, Council adopted a resolution assigning the exclusive planning and development regulation jurisdiction for PINs 9787-32-6186 and 9787-42-0000 to Orange County.	
11/17/2021	Will Raymond	Request Regarding Ethical Rules Guiding Council, Staff and Advisory Board Conduct.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Mayor Pam Hemminger , Mayor Phone: 919-968-2714	The Council referred the petition to the Mayor and Manager for follow-up.	
11/17/2021	Pristine Onvoha	Request to Prioritize Bolin Creek Restoration.	Public Works Lance Norris , Public Works Director Phone: 919-969-5100 Stormwater	Staff is preparing information to respond to this request.	

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
10/27/2021	John Shearer	Request to Amend the April 14, 2021 Columbarium Request.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Parks & Recreation Phillip Fleischmann , Parks and Recreation Director Phone: 919-968-2785	Staff is preparing information to respond to this request.
10/27/2021	Joseph Patterson III	Request to Ban Through Traffic by Trucks and Buses on Henderson Street and North Street.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Public Works Lance Norris , Public Works Director Phone: 919-969-5100	At their 01/12/22 meeting, Council enacted an ordinance prohibiting "through trucks" on Henderson Street between Rosemary St. and North St., and North St. between Henderson St. and Martin Luther King Jr. Blvd.
10/13/2021	Savannah Bowers	Request Regarding Operational Transparency for Town Government	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Council Committee on Boards and Commissions	Staff is preparing information to respond to this request.
10/13/2021	Joe Patterson	Request Regarding Cobb Terrace and North Street Construction Traffic	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Staff has addressed this with the construction team.
10/13/2021	Tara Kachgal	Request Regarding 110 Jay Street.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
09/22/2021	Joan Rehm and Karin Nelson	Request Regarding Downtown Exhaust Noise.	Police Chris Blue , Police Chief Phone: 919-968-2766	Staff is preparing information to respond to this request.
09/22/2021	Makeda Ma'at	Request Regarding Community Home Trust.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	Staff is preparing information to respond to this request.
09/22/2021	Barry Nakell	Request to Rename Dixie Lane	Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Staff will work with the Council to respond to this request.
09/22/2021	Kate Sayre	Request To Build A Splash Pad in Chapel Hill	Parks & Recreation Phillip Fleischmann , Parks and Recreation Director Phone: 919-968-2785	The Council discussed this at their 10/20/2021 work session. Staff will continue to evaluate locations, specifications, and costs for further Council consideration.
09/01/2021	Tamra Finn	Request to Amend Town Code to Permit Golf Cart Use on Neighborhood Streets.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.
09/01/2021	Joe Patterson	Request for Modifications to the Town of Chapel Hill Noise Control Code.	Police Chris Blue , Police Chief Phone: 919-968-2766	Staff is preparing information to respond to this request.
06/23/2021	Robert Beasley	Request Regarding Affordable Housing at Trinity Court.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	Staff provided information about the project to the petitioner via email. In 2022, the Town will apply for Low Income Housing Tax Credits and the Council will consider a development application for the project.
06/23/2021	Molly McConnell	Request Regarding Amending the LUMO to Allow 30 Feet Buffer from Roadway.	Planning & Development Services	Staff is preparing information to respond to this request.
06/16/2021	Robert Beasley	Request Regarding Proposed Jay Street Apartments and Affordable Housing Development on Public Land Planning Process.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	The feasibility of developing affordable housing on Town properties, including Jay Street, was evaluated several times against a number of factors, dating back to 2017. Staff will continue to work with legal experts to adhere to all relevant statutes.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
06/16/2021	Pamela Cooper	Request Regarding Stormwater Study for Jay Street Site.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079 Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Once the site plan is finalized, the development team will create a stormwater management plan. Although not required, the development team plans to present the plan to the Stormwater Advisory Board before submitting a Conditional Zoning Application.
06/16/2021	Rachel Gray	Request Regarding West Chapel Hill Cemetery.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707 Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	Staff reviewed the 2011 report with its author and does not recommend conducting an investigation of whether there are unmarked or undocumented burials on the 110 Jay Street parcel.
06/09/2021	Elizabeth Youseff on Behalf of the Borgen Project	Request to Send Letter to State Leaders Regarding Global Development Programs.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	The Council received and referred this request to the Mayor and Town Manager for consideration.
06/09/2021	Robert Beasley	Request Regarding Jay Street Land Tract Development Project Funding.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	110 Jay Street was one of five parcels purchased in 2005 with open space bond funding. Town Attorneys and outside counsel have advised there is no legal conflict with repurposing the site for affordable housing after this purchase.
06/09/2021	Deborah Fulghieri	Request that Town Staff Bring Forward Historical and Environmental Information for the Town-Owned Property at Mt. Carmel Church Road and Bennett Road.	Housing & Community Sarah Vinas , Interim Director Phone: 919-969-5079	The Town used open space bond funds to pay closing costs for the land donation. There is no legal conflict with considering alternate uses of a site the Town acquired in this way. Council prioritized the parcel for affordable housing in September 2019.
05/26/2021	Mary Cummings	Request to Ban Gas-Powered Leaf Blowers	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
05/26/2021	Edson Freeman	Request to Allow Miniature Pigs as Pets	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.
05/19/2021	Phil Post	Request to Refer the April 21 Petition Related to 160D to the Planning Commission.	Planning & Development Services Planning Commission	Staff is reviewing this request.
05/19/2021	Chapel Hill Public Library Advisory Board	Request for a Working Group on Equitable Library Funding.	Mayor Pam Hemminger , Mayor Phone: 919-968-2714 Library Susan Brown , Library Director Phone: 919-969-2034 Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Staff will reach out to Orange County to follow up on this request.
04/21/2021	Brown & Bunch, PLLC	Request for Permission to Proceed with Presentation of Proposal for a Columbarium at the Old Chapel Hill Cemetery.	Parks & Recreation Phillip Fleischmann , Parks and Recreation Director Phone: 919-968-2785	The attorney who submitted this petition is no longer representing the plot owner.
04/07/2021	Paul Snow and others	Request Regarding Traffic Model in the Area of Estes and MLK.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	On 05/03/21, the Town Council held a public information meeting on this topic. The public hearing for the Aura development project closed 05/26/21. The Council's final vote on the project was 06/28/21.
02/24/2021	Linda Brown	Regarding 101-111 Development on Erwin Road.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	The project applicant voluntarily submitted a request to receive feedback from the Stormwater Mgmt Utility Advisory Board. The project was discussed at the 04/27/2021 and 05/25/2021 SMUAB meetings.
02/24/2021	Parks, Greenways, and Recreation Commission	Request Regarding Facilities Repair.	Business Management Amy Oland , Business Management Director Phone: 919-969-5017	This request will be evaluated during the upcoming two-thirds bond issuance and the FY22 budget development process.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
11/04/2020	Residents in the area of Mason Farm Rd., Whitehead Circle, and Purefoy Rd	Request Improvements to Neighborhood Infrastructure to Promote Safe Walking and Biking and Improved Connectivity to Adjacent Neighborhoods and Campus.	Planning & Development Services Public Works Lance Norris , Public Works Director Phone: 919-969-5100	Staff is preparing information to respond to this request.
10/28/2020	Stormwater Management Utility Advisory Board	Recommendations Regarding the Development Review Process.	Planning & Development Services Public Works Lance Norris , Public Works Director Phone: 919-969-5100	At their 09/01/21 meeting, the Council adopted a resolution approving this request.
06/10/2020	Community Design Commission	Request to Create a Downtown Design District.	Planning & Development Services	The Town's partnership with UNC on the Downtown Together initiative will help inform the future of downtown development and the role that design standards may have in achieving Downtown Together objectives.
05/20/2020	Elaine McVey	Request to Amend the Land Use Management Ordinance Related to Deer Fencing.	Planning & Development Services	Staff will work to bring forward a LUMO Text Amendment for Council consideration at a future date.
05/20/2020	Parks, Greenways, and Recreation Commission	Request to Designate all 36.2 Acres of the American Legion Property for Use as a Community Park.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	This request will be incorporated into the public engagement process for the future use of the site.
02/26/2020	Carlisle Willard	Request Regarding Proposed Anti-Corruption Resolution.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	The Council received and referred this request to the Mayor and Town Manager for consideration.
02/19/2020	Steve Moore	Request Regarding Cemetery Needs.	Parks & Recreation Phillip Fleischmann , Parks and Recreation Director Phone: 919-968-2785 Communications & Public Affairs Sabrina Oliver , Communications & Public Affairs Director Phone: 919-968-2757	Staff is in contact with the petitioner and is working to respond to the items raised in the petition. The driveways in Old Chapel Hill Cemetery were resurfaced in July 2021.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
01/08/2020	Renuka Soll	Request for an Improved Petition Process.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Additional effort is being made to track and update petition status on this website so that the public has access. Petitioners can contact the Mgr.'s office or responding department if they have questions after reviewing updates.
11/20/2019	John Morris	Request Regarding Local & Regional Transit Planning.	Transit Brian Litchfield , Transit Director Phone: 919-969-4908	The Town continues to work with its transit partners and neighboring agencies to keep community goals at the forefront of local transit planning efforts.
10/02/2019	Daniel Dunn	Request Regarding Government Transparency.	Technology Solutions Scott Clark , CIO Phone: 919-968-2735 Communications & Public Affairs Sabrina Oliver , Communications & Public Affairs Director Phone: 919-968-2757	This information is readily available via a public records request in order to assure accuracy and maintain the security of personally identifiable information.
09/11/2019	East Franklin Neighborhood Steering Committee & Neighbors	Request Regarding Neighborhood Preservation.	Police Chris Blue , Police Chief Phone: 919-968-2766 Planning & Development Services	While this request did not fall within the scope of the Short Term Rental Task Force, staff will continue to work with residents, the University, and other community members on concerns related to student rental housing.
06/26/2019	Julie McClintock	Request Regarding the Blue Hill Form Based Code.	Planning & Development Services	The Council and staff continue to evaluate and update the Blue Hill Form Based Code.
06/26/2019	Community Design Commission	Request for Modifications to the Concept Plan Review Process.	Planning & Development Services	The Council most recently discussed this at their 09/16/2020 work session. Staff is piloting new ways to present Concept Plans to boards, using Town projects as subjects.
04/24/2019	Board of Adjustment	Request Regarding Neighborhood Conservation District Ordinances.	Planning & Development Services	The Town is currently in the process of updating its Land Use Management Ordinance. This idea is under consideration as a part of this process.
04/17/2019	Amy Ryan for Planning Commission	Commission Regarding Site Plan Review Process.	Planning & Development Services	Staff will coordinate with the Council Committee on Boards and Commissions to consider this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
02/13/2019	Citizens	Request Regarding Coal Use and Coal Ash.	Town Manager Ross Tompkins , Assistant to the Town Manager Phone: 919-968-2707	Remediation work is almost complete along the Bolin Creek Trail near the Police Department. UNC is expected to release their Climate Action Plan in 2021, which is expected to address UNC coal use in the future.

Last modified on 2/3/2022 3:15:04 AM



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 9., **File #:** [22-0102], **Version:** 1

Meeting Date: 2/9/2022

Bicycle and Pedestrian Safety Update.

Staff:

Chris Blue, Chief
Donnie Rhoads, Captain
Bergen Watterson, Transportation Planning Manager

Department:

Police
Police
Planning

Overview: The Town of Chapel Hill strives to be a community where bicycling and walking are safe and convenient, everyday choices. Staff work hard to make our policies, ordinances, programs, and infrastructure the best they can be to encourage and support non-motorized transportation. However, the period between December 31, 2021 and February 1, 2022 saw nine people, including five children, injured in six different crashes with people driving cars.

Council will receive an update on Town bicycle-pedestrian safety initiatives and projects, an overview of the recent crashes and Town response, and next steps and upcoming projects to improve safety for vulnerable road users.

Next steps: In response to the recent string of bicycle and pedestrian crashes noted above, the Chapel Hill Police Department has stepped up its crosswalk enforcement efforts, committing to 4-hour operations twice a week for the next 6 weeks at high crash risk locations, and 3 times daily as part of regular traffic operations. In addition, The Town is making interim safety improvements on Estes Drive before the Estes Drive Connectivity Project begins construction in the spring:

- Rectangular Rapid Flashing Beacons (RRFBs) will be installed at the Caswell Rd./Estes Dr. and Somerset Dr./Estes Dr. crosswalks as early as next week, and at the Granville Rd./Estes Dr. crosswalk in March or April.
- Flashing speed display signs are on order and will be installed at the edges of the school zone on Estes Dr. in the next month.

Staff is coordinating with the North Carolina Department of Transportation (NCDOT) to conduct a speed study on Estes Drive and a comprehensive evaluation of traffic signals in Town and potential safety improvements. Additionally, staff will collaborate with the Highway Safety Research Center (HSRC) on additional safety studies and data collection. Finally, a number of capital projects are underway or set to begin soon that will improve safety and accessibility for bicyclists and pedestrians in Town (more detail will be provided in the presentation).



Recommendation(s):

That the Council receive the update and offer feedback.

Key Issues:

- The Town has several ongoing bicycle-pedestrian safety efforts: staff Bike/Ped Team, Vision Zero, Watch for Me NC, and Governors Highway Safety Program enforcement.
- Chapel Hill's Vision Zero program is gaining momentum with the launch of the Executive Committee and several pedestrian safety projects underway around Town.

- In 2019, there were 43 crashes involving bicyclists or pedestrians, including 1 fatality and 0 serious injuries.
- In 2020, there were 38 crashes involving bicyclists or pedestrians, including 1 fatality and 2 serious injuries.
- In 2021, there were 38 crashes involving bicyclists or pedestrians, including 1 fatality and 7 serious injuries.

Fiscal Impact/Resources: The near-term safety improvements require funding; some through a generous donation and another through NCDOT. The policy and enforcement efforts require staff time and resources, including grant funding. The Town has received two years of funding from the Governors Highway Safety Program grant (\$67,000 in FY21 and \$64,450 in FY22) to fund the Vision Zero staff and programming. The Town has applied for a third year of grant funding (\$77,500 for FY23) to continue the program. Staff will consider additional funding opportunities and program needs as part of the FY23 budget discussions.

**Attachments:**

- Draft Staff Presentation

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

PRESENTER: Bergen Watterson, Transportation Planning Manager
Donnie Rhoads, Police Captain

RECOMMENDATION: That the Council receive an update on bicycle and pedestrian safety efforts and offer feedback.

Bicycle and Pedestrian Safety Update

Chapel Hill Town Council Meeting

February 9, 2022

DRAFT



Agenda

Overview of Existing Bike-Ped
Safety Initiatives

Recent Crashes

Town Response

Next Steps/Upcoming Projects

Draft



Staff Bike-Ped Team



Watch for Me NC

- Statewide bike and pedestrian safety program
- Chapel Hill has participated for 12 years
- Tabling at special events
- Bike-ped specific training for police
- Crosswalk enforcement efforts

Draft

Governors Highway Safety Program



- Speed and crosswalk enforcement operations
- 4x monthly
- Paired with variable message boards

Draft

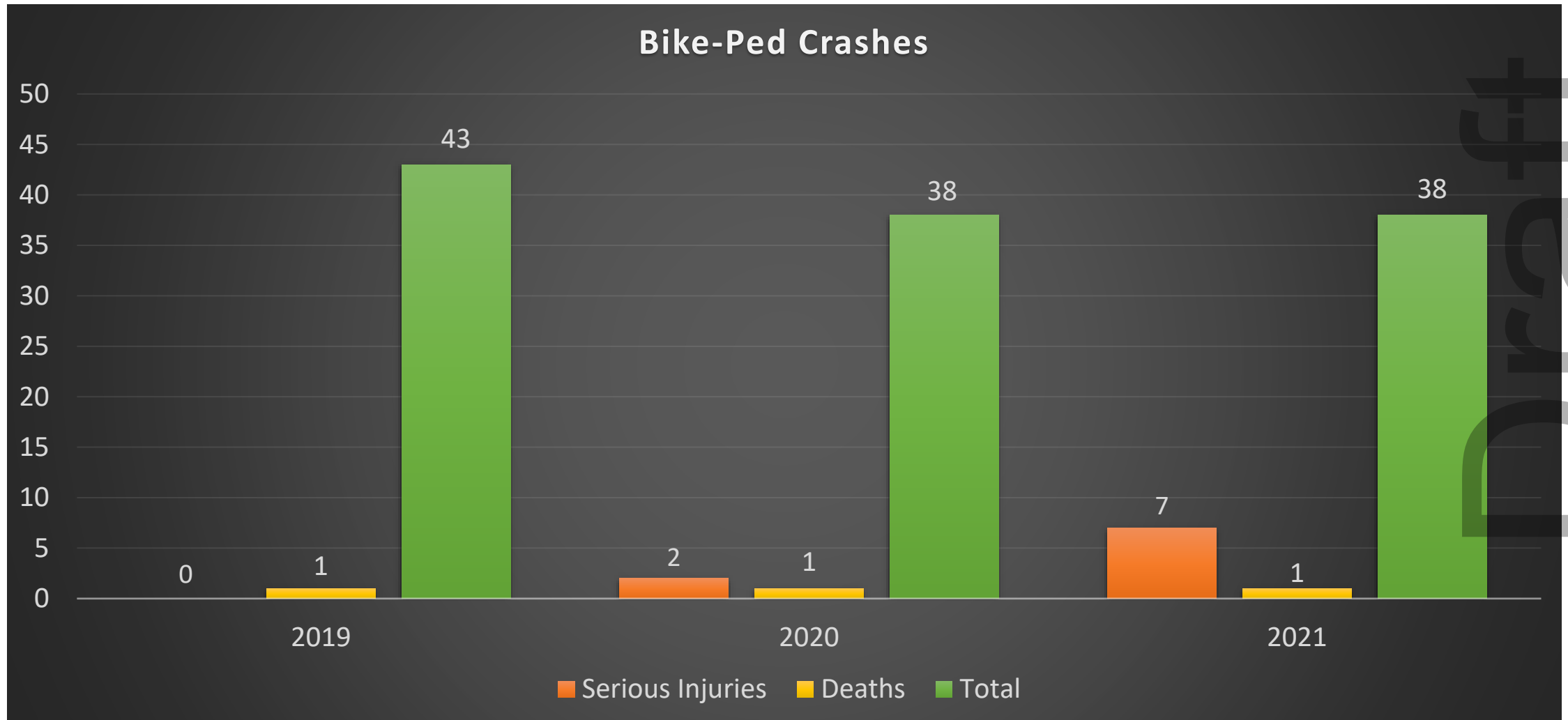
Vision Zero



- Systems approach to road safety
- Data analysis
- Small scale safety improvements
- Crosswalk enforcement
- Community-wide support and involvement



Crash History



Town Response - Enforcement

Chapel Hill Police increase pedestrian safety enforcement: 'If you fail to yield, you will be charged'



Draft

Town Response – Safety Improvements



- RRFBs at Caswell/Estes and Somerset/Estes
- Speed display signs at edges of school zone
- Check lighting, vegetation, paint near crosswalks
- RRFB at Granville/Estes

Draft

Next Steps

- Coordinate with NCDOT on speed safety study on Estes Drive
- NCDOT evaluate locations for Leading Pedestrian Intervals (LPIs)
- Work with Highway Safety Research Center on additional safety studies, data collection, and effective crosswalk treatments
- Continue to implement small scale pedestrian improvements in Town



Upcoming Projects



- Estes Drive Connectivity Project
- W. Franklin St. bike lanes
- Homestead Rd. multiuse path and bike lanes
- Seawell School Rd. sidewalk
- Ephesus Church Rd. bike lanes
- Fordham Sidepath



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 10., File #: [22-0103], Version: 1

Meeting Date: 2/9/2022

Discuss FY 2021 Excess Fund Balance Appropriation.

Staff:

Maurice Jones, Town Manager
Amy Oland, Director

Department:

Manager's Office
Business Management



Recommendation(s):

That the Council receive an update on the Fiscal Year 2021 Excess Fund Balance Appropriation and discuss the intended uses for these funds.

Key Issues:

In spite of the challenges of the pandemic, the Town finished FY 2021 in an incredibly strong financial position. We attribute this to the following factors:

- Conservative budgeting practices - The Town was extremely conservative going into the FY 2021 budget as we recognized that there were numerous factors that we did not know how the pandemic would impact.
- Unexpected sales tax growth - We anticipated a 5% decline from prior year collections, but we actually saw a 15.7% increase over prior year sales tax revenues.
- Personnel savings - The Town typically experiences \$2-3 million in personnel savings each year due to about 10% of the Town's regular positions (60-70) being vacant due to natural attrition from turnover, retirements, etc. However, as a result of the hiring freeze, we had \$5.9 million in personnel savings in FY 2021.

Total fund balance at June 30, 2021 was up by \$7,028,454 (from \$27.3 million to \$34.3 million). Available fund balance is up by \$5.9 million (from \$15.1 million to \$21.0 million). The amount of fund balance that is available to appropriate at the end of FY 2021 is \$7.9 million (35.3%). Available fund balance is the amount remaining after all commitments for future expenditures, required reserves defined by State statutes, and previous designations have been calculated. The Town strives to maintain a targeted available fund balance of 22% of General Fund expenditures (including transfers). FY 2021 expenditures were much lower than is usual as a result of budget cuts and personnel savings due to the hiring freeze. While \$7.9 million is available to appropriate, staff has recommended only appropriating \$4.5 million to ensure we finish FY 2022 at or just above the 22% target.

We discussed one possible funding allocation with Council at the January 5th work session. Based on feedback we received, we made some adjustments to the proposed plan and are offering two alternative scenarios.

Recommended Use	Original Recommendation	Revised Recommendation A	Revised Recommendation B
Classification & Compensation Phase I	\$ 500,000	\$ 500,000	\$ 500,000
Climate Action	500,000	0	0
Affordable Housing/Human Services	500,000	500,000	500,000
Maintenance	500,000	750,000	750,000
Vehicle Replacements	1,000,000	900,000	750,000
Fire Engine	0	750,000	750,000
Streets	500,000	600,000	500,000
Department One-Time Adds	500,000	500,000	250,000
Splash Pad Placeholder	<u>500,000</u>	<u>0</u>	<u>500,000</u>
TOTAL	\$ 4,500,000	\$ 4,500,000	\$ 4,500,000

Classification & Compensation Implementation

\$100,000 was approved in the FY 2020 budget to hire a consultant to perform a compensation and classification study. Council received the results of the study on January 12, 2022. Phase I of the study included moving all employees up to the minimum of the new pay grades and for those who were already at the minimum to help address compression was to provide a 2%/3% of market pay adjustment based on the number of years worked with the Town. \$400,000 was included in the FY 2022 budget towards this first phase of the implementation. At the January 26, 2022 Council meeting, Council approved the new pay plan and approved the appropriation of \$500,000 of excess fund balance for this purpose.

Climate Action

We reduced the original proposal for climate action to \$0. Even with all of the reductions that were made in the FY 2022 budget, Council was able to allocate ½ cent (\$470,000) towards implementation of the climate action plan. Since these funds will recur annually, the excess fund balance could be allocated towards some of the areas that were cut in the FY 2022 budget or that have been historically underfunded.

Affordable Housing/Human Services

Potential uses include:

- COVID-19 human service response and recovery efforts (emergency housing assistance, food distribution coordination, etc.)
- Predevelopment activities for Town affordable housing projects
- Property acquisition for affordable housing
- Racial equity assessment of the Human Services program
- Transitional housing maintenance

Maintenance

There is a current backlog of maintenance projects that were identified in the 5-year budget plan of \$11.4 million. The priority projects recommended here are:

- Post Office/Courthouse Roof Replacement and Cupola Repairs - The project will include exterior repairs to the building including masonry repairs and painting. The estimated cost is \$550,000.
- Town Hall Parking Deck Repairs - The scope of work would address structural maintenance interests and would restore the original concrete surface to mitigate slipping on the deck surface when wet. The estimated cost is \$200,000.

Vehicle Replacements

There is a current backlog of vehicle replacements that were identified in the 5-year budget plan of \$5.6 million. The priority replacements recommended here include:

- 3 Police patrol vehicles and 2 Police crisis unit vehicles
- Solid Waste division pickup truck
- Building Maintenance division van and pickup truck
- Construction division pickup truck
- Streets division pickup truck
- Parks Maintenance division pickup truck, dump truck, multi-purpose mowers/tractors, tractor & boom mower, and riding mowers
- Fire pickup truck

41.7% of the funding would be used to purchase fully electric vehicles. This would purchase seven EVs and four dual charging stations. An additional 16.7% of the funding would be used to purchase three hybrid vehicles. These vehicles are much more efficient and produce less emissions than the vehicles they would be replacing.

Fire Engine

The Town would be replacing Engine 32, which was placed in service in 2009, and was due to be replaced in FY 2021. This new fire engine will be based out of Fire Station 2. The current front line truck will be rotated into the reserve fleet. If the order can be placed in February, it would allow the Town to get on the production schedule for delivery no later than February 2023. Delaying purchase would result in anticipated price increases and a 26 month delivery date.

Streets

There is a current backlog of street resurfacing projects that were identified in the 5-year budget plan of \$14.5 million. The proposed funds would be used to patch, mill, and resurface 14 town-maintained streets totaling 3.4 miles rated poor to very poor condition.

Department One-Time Budget Adds

There is a current backlog of department budget adds of \$9.3 million made up largely of new position requests and operation expansions that are annual expenditures. Potential one-time adds include:

- New software implementations (payroll software, electronic signatures, development review software, community engagement software)
- COVID related supplies, material, cleaning supplies, and materials for workplace modifications
- P&R comprehensive plan
- A-Boom mower for Parks & Recreation

Splash Pad Placeholder

Based on feedback received from Council at the January 5th work session, Council expressed interest to use the excess fund balance to replenish programs that were cut in the FY 2021 budget or that have not had sufficient funding in the last several years. There were concerns about whether this was the best source of funds to use for development of a splash pad. Therefore, we have provided two alternative scenarios - one that keeps the splash pad and one that removes the splash pad from the allocation. If removed, we will look for alternative revenue sources to address this Council and community interest (American Rescue Plan Act, Pay Go Capital, 2/3 bonds)

**Attachments:**

- Draft Staff Presentation
- Response to Council Question - Public Housing Capital Needs and Funding

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

PRESENTER: Maurice Jones, Town Manager
Amy Oland, Business Management Director

RECOMMENDATION: That the Council receive an update on the FY 2021 Excess Fund Balance Appropriation and to provide the opportunity to discuss the intended uses for these funds.

FY 2021 Excess Fund Balance Appropriation Recommendation



February 9, 2022

DRAFT



Strategic Use of Fund Balance

- Strong end to FY 2021
- Recommendation to appropriate \$4.5 million of available fund balance
- Tie back to needs identified in 5-year budget strategy
- Funding provides ability to address:
 - Council & community interests
 - Organizational needs
 - Recovery & restoration from pandemic

DRAFT

Revised Funding Allocation Option

Recommended Use	Original Recommendation	Revised Recommendation A	Revised Recommendation B
Classification & Compensation Phase I	\$ 500,000	\$ 500,000	\$ 500,000
Climate Action	500,000	0	0
Affordable Housing/Human Services	500,000	500,000	500,000
Maintenance	500,000	750,000	750,000
Vehicle Replacements	1,000,000	900,000	750,000
Fire Engine	0	750,000	750,000
Streets	500,000	600,000	500,000
Department One-Time Adds	500,000	500,000	250,000
Splash Pad Placeholder	<u>500,000</u>	<u>0</u>	<u>500,000</u>
TOTAL	\$ 4,500,000	\$ 4,500,000	\$ 4,500,000

Affordable Housing & Human Services

Potential uses include:

- COVID-19 Human Service response and recovery efforts (Emergency Housing Assistance, Food Distribution, etc.)
- Predevelopment activities for Town affordable housing projects
- Property acquisition for affordable housing
- Human Services racial equity assessment
- Transitional Housing maintenance

DRAFT

Maintenance

Priority Projects:

- Post Office/Courthouse Roof Replacement and Cupola Repairs \$ 550,000
- Town Hall Parking Deck Repairs 200,000

NOTE: Backlog of needs identified in 5-year budget strategy is \$11.4M

DRAFT

Vehicle Replacements & Fire Engine

Priority vehicles include:

- Seven electric vehicles and four dual charging stations
- Three hybrid vehicles
- Four regular vehicles, four riding mowers, two-multi-purpose mowers/tractors, and one full-size tractor with boom/side mower
- Fire Engine

NOTE: Backlog of needs identified in 5-year budget strategy = \$5.6M

DRAFT

Streets

Patch, mill, and resurface 14 town-maintained streets totaling 3.4 miles rated poor to very poor condition.

NOTE: Backlog of needs identified in 5-year budget strategy is \$14.5M

DRAFT

Department Adds

Proposed Projects to evaluate include:

- New Software Implementation
- COVID related supplies and materials
- P&R Comprehensive Plan
- A Boom Mower

DRAFT



Questions ?

DRAFT

Council Question:

Please provide a list of the deferred maintenance needs of the Housing Fund.

Staff Response:

HUD's Capital Fund Program provides grants which offers annual funding to all public housing agencies to build, renovate, and/or modernize the public housing in their communities.

Each five-year cycle, the agency submits a proposed budget for 5-years for projects to build, renovate and/or modernize their communities.

Each agency has to obligate the funds within one year of receipt and expend within four years of receipt of the funds. We believe that we are on track to meet the expenditure requirements.

Our past five years of Capital Grant Funds has been obligated for the repair and renovation of our properties in accordance with the Public Housing Master Plan, submitted to Council in April 2019. Unfortunately, many of our repair and redevelopment efforts have been hindered by COVID restrictions and staff shortages. Based on new authority in the [CARES Act](#), HUD has extended the obligation end date and expenditure end date for all open Capital Fund grants for one year, as described in [Notice PIH 2020-05, section 12\(c\)](#).

During preparation of the Public Housing Master Plan, staff contracted with an engineering firm to conduct inspections and perform assessments of all major building systems in each apartment in our public housing communities. The assessment included inspections of structural conditions, electrical, plumbing, and HVAC systems, and all roofing. These inspections and reports helped us determine the lifespans of our major building components of our units. The assessments also identified serious deficiencies and provided cost estimates for replacement or repair of failing deteriorated systems.

Community	Strategy for Preservation (Renovations) Asset Management Project (AMP I)			
	1-to-3-year Objectives	Cost	3-to-5-year Objectives	Cost
Lindsay Street	Concrete Step Repair	\$27,000	Window replacement	\$30,000
			Heating/AC	\$40,500
			Railings and steps upgrade	\$70,500
North Columbia Pritchard Park	Restoration of Fire Unit (Completed)	\$87,976	Energy efficient window replacement	\$30,000
	Electrical Upgrades	\$22,500	Parking lot	\$30,000
	Heating/AC	\$67,500	resurfacing	\$27,000
	Plumbing fixtures	\$66,000	Landscaping	\$28,500
			Appliances replacement	
Airport Gardens	Plumbing	\$114,000	Siding	\$276,000
	Sewer system upgrades	\$80,000	Roofing (Completed)	\$67,600
	Landscaping	\$35,000	Doors & Windows	\$112,000
			Light fixtures	\$7,800

Church Street	Exterior: Siding, roofing Windows, light fixtures, handicap ramps	\$98,000	Interior: cabinets, doors, light fixtures, plumbing, furnace	\$143,000
Totals for AMP I		\$510,000		\$795,300

Strategy for Preservation (Renovations) Asset Management Project (AMP II)				
Community	1-to-3-year Objectives	Cost	3-to-5-year Objectives	Cost
S. Estes	Storm Water Assessment Study	\$300,000		
S. Roberson	Electrical	\$22,600	Parking Lot resurfacing	\$156,000
	Heating	\$67,000	Painting Interiors	\$75,000
	Plumbing	\$76,000		
	Sewer	\$114,000		
Colony Woods	Parking Lot resurfacing	\$145,000	Interior renovations	\$592,689
	Frontage upgrades	\$235,000	Appliances Upgrades	\$40,800
Eastwood	Cabinet renovations	\$85,350	Parking lot resurfacing	\$167,000
	Appliance Upgrades	\$43,520	Community garden development	\$300,000
			Playground upgrade	\$67,500
Oakwood	New Roofs	Completed	Plumbing overhaul	\$132,000
	Concrete repair		Playground Upgrade	\$45,000
Rainbow Heights	New Roofs	Completed	Directional signage	
	Concrete Repair		Curbing	\$67,000
			Resurfacing parking lots	\$32,000
				\$54,450
			Windows upgrades	\$34,000
			Light fixtures	\$22,900
			Handicap ramps	
Totals for AMP II		\$943,470		\$1,786,339

The identified cost was estimates obtained at the beginning of the COVID pandemic (March 2020) and we are in the process of obtaining quotes now to reflect a more accurate picture of the associated costs.

Public Housing Administration	
HVAC System needs replacing	Identified during repair in 2020. Estimated Cost \$15,000
New software for the maintenance and management of our client files and unit portfolio	HAB (Our current provider) would not sign a new contract with us due to the Federal provisions required of all vendors we do business with. Janelle Bailey, as Project Lead, has negotiated a new contract with YARDI. Estimated cost \$19,824
Cameras for dumpster area and community centers to dissuade vandalism and illegal dumping	First bid received from S3NC is \$79,000 . Will receive 2 nd bid from vendor this Thursday (January 27, 2022).
Increased security for Administrative Offices – camera & intercom system	Completed S3NC
Evaluation and assessment of ramp leading to administrative offices	Creating RFQ for Engineering and Architectural proposals
Keyless entry for community centers	May be included with Camera systems
Additional staffing needs – Resident Services Coordinator	\$65,000 annual

Remaining Capital Funding:

<u>Grant</u>	<u>Amount Available</u>
2022	\$ 935,260
2021	853,218
2020	743,913
2019	280,002
2018	<u>9,456</u>
	\$ 2,821,849

The **replacement and repair items** shown above are the plans for the capital funds. While they may show unencumbered in our financial software system, they are obligated with HUD (through LOCCS system). The items on the Administration list are items that we have submitted “exception” memoranda to allow us to use Capital Grant funding as needed.

HUD provides advisory memorandum for all Public Housing Agencies for how to establish protocols during the COVID-19 pandemic. Very similar to the Town's Condition 1.5, it has been suggested that staff reduce unnecessary contact to minimize possible exposure or contraction of the virus. Consistent with both advisory messages, Housing staff made the decision to:

1. Allow remote work when it was feasible
2. Respond to emergency work orders only
3. Advocate appointments for persons needing to meet with Administrative staff
4. Continue efforts to do what we could to make external repairs only
5. Require all family members to wear a mask whenever Maintenance staff is in their home, and if they refuse mechanics will leave the site and report the incident to administration immediately
6. Provide masks to public housing families as they are available
7. Ensure that maintenance personnel use all PPE available: mask, gloves, and booties

While it is true, we are responding to emergency work orders only at this time, many of our heretofore "routine" categories have been upgraded due to weather, age of the residents, and potential for exacerbation:

- No heat calls
- Light bulbs out in interior and exterior areas
- Leaks
- Clogged plumbing

Like many Town departments, we continue to experience staffing issues related to vacancies and exposure to the COVID-19 virus and its variants.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 11., **File #:** [22-0104], **Version:** 2

Meeting Date: 2/9/2022

Concept Plan Review: Homestead Road Tri-Point, 2217 Homestead Road.

See the Staff Report on the next page.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

PRESENTER: Judy Johnson, Assistant Planning Director

- a. Review of process
- b. Presentation by the applicant
- c. Comments from the Community Design Commission
- d. Comments from the Housing Advisory Board
- e. Comments from the Stormwater Management Utility Advisory Board
- f. Comments from the public
- g. Comments and questions from the Mayor and Town Council
- h. Motion to adopt a resolution transmitting Council comments to the applicant.

RECOMMENDATION: That the Council adopt the resolution transmitting comments to the applicant.

CONCEPT PLAN REPORT



CONCEPT PLAN REVIEW: HOMESTEAD ROAD TRI-POINT, 2217 HOMESTEAD ROAD (PROJECT #21-083)

SUMMARY REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
 Colleen Willger, Director
 Judy Johnson, Assistant Director

PROPERTY ADDRESS 2217 Homestead Road	MEETING DATE February 9, 2022	APPLICANT Gurlitz Architecture Group on behalf of GS Homestead LLC
--	---	--

STAFF RECOMMENDATION

That the Council adopt the resolution transmitting comments to the applicant regarding the proposed development.

PROCESS

- The Council will hear the applicant’s presentation, receive comments from the Community Design Commission, Housing Advisory Board, and Stormwater Management Utility Advisory Board, hear public comments, and offer suggestions to the applicant.
- Because this review is a Concept Plan submittal, statements by individual Council members this evening do not represent an official position or commitment on the part of a Council member with respect to the position they may take when and if the Council considers a formal application.
- Advisory Board review dates:
 - Community Design Commission – December 16, 2021
 - Housing Advisory Board – December 9, 2021
 - Stormwater Management Utility Advisory Board – December 15, 2021

DECISION POINTS

- The site is in the South MLK Jr Blvd Focus Area of the Future Land Use Map (FLUM).
- The FLUM identifies Townhomes & Residences and Multifamily Residential as some of the primary land uses.

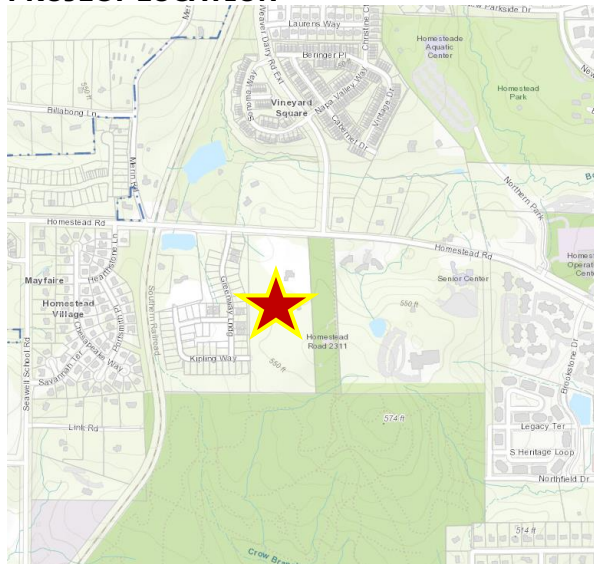
PROJECT OVERVIEW

This approximately 15.7-acre site is located south of Homestead Road, to the east of Courtyards of Homestead. The site is zoned Residential-5-Conditional Zoning District (R-5-CZD). There are currently a single-family dwelling unit and several outbuildings on the property.

The applicant proposes to construct a 100-lot townhome community with 15 percent of the units as affordable. The plan shows a neighborhood green/open spaces. The plan includes street connection to the adjoining Courtyards at Homestead property.

The applicant has consulted with the Town’s Urban Designer. The proposed site plan incorporates elements from that consultation.

PROJECT LOCATION



ATTACHMENTS

1. Long-Range Plans Evaluation
2. Draft Staff Presentation
3. Resolution A, transmitting comments to the applicant
4. Town’s Urban Designer review
5. Advisory Board recommendations
6. Applicant Materials



LONG-RANGE PLANS EVALUATION

Homestead Road Tri-Point

The following report provides an evaluation by Planning staff of the Concept Plan site, based on long-range planning considerations.

PROPERTY ADDRESS 2217 Homestead Road	APPLICANT Gurlitz Architecture Group	CURRENT ZONING DISTRICT Residential-5-Conditional Zoning District (R-5-CZD)
--	--	---

EXISTING LAND USE Rural Residential	PROPOSED LAND USE Townhomes
---	---------------------------------------

SURROUNDING PROPERTIES – EXISTING LAND USES

Courtyards at Homestead single-family dwelling units and University of North Carolina at Chapel Hill's Carolina North forest

FUTURE LAND USE MAP (FLUM) FOCUS AREA

South MLK Jr Blvd


FLUM SUB-AREA

A

OTHER APPLICABLE ADOPTED PLANS

- | | |
|--|---|
| <input checked="" type="checkbox"/> Mobility and Connectivity Plan | <input checked="" type="checkbox"/> Stormwater Management Master Plan |
| <input checked="" type="checkbox"/> Parks Comprehensive Plan | <input checked="" type="checkbox"/> Climate Action and Response Plan (NEW) |
| <input checked="" type="checkbox"/> Greenways Master Plan | <input type="checkbox"/> West Rosemary Street Development Guide |
| <input checked="" type="checkbox"/> Chapel Hill Bike Plan | <input type="checkbox"/> Central West Small Area Plan |
| <input checked="" type="checkbox"/> Cultural Arts Plan | |

SUMMARY OF PLAN CONSIDERATIONS AFFECTING SITE

Map excerpts on following pages demonstrate the Plan Considerations listed below. The location of Homestead Road Tri-Point is marked with the  symbol.

Future Land Use Map (FLUM)

- The site is in the S MLK Jr Blvd Focus Area, Sub-Area A.
- Multifamily Residential and Townhomes & Residences are listed as some of the appropriate primary land uses.
- Typical height in the Sub-Area is 4-6 stories, and may be anywhere from 48 ft. to 72 ft. tall if the average floor to ceiling height is 12 ft.
- A Proposed Connection extends from the site to the adjoining properties to the east and west.
- No features are shown for Transitional Area, Activated Street Frontages, or Future Parks & Open Space on or adjacent to this site.

Mobility and Connectivity Plan

- The Plan does propose multi-use facilities on Homestead Road.
- Future *Bus Rapid Transit (BRT) stations* are located near the site. The applicant should **coordinate with Chapel Hill Transit** for the latest information on BRT design, station locations and any potential connections.

Parks Comprehensive Plan

- The site is near Homestead Park and falls within its Community Park Service Area / Neighborhood Park Service Area.
- No additional Neighborhood Parks or Community Parks are proposed in the vicinity of the site.

Greenways Master Plan

The Plan proposes multi-use facilities along Homestead Road adjacent to this site.

Chapel Hill Bike Plan

- Mapping of future bike facilities is governed by the Mobility and Connectivity Plan. The Bike Plan provides some additional detail on facility design.

Cultural Arts Plan

- The Plan does not identify any opportunities for integrating public art on or adjacent to this site.

Stormwater Management Master Plan

- The site is in the Booker Headwaters Subwatershed (BL6). The applicant should **coordinate with Chapel Hill's Stormwater Management Division** to understand relevant stormwater considerations.

Climate Action and Response Plan (NEW)

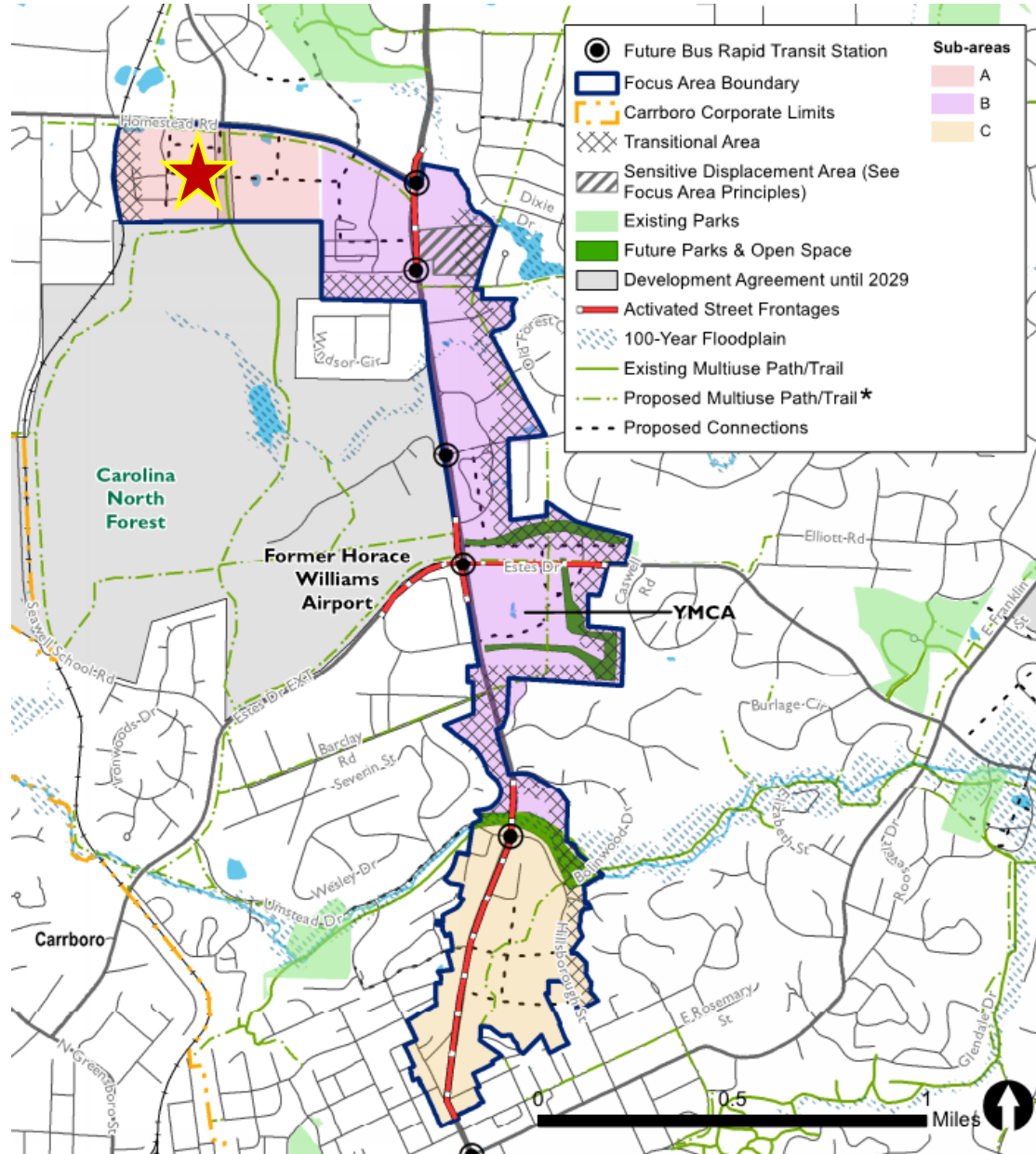
(Note: no map excerpt provided, as the Plan is generally text-based)

- Developing the site in accordance with the Future Land Use Map would contribute to the following Plan actions:
 - Create walkable, bikeable, transit-served neighborhoods
 - Increase bicycling, walking, and transit use
- Conditions for development could contribute to the other actions in the plan such as:
 - Net-zero emissions for new construction
 - Create a town-wide EV charging station network
 - Protect water quality, natural, and agricultural resources
 - Enhance green infrastructure

CONCEPT PLAN REPORT – LONG RANGE PLANS EVALUATION

Homestead Tri-Pointe, 2217 Homestead Road

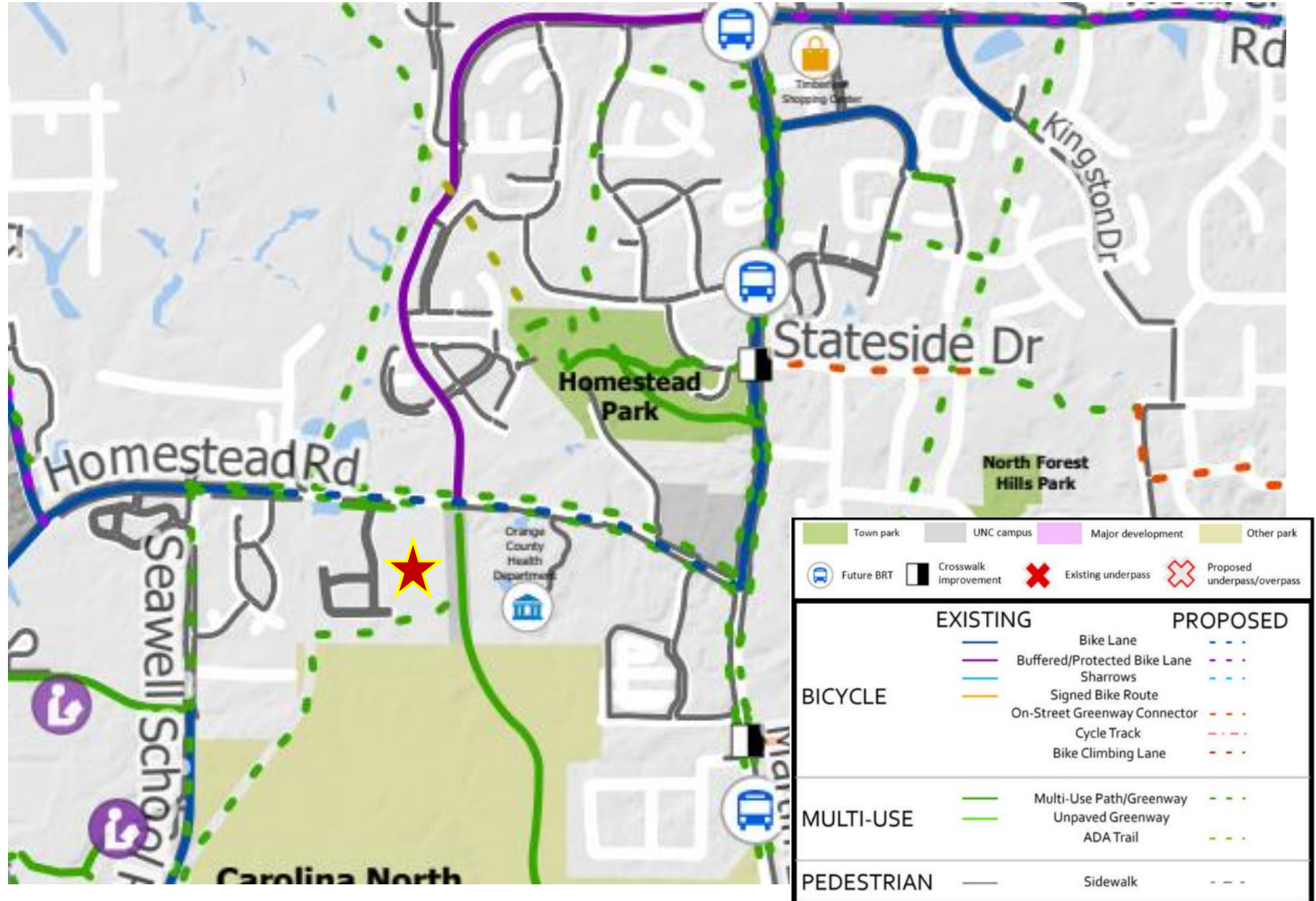
Future Land Use Map (Excerpt)



CONCEPT PLAN REPORT – LONG RANGE PLANS EVALUATION

Homestead Tri-Pointe, 2217 Homestead Road

Mobility and Connectivity Plan (Excerpt)



CONCEPT PLAN REPORT – LONG RANGE PLANS EVALUATION

Homestead Tri-Pointe, 2217 Homestead Road

Parks Comprehensive Plan (Excerpt)

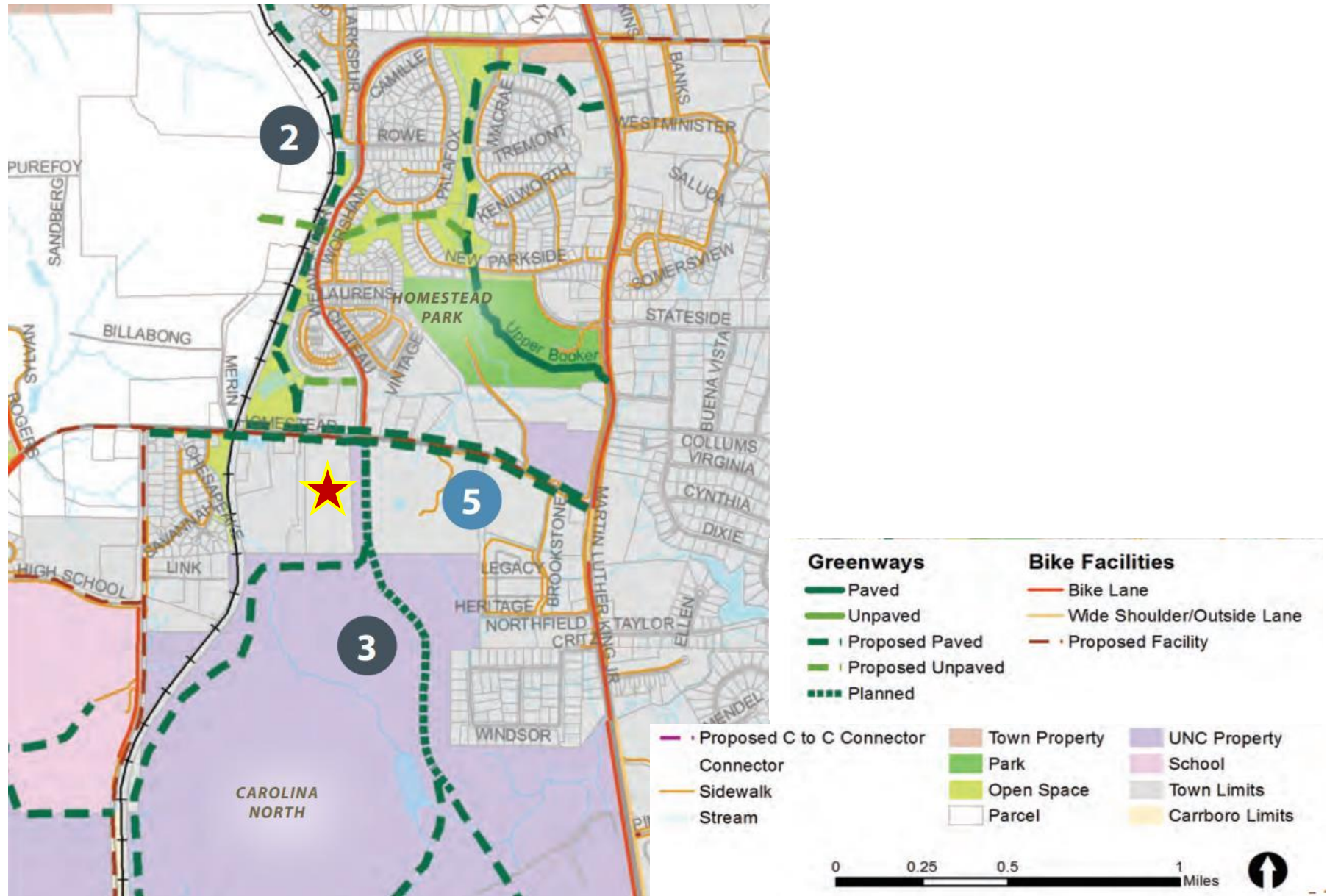


Legend		COMMUNITY PARK FACILITIES (Community Park Serving as Neighborhood Park)	
	Neighborhood Park	1	HOMESTEAD PARK
	Service Radius 1/2 Mile	2	CEDAR FALLS PARK
	Community Park Serving as Neighborhood Park	3	COMMUNITY CENTER PARK
	Proposed Neighborhood Park 1/2 Mile radius	4	SOUTHERN COMMUNITY PARK
	Community Park	NEIGHBORHOOD PARK FACILITIES	
	Service Radius 1.5 Mile	5	NORTH FOREST HILLS PARK
	Proposed Community Park 1.5 Mile radius	6	PRITCHARD PARK
	Chapel Hill Town Limits	7	EPHESUS PARK
		8	UMSTEAD PARK
		9	HARGRAVES PARK
		10	OAKWOOD PARK
		11	MEADOWMONT PARK

CONCEPT PLAN REPORT – LONG RANGE PLANS EVALUATION

Homestead Tri-Pointe, 2217 Homestead Road

Greenways Master Plan (Excerpt)



CONCEPT PLAN REPORT – LONG RANGE PLANS EVALUATION

Homestead Tri-Pointe, 2217 Homestead Road

Cultural Arts Plan (Excerpt)



Legend

Opportunities for Integrating Public Art into Town Master Plans & Action Plans

- Gateway
- Node of Intersecting Plans
- Shared Improvement Corridor
- Entranceway or Major Cross-Connector

Future Non-Street Pedestrian and Transit Facilities

- Future Nature Trail
- Proposed Paved Greenway
- TTA Rail Corridor (Adapted 9-14-05)

Town Public Art: Existing or Funded

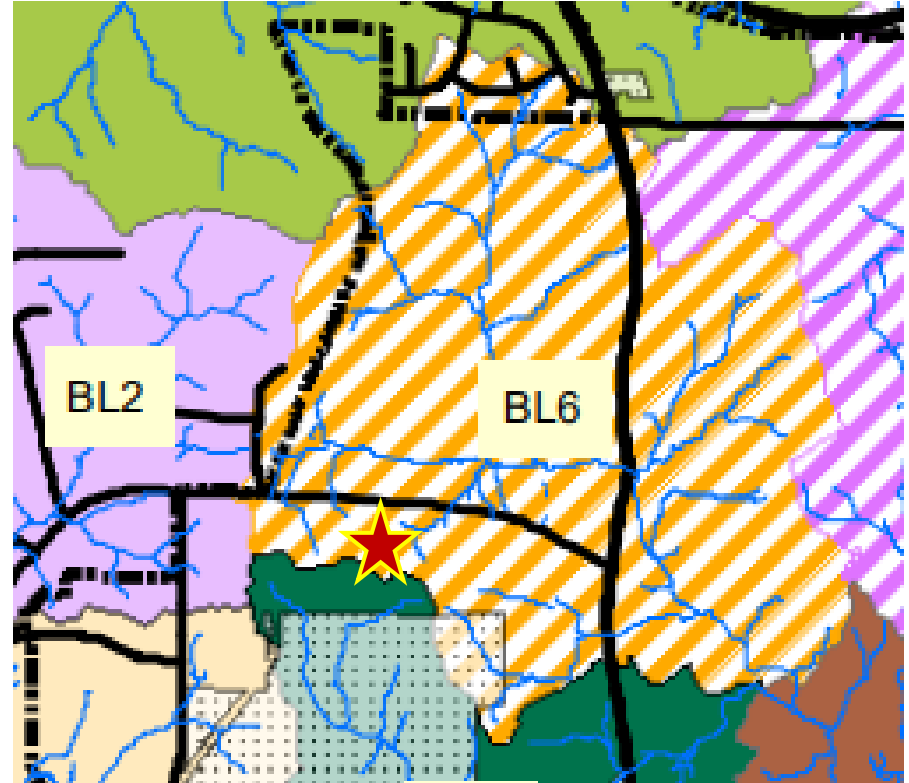
- Existing Public Art
- Funded & Planned Public Art

Public Lands & Town Boundaries

- Town Owned Land
- UNC Owned Land
- Chapel Hill Town Limits
- Chapel Hill Urban Services Boundary



Stormwater Management Master Plan (Excerpt)



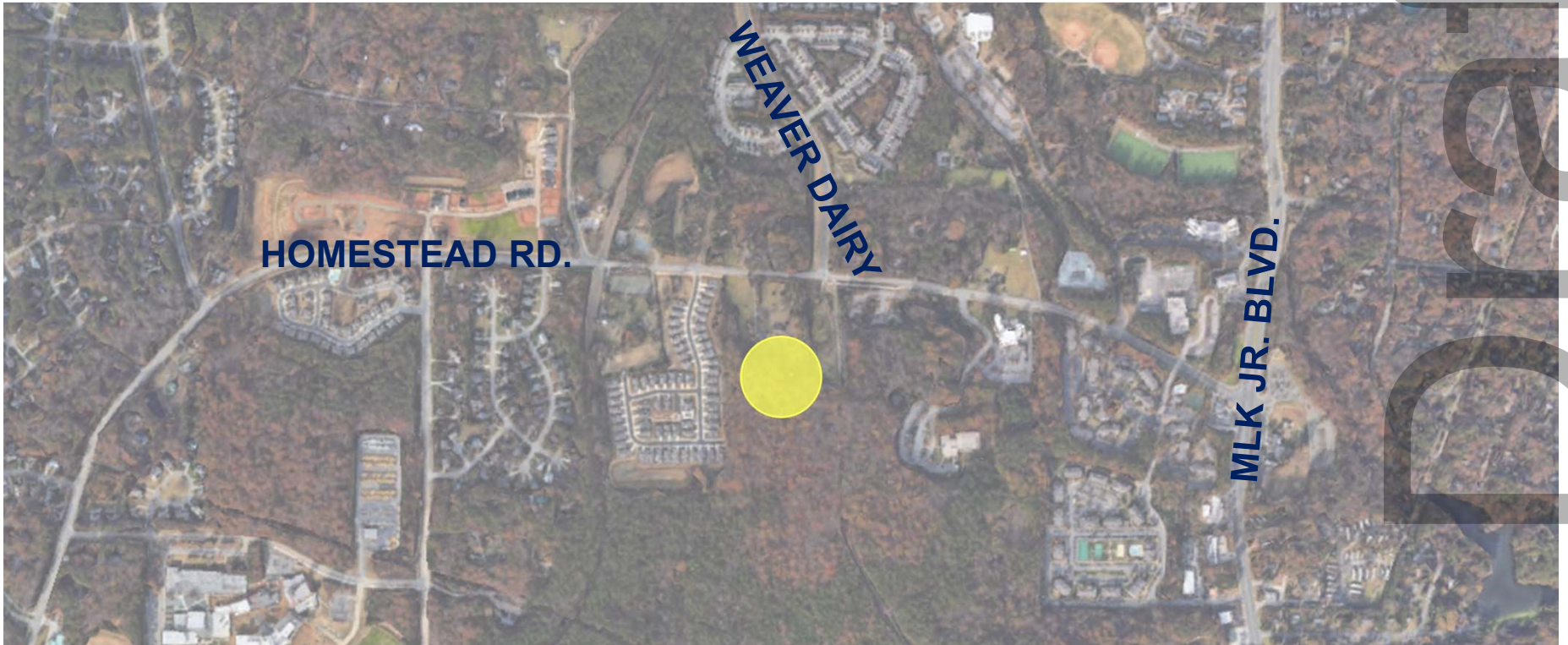


COUNCIL MEETING

CONCEPT PLAN

Homestead Road Tri-Point

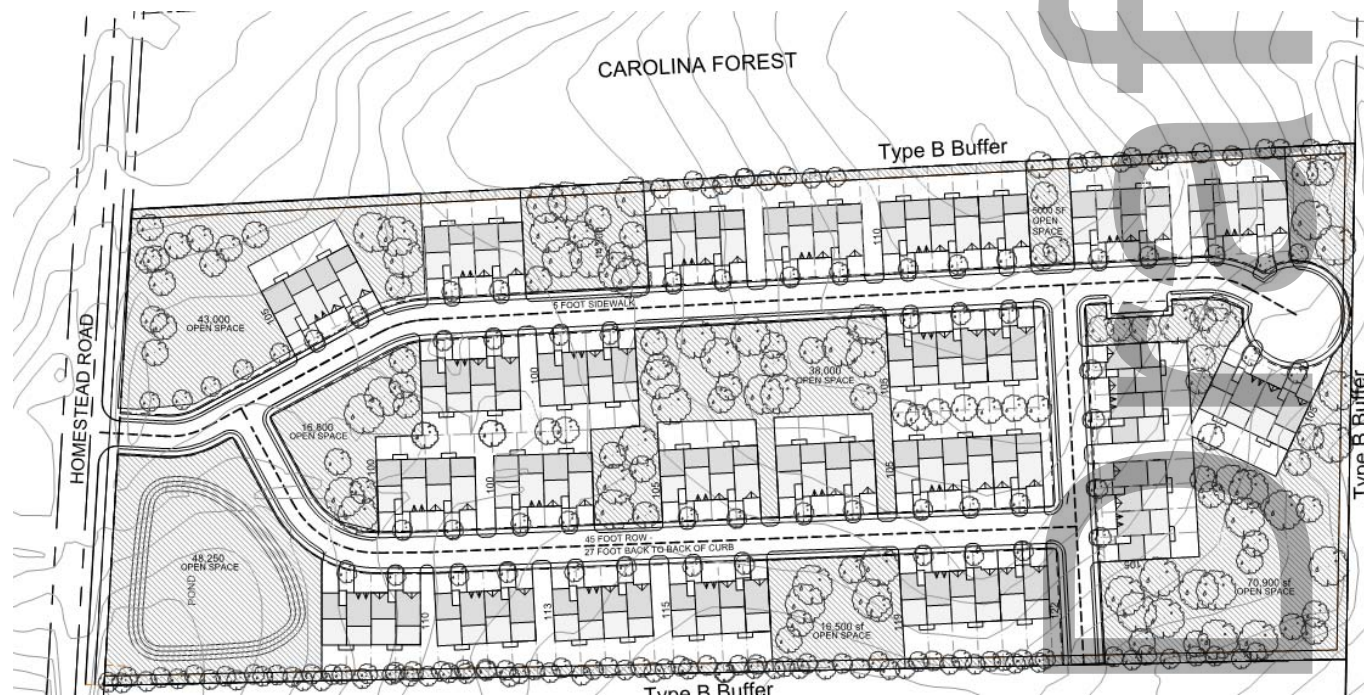
February 9, 2022





RECOMMENDATION

- ❑ Adopt a Resolution, transmitting comments to the Applicant regarding the proposed development (*R-X*)





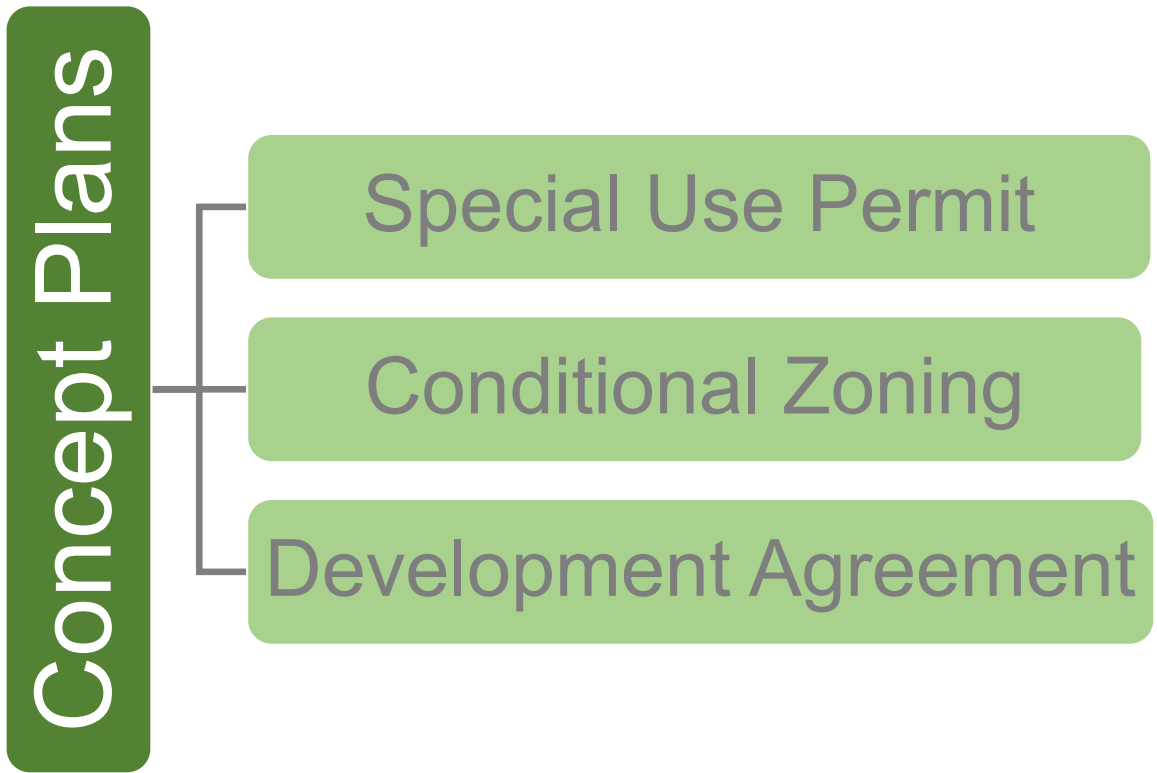
CONCEPT PLANS

- No Decision; Feedback Only
- Applicant provides a rough sketch
- Staff does not conduct a formal review
- Advisory Board preliminary feedback





PROCESS OVERVIEW



Draft



PROJECT SUMMARY

- Existing Zoning R-5-CZD
- 100 Townhomes
- Attached Garages
- Green/Open Spaces

Draft

5



URBAN DESIGN REVIEW

- Architectural treatment of corners – use of pergolas or other architectural details
- Consider rear loaded units
- If front loaded, minimize garage doors by recessing or other architectural element
- Emphasize on front entrances to units
- Opportunity for “Missing Middle” housing

fast
sa
D



COMMENTS

Community Design Commission

- Active open space
- Minimize garage door prominence
- Consider rear garage access
- Appreciate tree preservation
- Minimized grading

Housing Advisory Board

- Connection to greenway
- More affordable units
- Deeper affordability levels
- Like pocket parks
- Diverse housing options

Stormwater Management Utility Advisory Board

- Total capture of runoff
- No impact to adjacent bioretention bed on UNC property
- Landscape and enhancements incorporated into pond site design
- Low impact design
- New stream determination

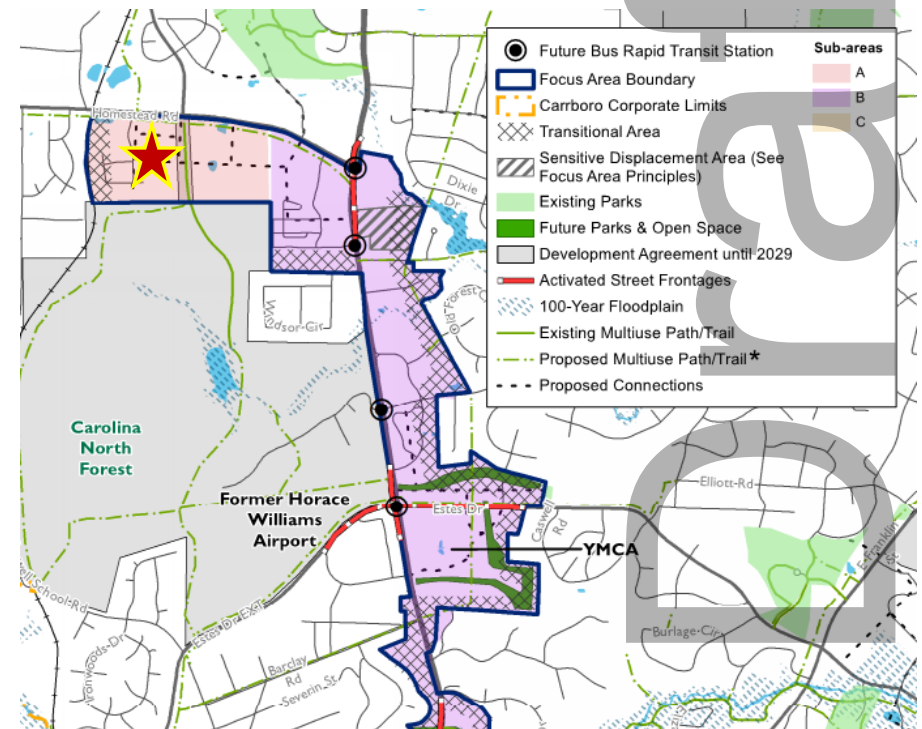




LONG RANGE EVALUATION

□ S MLK Jr Blvd Focus Area

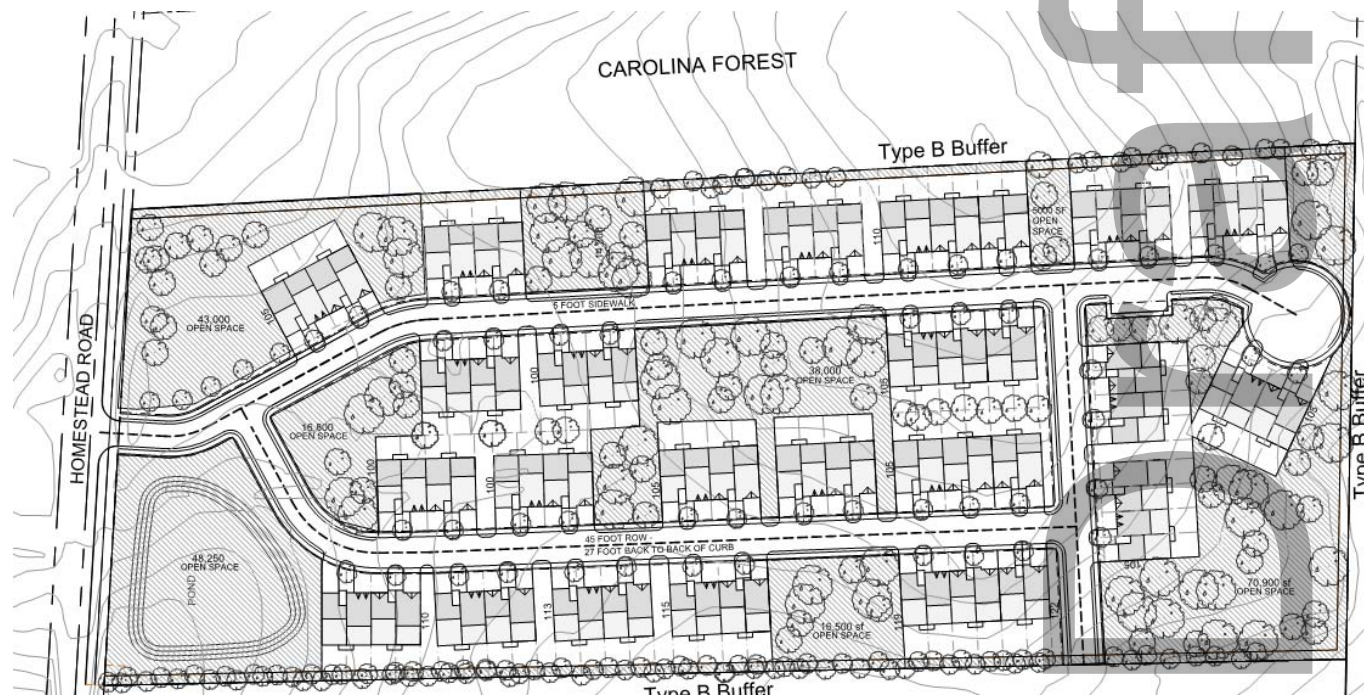
- *Sub Area A*
- *Townhomes & Residences is a Primary land use*
- *Typical Height 4-6 stories (approx. 48-72 ft. if 12ft floor to ceiling height)*
- *Proposed Connection through site*





RECOMMENDATION

- ❑ Adopt a Resolution, transmitting comments to the Applicant regarding the proposed development (*R-X*)



A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR HOMESTEAD ROAD TRI-POINT AT 2217 HOMESTEAD ROAD (PROJECT #21-083) (2022-02-09/R-7)

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill for Homestead Road Tri-Point, further identified by Orange County Parcel Identifier Number 9870-90-7642; and

WHEREAS, the Council has the opportunity tonight to hear this applicant's presentation, receive a set of comments from the Community Design Commission, the Stormwater Management Utility Advisory Board, and the Housing Advisory Board, hear public comments, and offer suggestions to the applicant; and

WHEREAS, the Council has heard presentations from the applicant and members of the public; and

WHEREAS, statements by individual Council members this evening are not an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted to the Council for formal consideration; and

WHEREAS, the Council has discussed the proposal, with Council members offering reactions and suggestions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmits comments to the applicant regarding this proposal, as expressed by Council members during discussions on February 9, 2022 and reflected in minutes of that meeting.

This the 9th day of February, 2022.

Design Review Comments**2217 Homestead Road Tri Pointe Housing**

11-09-21 meeting with applicant team

Prepared by: Brian Peterson, AIA, Urban Designer, TOCH

Notes prepared 11-18-21

The meeting was to review an initial site concept featuring 100 townhouse units.

Site Design

1. Applicant explained that because of the relatively flat site, grading will be less extensive than on a hilly site, allowing for the preservation of some existing trees. On the site plan, there are several areas of tree preservation that form small park-like spaces throughout the site. Suggested to locate these so that they can be interconnected directly by a pathway system that loops through the site. Suggested furnishing some of the parklets with neighborhood amenities such as a children's play area and other gathering spaces.
2. The concept features a grid street plan which provides good connectivity within the site and also connects to the housing development to the west. Sidewalks are provided on both sides of the streets.
3. Suggested making several pedestrian/trail connections to the Carolina North Forest trails on both the east and south sides of the parcel.
4. Along Homestead the homes are set back from the street, creating an opportunity to utilize landscape features to help establish a sense of entrance into the neighborhood. Landscape features in this area can also help contribute to the pedestrian character at the sidewalk edge along Homestead. A few benches or other features could help contribute to the "neighborliness" of the area as one walks along the Homestead sidewalk.
5. The stormwater pond is also located in this vicinity. Suggest designing the pond as an amenity rather than just an engineering necessity. Consider providing a "soft edge" with aquatic plants (more like a wetland environment) and edge features like stone outcrops where one could stand and "watch the tadpoles".

Buildings/Layout

Architectural drawings were not part of the review drawing but some general points were discussed:

6. The units are townhouses, with front loaded garages. Asked if rear loaded units could be provided. The team had looked into it, but the narrowness of the parcel did not leave much flexibility to do this.
7. Since the units will feature the garage in front, the architectural design will be critical to alleviate the sense of garage doors dominating the streetfront elevations. One strategy is to avoid long rows of units, and in this regard is helpful that of the groupings on the site plan are mostly 4 building pods.
8. Discussed the importance of architectural treatment of corners on pod end units. Units on the ends should have building entrances at the corner, with porches, pergolas or other architectural features. The sides of these units should have a composed architectural expression, with ample windows. The elevation character of the sides that face any of the small park spaces are especially important as they will visually prominent.
9. Within each pod, the fronts of the townhouses should be each slightly staggered several feet at least, on order to provide unit differentiation and avoid an overly linear, unbroken street elevation.
10. The garage door can be minimized on the front elevation by recessing it, or providing a visually dominant bay above it.
11. The front entrance to the units should be emphasized with porches, pergolas or other features that extend out to engage the small yard space between units.
12. Noted that these units might be ideal candidates for "Missing Middle" housing: units that are priced to be more attainable than typical market rate housing. Noted that there has been considerable interest from both the Council and the community at large for this type of housing. The housing development that will be built across the street, Bridgepoint, is an example.

HOUSING ADVISORY BOARD
SUMMARY OF A CONCEPT PLAN REVIEW:
2217 HOMESTEAD ROAD
DECEMBER 9, 2021

Key points made by members of the Housing Advisory Board during its review of the concept plan include:

- Like connections to the Town greenway system and that the site is bike friendly.
- Would like to see additional affordable units and at deeper affordability levels.
- Would like to see some 2-bedroom units to achieve more diverse housing types in the site plan.
- Pleased that the application calls out a need for housing UNC employees.
- Like the pocket parks incorporated throughout the site.

One member of the public spoke on the concept plan and provided a variety of comments. Housing-related comments included: happy to see adherence to the Town's inclusionary zoning ordinance and that the project would be a good place for senior housing by incorporating layouts with first floor bedrooms.

Submitted by: Sue Hunter, Chair

Drafted by: Emily Holt, Staff Liaison

CONCEPT PLAN COMMENTS
Homestead Tri-Pointe
COMMUNITY DESIGN COMMISSION

December 16th, 2021

The Community Design Commission conducted a Concept Plan review for the Homestead Tri-Pointe project, 2217 Homestead Rd, at a meeting on December 16th, 2021. The project proposes a townhome community with associated open space.

**Key points made by members of the Commission about the Concept Plan are listed below.*

- Multiple commissioners stated that the community open space should be more defined, meaningful, and unifying for the residents. It should not be broken into small pieces as shown on the Concept Plan. The developer should program the open spaces with amenities to make it more active, such as play equipment and a club house.
- Multiple commissioners expressed concern over how the design makes garage doors prominent, which works against the resident experience. They asked the applicant to consider shared driveways providing rear garage access. This would improve the streetscape for pedestrians and allow more space for on-street visitor parking.
- One commissioner stated that design modifications to minimize garage doors was particularly important for units along the edges of the site.
- One commissioner expressed interest in seeing the various Homestead Road project site plans (e.g. directly across Homestead Road or next door) in conjunction, to better understand how other projects relate to this one.
- Commissioners expressed appreciation for the amount of tree preservation, the minimized approach to grading, and the site entry experience.

CONCEPT PLAN COMMENTS

STORMWATER MANAGEMENT UTILITY ADVISORY BOARD

MEETING DATE: December 15, 2021
PROJECT: 2217 Homestead
BOARD MEMBERS PRESENT: Chad Pickens; Evan Kirk; Janet Clarke; Phil Post; Shugong Wang; Stephan Hearn; Steve Bevington
BOARD MEMBERS ABSENT: Pamela Schultz (exc.); Stefan Klakovich (exc.)

The Stormwater Management Utility Advisory Board (Board) met in a special meeting on Wednesday, December 15, 2021 and received a presentation from Richard Gurlitz. A one hundred townhome development is proposed for the 15.7-acre site. The site is located on the south side of Homestead Rd. and bounded by the Courtyards at Homestead Rd to the west and Carolina North to the east and south. There are no streams or steep slopes present on the site

Board members had the following comments:

- The final plan should continue to show total capture of runoff that is then conveyed to the proposed pond at the front of the site.
- The UNC property adjacent to the east side of the site contains a bioretention bed near the intersection of the greenway and Homestead Rd. The site should manage runoff to prevent impacting this bioretention bed.
- Landscaping and enhancements (e.g., nature-based solution, benches, paths, educational signage) should be incorporated into the pond site design to improve livability.
- Low impact design should be incorporated to reduce total impervious surface. If the connection to Kipling Ln is maintained as emergency access only, reducing the road width should be considered. Also consider street parking in front of the open space areas to reduce pavement for visitor parking.
- The applicant should capitalize on providing educational opportunities at the pond.
- The project requires a new stream determination.

CONCEPT PLAN APPLICATIONParcel Identifier Number (PIN): 9870907548Date: Nov. 11, 2021**Section A: Project Information**Project Name: Homestead Road Tri-PointProperty Address: 2217 Homestead Road, Chapel Hill NC Zip Code: 27516Use Groups (A, B, and/or C): A Existing Zoning District: R-5CZDProject Description: 100 Townhome residences**Section B: Applicant, Owner and/or Contract Purchaser Information****Applicant Information** (to whom correspondence will be mailed)Name: Richard Gurlitz - Gurlitz Architectural GroupAddress: 121 S. Estes Dive Suite 100City: Chapel Hill State: NC Zip Code: 27514Phone: 919-489-9000 Email: richard@gurlitzarchitects.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: _____ Date: November 11, 2021**Owner/Contract Purchaser Information:** **Owner** **Contract Purchaser**Name: GS Homestead LLCAddress: 121 S Estes Drive Suite 100City: Chapel Hill State: NC Zip Code: 27514Phone: 919-489-9000 Email: richard@gurlitzarchitects.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: _____ Date: November 11, 2021

Checklist

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning and Sustainability at (919)968-2728 or at planning@townofchapelhill.org.

X	Application fee (refer to fee schedule)	Amount Paid \$	380
X	Pre-application meeting – with appropriate staff		
X	Digital Files - provide digital files of all plans and documents		
X	Concept Project Fact Sheet		
X	Statement of Compliance with Design Guidelines (1 copies)		
X	Statement of Compliance with Comprehensive Plan (1 copies)		
X	Affordable Housing Proposal, if applicable (Rezoning Policy or Inclusionary Ordinance)		
X	Mailing list of owners of property within 1,000 feet perimeter of subject property (see GIS notification tool)		
X	Mailing fee for above mailing list	Amount Paid \$	\$139
X	Developer’s Program – brief written statement explaining how the existing conditions impact the site design. Including but not limited to:		
	<ul style="list-style-type: none"> • Natural features of site • Access, circulation, and mitigation of traffic impacts • Arrangement and orientation of buildings • Natural vegetation and landscaping • Impact on neighboring properties • Erosion, sedimentation, and stormwater 		
X	Resource Conservation District, Floodplain, & Jordan Buffers Determination - necessary for all submittals		
X	Reduced Site Plan Set (reduced to 8.5"x11")		

Plan Sets (1 copies to be submitted no larger than 24"x36")

Plans should be legible and clearly drawn. All plan sets sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks and buffers
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable

Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names.
- f) 1,000' notification boundary

Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries

Proposed Site Plan

- a) Existing building locations
- b) General location of proposed structures
- c) Parking areas
- d) Open spaces and landscaped areas
- e) Access points and circulation patterns for all modes of transportation
- f) Approximate locations of trails, pedestrian and bicycle connections, transit amenities, and parking areas
- g) Approximate location of major site elements including buildings, open areas, natural features including stream buffers, wetlands, tree stands, and steep slopes
- h) Proposed land uses and approximate location

Tri-Pointe Homestead

Pre-Application Meeting

November 4, 2021 – 11:15 AM - ZOOM

Judy Johnson	Planning
DiAngelo Jones –	DOT
Josh Mayo	Transportation
Alisha Goldstein	Stormwater - PW
Adam Nicholson	Planning
Ernest Odei-Larbi	Public Works
Anya Grahn	Planning – Historic Preservation
Becky McDonnell	Planning
Corey Liles	Long Range Planning

Richard Gurlitz Applicant

On November 4, 2021, a pre-application meeting was held with the above members present via a Zoom conference. The meeting was hosted by Judy Johnson at the Town of Chapel Hill Planning Department. Some of the comments from staff are indicated below:

Judy Johnson- Council wants diverse housing stock – large and small, high, moderate and lower income Unit sizes and price variations.

Recommendation to read the October Rod Stevens Report addressing housing diversity in Chapel Hill.

It was noted that 6 unit clusters would need to be sprinkled

It was noted that this would be a Conditional Zoning. The property is currently shown as R5-CZD with the previous 55+ 200 apartment housing project as a Special Use Permit. It can remain R-5 CZD.

The project needs to be submitted by the fourth Tuesday of the month for start of process in December. (November 23). **Aim for November 16th.**

PROJECT NAME	HOMESTEAD ROAD TRI POINTE
ADDRESS	2217 Homestead Road, Chapel Hill, NC 27516
PROPERTY DESCRIPTION	15.73 acres relatively flat wooded property. There is no RCD on the property or other water related elements
EXISTING LAND USE	Single Family Home on 15.73 Acres
PROPOSED LAND USE	100 Townhomes
ORANGE COUNTY PARCEL IDENTIFIER NUMBERS	PIN 9870907548
EXISTING ZONING	R-5 CZD
PROPOSED ZONING	R-5 CZD
APPLICATION PROCESS	MODIFICATION OF EXISTING SPECIAL USE PERMIT
COMPREHENSIVE PLAN OVERLAY DISTRICTS	FLUM – PART OF SOUTH MLK FOCUS AREA NONE

CONCEPT PLAN TOPICS

3.7 - USE/DENSITY – Section 3.7

Townhomes are a permitted use. The allowable density is 15 units per acre in the current R-5 zone. This project will create 6.34 units per acre. Significantly below the allowable.

3.8 – DIMENSIONAL STANDARDS

The townhome development proposed meets all of the dimensional standards. The allowable density is 15 units/acre. This project at 100 units on 15.73 acres is a lower density of 6.34 units per acre.

3.8 - FLOOR AREA

The allowable Floor Area at a FAR of .303 is 207,615 SF. With the affordable housing square footage bonus, the allowable square footage rises by 15 units x 3400SF = 51000SF for a total of 258,615 SF allowable

4.5.6 - MODIFICATIONS TO REGULATIONS

It is not anticipated that this project will request any modifications to the existing regulations.

5.16 - ADEQUATE PUBLIC SCHOOLS

A CAPS letter for the project was obtained with the existing Special Use Permit. A new letter confirming capacity will be required as a condition of approval.

3.10 – INCLUSIONARY ZONING

This subdivision is requesting a 100 townhome development. Of those, 15 will be reserved for affordable housing. The developer will construct the fifteen townhomes and sell them at the rate indicated in 3.10.8 (c).

5.6.2 - BUFFERS

Type B Buffers are required to the West between this property and the adjacent single family homes. Type C Buffer is required between the property and Homestead Road as a collector street.

5.7 – TREE CANOPY

A 30% Minimum Tree Canopy Coverage is required for this development. For 15.73 acres, this equates to 205,560 SF of canopy coverage. +/-210,000 SF of existing wooded area to remain.

5.9.6 – LANDSCAPE STANDARDS

Parking lots are not included in this proposal.

3.6 – RESOURCE CONSERVATION DISTRICT

There is no RCD on this property – see attached stream determination

5.3.1 – EROSION CONTROL

All erosion control consistent with Town standards as well as Orange County Erosion Control shall be observed during the construction phases of the infrastructure for the subdivision.

5.3.2 _ STEEP SLOPES

There are no steep slopes on this property

5.4 – STORMWATER MANAGEMENT

The primary storm water management system will be to channel run-off from the site through the storm drain piping in the roads to a storm water management pond at the north end of the site. Design of the system will meet or exceed Town of Chapel Hill standards.

3.8 – IMPERVIOUS SURFACE

The residential Impervious Surface requirement is .5. The allowable impervious surface is $(15.73 \times 43560 \times .5 = 342,600 \text{ SF})$. As currently drawn, the impervious surface designed is $<281,500 \text{ SF}$.

5.13 - SOLID WASTE AND RECYCLING

Solid waste and recycling will be per town standards with roll-out containers and public service from the townhome lots.

5.18 - JORDAN RIPARIAN BUFFER

There is no riparian buffer on this site.

5.8 – ROAD IMPROVEMENTS

A 45' right of way local street will be developed and dedicated to the Town. Its dimensions, per the Town of Chapel Hill Public Works Engineering Design Guide will be 27' back to back of curb, three foot planting strip and five foot sidewalks on either side.

5.8 - VEHICULAR ACCESS

Vehicular access shall consist of the publically dedicated roadways internal to the development, a connection as required for fire access for both developments with the neighboring property on the west as the extension of Kipling Lane.

5.8 – BICYCLE IMPROVEMENTS

A ten foot multi-use sidewalk will be constructed along the Homestead Road frontage as per the conditions of the existing Special Use Permit. It is intended to be extended across the UNC frontage to link with the existing sidewalk. Coordination for easements with UNC has been accomplished.

5.8 – PEDESTRIAN IMPROVEMENTS

Pedestrian improvements will be incorporated with the 10' multi-use sidewalk along Homestead Road, sidewalks throughout the project, and a pedestrian trail connector at the southern edge of the property to connect to the UNC greenway trails.

5.9 – TRAFFIC IMPACT ANALYSIS

It is anticipated that a traffic impact analysis will be prepared for this project.

5.9 – VEHICULAR PARKING

Private parking for each of the townhomes includes a one or two car garage as well as spaces in the driveway. Additional visitor parking will be provided in several locations around the site.

5.8 – TRANSIT

Bus service is currently available to this site on the HS route. The bus stop on Homestead Road is in close proximity to the entry road.

5.9 – BICYCLE PARKING

Bicycle parking will be provided at recreation points throughout the project for temporary use. Overnight bicycle storage will not be provided.

5.9 – PARKING LOT STANDARDS

There are no parking lots included with this project.

5.5 RECREATION AREA

Recreation will be provided on site within the Open Space areas. Active and passive recreation will be coordinated with Parks and Recreation as appropriate for the site. It is anticipated that 25% of the required recreation space will be made as a payment in lieu.

5.11 – LIGHTING PLAN

The lighting for the project will all be street lighting in the public right of way and will conform to street design standards.

4.6 – HOMEOWNERS ASSOCIATION

A Homeowners Association will be formed for this neighborhood and meet all the requirements for maintenance and stormwater SCM's as necessary.

This project complies with the Town of Chapel Hill Development Ordinance and Design Guidelines. The project further complies with the 2020 Comprehensive Plan and the current zoning for the uses.

Project Description

The project consists of developing a +/- 15-acre parcel that currently has one single-family residence on it. The project includes 100 new townhomes, roadways, connections to existing roadway systems, new sewer and water connections to current OWASA services, grading the site for constructability, stormwater management, and installation of Duke Power services as well as Communications extensions. Included in the Developers program is provision for affordable housing in accordance with the Town of Chapel Hill's guidelines.

It is intended that this project comply with all applicable Town zoning regulations and design standards. These include but are not limited to stream regulations, steep slopes, tree preservation, erosion and sedimentation control, stormwater management, solid waste management and utilities.

All improvements to the site will adhere to the Design Guidelines in accordance with the Town of Chapel Hill. The proposed improvements will comply with the requirements set forth by the Land Use Management Ordinance (LUMO) and the Zoning Ordinance. It is anticipated that a modification of the existing Special Use Permit will be required for this project. The property is currently zoned R-5 CZD. The following goals will be met:

- All buildings are located such that setbacks and building height limitations are in accordance with standards.
- Tree Canopy area meets or exceeds minimum requirements.
- Impervious surface will be below the maximum threshold and open space will be maximized.
- Buffers meet or exceed the Ordinance requirements.
- Street Trees will be planted.
- Stormwater management will be designed in locations that follow existing drainage patterns seeking to maintain current flow patterns and reduce grading where possible.
- On site utilities, will be installed underground wherever possible.
- On Site Recreation will be provided as well as 25% of required Recreation delivered as a payment in lieu.

Compliance with the Comprehensive Plan

The sections of the 2020 Comprehensive Plan that are particularly applicable to this project focus on the need in the community to provide a variety of housing types- Big Idea number 4. We believe that providing both the lots for affordable housing as a component of this development, as well as the development as-a-whole providing lots for a townhouse community, meets the expectations and accomplishes the goals of the 2020 Comprehensive Plan. This project responds to the Themes and Goals in Chapter 3 of the Comprehensive Plan as follows:

1. *A Place for Everyone* -

The need for affordable housing is clear in the first theme. This project provides for both mid- range housing in the townhomes as well as the affordable housing indicated in the LUMO.

2. *Community Prosperity and Engagement*

A key element in prosperity and engagement, the second theme, is “sustaining healthy neighborhoods”. This project provides new housing in a locus of existing R-5 neighborhoods, expanding the same fabric of that neighborhood.

3. *Getting Around*

Key in the Getting Around theme is linking neighborhoods to thriving greenways, sidewalks, bicycle amenities and other options. The proximity of this project to the existing Carolina North Forest greenway & trails, and the anticipated payment in lieu providing support for the continued operation of the nearby Homestead Park and the Carolina North Forest’s greenway and bicycle friendly neighboring property indicates the contribution this project will make to keeping Chapel Hill greenway and park facilities thriving.

4. *Good Places New Spaces*

This theme talks about “balancing respect for the old with the prospect of the new”. This development as a continuation of the existing density and housing type of its neighbors, respects its neighborhood, but will provide an updated and newer version of this housing type.

5. *Nurturing Our Community*

Environmental Sustainability and aspects of people’s interaction with the natural habitat from parks and open spaces are the focus of this theme. With the existing wooded areas of UNC surrounding it to remain, there is great opportunity for the residents to interact with the immediate natural habitat. The proximity of Homestead Park, The Senior Center Southern Human Services Center and the Carolina North Forest, greenway and trails abutting the property, virtually insures that the residents will have the ability to take advantage of the Town and County park facilities.

6. *Town and Gown Collaboration*

While there is no direct linkage between this project and the University, there is every likelihood that a significant number of the residents will in some way be associated with UNC. Providing housing for primarily UNC employees will be a major impact of this project on the Town and Gown relationship. It is not anticipated nor is it a goal of the developers that this project will provide student housing.

The 2050 Future Land Use Map, (FLUM) South MLK Boulevard Focus Area indicates that this site has a primary use as multi-family, as Sub Area A, with townhomes as the recommended housing type.

In recent conversations with Brian Peterson in the Town Manager's office, the preference for providing housing in Chapel Hill that addresses the "Missing Middle" has been addressed. Chapel Hill has a substantial inventory of single family homes. It also has recently developed a significant inventory of Apartments. Townhomes represent a form of "missing middle" housing types. Although there are certainly other townhome communities in Chapel Hill, they are under-represented overall. This project will help address that shortage.

A formal Affordable Housing Proposal has not been crafted at this point, however, this project commits to providing affordable housing as a component of its development. The project will develop 100 Townhome properties. Fifteen of the townhomes will be constructed by the developer and sold to the town or its designee at the rate indicted in the Land Use Ordinance Section 3.10.9 Price of Affordable Dwelling Units or Lots.

Of the fifteen affordable units sold, the sales price of 8 units will be based on household incomes at 65% of median. The remaining 7 units will have a sales price based on household incomes at 80% of median. At this writing, the median income is \$73,614. The income levels will therefore be: 65%AMI = \$47,849 and 80% AMI= \$58,891.

It is the intent of this project to provide the affordable housing on site in units distributed throughout the site and aesthetically equal to the remaining townhomes. The square footage, number of bedrooms and baths as well as garage space shall be consistent with the market rate units sold at equivalent value.

The affordable housing shall be completed and be available at roughly the same time as the market rate housing. It is intended that this project be built out in its entirety.

The appearance of the affordable units will be comparable in material and finishes to the market rate units.

Goals and Objectives:

The program for the project is to develop housing complementary to the nearby communities along Homestead Road and consistent with the 2020 Comprehensive Plan as well as the FLUM.

Natural Features of the Site

The geometry of the site is rectangular and bounded on the North face by Homestead Rd, on the East & South faces by the Carolina North Forest and on the West by a newer cottage style retirement community. The site generally slopes gently from the southeast corner to the northwest corner.

Circulation and Mitigation of Traffic impacts

Following both the geometry of the site and the topography, the townhomes are laid out following the northeast and northwest facing boundaries and the resulting roads. There is internal circulation on the site as well as fire access from both Kipling Lane as well as Homestead Road. The Kipling Lane access point additionally provides a second means of access for the neighboring development. The main road connects to the adjacent, previously stubbed out Kipling Lane of the bordering Western property. Bus service is available along Homestead road for some mitigation of traffic impacts. Homestead road has been designed for an additional center lane. This property has already dedicated additional right-of-way to accommodate that improvement. Discussions with DOT have indicated that main access road will be located to provide sufficient storage space on Homestead for turning vehicles in the center lane.

Arrangement and Orientation of Buildings

The buildings are arranged in clusters surrounding preserved open spaces with existing hardwood forest. The rectilinear orientation allows for many of the homes to face the wooded areas. The townhomes are arranged in clusters of primarily four units with a few six unit clusters. The lots are generally 110 feet deep. The orientation of the lots and their depth allow for some privacy mitigation on backyard to backyard conditions.

Natural Vegetation and Landscape

Large areas of natural vegetation are intended to be preserved among the townhome clusters. The site is very flat and minimal grading will be required to achieve the building pads at grade. This allows larger areas of existing wooded areas to be preserved. The landscaping included will consist of street trees as required along the major public roadways, and landscaped buffers where required along the neighboring properties.

Impact on Neighboring Properties

The property is surrounded on three sides with permanent open space as dedicated parkland on the south and east, and Homestead Road on the north. The immediate western neighborhood is a development at 3.5 units per acre. The impact of this property on that neighborhood will be the completion of its required fire access road. The properties being developed across Homestead Road from this property is a townhome community with similar density. It is also anticipated that development of this parcel will help alleviate a stormwater flow problem that currently exists on the neighboring properties.

Erosion, Sedimentation and Stormwater

Erosion and sedimentation will only be a factor during the construction phase of the development. During that phase, all applicable Orange County erosion control measures will be undertaken as part of the approval and inspection process.

Stormwater management will consist of routing water from the impervious surfaces of roof and roadway to collection and conveyances leading to a detention pond facility on site. Currently heavy rains from this site naturally drain to the neighboring property. Development of this property should have the effect of channeling much of the migrating flow from crossing the property line to being channeled to the stormwater management devices thus improving the flow conditions naturally occurring during heavy rain events.

The stream determination performed by the Town indicated that there was an ephemeral stream near the south east boundary of the property, but that there were no streams at all on the property. See Attachment 9 provided with the submittal.

Additionally, the property is not within the Jordan lake Watershed Protection District.



**PUBLIC WORKS DEPARTMENT
STORMWATER MANAGEMENT DIVISION**

405 Martin Luther King, Jr. Blvd.
Chapel Hill, NC 27514-5705
Telephone (919) 969-7246
Fax (919) 969-7276
www.townofchapelhill.org

11/22/2016

Richard Gurlitz
121 S. Estes Drive Suite 100
Chapel Hill, NC 27514

RE: Stream Determination for Parcel # 9870-90-7548

Dear Mr. Gurlitz:

As requested, the Town Public Works Department has performed a stream determination on the properties identified on the attached forms. This determination indicates whether different types of streams (perennial, intermittent, and/or ephemeral) or perennial waterbodies are present on the property in question or on nearby properties. These streams and their classifications are shown on the accompanying map. Stream segments regulated by the Jordan Lake Stream Buffer ordinance are highlighted. **Locations of all features on the map are approximate and must be field surveyed for precise location.**

This stream determination information is used to determine the location and extent of the Resource Conservation District and the Jordan Lake Watershed Riparian Buffer. Specific land use regulations and restrictions apply within the boundaries of these protected areas. If you are considering any kind of work on your property, including clearing vegetation, paving, grading, or building, please consult with the Town Planning Department to determine the possible extent of the Resource Conservation District and Jordan Lake Watershed Riparian Buffer on your property and corresponding regulations.

This classification will remain in effect for five years from the date of the site visit before a request for reclassification will be considered, unless the stream channel characteristics are significantly altered as a result of watershed changes.

In accordance with the Town's procedures, you may appeal this administrative decision to the Town Manager. If you wish to do so, you must file your written appeal accompanied by any materials you believe support your appeal, within **30** days of receipt of this letter.

If you have questions regarding stream determinations, please contact me at (919) 969-5083. If you have questions regarding the Town's Resource Conservation Districts or the Jordan Watershed Riparian Buffer regulations, please contact the Planning Department at (919) 968-2728, or view information online at <http://www.townofchapelhill.org/town-hall/departments-services/public-works/stormwater-management/regulations-ordinances>.

Regards,

Dave Milkereit
Stormwater Specialist



**PUBLIC WORKS DEPARTMENT
STORMWATER MANAGEMENT DIVISION**

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STREAM DETERMINATION SITE VISIT RESULTS

Property Information	
Parcel ID Number (PIN)	Address / Location Description
9870-90-7548	2217 Homestead Rd

These are the results of a site visit to the properties listed above for a stream determination conducted on 11/18/2016 by Town Staff:

- No perennial, intermittent, or ephemeral streams or perennial waterbodies were identified on or near the property(ies) in question.
- Perennial, intermittent, or ephemeral streams, or perennial waterbodies, were identified on or near the property(ies) in question and shown on the attached map(s).

A map showing water features, their Town flow classifications, presence of Jordan Watershed Riparian Buffers, and their approximate locations is attached. Origins or breakpoints that have been flagged in the field are marked on the map. Stream classification forms and additional site visit notes and maps are also attached.














Other conditions exist which may affect the location of the Resource Conservation District or Jordan Watershed Riparian Buffer:

- FEMA floodzone is mapped in the area. Precise location of the Base Flood Elevation and associated Resource Conservation District must determined by a field survey commissioned by the owner or a representative.
- Segments of perennial or intermittent stream are piped in the area, as shown on the map. These segments do not have an associated Jordan Watershed Riparian Buffer.
- Possible Jurisdictional Wetlands have been identified in the area. A formal review by a professional certified in Jurisdictional Wetland Delineation is recommended.

Town Staff signature

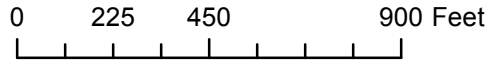
11/22/2016
date

Stream Determination Area Map

- - - Ephemeral Stream
- · - Intermittent Stream
- Perennial Stream
-  Culverts
-  2-foot Contours
-  10-foot Contours
-  Buildings
-  Parcels
-  Site visited
-  Non-regulated Waterbody
-  Non-perennial Waterbody
-  Perennial Waterbody
-  Approximate Jordan Buffer
-  Ephemeral Breakpoint
-  Intermittent Breakpoint
-  Perennial Breakpoint

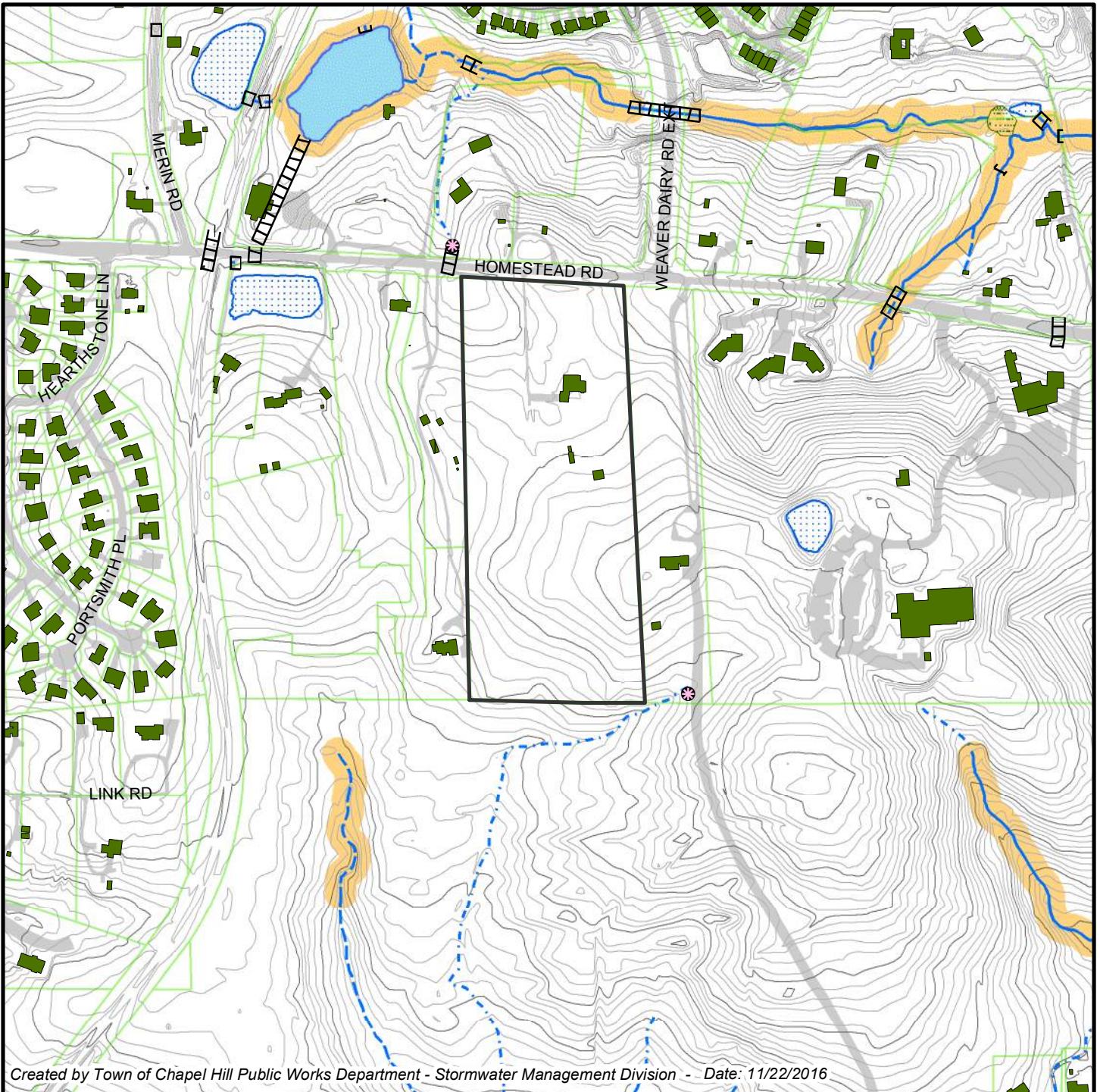
Address: 2217 Homestead Road

Parcel ID: 9870-90-7548



1 inch = 450 feet

Stream locations are approximate and must be verified by survey.
 Buffers are measured from top of bank.



USGS 24K Topographic / County Soil Survey Maps

 Site Parcel Boundary

Address: 2217 Homestead Rd

0 150 300 450 600 Feet

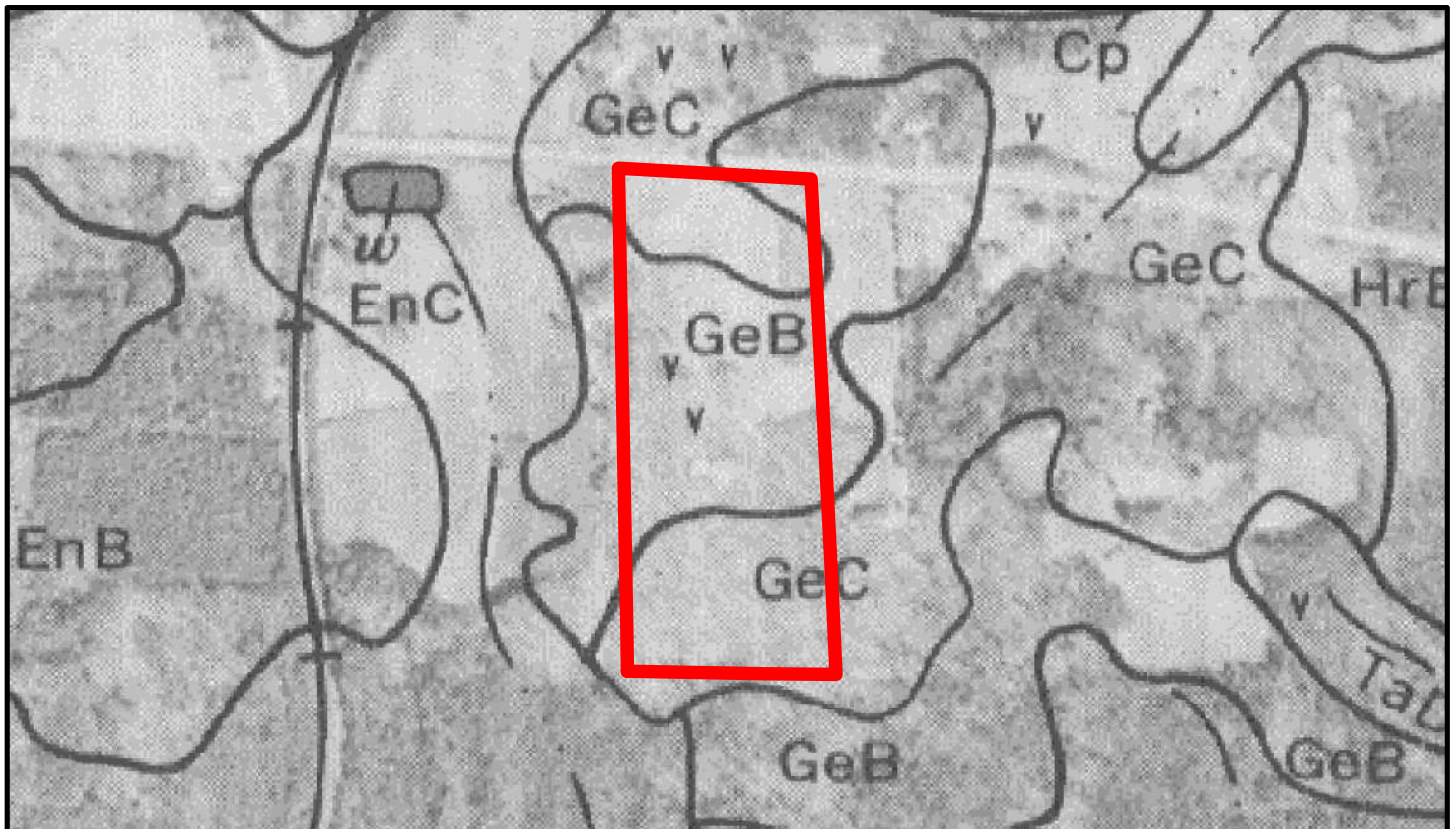
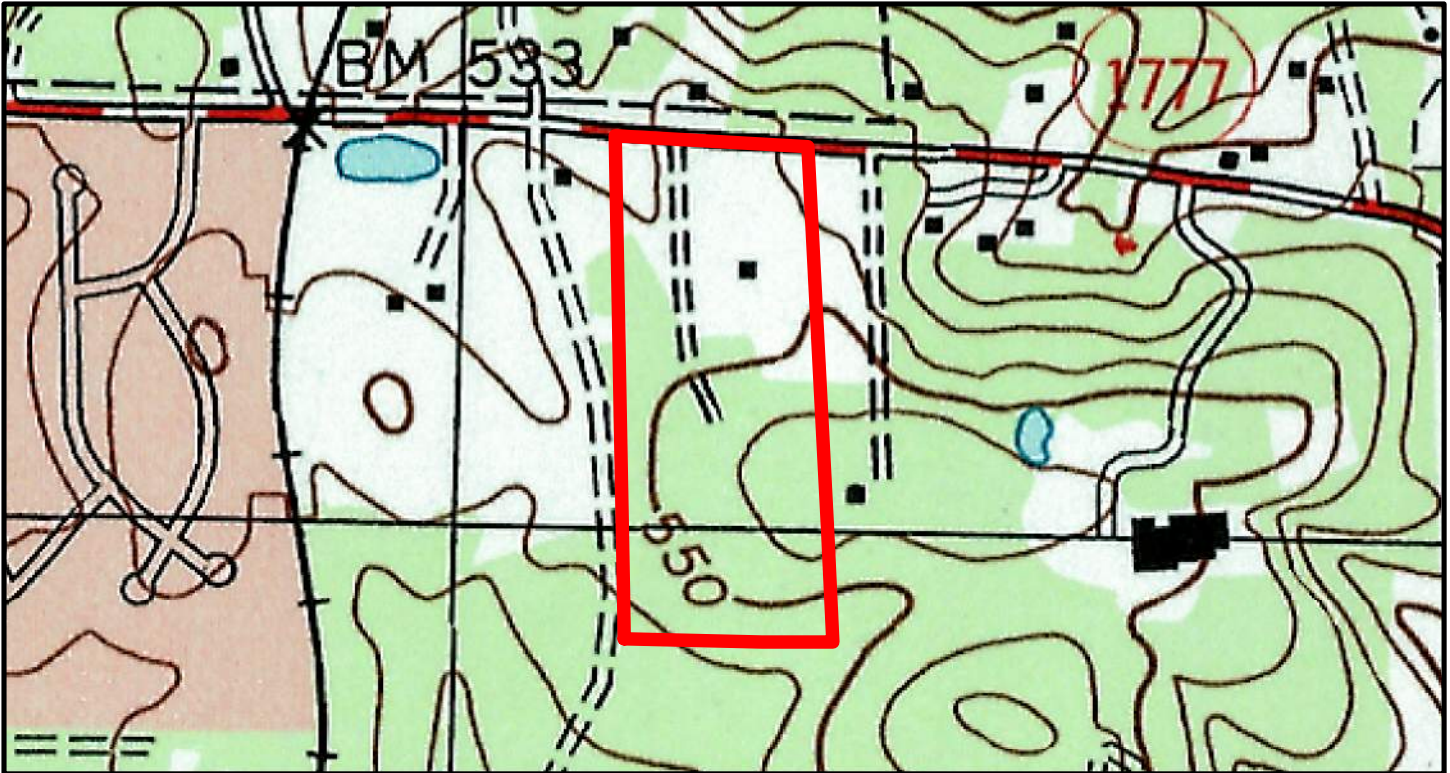
Parcel ID: 9870-90-7548



1 inch = 500 feet



Created by Town of Chapel Hill Public Works Department - Stormwater Management Division- 11/21/2016



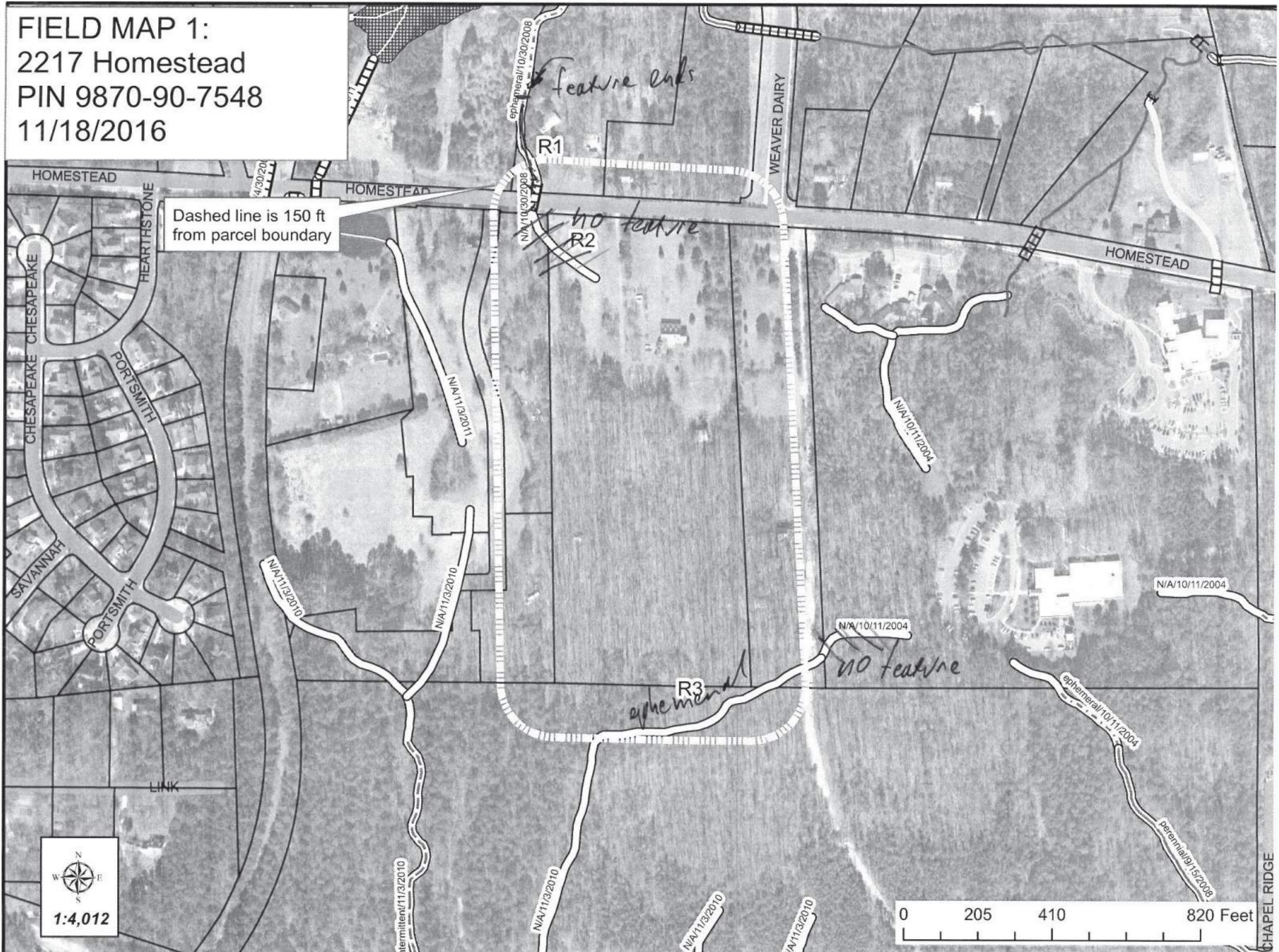
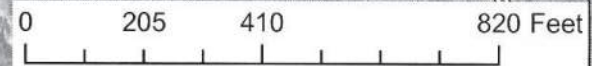
FIELD MAP 1:
2217 Homestead
PIN 9870-90-7548
11/18/2016

Dashed line is 150 ft
from parcel boundary

feature ends

no feature
R2

no feature
R3



201611181344

R2

NC DWQ Stream Identification Form Version 4.11

Date: <u>11/18/16</u>	Project Site: <u>2217 Harvestwood</u>	Latitude:
Evaluator: <u>DM</u>	County:	Longitude:
Total Points: Stream is at least intermediate (7.5-10) or perennial (≥ 20): <u>8.5</u>	Stream Determination (circle one) <u>Ephemeral</u> Intermittent Perennial	Other e.g. Quasi-Vernal:

A. Geomorphology (Subtotal = <u>2</u>)	Absent	Weak	Moderate	Strong
1. Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along the way	0	1	2	3
3. In-channel structure (ex. riffle-pool, step-pool, rubble-pool sequence)	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/riffle floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

*artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = <u>1.5</u>)	Absent	Weak	Moderate	Strong
12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris (logs or piles)	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = <u>5</u>)	Absent	Weak	Moderate	Strong
18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75 OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 36 of manual

Notes:

Sketch:

2016/11/18 1355

R3

NC DWQ Stream Identification Form Version 4.11

Date: 11/18/16	Project Site: 2217 Homestead	Latitude:
Evaluator: DM	County:	Longitude:
Total Points: 8.75 <small>Stream is at least intermittent (F&F 19) or perennial (F&F 30)</small>	Stream Determination (circle one): Ephemeral Intermittent Perennial	Other: e.g. Quag Name:

A. Geomorphology (Subtotal = 5.75)	Absent	Weak	Moderate	Strong
1 ^a Continuity of channel bed and bank	0	1	2	3
2 Sinuosity of channel along the way	0	1	2	3
3 In-channel structure (e.g. riffle-pool, step-pool, ripple-pool sequence)	0	1	2	3
4 Particle size of stream substrate	0	1	2	3
5 Active relief: floodplain	0	1	2	3
6 Depositional bars or benches	0	1	2	3
7 Recent alluvial deposits	0	1	2	3
8 Headcuts	0	1	2	3
9 Grade control	0	0.5	1	1.5
10 Natural valley	0	0.5	1	1.5
11 Second or greater order channel		No = 0		Yes = 3

^aartificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 1.5)	Absent	Weak	Moderate	Strong
12 Presence of Baseflow	0	1	2	3
13 Iron oxidizing bacteria	0	1	2	3
14 Leaf litter	1.5	1	0.5	0
15 Sediment on plants or debris	0	0.5	1	1.5
16 Organic debris: lines or piles	0	0.5	1	1.5
17 Soil-based evidence of high water table?		No = 0		Yes = 3

C. Biology (Subtotal = 1.75)	Absent	Weak	Moderate	Strong
18 Fibrous roots in streambed	3	2	1	0
19 Rooted wetland plants in streambed	3	2	1	0
20 Macroinvertebrates (note diversity and abundance)	3	1	2	3
21 Aquatic Mollusks	0	1	2	3
22 Fish	0	0.5	1	1.5
23 Crayfish	0	0.5	1	1.5
24 Amphibians	0	0.5	1	1.5
25 Algae	0	0.5	1	1.5
26 Wetland plants in streambed		FACW = 0.75	OBL = 1.5	Other = 0

^aperennial streams may a score identified using other methods. See p. 25 of manual

Notes:

Sketch: feature starts at a dip in adjacent green way, w/ runoff from greenway contributing flow



**PUBLIC WORKS DEPARTMENT
STORMWATER MANAGEMENT DIVISION**

405 Martin Luther King, Jr. Blvd.
Chapel Hill, NC 27514-5705
Telephone (919) 969-7246
Fax (919) 969-7276
www.townofchapelhill.org

**Stream Determination Request
AUTHORIZED AGENT FOR LEGAL REPRESENTATION FORM**

PROPERTY LEGAL DESCRIPTION:

PARCEL ID (PIN) 9870907548

STREET ADDRESS: 2217 HOMESTEAD ROAD

Please print:

Property Owner: Dr. William B. Wood

Property Owner: _____

The undersigned, owner(s) of the above described property, do hereby authorize

RICHARD GURLITZ of GURLITZ ARCHITECTURAL GROUP
(Contractor/Agent) (Name of consulting firm if applicable)

to request a stream determination on this property and to act on my/our behalf and take all actions, I/we could have taken if present, necessary for the processing, issuance and acceptance of the stream determination for this property.

Property Owner's Address (if different than property above):

Owner Telephone: x919 942 6973 Email: bill.wood@chph.11@aol.com

We hereby certify the above information submitted is true and accurate to the best of our knowledge.

William B. Wood
Owner Authorized Signature

11-17-2016
Date

Owner Authorized Signature
Richard Gurlitz
Contractor/Agent Authorized Signature

Date
11-17-2016
Date

Please return form by email (dmilkereit@townofchapelhill.org), fax, or mail to the above address in care of the Stormwater Specialist. The form may also be dropped off at the Stormwater Management office at 208 N. Columbia Street, Chapel Hill, NC. For questions, please call (919) 969-RAIN.



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www.townofchapelhill.org

REQUEST FOR STREAM DETERMINATION

Stream determinations provide information used to determine whether the Town's Resource Conservation District (RCD) or Jordan Watershed Riparian Buffer Protection regulations apply to a property. Town staff will typically conduct a field visit to classify streams on the property(ies) indicated below within two weeks of a request, depending on weather conditions, staff availability, and scope of the request. Please note that stream determinations cannot be conducted within 48 hours of a rain event. There is no fee for stream determinations conducted by Town staff.

A stream determination report indicates the results of a stream classification. Stream classifications expire after five years. If a stream determination has been completed on or near the property(ies) listed below within the last five years, a site visit may not be required unless local hydrology has changed significantly or the stream classification has expired. If a site visit is not required, the stream determination will be based on a records review.

Requests may be emailed (dmilkereit@townofchapelhill.org), faxed, dropped off at Town Hall or the Stormwater Office, or mailed to the above address in care of the "Stormwater Specialist."

Requestor's Name:

RICHARD GURLITZ

Mailing Address:

121 S. ESTES DRIVE SUITE 100

City, State, ZIP:

CHAPEL HILL, NC 27514

Phone / FAX / Email:

919-489-9000

RICHARD@GURLITZARCHITECTS.COM

Check method(s) for report to be sent:

US Mail

Email

FAX

Call for pickup

Signature of property owner or designated legal agent granting permission to Town Staff to enter the property(ies) indicated below for purposes of a Stream Determination:


(Signature)

11.18.2016
(Date)

Owner Name(s):

Dr. William Wood

(Please print)

Company Name (if applicable):

Property Information	
Fill in both columns, <u>or</u> fill in Parcel ID Number (PIN) and attach a site map indicating location.	
Parcel ID Number (PIN)	Address / Location Description
<u>9870907548</u>	<u>2217 HOMESTEAD ROAD</u>

Where the **total area** of the property(ies) to visit is **over 3 acres**, please attach an as-built drawing or a topographic map with current landmarks.



HOMESTEAD RD – VIEW TO SE (ADJACENT SENIOR LIVING DEVELOPMENT SIGN)



HOMESTEAD RD - VIEW TO SOUTHEAST (TRAFFIC SIGNAL AT WEAVER DAIRY EXTENSION)



HOMESTEAD RD – VIEW TO SOUTH



HOMESTEAD RD – VIEW TO EAST (AT WESTERN MOST POINT)



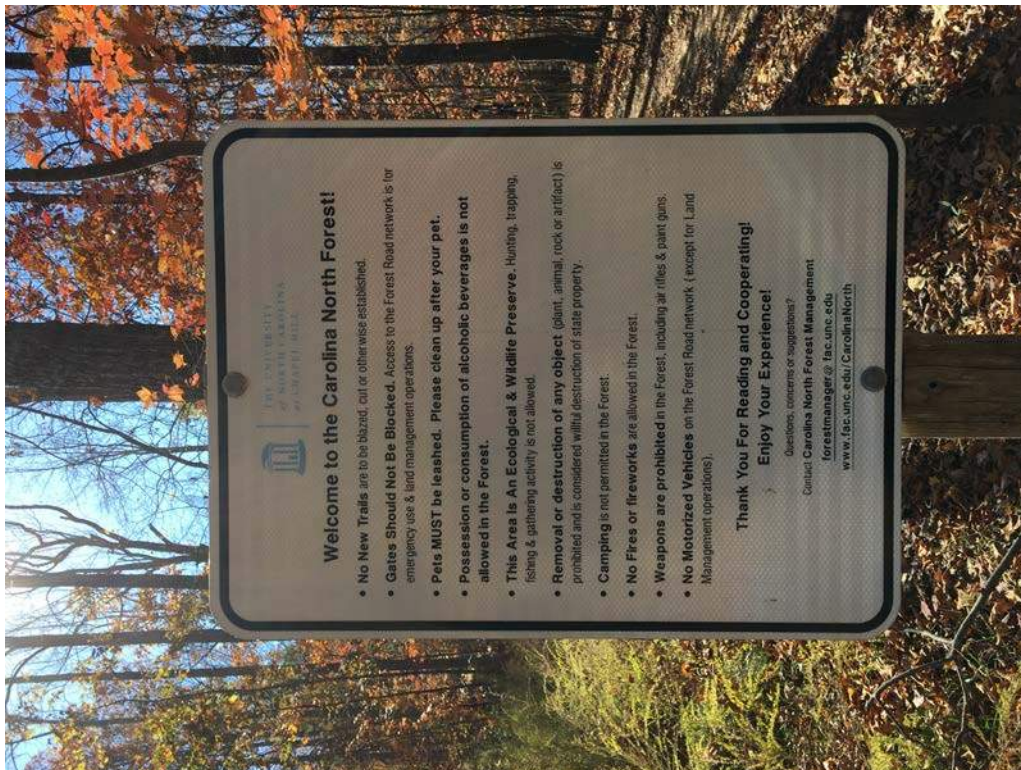
HOMESTEAD RD – VIEW TO SOUTH AT CAROLINA NORTH GREENWAY ENTRY



HOMESTEAD RD – VIEW WEST (AT WEAVER DAIRY EXTENSION/ GREENWAY TERMINUS)



CAROLINA NORTH GREENWAY - TRAIL MAP



CAROLINA NORTH FOREST – ENTRY SIGN (NEAR SOUTHERN PROPERTY LINE)



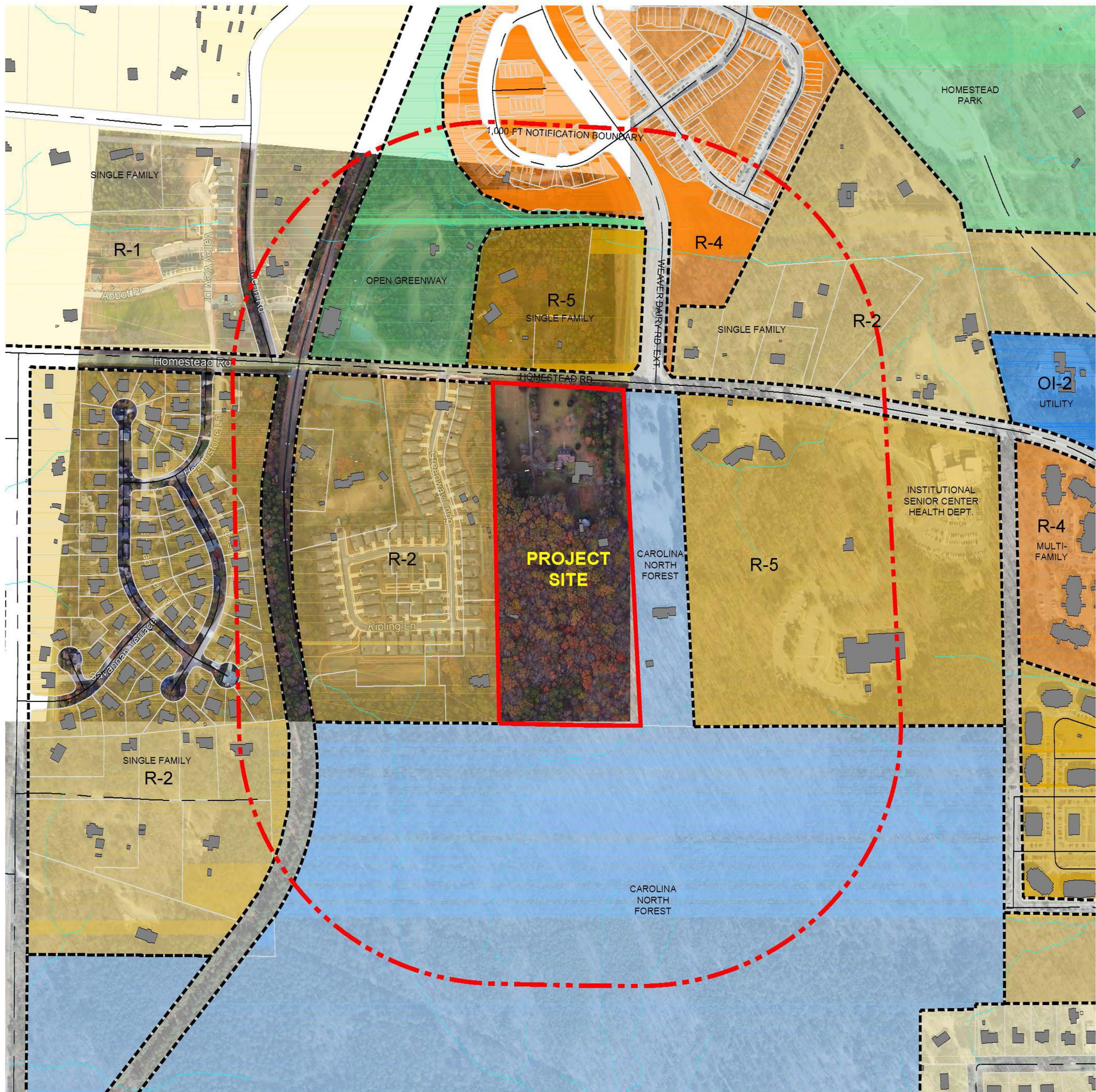
CAROLINA NORTH GREENWAY – VIEW TO NORTH & WEAVER DAIRY EXTENSION



CAROLINA NORTH GREENWAY – VIEW TO WEST OF THE WOOD PROPERTY



CAROLINA NORTH FOREST – VIEW TO NORTH OF THE WOOD PROPERTY



GURLITZ
ARCHITECTURAL

121 South Estes Dr
Suite 100
Chapel Hill, NC 27514
919.489.9000 phone
919.493.8937 fax
gurilitzarchitects.com

LEGEND

- - - 1000' NOTIFICATION
- PROPERTY LINES
- PERENNIAL STREAM
- - - EPHEMERAL STREAM
- ZONING BOUNDARY

Homestead Road
Tri Pointe

Chapel Hill, NC

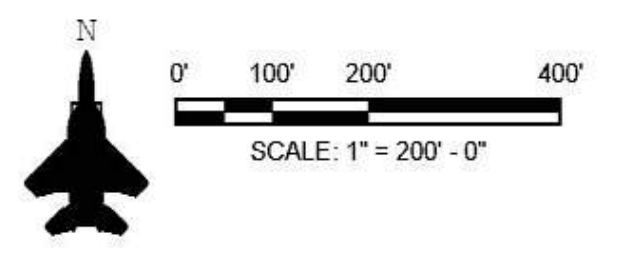
APN# 16062

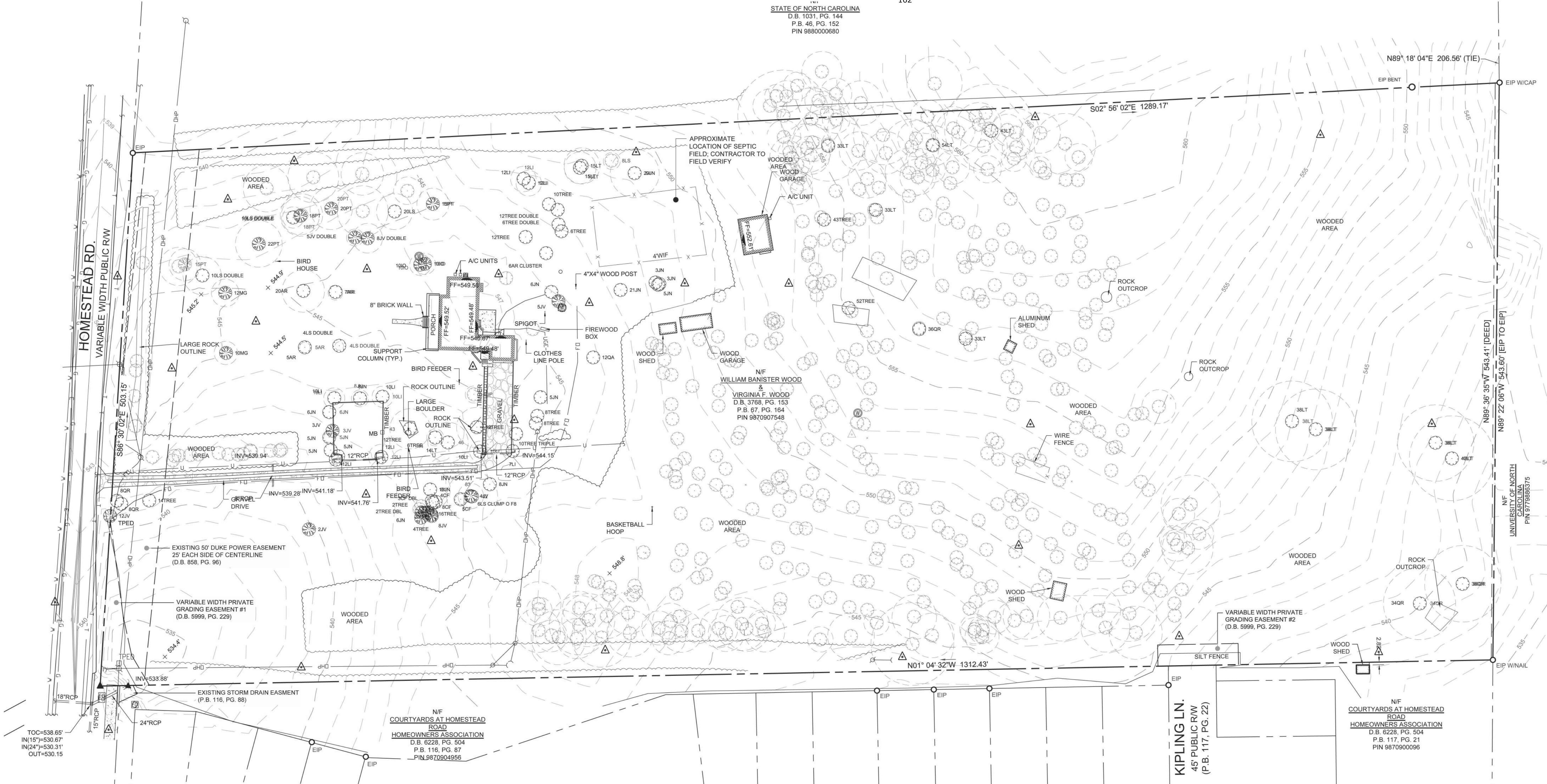
CONCEPT PLAN
SUBMITTAL SET
NOT FOR CONSTRUCTION

NOVEMBER 5, 2021

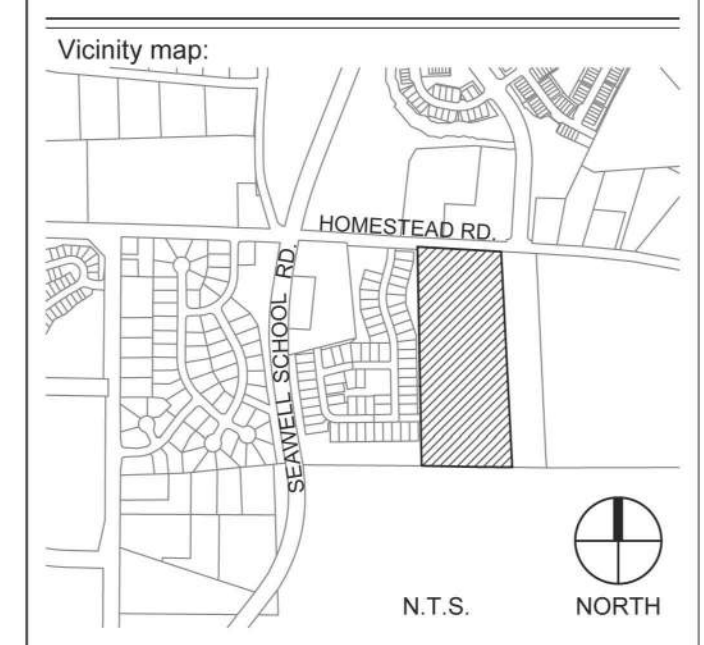
AREA MAP

1 AREA MAP
Scale: 1" = 200'-0"

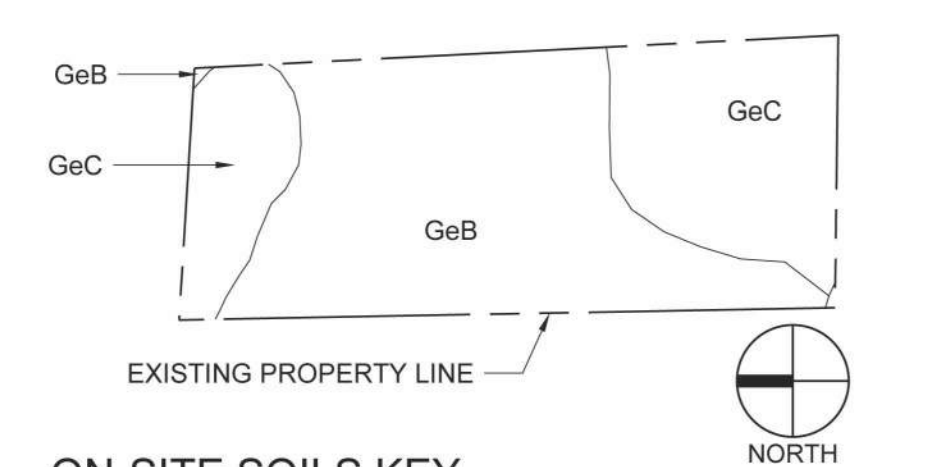




HOMESTEAD ROAD TRI POINT



CONCEPT PLAN



ON-SITE SOILS KEY
GeB GEORGEVILLE SILT LOAM - HYDROLOGIC SOILS CLASS B
GeC GEORGEVILLE SILT LOAM - HYDROLOGIC SOILS CLASS B

LEGEND

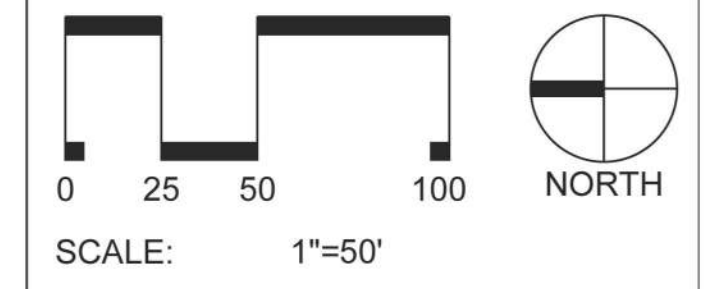
▲	SURVEY CONTROL POINT	○	BUSH
○	EXISTING IRON PIPE	-X-	WIRE FENCE
●	EXISTING IRON ROD	---	TREELINE
▲	COMPUTED POINT	-T-	UNDERGROUND TELEPHONE LINE
⊙	WELL	-FO-	UNDERGROUND FIBER OPTIC LINE
⊕	TELEPHONE PEDESTAL	-G-	UNDERGROUND GAS LINE
⊖	UTILITY POLE	-E-	UNDERGROUND ELECTRIC LINE
⊘	GUY WIRE	-W-	UNDERGROUND WATER LINE
•	BOLLARD	==	STORM DRAIN LINE
⊥	SIGN	-OHW-	OVERHEAD WIRES
⊕	MAILBOX	-U-	UNIDENTIFIED LINE
FF=267.18'	FINISHED FLOOR ELEVATION	---	UNKNOWN DESTINATION
○	DECIDUOUS TREE	---	CONCRETE SURFACE
○	CRITICAL ROOT ZONE FOR TREES TO BE REMOVED OR TO BE PROTECTED	---	REINFORCED CONCRETE PIPE
○	EVERGREEN TREE		

TREE LEGEND

AR	RED MAPLE
IO	AMERICAN HOLLY
JN	BLACK WALNUT
JV	EASTERN RED CEDAR
LS	SWEETGUM
LT	TULIP POPLAR
MG	SOUTHERN MAGNOLIA
PT	LOBLOLLY PINE
OR	RED OAK
TREE	UNIDENTIFIED TREE
EXAMPLE: 10QR = 10" RED OAK	

SURVEY NOTES:

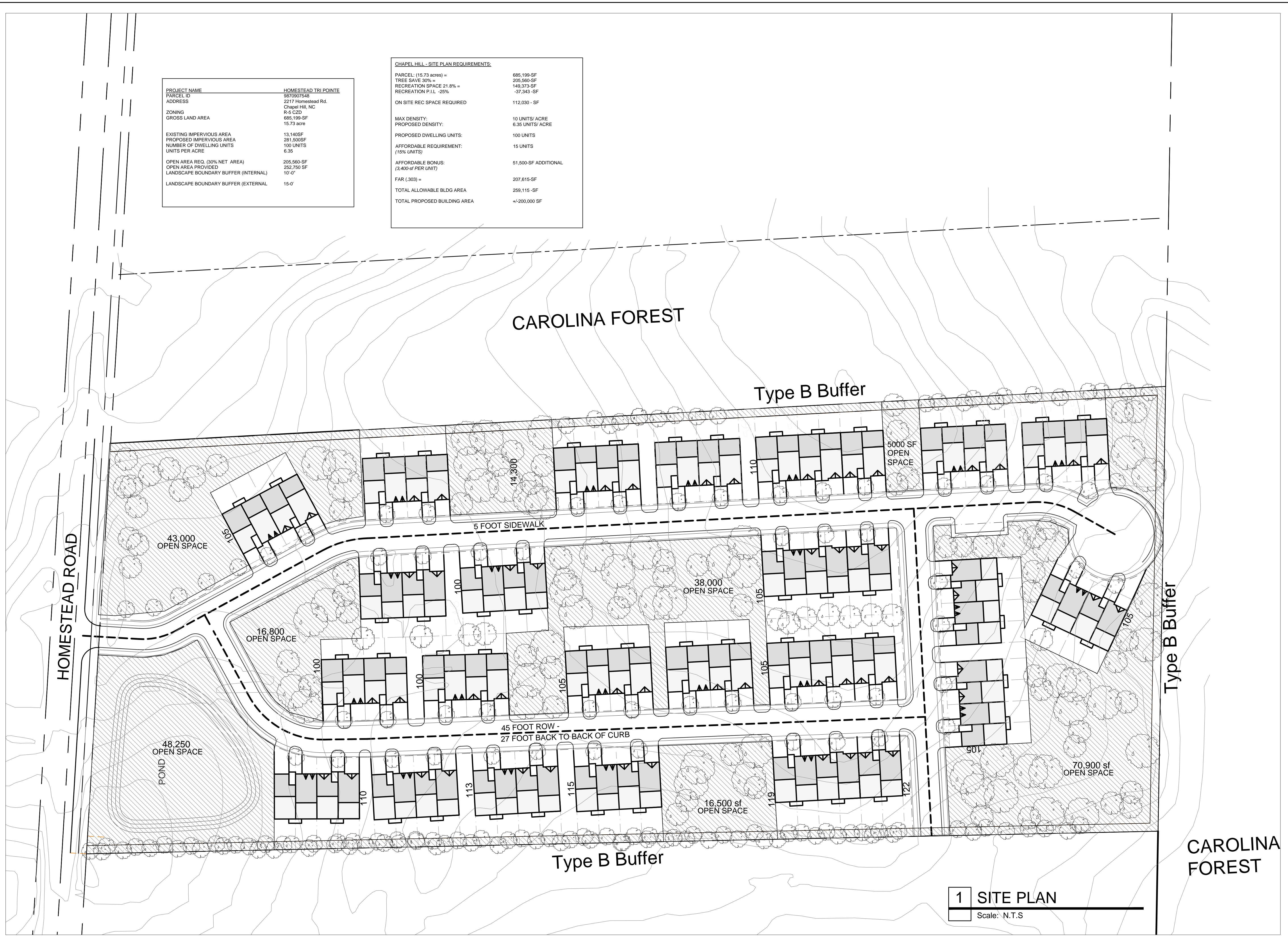
- THIS SURVEY MAP IS INTENDED TO REPRESENT THE EXISTING CONDITIONS/TOPOGRAPHY ON A PORTION OF THE PROPERTY OF WILLIAM BANISTER WOOD AND VIRGINIA F. WOOD, PIN 9870907548, AND IS NOT A BOUNDARY SURVEY. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE ALL ENCUMBRANCES UPON THE PROPERTY MAY NOT BE SHOWN.
- THE PROPERTY LINES SHOWN HEREON HAVE BEEN CONFIRMED FROM A PARTIAL SURVEY BY STEWART ENGINEERING. PROPERTY LINES SHOWN TAKEN FROM DEED BOOK 3768 ON PAGE 153.
- THE STATE PLANE COORDINATES (SPC) FOR THIS PROJECT WERE PRODUCED WITH STATIC GPS OBSERVATIONS AND PROCESSED WITH ONLINE POSITIONING USER SERVICE(OPUS). THE NETWORK POSITIONAL ACCURACY OF THE OPUS DERIVED POSITION INFORMATION IS 0.70CM. THE FOLLOWING CORRS WERE USED BY OPUS-RS:
4. DK7583 NCVL WILSON CORRS ARP
5. DM3525 NCRE REIDSVILLE CORRS ARP
6. DL6900 NCZO ASHEBORO 2 CORRS ARP
- THIS DRAWING DOES NOT CONFORM TO N.C. GS47-30 AND THEREFORE IS NOT FOR RECORDATION.
- HORIZONTAL DATUM IS NAD 83(2011).
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FT. AREA COMPUTED BY COORDINATE GEOMETRY.
- ADDRESS: 2217 HOMESTEAD RD.
- NO MONUMENT FOUND WITHIN 2000 FEET.
- UTILITIES SHOWN HEREON ARE BASED SOLELY ON ABOVE-GROUND VISIBLE EVIDENCE AND UTILITY DESIGNATION/MARKING SERVICES PERFORMED BY STEWART INC. AS A PART OF THIS SURVEY. CONTRACTOR SHALL FIELD VERIFY THE LOCATION OF ALL UTILITIES BEFORE COMMENCING CONSTRUCTION.
- TREES SHOWN HEREON MAY NOT REPRESENT ALL VEGETATION ON THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY IS ZONED "R-2" (PER TOWN OF CHAPEL HILL ZONING MAP DATED FEBRUARY 2016).
- THE SUBJECT PROPERTY LIES IN ZONES X (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE AND FUTURE CONDITIONS 1% ANNUAL CHANCE FLOODPLAIN). BASED ON THE FLOOD INSURANCE RATE MAP COMMUNITY MAP NUMBER 3710987000J DATED 02/02/07.
- NO JURISDICTIONAL STREAMS OR WETLANDS PRESENT ON SUBJECT PROPERTY ACCORDING TO REPORT BY GEORGE K LANKFORD, LSS #1223, DATED JULY 31, 2017.
- CRITICAL ROOT ZONES IN LOCAL SOIL TYPES ARE SHOWN TO BE ONE (1) FOOT OF RADIUS (NOT DIAMETER) FOR EVER ONCE (1) INCH OF TRUCK DBH.



EXISTING CONDITIONS PLAN

PROJECT NAME	HOMESTEAD TRI POINTE
PARCEL ID	9870907548
ADDRESS	2217 Homestead Rd. Chapel Hill, NC
ZONING	R-5 C2D
GROSS LAND AREA	685,199-SF 15.73 acre
EXISTING IMPERVIOUS AREA	13,140SF
PROPOSED IMPERVIOUS AREA	281,500SF
NUMBER OF DWELLING UNITS	100 UNITS
UNITS PER ACRE	6.35
OPEN AREA REQ. (30% NET AREA)	205,560-SF
OPEN AREA PROVIDED	252,750 SF
LANDSCAPE BOUNDARY BUFFER (INTERNAL)	10'-0"
LANDSCAPE BOUNDARY BUFFER (EXTERNAL)	15'-0"

CHAPEL HILL - SITE PLAN REQUIREMENTS:	
PARCEL: (15.73 acres) =	685,199-SF
TREE SAVE 30% =	205,560-SF
RECREATION SPACE 21.8% =	149,373-SF
RECREATION P.I.L. -25%	-37,343-SF
ON SITE REC SPACE REQUIRED	112,030 - SF
MAX DENSITY:	10 UNITS/ ACRE
PROPOSED DENSITY:	6.35 UNITS/ ACRE
PROPOSED DWELLING UNITS:	100 UNITS
AFFORDABLE REQUIREMENT:	15 UNITS
(15% UNITS)	
AFFORDABLE BONUS:	51,500-SF ADDITIONAL
(3,400-sf PER UNIT)	
FAR (.303) =	207,615-SF
TOTAL ALLOWABLE BLDG AREA	259,115 -SF
TOTAL PROPOSED BUILDING AREA	±200,000 SF



1 SITE PLAN
Scale: N.T.S

GURLITZ
ARCHITECTURAL

121 South Estes Dr
Suite 100
Chapel Hill, NC 27514
919.489.9000 phone
919.493.8937 fax
gurlitzarchitects.com

**Concept Plan for
Homestead Road
Property**

Chapel Hill, NC
APN# 21029

DATE	ISSUE	REV
11-12-21	FOR REVIEW	

Scale: As Noted
Site Plan



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 12., **File #:** [22-0105], **Version:** 1

Meeting Date: 2/9/2022

Appointments to the Community Policing Advisory Committee.

Staff:

Sabrina Oliver, Director/Town Clerk
Amy Harvey, Deputy Town Clerk
Brenton Hodge, Assistant Town Clerk

Department:

Communications and Public Affairs



Recommendation(s):

That the Council make appointments to the Community Policing Advisory Committee for up to four seats.



Attachments:

- Recommendation
- Ballot
- Applications

MEMORANDUM

TO: Mayor and Town Council
FROM: Asst. Chief Jabe Hunter
SUBJECT: Recommendation to fill 1 Community Policing Advisory Committee Vacancy
DATE: January 28, 2022

RECOMMENDATION: The Community Policing Advisory Committee met on Tuesday, January 25th, 2022 and by a unanimous vote made the following recommendation(s) to the Town Council for consideration:

- Tim Pressley, Appointment, Town Resident

SPECIAL REQUEST(s): No Comment

BACKGROUND: The Community Policing Advisory Committee currently has for 4 vacancies due to a couple resignations and another from a member who moved out of state. The Community Policing Advisory Committee has recommended the appointment of 1 member. Currently we have 2 other applicants who have expressed interest and applied, but a vote has not been taken to add them to the committee.

Note: Communications and Public Affairs notes that the Community Policing Advisory Committee reviewed the following applications: Devin M Ceartas, Maria Jose J Chapa, Andrew Gray, and Tim Pressley. No additional applications were received between January 25, 2022 and February 2, 2022 for the Community Policing Advisory Committee.

BALLOT

COMMUNITY POLICING ADVISORY COMMITTEE

FEBRUARY 9, 2022

Total Membership: 9 (Nine Town Residents)
Current Membership: 5 (3 Female, 2 Male; 2 African American, 1 American Indian/Alaskan Native Aleutian, 1 Hispanic, 1 Other; [2] 18-24, [3] 35-54)
Upcoming Vacancies: 4 (4 Town Resident)
Number of Applicants: 4

**Town Resident
Please vote for up to four (4) applicants.**

_____ Devin M. Ceartas
_____ Maria Jose J Chapa
_____ Andrew Gary
_____ Tim Pressley

_____ Other; please list _____

Council Member Signature

Profile

Whenever possible, submit your application prior to the scheduled meeting of the affected advisory board so that they can consider all applications prior to making a recommendation to Council.

Public Records Statement

I acknowledge that all information submitted in this application becomes a public record and will be searchable online. The Town is not able to remove information from the public record once it has been posted.

I Agree

devin@nacredata.com

Email Address

Devin M.

First Name

Middle Initial

Ceartas

Last Name

455 Fair Oaks Cir

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27516

Postal Code

Home: (919) 360-8787

Primary Phone

Alternate Phone

Residency within the Town limits is required for membership on most Council advisory bodies. Memberships of some committees and task forces may be composed of up to forty percent of non-Town residents.

What district do you live in? *

Chapel Hill Town limits (Purple)

[Please consult the town maps HERE if you are unsure.](#)

If you are a Chapel Hill Resident, How long have you lived here?

Greater than 10 years

The Council encourages you to visit a meeting of the group that you are interested in serving on. Please choose no more than two groups from the list below to which you would like to apply.

Which Boards would you like to apply for?

Community Policing Advisory Committee: Eligible

Which Board is your First Choice? *

Community Policing Advisory Committee

How did you find out about this opportunity? (select all that apply)

Other (provide additional information below)

If you chose "Other" from the advertising opportunity listed above, please specify:

mentioned during online council mtg

Interests & Experiences**What perspective(s) do you bring to the board(s), commission(s), committee(s) or task force(s) to which you are applying?**

I am an abolitionist; I believe in building the structures needed to eliminate policing as it is currently practiced and transition to a community-based needs and security system.

Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

I am a community organizer and have been actively involved in building community safety programs for many years.

You may upload a supporting document (e.g., CV or resume). **Please be advised that any information submitted becomes a public record and may be searchable online.**

Demographics

The Town Council seeks to attract persons from diverse backgrounds and believes that childcare and transportation is a potential barrier for qualified and interested applicants. See the [Childcare and Transportation Assistance pilot](#) for further details. In order to consider this application and provide some balance to the various boards, this personal information is required:

Ethnicity *

 Caucasian/Non-Hispanic**Gender ***

 Male**If other, please describe:**

Please select your age from the following list. * over 55

Community Organizer and
Software Architect

Occupation

Are you a caregiver for or identify with a disability?

 Yes No**Have you participated in the Peoples Academy?**

 Yes No**Are you a Town of Chapel Hill employee?**

 Yes No

Ethics Statement

ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

Members of advisory boards and commissions shall not vote on any matter in which they have a conflict of interest or an interest which reasonably might appear to be in conflict with the concept of fairness in dealing with public business. A conflict of interest or a potential conflict occurs if the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. In addition, members of the Historic District Commission and Board of Adjustment, when these boards are hearing cases, serve as quasi-judicial bodies. Pursuant to General Statute 160D-109(d), members of these boards “shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.”

Any member who violates these Ethics Guidelines may be subject to removal from the board or commission. If the advisory board or commission member believes he/she has a conflict of interest then that member shall recuse himself/herself from voting on the matter. In cases where the individual member or the advisory board or commission establishes a conflict of interest, then the advisory board or commission member shall remove themselves from the voting area. Any advisory board or commission member may seek the counsel of the Town Attorney on questions regarding the interpretation of these ethics guidelines or other conflict of interest matters. The interpretation may include a recommendation on whether or not the advisory board or commission member should excuse himself/herself from voting. The advisory board or commission member may request the Town Attorney respond in writing.

I Agree *

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Profile

Whenever possible, submit your application prior to the scheduled meeting of the affected advisory board so that they can consider all applications prior to making a recommendation to Council.

Public Records Statement

I acknowledge that all information submitted in this application becomes a public record and will be searchable online. The Town is not able to remove information from the public record once it has been posted.

I Agree

mjchapa80@gmail.com

Email Address

Maria Jose

First Name

J

Middle Initial

Chapa

Last Name

213 Schultz Street

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Home: (407) 496-1009

Primary Phone

Alternate Phone

Residency within the Town limits is required for membership on most Council advisory bodies. Memberships of some committees and task forces may be composed of up to forty percent of non-Town residents.

What district do you live in? *

Chapel Hill Town limits (Purple)

[Please consult the town maps HERE if you are unsure.](#)

If you are a Chapel Hill Resident, How long have you lived here?

0-12 months

The Council encourages you to visit a meeting of the group that you are interested in serving on. Please choose no more than two groups from the list below to which you would like to apply.

Which Boards would you like to apply for?

Community Policing Advisory Committee: Eligible

Which Board is your First Choice? *

Justice in Action Committee

How did you find out about this opportunity? (select all that apply)

Internet

If you chose "Other" from the advertising opportunity listed above, please specify:

Interests & Experiences

What perspective(s) do you bring to the board(s), commission(s), committee(s) or task force(s) to which you are applying?

As someone who has interacted with different levels of government as a constituent, activist, and community advocate for years, I would like to be part of the decision making process and contribute to the place I call home, even if its for a short period of time. In Florida, I was a alumni of the Tampa Mayor's Neighborhood University and learned about the different departments and their functions in the city. Although Chapel Hill's city charter is different. I know I am capable to learn quickly and be a great addition to council.

Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

With over 10 years of unpaid and paid experience in community organizing, electoral, advocacy work, volunteer training, leadership development, coalition building, and team management, I know I am capable of fulfilling the role of city council member. As a community leader in voter education, political advocacy, and a background in labor organizing and grassroots community organizing in a predominantly BIPOC space, I believe my unique combination of personal and professional experience makes me the ideal candidate for this role. In my former role as Florida Director of Civic Engagement and Organizing with Hispanic Federation; a nonprofit national organization, I've led a successful statewide civic engagement program that included a voter registration campaign that garnered 25,000 voter registrations led by a team of 80 canvassers, a staff of two regional field coordinators, and a campaign manager. I worked on 2020 Census efforts and worked with the Orange County Census Count committee to encourage HTC(hard to count) populations in the Azalea Neighborhood to self report. Our team contacted 12,000 homes and there was a reported increase of 39% due to our efforts. During the 2020 election cycle, our team mobilized 1.5 million Latinos to the polls through our GOTV (get out the vote) efforts.

[MJ_Resume_08_16_2021_2_.pdf](#)

You may upload a supporting document (e.g., CV or resume). **Please be advised that any information submitted becomes a public record and may be searchable online.**

Demographics

The Town Council seeks to attract persons from diverse backgrounds and believes that childcare and transportation is a potential barrier for qualified and interested applicants. See the [Childcare and Transportation Assistance pilot](#) for further details. In order to consider this application and provide some balance to the various boards, this personal information is required:

Ethnicity *

Hispanic

Gender *

Female

If other, please describe:

Please select your age from the following list. *

35-54

Community Advocate _____

Occupation

Are you a caregiver for or identify with a disability?

Yes No

Have you participated in the Peoples Academy?

Yes No

Are you a Town of Chapel Hill employee?

Yes No

Ethics Statement

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I Agree *

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MARIA JOSE CHAPA

407.496.1009 mjchapa80@gmail.com

www.linkedin.com/in/maria-jose-chapa

EXPERIENCE

Florida Director of Civic Engagement and Organizing Orlando FL, June 2019- August 2021

Hispanic Federation

- Administrative role included recruiting, training staff, payroll, supervising, SOP's
- Supervised Campaign Manager, Regional Organizers, 80+ canvass staff
- Donor relations and grant writing
- \$1.2 Million in grant funding for Civic Engagement Department
- Cultivate and maintain coalition partner relations
- Bridge builder between HF and community members, elected officials, funders
- 501c3 advocacy legislative work and issue campaigns at the local, state and federal levels.
- Over 25,000 voter registrations statewide
- 501c3 GOTV activities that mobilize 1.5 Million Latinx/Hispanic voters in the 2020 election cycle
- Virtual Puerto Rico Day in Tallahassee 2021, secured 25 elected officials, 3,600 total virtual participants
- VAN Partner Administrator Certification June 3,2021
- Proficient in MS Office, MS Teams, Google Suite, Hustle, Zoom, Survey Monkey

Field Coordinator Tampa FL, February 2019- April 2019

Orlando Gudes for District 5 campaign

- NGP VAN Administrator
- Volunteer Outreach, training and field operations
- Closed a 200 vote gap and led a successful field operation, winning the District 5 race by 157 votes

Labor Organizer West Central FL, August 2013 - December 2018

SEIU Florida Public Services Union

- Represented membership and staffed the union for the west coast region comprising of Hillsborough and Pinellas Counties
- Recruited new dues-paying members
- Increased membership and political contributions to political fund 50%
- Built brand recognition in the Tampa Bay Area through public and government relations
- Developed, trained, and managed new leadership within the membership
- Conducted worksite visits at Pinellas County Schools, City of Saint Petersburg, Hillsborough Community College
- Managed and trained volunteer operations during electoral cycles including the mayoral, city council, state, and federal elections.
- Led member meetings, negotiated contracts, advocated during conflict resolution with human resources
- Served as point of contact for Spanish-speaking membership in the west coast region

Lead Community Organizer St. Petersburg, FL, June 2012 - January 2016*The People's Budget Review (PBR) SEIU Florida Public Services Union*

- Promoted from volunteer to paid lead community organizer
- Organized a collaboration between labor organization and community stakeholders including local businesses, the arts, environmental orgs, neighborhood assoc.
- Increased civic participation in the city's budget process
- Coordinated the efforts to educate city residents on the city's budget process
- Led meetings and workshops, lobbied city council, mobilized attendance at council meetings
- Managed canvasses, phone banks and community surveys
- Increased the millage rate saving city jobs and vital services through coalition efforts

Field Organizer Hillsborough/Pinellas County, FL, October 2012-Nov 2012*Florida New Majority- Florida Breakthrough Campaign*

- Muslim Community Liaison for Get Out The Vote (GOTV) efforts working with Council of American Islamic Relations (CAIR), United Voices, and other Muslim organizations
- Recruited and trained volunteers for field canvassing, phone banking, and data entry
- Media and radio promotions for "Souls to the Polls" electoral event

INTERNATIONAL RESIDENCY

- Mexicali, Baja California; Mexico
- Okinawa, Japan,
- Colombo, Sri Lanka
- Dubai, Sharjah, Ajman, Falaj Al Mu'Allah; United Arab Emirates

EDUCATION

- **B.A. International Studies** USF Tampa, FL, August 2012
Certificate of Academic Excellence 1999 & 2000 Student Support Services
- **A.A.** from St. Petersburg Community College in Clearwater, FL, August 2010

COMMUNITY ENGAGEMENT

- **New Leaders Council (NLC)** *January 2019- June 2019*
Fellowship
- **Welcoming City Resolution Saint Petersburg** *December 2016-May 2017*
Lead Community Organizer
- **Howard Blake High School Gun Safety Walk Out** *February 23, 2018*
Event Coordinator and Co-Organizer

ORGANIZATIONS-AFFILIATIONS

Hillsborough Democratic Progressive Caucus
 Hillsborough Democratic Party
 New Leadership Council 2019 class
 Florida Immigration Coalition (FLIC)
 Community Tampa Bay

Organize Florida
 Florida Rights Restoration Coalition(FRRC)
 Alianza for Progress
 Women's March Pinellas/Hillsborough
 Dream Defenders

Sierra Club
State Voices Florida Table
League of Women Voters

Moms Demand Action
IDEAS for US
ACLU Florida

Profile

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I Agree

andrewah@ad.unc.edu

Email Address

Andrew

First Name

Gary

Middle Initial
Last Name

100 Raleigh Street

Street Address

213 Spencer

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Home: (504) 481-6164

Primary Phone

Alternate Phone

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What district do you live in? *

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[Please consult the town maps HERE if you are unsure.](#)

If you are a Chapel Hill Resident, How long have you lived here?

None Selected

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Which Boards would you like to apply for?

Community Policing Advisory Committee: Eligible

Which Board is your First Choice? *

Community Policing Advisory Committee

How did you find out about this opportunity? (select all that apply)

Advisory Board or Council member

If you chose "Other" from the advertising opportunity listed above, please specify:

Interests & Experiences

What perspective(s) do you bring to the board(s), commission(s), committee(s) or task force(s) to which you are applying?

The main perspective I will bring to the council is skepticism. Contrary to popular belief, being a skeptic doesn't mean viewing everything with suspicion. Skepticism is a way of thinking. Skepticism means that you challenge assumptions and authority because that leads to innovation and improvement. Skepticism, as I practice it, centers around five steps. First, ask for evidence. People make claims every day, and many people do not question what they are being told. I ask for evidence. I want to know where people are getting their information and what assumptions they are making. Second, doubt. I always ask myself who stands to gain from me agreeing with this idea. I always ask why you are espousing this idea. When something feels wrong or looks suspicious, I trust myself. Third, play the devil's advocate. Argue for the opposing side so that you can better understand their position as well as see the flaws in your own. This helps me to remember that the opposition is not my enemy; they are somebody with a different viewpoint. Fourth, do extensive research. I will not support a position until I fully understand the issue. I want to ensure that I am supporting the best possible policy. Fifth, be aware of bias. Everyone is biased. So, I must expend time researching to determine everyone's bias. This doesn't mean that a source isn't credible; it means that I read a source understanding that it is trying to advance a certain agenda.

Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

In the summer of 2020, I was hired by Dr. Peter Scharf, who is a nationally recognized expert in police use of force, to be his assistant for the legal cases in which he was contracted as an expert witness. As a Forensic Case Investigator, my role is to perform a multitude of tasks which include researching legal issues, investigating the facts of a case, conducting research on background materials for cases, compiling data and performing an analysis of that data, and most importantly, serving as an advisor to Dr. Scharf and helping to craft his legal opinions. I have worked with Dr. Scharf on several cases, the most noteworthy of which is the case of Alton Sterling. Alton Sterling was a black man who was shot six times in the back by Officers of the Baton Rouge Police Department. Dr. Scharf and I have worked on this case since the summer of 2020, and it concluded earlier this year with the City of Baton Rouge agreeing to a 5-million-dollar settlement. I have learned to manage extremely hard deadlines that often are set at the last minute and are extremely short. I have spent many long nights working on just this case, and it is far from over. I also have some experience in the field of disaster management. My qualifications for emergency management include the completion of over 100 FEMA Emergency Management Institute courses, all of which are directly applicable to school safety. My experience includes serving on the Safety Committee for my high school, representing the voice of the student body.

[AndrewGary_Resume.docx](#)

You may upload a supporting document (e.g., CV or resume). Please be advised that any information submitted becomes a public record and may be searchable online.

Demographics

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Ethnicity *

Caucasian/Non-Hispanic

Gender *

Male

If other, please describe:

Please select your age from the following list. *

18-24

Student

Occupation

Are you a caregiver for or identify with a disability?

Yes No

Have you participated in the Peoples Academy?

Yes No

Are you a Town of Chapel Hill employee?

Yes No

Ethics Statement

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I Agree *

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ANDREW GARY

2837 Carondelet St. New Orleans, LA 70115 / C: 504.481.6164 / agary2020stm@gmail.com

EDUCATION

University of North Carolina, Chapel Hill 3.675 GPA Aug 2020 to present

- Executive Branch of Student Government
 - Deputy Director of Town and Local Relations
- Accepted, Service & Leadership Residential Learning Program
- Community Service Scholar
- Participant in the Buckley Public Service Scholars Program

St. Martin's Episcopal High School 4.03 Weighted GPA Aug 2016 - May 2020

- National Honor Society Member and Scholarship Semi-Finalist
- Cum Laude Society Member
- Senior Class Vice President

YOUTH ADVOCACY TEAM, NPC (YAT) July 2019 - Present
Founder and President, Registered Agent (July 2019-President)

Founded Youth Advocacy Team, a 501(c)4 corporation, to provide an avenue for youth to advocate for themselves on issues of importance to students. Established in 2019 with 9 members and currently at 108. As Founder and President, responsible for strategic operations and ensuring YAT's long-term success. YAT members generate ideas and projects under its mission. The staff exists to advocate on behalf of the members and the officers exist to foster strategic vision.

- Worked with legal counsel and accountant to successfully file Articles of Incorporation and establish 501c4 status.
- Working with the Executive Vice President and Executive Director, drafted and implemented the National Expansion Plan detailing staffing structure, the process for admittance of new states, and drafting all internal policies and Bylaws and governing documents.
- Representing the Criminal Justice and Mental Health Committees of YAT, worked with Rep. Ted James to submit a Resolution in the 2020 Louisiana Legislative session that requests the Department of Public Safety to study the use of solitary confinement in Louisiana state penitentiaries. HR 64 was passed 90-0.
- Provide guidance and support for implementation of Committee projects ranging from education, criminal justice, environment, mental health, drug abuse, homelessness and local and state level policy advocacy.
- Partnered with New Orleans Police Department to host a series of "Humanize the Badge" forums between students and police officers moderated by one student, one officer, and a neutral third party.

PEAK INSIGHTS, LLC
 2020 - present (Part-time) **Director of Information Technology**

July

Peak Insights, LLC, owned and directed by nationally recognized criminologist Dr. Peter Scharf, trains governmental employees in implicit and explicit racial bias. The Director of Information Technology role includes:

- Assist with coordination of training sessions
- Provide feedback on training sessions to Dr. Scharf and team
- Prepare and set up AV presentations
- Conduct research for the team

PETER SCHARF CONSULTANCY - EXPERT WITNESS
present (Part-time) **Forensic Case Investigator**

Aug 2020 -

Participated in a nationally visible case involving the fatal shooting of Alton Sterling in Baton Rouge, LA. Duties included:

- Collected information
- Drafted opinions based on information collected
- Created legal review forensic graphics

AMERICAN LEGION BOYS NATION
Chief Clerk of the Senate

July 2019

Selected as one of two Senators from Louisiana Boys State to represent the state at Boys Nation. Appointed to the position of Chief Clerk of the Senate responsible for receiving bills submitted by other Senators and referring the bills to the appropriate committee. Responsible for determining the order in which bills passed by Committee would be debated on the Senate floor. Other achievements and responsibilities included:

- Campaign advisor for a Presidential candidate.
- Filed a Resolution to recognize the Armenian genocide and lobbied it successfully through Committee and the Senate Floor where it passed 78-17.

LOUISIANA BOYS STATE
President of the Senate

June 2019

Nominated by the faculty of St. Martin's Episcopal High School to attend Louisiana Boys State 2019. Elected to represent Bogalaya Parish in the Senate. Elected by the members of the Senate to the position of President of the Senate. Responsible for presiding over the Senate including Chairing all sessions, maintaining order and decorum in the Chamber, putting to vote all questions before the Senate, and appointing members to any special committees as required.

- Chaired a Joint Session of the House and Senate
- Nominated by Bogalaya Parish for the office of Lieutenant Governor
- Advised the Governor on Emergency Management policy

LOUISIANA LEGISLATIVE YOUTH ADVISORY COUNCIL (LYAC)
Representative, Congressional District 2 (July 2018-June 2019)
Member-At-Large (July 2019 - July 2020)

Identify issues of concern to youth in Louisiana and work with the Legislative and Executive branches of state government to enact legislation to address those concerns. **Result:** Passage of Senate Bill 43 requiring all high schools in Louisiana to review the school safety plan with at

least two representatives of the student body and seek their input. SB 43 became LA Act 44 signed into law by Governor in June 2019.

- Worked with members of the Louisiana legislature and with the Governor's Office to draft legislation (SB 43) for the 2019 Louisiana Legislative session regarding school safety for students.
- Testified before both the Senate and House Education Committees and sought support for SB 43 with a variety of stakeholders across Louisiana prior to and during the Legislative session.
- Working with LYAC legislative supporters on how best to implement the next step to ensure that LA schools comply with LA 44.

NEW ORLEANS MAYOR'S YOUTH ADVISORY COUNCIL September 2019 - May 2020

Member

Appointed to serve on the Mayor's Youth Advisory Council and advise the Mayor, the Administration and other members of City Leadership about issues and concerns of the city's youth.

- Testified at the New Orleans City Council meeting on New Orleans City budget recommendations for the upcoming 2020 budget year.
- Drafted the Bylaws for the Council.

AMERICAN RED CROSS

August 2017 - Present

President and Founder, St. Martin's Episcopal High School Red Cross Club

August 2017 - May 2020

Youth Coordinator for Louisiana

May 2020 - July 2020

Worked with the New Orleans Chapter of the American Red Cross (ARC) to establish a high school Red Cross club at St. Martin's Episcopal High School. Serve as President of the ARC Club.

- Organize all meetings of the Red Cross Club, recruit members, work with school Administration to approve service projects and activities and organize fund raising activities for the Club.
- Coordinate with the New Orleans American Red Cross for support, training materials and resources.
- Coordinate awareness sessions on campus to educate students throughout the school about what the American Red Cross does and encourage students to become American Red Cross volunteers.
- Serve as interface between High School Red Cross Clubs in Southeast Louisiana and the Southeast American Red Cross to ensure that the needs and requests of the clubs are fulfilled by the organization.

HONORS AND AWARDS

Spirit of St. Martin's Award - Class of 2020

St. Martin's Departmental History Award - 2020

Commendation from the Legislature of Louisiana - May 2019

Commendation from the City of New Orleans - May 2020

Academic All-American, National Speech and Debate Association - October 2019

Professional Development Series Certificate, FEMA Emergency Management Institute - March 2017

Dartmouth Book Award - May 2019

Profile

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I Agree

tpressley@earthlink.net

Email Address

Tim

First Name

Pressley

Last Name

3 TIMBERLYNE RD

Street Address

Suite or Apt

CHAPEL HILL

City

NC

State

27514

Postal Code

Home: (919) 933-2201

Primary Phone

Alternate Phone

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What district do you live in? *

Chapel Hill Town limits (Purple)

[Please consult the town maps HERE if you are unsure.](#)

If you are a Chapel Hill Resident, How long have you lived here?

Greater than 10 years

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Which Boards would you like to apply for?

Community Policing Advisory Committee: Eligible

Which Board is your First Choice? *

Community Policing Advisory Committee

How did you find out about this opportunity? (select all that apply)

Video

If you chose "Other" from the advertising opportunity listed above, please specify:

Interests & Experiences

What perspective(s) do you bring to the board(s), commission(s), committee(s) or task force(s) to which you are applying?

41 years of law enforcement experience and have lived here since 1960, .

Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

Criminal Justice education. Worked for NC DOJ in the Criminal Justice Training and Standards Commission.

You may upload a supporting document (e.g., CV or resume). **Please be advised that any information submitted becomes a public record and may be searchable online.**

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Tim Pressley

Ethnicity *

 Caucasian/Non-Hispanic**Gender ***

 Male**If other, please describe:**

Please select your age from the following list. *

 over 55

Occupation

Are you a caregiver for or identify with a disability?

 Yes No**Have you participated in the Peoples Academy?**

 Yes No**Are you a Town of Chapel Hill employee?**

 Yes No

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