



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 Jessica Anderson
Council Member Donna Bell
Council Member Allen Buansi
Council Member Hongbin Gu

Council Member Nancy Oates
Council Member Michael Parker
Council Member Karen Stegman
Council Member Rachel Schaevitz

Wednesday, December 5, 2018 7:00 PM RM 110 | Council Chamber

OPENING

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. Petitions from the Public and Council Members.
 - a. Environmental Stewardship Advisory Board
Regarding Solar Energy Systems.

[\[18-0984\]](#)

PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA

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.

[\[18-0985\]](#)

By adopting the resolution, the Council can approve various

resolutions and ordinances all at once without voting on each resolution or ordinance separately.

- 3.** Adopt a Resolution Supporting an Application for Transportation Demand Management (TDM) Grant. [\[18-0986\]](#)

By adopting the resolution, the Council indicates its support of the FY 2019-20 Chapel Hill Transportation Management application to the Triangle J Council of Governments for a Transportation Demand Management grant.

- 4.** Adopt a Resolution Opposing North Carolina Department of Transportation Incursion into the Oosting Natural Area. [\[18-0987\]](#)

By adopting the resolution, the Council opposes NCDOT incursion into the Oosting Natural Area and requests that NCDOT consider alternatives to disrupting this area and impacting homes in the Northwood community.

- 5.** Amend the 2018-19 Council Calendar. [\[18-0988\]](#)

By adopting the resolution, the Council amends the 2018-19 Council calendar to schedule meetings with State Legislative representatives, the Orange County Board of County Commissioners and reschedule the Council Retreat.

INFORMATION

- 6.** Receive Upcoming Public Hearing Items and Petition Status List. [\[18-0989\]](#)

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

DISCUSSION

- 7.** Consider a Resolution in Support of Campaign to Make North Carolina a No-Torture State. [\[18-0990\]](#)

PRESENTER: Ralph D. Karpinos, Town Attorney

RECOMMENDATION: That the Council consider the attached resolution and take such action as it deems appropriate.

SPECIAL USE PERMIT

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

Witnesses wishing to provide an opinion about technical or other specialized

subjects should first establish that at the beginning of their testimony.

- 8.** Consider an Application for Special Use Permit Modification-Tri-City Medical Building, 5002 Barbee Chapel Road. [\[18-0991\]](#)

PRESENTER: Jake Lowman, Planner II

Swearing of all persons wishing to present evidence

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Presentation of evidence by the applicant
- d. Presentation of evidence by the public
- e. Comments and questions from the Mayor and Town Council
- f. Applicant's statement regarding proposed conditions
- g. Motion to close the public hearing
- h. Motion to adopt a resolution approving the Special Use Permit.

RECOMMENDATION: That the Council 1) close the public hearing; and 2) adopt Resolution A approving the application.

Continued Discussion

- 9.** North South Bus Rapid Transit - Locally Preferred Alternative Update. [\[18-0992\]](#)

PRESENTER: Brian M Litchfield, Transit Director
Dan Meyers, Senior Transit Planner, AECOM
Julia Suprock, Senior Transportation Planner, AECOM

RECOMMENDATION: That the Council consider adopting an update to the Locally Preferred Alternative (LPA), for the corridor between North Street and Eubanks Road along Martin Luther King Jr. Boulevard, to construct a dedicated curb lane between Estes Drive and Eubanks road, and to further evaluate converting a dedicated curb lane or constructing a dedicated curb lane from North Street to Estes Drive, during the environmental portion of the project, consistent with recommendation from the Transit Partners Committee and the NSBRT Technical and Policy Committees; and that the Council authorize Chapel Hill Transit to submit the updated LPA to the DCHC MPO for adoption into the Metropolitan Transportation Plan (MTP).

- 10.** Open the Public Hearing and Consider a Request to Close a Portion of the Public Right-of-Way on Aberdeen Drive for the Expansion of the Lumina Theater. [\[18-1000\]](#)

PRESENTER: Chris Roberts, Manager of Engineering & Infrastructure
Dixon Pitt, Bryan Properties

- a. Without objection, the *preliminary* report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to adjourn the Public Hearing
- f. Motion to approve the right-of-way closure.

RECOMMENDATION: That the Council open the Public Hearing and consider closing a portion of the public right-of-way on Aberdeen Drive for the expansion of the Lumina Theater.

ZONING ATLAS AMENDMENT and SPECIAL USE PERMIT

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

ZONING ATLAS AMENDMENT

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

- 11.** Discussion and Consideration of an Application for Zoning Atlas Amendment - Homestead Road Active Adult Housing, 2217 Homestead Road (Project #17-107).

[\[18-0943\]](#)

PRESENTERS: Judy Johnson, Operations Manager, Planning
Loryn B. Clark, Executive Director, Housing and Community

- a. Without objection, the *revised* report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and *revised* recommendation
- c. Presentation by the applicant
- d. Comments from the public
- e. Comments and questions from the Mayor and Town Council
- f. Motion to *recess* Public Hearing to January 16, 2019, or
- g. Motion to adjourn the public hearing, and
- h. Motion to adopt the Resolution of Consistency with the Comprehensive Plan, and

- i. Motion to enact Revised Ordinance (Approving the Rezoning).

RECOMMENDATION: That the Council 1) continue the public hearing; 2) receive public comment; and 3) either continue the public hearing to January 16, 2019 or take action tonight, depending on the Council's satisfaction with the applicant's affordable housing proposal. Town staff is seeking feedback and guidance from the Council on the affordable housing component prior to Council action.

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.

- 12.** Discuss and Consider an Application for Special Use Permit - Homestead Road Active Adults Housing, 2217 Homestead Road (Project #17-096). **[18-0942]**

PRESENTER: Judy Johnson, Operations Manager

Swearing of all persons wishing to present evidence

- a. Without objection, the revised report and any other materials submitted at the hearing for consideration by the Council will be entered into the record
- b. Introduction and revised recommendation
- c. Presentation of evidence by the applicant
- d. Presentation of evidence by the public
- e. Comments and questions from the Mayor and Town Council
- f. Applicant's statement regarding proposed conditions
- g. Motion to *recess* Public Hearing to January 16, 2019, or
- h. Motion to close the Public Hearing and
- i. Motion to adopt a resolution approving the Special Use Permit.

RECOMMENDATION: That the Council close the public hearing and adopt Revised Resolution A, approving the application, if the Zoning Atlas Amendment is enacted. If it is not enacted, that the Council continue the SUP to January 16, 2019.

Continued Discussion

- 13.** Consider Authorizing the Town Manager to Execute a Cooperative Agreement with GoTriangle on the Durham-Orange Light Rail Transit Project. **[18-1001]**

PRESENTER: Bergen Watterson, Transportation Planning Manager,

Town of Chapel Hill
John Tallmadge, Interim Durham-Orange Light Rail Transit Project
Director

RECOMMENDATION: That the Council adopt the resolution authorizing the Town Manager to execute a Cooperative Agreement with GoTriangle to ensure coordination on the design and construction of the light rail line.

- 14.** Consider a Proposal for an Advisory Board Membership Policy Amendment and a Code of Ordinance Text Amendment. [\[18-1002\]](#)

PRESENTER: Becky McDonnell, Planner I

- a. Introduction and recommendation
- b. Comments and questions from the Mayor and Town Council
- c. Motion to adopt the Resolution to Amend the Advisory Board Membership Policy
- d. Motion to enact the Ordinance to Amend the Code of Ordinances.

RECOMMENDATION: That the Council adopt the Resolution to Amend the Advisory Board Membership Policy, and enact the Ordinance to Amend the Code of Ordinances.

- 15.** Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Sections 8.3 (Board of Adjustment) and 8.4 (Historic District Commission). [\[18-1003\]](#)

PRESENTER: Becky McDonnell, Planner I

- a. Introduction and revised recommendation
- b. Recommendation of the Planning Commission
- c. Comments from the public
- d. Comments and questions from the Mayor and Town Council
- e. Motion to adjourn the Public Hearing
- f. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- g. Motion to enact the ordinance to approve the changes to the Land Use Management Ordinance.

RECOMMENDATION: That the Council close the Public Hearing, adopt the Resolution of Consistency, and enact Ordinance A.

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