



# 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

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**Wednesday, May 22, 2019      7:00 PM      RM 110 | Council Chamber**

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### OPENING

### 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. Joe Patterson Request Modifications to the Town's Noise Control Code.

[\[19-0474\]](#)

### 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.

[\[19-0475\]](#)

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 2019-2020 HOME Investment Partnership Program Annual Plan. [\[19-0476\]](#)

By adopting the resolution, the Council authorizes this plan to be incorporated into the Annual Update to the 2015-2019 Consolidated Plan, for submission to the U.S. Department of Housing and Urban Development.

- 4.** Award a Bid and Authorize the Town Manager to Sign a Supplemental Agreement with NCDOT and Execute a Contract for the Construction of Variable Message Sign Project. [\[19-0477\]](#)

By adopting the Resolutions and Ordinance, the Council awards a bid in an amount of \$1,119,400 to Traffic Control Devices, Inc. for the construction of the variable message sign project and authorizes the Town Manager to enter into a Supplemental Municipal Agreement between the Town of Chapel Hill and the North Carolina Department of Transportation for Design and Construction of the Variable Message Sign Project.

- 5.** Authorize Town Manager to Submit a Funding Request for the North South Bus Rapid Transit Project through the Orange County Transit Plan. [\[19-0478\]](#)

By adopting the resolution, the Council authorizes the Town Manager to submit a funding request for the North South Bus Rapid Transit Project from the Orange County Transit Plan to GoTriangle.

- 6.** Adopt Minutes from January 24, and 31, 2018 and February 14, and 21, 2018 and March 7, 14, and 21, 2018 and April 11, 2018 Meetings. [\[19-0479\]](#)

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

## INFORMATION

- 7.** Receive Upcoming Public Hearing Items and Petition Status List. [\[19-0480\]](#)

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

## DISCUSSION

- 8.** Consider Adopting Land Use Management Ordinance Text Amendments to Establish New Zoning Districts for the Historic Rogers Road Neighborhood. [\[19-0481\]](#)

PRESENTER: Corey Liles, Principal Planner  
Caroline Dwyer, Renaissance Planning Group

- 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 1) close the public hearing; 2) adopt the Resolution of Consistency with the Comprehensive Plan; and 3) enact Ordinance A to amend Sections 3.4, 3.5, 6.24, 6.25, 6.26, Appendix A and Tables 3.7-1 and 3.8-1 of the Land Use Management Ordinance.

- 9.** Consider Amending the Town Of Chapel Hill Zoning Atlas to Apply the HR-L and HR-M Subdistricts to Properties in the Historic Rogers Road Area.

**[19-0482]**

PRESENTER: Corey Liles, Principal Planner  
Caroline Dwyer, Renaissance Planning Group

- 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 adjourn the Public Hearing
- g. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- h. Motion to enact an Ordinance to amend the Zoning Atlas.

RECOMMENDATION: That the Council 1) close the public hearing; 2) adopt the Resolution of Consistency with the Comprehensive Plan; and 3) enact Ordinance A to amend the Town of Chapel Hill Zoning Atlas.

- 10.** Approve the Traffic Calming Measures on Several Streets near the Proposed Wegmans Food Market.

**[19-0483]**

PRESENTER: Ben Hitchings, Planning Director  
Kumar Neppalli, Traffic Engineering Manager

RECOMMENDATION: That the Council adopt the attached resolution and enact the attached ordinance authorizing the installation of the following traffic calming measures on several streets near the proposed Wegmans store (1820 Fordham Boulevard) as outlined in this memo.

- 11.** Receive the FY19 Third Quarter Affordable Housing Quarterly Report (January-March). [\[19-0484\]](#)

PRESENTER: Sarah Osmer Viñas, Housing and Community Assistant Director  
Nate Broman-Fulks, Affordable Housing Manager

RECOMMENDATION: That the Council receive the Fiscal Year 2019 (FY19) third quarter report.

- 12.** Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.11 Regarding Affordable Housing and Stormwater Management in the Blue Hill District. [\[19-0485\]](#)

PRESENTER: Corey Liles, Principal Planner

- a. Introduction and preliminary 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 recess the Public Hearing to June 26, 2019
- f. Referral to the Manager and Attorney.

RECOMMENDATION: That the Council open the Public Hearing, receive public comment, and continue the Public Hearing to June 26, 2019.

- 13.** Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Section 4.5.4 Special Use Permit Modifications. [\[19-0486\]](#)

PRESENTER: Becky McDonnell, Planner II

- a. Introduction and preliminary 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 recess the Public Hearing to June 26, 2019
- f. Referral to the Manager and Attorney.

RECOMMENDATION: That the Council open the public hearing on the Land Use Management Ordinance text amendment, receive public comment, and continue the public hearing to June 26, 2019.



**APPOINTMENTS**

- 14.** Appointments to the Chapel Hill Downtown Partnership. [\[19-0487\]](#)
- 15.** Appointments to the Grievance Hearing Board. [\[19-0488\]](#)
- 16.** Appointments to the Human Services Advisory Board. [\[19-0489\]](#)
- 17.** Appointments to the Orange Water and Sewer Authority Board of Directors. [\[19-0490\]](#)

**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.  
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Chapel Hill, NC 27514

## Item Overview

**Item #:** 1., **File #:** [19-0474], **Version:** 1

**Meeting Date:** 5/22/2019

### Joe Patterson Request Modifications to the Town's Noise Control Code.

**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 <http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/petitionstatus>](http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/petitionstatus) 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:**

- Joe Patterson Request

Date: May 16, 2019  
 To: The Mayor and Town Council  
 From: Joe Patterson

Re: Petition requesting modifications to the Town of Chapel Hill Noise Control Code

The residential neighborhoods surrounding the Lark (formerly Lux) student apartments, a 197 unit high-rise building, have experienced problems with excessive noise emanating from the property's pool and recreation common areas since its initial opening in late 2014. This is evidenced by the attached complaint from 3/4/17. Large raucous crowds of residents and guests (invited and uninvited) have crowded the pool deck and surrounding outdoor entertainment areas (combined total capacity 442 people) on a regular basis. Volleyball and basketball games from adjacent courts are generally accompanied by shouting and yelling throughout the games. Noise levels from all of these activities, as a rule, substantially exceed the legal noise levels specified in the Town's Noise Control Code ("NCC").

For years, neighbors have been working with the Town Staff and the CHPD in an effort to bring the property and its residents into compliance with the NCC. During this effort, it has become clear that the NCC, in its current form, is not designed to address and control noise levels generated by groups gathered in common areas in high density residential properties. The NCC only addresses actions by individuals who are violating the Code. It does not provide a means by which the Town can hold the owner and/or manager of properties accountable for noise violations by groups of people using common areas controlled by the owner/manager. This is clearly an issue that needs to be addressed town-wide as the number of high-density residential properties increases throughout the Town.

The residents listed below, all of whom have been and continue to be negatively affected by the Lark Apartments noise issues, have authorized me to pursue a solution to the problem with the Town. On their behalf, as well as that of the rest of the community, I hereby petition the Town Council to re-draft or amend the NCC (or draft a new ordinance, if necessary) to give the Town Staff and the CHPD a legal mechanism by which owner/managers of multi-family residential (and similar) properties are made responsible and accountable for controlling noise levels created by the use of their common areas by tenants and/or guests (as well as any other individual or group on their property), and insuring that noise levels from the property do not exceed maximum levels specified in the NCC.

Joe Patterson  
 7 Cobb Terrace

Chris and Sharon Ringwalt  
 8 Cobb Terrace

Elizabeth Okun  
 213 Friendly Lane

Chris Belcher  
 5 Cobb Terrace

Melissa McCollough  
 6 Cobb Terrace

Katherine Polk  
 13 Cobb Terrace

Chris Donahue  
 7-A Cobb Terrace

Date: March 4, 2017

## Noise Complaint

To: Chief Chris Blue and the Town of Chapel Hill Enforcement Staff

From: Joe Patterson (7 Cobb Terrace), Katherine Polk (11 Cobb Terrace), and Chris Belcher (5 Cobb Terrace)

As the three full time owner/residents of houses on the north eastern side of Cobb Terrace which face the Lux Apartments pool area, volleyball court, and the apartments and balconies on that side of the building ("the pool area"), we hereby file a joint complaint concerning the frequent instances of excessive noise levels coming from the pool area. The noise levels regularly interfere with our ability to reasonably enjoy outdoor activities on our property as well as our ability to sleep undisturbed.

They have occurred with regularity since the opening of the apartments a few years ago. The types of noise include, but are not limited to, loud parties, amplified music, singing, yelling, and shouting. Most daytime occurrences appear to be centered around large groups of people at the pool, or during many volleyball games. These are at their worst when combined with alcohol and amplified music at management sponsored events, or simple ad hoc resident gatherings. Nighttime disturbances are generally (but far from exclusively) on weekend evenings and take the form of loud parties or drunken yelling from individual apartments. These last well past midnight.

We would like the Police Department and Town to take whatever steps are necessary to put an end to these disturbances, insure that the residents of the Lux Apartments do not exceed legal noise levels in the future, and continue to defend our right to the quiet enjoyment of our properties.

Thank you.



# TOWN OF CHAPEL HILL

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## Item Overview

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**Item #:** 2., **File #:** [19-0475], **Version:** 1

**Meeting Date:** 5/22/2019

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### **Approve all Consent Agenda Items.**

#### **Staff:**

Sabrina M. Oliver, Director and 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.

**Council Goals:** Please refer to each agenda item for specific Council Goals.



#### **Attachments:**

- Resolution

**A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES  
(2019-05-22/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 2019-2020 HOME Investment Partnership Program Annual Plan. (R-2)
4. Award a Bid and Authorize the Town Manager to Sign a Supplemental Agreement with NCDOT and Execute a Contract for the Construction of Variable Message Sign Project. (R-3)  
(O-4)(R-4)
5. Authorize Town Manager to Submit a Funding Request for the North South Bus Rapid Transit Project through the Orange County Transit Plan. (R-5)
6. Adopt Minutes from January 24, and 31, 2018 and February 14, and 21, 2018 and March 7, 14, and 21, 2018 and April 11, 2018 Meetings. (R-6)

This the 22<sup>nd</sup> day of May, 2019.

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**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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## Item Overview

Item #: 3., File #: [19-0476], Version: 1

Meeting Date: 5/22/2019

### Approve the 2019-2020 HOME Investment Partnership Program Annual Plan.

#### Staff:

Loryn Clark, Executive Director  
Nate Broman-Fulks, Affordable Housing Manager  
Renee Moye, Community Development Program Manager

#### Department:

Housing and Community

**Overview:** The HOME Program is authorized by the Title II of the Cranston-Gonzalez National Affordable Housing Act and is administered by the Department of Housing and Urban Development (HUD). The HOME Program provides grants to state and local governments to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership, or to provide direct rental assistance to low-income people. The HOME program is the largest Federal block grant designed exclusively to create affordable housing for low-income peoples.

Orange County is the lead entity for the HOME program and the HOME Program Consortium. The Consortium includes four participating jurisdictions (Chapel Hill, Carrboro, Hillsborough, and Orange County). To enhance collaboration around affordable housing among the jurisdictions in the County, [the Orange County Local Government Affordable Housing Collaborative](http://chapelhill.granicus.com/MetaViewer.php?view_id=21&clip_id=3270&meta_id=174509) ([http://chapelhill.granicus.com/MetaViewer.php?view\\_id=21&clip\\_id=3270&meta\\_id=174509](http://chapelhill.granicus.com/MetaViewer.php?view_id=21&clip_id=3270&meta_id=174509)) (the Collaborative) was formed in 2017. The Collaborative includes elected officials and staff from the each of the four participating jurisdictions and serves as the HOME Program Consortium application review team, charged with developing an annual HOME Program plan. Council Member Donna Bell represents the Chapel Hill Town Council on the Collaborative. All participating jurisdictions must approve and authorize submission of the plan prior to submittal to the U.S. Department of Housing and Urban Development (HUD).

The Collaborative asks the Council to review and approve a 2019-2020 HOME Program Plan.



#### Recommendation(s):

That the Council:

1. Approve a spending plan developed by the Collaborative for use of \$350,302 of 2019-2020 Orange County HOME Program funds, \$13,306 in program income, \$78,818 local match funds, and \$60,201 of 2018-2019 HOME Program set-aside funds for Community Housing Development Organizations.
2. Authorize this plan to be incorporated into the Annual Update to the 2015-2019 Consolidated Plan for Orange County.

#### Summary of Recommended Plan:

• Habitat for Humanity - Second Mortgage Assistance	\$ 181,392
• Orange County- Tenant-Based Rental Assistance & Rapid Rehousing	\$ 141,004
• EmPOWERment, Inc. - Acquisition	\$ 32,455
• EmPOWERment - Acquisition (CHDO Set Aside of 15% of FY19-20 grant)	\$ 52,545

Item #: 3., File #: [19-0476], Version: 1

Meeting Date: 5/22/2019

- |  |                  |
|--|------------------|
| • EmPOWERment - Acquisition (CHDO Set Aside of 15% of FY18-19 grant) | \$ 60,201        |
| • Administration   | <u>\$ 35,030</u> |

**Total HOME Funds for Project Activities****\$502,627****Key Issues:**

- HUD requires that at least 15% of HOME allocation (\$350,302, not including program income and local match funds) be reserved for use by Community Housing Development Organizations (CHDOs).
- Last year, we did not receive applications from Community Housing Development Organizations.
- HOME funded projects must benefit households earning 80% or less of the area median income (\$64,500 for a four-person household).
- Housing projects funded with Orange County HOME Consortium Program funds are subject to the County's 99-year long-term affordability policy and must remain affordable for 99 years. Orange County records deed restrictions on the property with the Register of Deeds for affordable housing projects.
- If an agency does not implement a project after funding is awarded, the Collaborative would return to the governing bodies of the participating jurisdictions with a proposed plan for reallocation of funds.







**Fiscal Impact/Resources:**

- The recommended plan proposes to provide funds as grants to non-profit organizations for affordable housing activities.
- Participation in the HOME Program requires a local match. The Town's portion is \$32,315. As in previous years, we propose to use an allocation from the Affordable Housing Fund for this purpose.

**Next Steps:**

- Each of the jurisdictions must approve the HOME Program Plan.
- Orange County submits 2019-2020 HOME Program Annual Action Plan to the U.S. Department of Housing and Urban Development.

**Council Goals:**

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

**Attachments:**

- Resolution
- 2019-2020 HOME Program Annual Plan Summary of Activities



**A RESOLUTION APPROVING THE 2019-2020 HOME INVESTMENT PARTNERSHIP PROGRAM ANNUAL PLAN (2019-05-22/R-2)**

WHEREAS, Orange County held two public forums to receive citizen comments and proposals regarding the use of 2019-2020 HOME Program funds; and

WHEREAS, the HOME program application review team reviewed and evaluated funding applications received for proposed 2019-2020 HOME program activities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the following 2019-2020 HOME Investment Partnership Program Annual Plan to be carried out by the members of the Orange County HOME Consortium:

- |  |            |
|--|------------|
| • Habitat for Humanity - Second Mortgage Assistance                  | \$ 181,392 |
| • Orange County- Tenant-Based Rental Assistance & Rapid Rehousing    | \$ 141,004 |
| • EmPOWERment, Inc. - Acquisition                                    | \$ 32,455  |
| • EmPOWERment - Acquisition (CHDO Set Aside of 15% of FY19-20 grant) | \$ 52,545  |
| • EmPOWERment - Acquisition (CHDO Set Aside of 15% of FY18-19 grant) | \$ 60,201  |
| • Administration   | \$ 35,030  |

**Total HOME Funds for Project Activities**

**\$502,627**

BE IT FURTHER RESOLVED that the Council authorizes this plan to be incorporated into the Annual Update to the 2015-2019 Consolidated Plan, for submission to the U.S. Department of Housing and Urban Development.

This the 22<sup>nd</sup> day of May, 2019.

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**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 this plan to be incorporated into the Annual Update to the 2015-2019 Consolidated Plan, for submission to the U.S. Department of Housing and Urban Development.

## 2019-2020 HOME Program Plan Summary

The Orange County Local Government Affordable Housing Collaborative (the Collaborative) met on February 28, 2019, to review applications for HOME funding, and recommends the following 2019-2020 program plan:

### Summary of Recommended Plan:

• Habitat for Humanity - Second Mortgage Assistance	\$ 181,392
• Orange County- Tenant-Based Rental Assistance & Rapid Rehousing	\$ 141,004
• EmPOWERment, Inc. - Acquisition	\$ 32,455
• EmPOWERment – Acquisition (CHDO Set Aside of 15% of FY19-20 grant)	\$ 52,545
• EmPOWERment – Acquisition (CHDO Set Aside of 15% of FY18-19 grant)	\$ 60,201
• Administration	<u>\$ 35,030</u>

Total 2019-2020 HOME Funds for Project Activities	\$502,627
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#### 1. Habitat for Humanity: \$181,392

Habitat requests \$240,000 in HOME funds as second mortgage assistance for eight (8) newly constructed homes in the Fairview community in Hillsborough, Northside neighborhood in Chapel Hill, and the Homestead Road area in Chapel Hill. Second mortgage assistance will allow the homes to be affordable to buyers earning between 30% and 60% of the area median income (AMI).

The Collaborative recommends allocating \$181,392 in HOME funds to support second mortgage assistance.

#### 2. Orange County –Tenant-Based Rental Assistance & Rapid Rehousing: \$141,004

The County will leverage local funds to provide rental assistance for low-income persons, including utility and security deposit payments. Tenant-based rental assistance (TBRA) is a rental subsidy that can be used to help individual households afford housing costs such as rent and security deposits. Funding may also be used to assist tenants with utility deposits but only when HOME is also used for rental assistance or security deposits.

#### 3. EmPOWERment: \$145,201 (\$52,545 FY19-20 CHDO Set Aside + \$60,201 FY18-19 CHDO Set Aside + \$32,455 Additional Project Funding)

EmPOWERment requests \$304,800 in HOME funds for acquisition of three (3) units for affordable housing rental purposes; two (2) units in the Hillmont Apartment Complex in Carrboro and one (1) single-family home in the Pine Knolls neighborhood in Chapel Hill. The target population consists of households earning 51-80% of Area Median Income. EmPOWERment proposes to leverage \$30,000 from the United Way of the Greater Triangle and the EmPOWERment operating fund.

The U.S. Department of Housing and Urban Development (HUD) requires that a minimum of 15% of HOME allocations be reserved for use by a Community Housing Development Organization (CHDO). EmPOWERment is applying for funds, as a CHDO.

The Collaborative recommends allocating \$145,201 in HOME funds to support acquisition of either the two (2) units in the Hillmont Apartment Complex in Carrboro, or the one (1) single-family home in the Pine Knolls neighborhood in Chapel Hill. The Collaborative

articulated a preference towards acquisition of the two (2) units in the Hillmont Apartment Complex, since 1-bedroom units are currently in high demand.

4. Program Administration: \$35,030

Funds for administration of the HOME Program would be allocated to the Orange County Housing and Community Development Department.



# TOWN OF CHAPEL HILL

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

## Item Overview

Item #: 4., File #: [19-0477], Version: 1

Meeting Date: 5/22/2019

### **Award a Bid and Authorize the Town Manager to Sign a Supplemental Agreement with NCDOT and Execute a Contract for the Construction of Variable Message Sign Project.**

#### **Staff:**

Lance Norris, Director  
Kumar Neppalli, Traffic Engineering Manager

#### **Department:**

Public Works  
Public Works

**Overview:** The purpose of this item is to recommend that the Council award a bid to Traffic Control Devices, Inc. for construction of the variable message sign project. The project consists of construction of 10 variable message signs in Chapel Hill. The project will be funded by contributions from the Federal Government, UNC-Chapel Hill, and the Town of Chapel Hill.



#### **Recommendations:**

That the Council:

- Adopt the attached Resolution A authorizing the Town Manager to enter into the Supplemental Municipal Agreement with NC Department of Transportation for additional construction funds.
- Enact the attached project ordinance to amend the budget to recognize the additional federal funds for project construction.
- Adopt the attached Resolution B awarding a bid and authorizing the Town Manager to execute a contract with the lowest responsive, responsible bidder, Traffic Control Devices, Inc. in an amount of \$1,119,400.

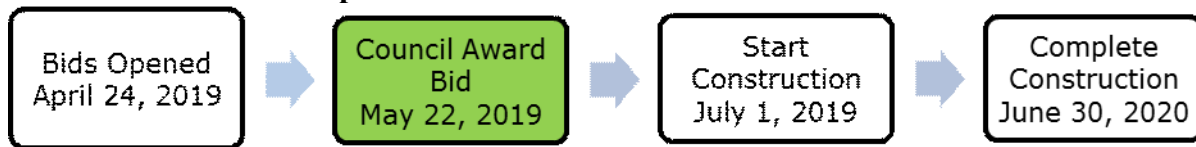
#### **Key Issues**

- The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) allocates funding to the Town of Chapel Hill through the Surface Transportation Block Grant Direct Allocation (STBGDA) program for several projects. In order to utilize the STBGDA funding the Town of Chapel Hill and the North Carolina Department of Transportation (NCDOT) must complete a municipal agreement.
- In June 2014, [the Council authorized the Town Manager to enter into a Municipal Agreement with NCDOT <http://chapelhill.granicus.com/MetaViewer.php?view\\_id=7&clip\\_id=2118&meta\\_id=102597>](http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2118&meta_id=102597) to design a variable message sign system to install permanent mounted electronic traffic signs to display changeable messages at designated locations throughout Town.
- In September 2014, the [Town appropriated \\$93,750 for the design <http://chapelhill.granicus.com/MetaViewer.php?view\\_id=7&clip\\_id=2136&meta\\_id=90446>](http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=2136&meta_id=90446). The funds were a combination of federal STBGDA funds and the Town's local match from the General Fund.
- The Town hired Kimley-Horn and Associates to design the project.
- In February 2018, the Council provided input on type and locations of the variable message signs. [The Council authorized the Town Manager to enter into a Municipal Agreement with NCDOT <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3346657&GUID=6FE74FF5-9145-4CAE- for construction funds of \\$819,200.](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3346657&GUID=6FE74FF5-9145-4CAE-)
- Design of this project was completed in December 2018. The North Carolina Department of Transportation and Federal Highway Administration completed their review in February 2019.

- The Town advertised the project for bid on March 20, 2019 and received three bids on April 24, 2019. Details of the project plans, sign types, bid packet, and tabulation can be found at <https://www.townofchapelhill.org/Home/Components/RFP/RFP/314/1130>
- Recently, DCHC MPO approved a new total of \$1,193,000 in federal funds (80%) for the construction phase. This equates to a total project budget of \$1,491,250 including the 20% local match. The local match is contributed by the University (\$198,000) and the Town's General Fund operating funds (\$100,250).

**Fiscal Impact/Resources:** The lowest bid is \$1,119,400. Funding comes from a combination of federal funds, UNC Contribution, and Town operating funds. We anticipate that we will have an excess of \$371,850 including local match funds. We will come back to the Council in Fall 2019 for the appropriation of local match once the total project cost has been determined.

**Where is this item in its process?**



**Council Goals:**

<input type="checkbox"/>		Create a Place for Everyone	<input type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



**Attachments:**

- Resolution A - NCDOT Supplemental Agreement
- Project Ordinance - NCDOT Supplemental Agreement
- Resolution B - Award of Contract

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

By adopting the Resolutions and Ordinance, the Council awards a bid in an amount of \$1,119,400 to Traffic Control Devices, Inc. for the construction of the variable message sign project and authorizes the Town Manager to enter into a Supplemental Municipal Agreement between the Town of Chapel Hill and the North Carolina Department of Transportation for Design and Construction of the Variable Message Sign Project.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A SUPPLEMENTAL MUNICIPAL AGREEMENT BETWEEN THE TOWN OF CHAPEL HILL AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL DESIGN AND CONSTRUCTION OF THE VARIABLE MESSAGE SIGN PROJECT AND TO AUTHORIZE ACCEPTANCE OF FEDERAL AND UNIVERSITY OF NORTH CAROLINA-CHAPEL HILL FUNDS FOR THIS PROJECT (2019-05-22/R-3)

WHEREAS, the Town of Chapel Hill, University of North Carolina at Chapel Hill, and North Carolina Department of Transportation would like to use permanently installed variable message signs to:

- Provide real-time traveler information
- Support traffic management during events around Town
- Eliminate the need for portable message signs and create a permanent solution that can be used throughout the year
- Support incident management
- Integrate with existing wayfinding and special event plans; and

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and North Carolina Department of Transportation have allocated funding for design and construction of the improvements in the State Transportation Improvement Program, TIP Project: U-5543; and

WHEREAS, previously, the Town signed an agreement with the North Carolina Department of Transportation agreed to reimburse the Town up to \$819,200 for design and construction of the subject project; and

WHEREAS, the University of North Carolina at Chapel Hill agreed to reimburse the Town up to \$194,500 for construction of the subject project; and

WHEREAS, the North Carolina Department of Transportation agreed to reimburse the Town up to \$1,193,000 for construction of the subject project; and

WHEREAS, in order to receive the reimbursement, the Town of Chapel Hill and the North Carolina Department of Transportation must enter into a Supplemental Municipal Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to enter into a Supplemental Municipal Agreement between the Town of Chapel Hill and the North Carolina Department of Transportation for Design and Construction of the Variable Message Sign Project.

This the 22<sup>nd</sup> day of May, 2019.

AN ORDINANCE TO AMEND THE CAPITAL PROJECTS ORDINANCE FOR VARIOUS CAPITAL PROJECTS (2019-05-22/O-1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the capital project ordinance for various capital projects funded from a variety of sources is hereby amended to read as follows:

"SECTION I

The capital projects as authorized by the Town Council include various capital projects funded from grants, the Capital Improvements Program funds, and other miscellaneous sources of revenues for a variety of projects extending beyond one year.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with implementation of these projects within terms of funds appropriated here.

SECTION III

Revenues anticipated to be available to the Town to complete the project are hereby amended as follows:

	Current Budget	Revised Budget
Other Revenues	\$ 37,909,904	\$ 37,909,904
STBG-DA Grant	819,200	1,193,000
UNC Contribution	194,500	198,000
Transfer from General Fund	<u>10,300</u>	<u>10,300</u>
Total Revenues	\$ 38,933,904	\$ 39,311,204

SECTION IV

Amounts appropriated for capital projects are hereby amended as follows:

	Current Budget	Revised Budget
Other Projects	\$ 37,909,904	\$ 37,909,904
Variable Message Sign System	<u>1,024,000</u>	<u>1,401,300</u>
Total Expenditures	\$ 38,933,904	\$ 39,311,204

SECTION V

The Town Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Budget, and shall keep the Council informed of any unusual occurrences.

## SECTION VI

Copies of this amended projects ordinance shall be entered into the minutes of the Council and copies shall be filed within five days of adoption with the Manager, Business Management Director and Town Clerk."

This the 22<sup>nd</sup> day of May, 2019.



A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH TRAFFIC CONTROL DEVICES, INC. IN AN AMOUNT OF \$1,119,400 FOR THE CONSTRUCTION OF THE VARIABLE MESSAGE SIGN PROJECT (2019-05-22/R-4)

WHEREAS, the Town of Chapel Hill solicited formal bids for the construction of the variable message signs on the Town website on March 20, 2019 in accordance with N.C. General Statute Sec. 143-129; and

WHEREAS, three responsive bids were received and opened on April 24, 2019; and

WHEREAS, the responsive bids were evaluated and Traffic Control Devices, Inc. was determined to be the lowest responsive, responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to execute a contract with the lowest responsive, responsible bidder, Traffic Control Devices, Inc., in an amount of \$1,119,400.

This the 22<sup>nd</sup> day of May, 2019.



# TOWN OF CHAPEL HILL

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

## Item Overview

Item #: 5., File #: [19-0478], Version: 1

Meeting Date: 5/22/2019

### **Authorize Town Manager to Submit a Funding Request for the North South Bus Rapid Transit Project through the Orange County Transit Plan.**

**Staff:**

Brian Litchfield, Director

**Department:**

Transit

**Overview:** Request for funding for North South Bus Rapid Transit Project through Orange County Transit Plan.



**Recommendation(s):**

That the Council authorize the Town Manager to submit a funding request for the North South Bus Rapid Transit Project through the Orange County Transit Plan to GoTriangle.

**Decision Points:**







- The Council adopted an updated Locally Preferred Alternative (LPA) for the North South Bus Rapid Transit (BRT) project on [January 16, 2019 <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3838442&GUID=913FECA8-4404-458A-A486-EFF5EA2AE2C3&Options=&Search=>](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3838442&GUID=913FECA8-4404-458A-A486-EFF5EA2AE2C3&Options=&Search=>) and is currently in the 30% design and environmental phase.
- The Town of Chapel Hill plans to submit the project for rating in the Federal Transit Administration (FTA) Small Starts in September of 2019. This will allow the project to continue to move forward in the federal process and likely reduce the time between planning and implementation.
- Based on current cost estimates, the North South BRT project needs \$28M in non-federal match funds. The North South BRT project requires non-federal match beyond the \$6.1M currently allocated in the Orange County Transit Plan. Having at least 50% (\$14M) of the non-federal match identified would greatly benefit the project in the FTA rating process.
- The Interlocal Implementation Agreement that governs the Orange County Transit Plan requires any change in funding to be requested through GoTriangle.

**Key Issues:**

- With the discontinuation of the Durham Orange Light Rail (D-O LRT) project, there are financial resources within the Orange County Transit Plan that could be allocated to projects such as North South BRT.
- The Town is also pursuing non-federal match funding from the State through the SPOT 6.0 process.
- A formal request from the Town is needed to initiate the process for considering additional funding for the North South BRT project.

**Fiscal Impact/Resources:** No immediate fiscal impact; however, the additional funding will likely strengthen our application for a federal rating.

**Council Goals:**

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input checked="" type="checkbox"/>		Grow Town and Gown Collaboration

**Attachments:**

- Resolution
- Proposed Letter from Town Manager to GoTriangle President and CEO Jeff Mann

**A RESOLUTION TO AUTHORIZE THE TOWN MANAGER TO SUBMIT A FUNDING REQUEST FOR THE NORTH SOUTH BUS RAPID TRANSIT PROJECT FROM THE ORANGE COUNTY TRANSIT PLAN TO GOTRIANGLE (2019-05-22/R-5)**

WHEREAS, the North South BRT project is a major transit investment identified in the Orange County Transit Plan and a critical investment for the Town of Chapel Hill and our Transit Funding Partners; and

WHEREAS, the Town of Chapel Hill is committed to providing high-quality transit services and sustainable transportation options; and

WHEREAS, having at least 50% (\$14M) of the non-federal match identified for the project would benefit the project as it goes through the FTA rating process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to submit a request to GoTriangle for an additional \$8-million from the Orange County Transit Plan for the North South Bus Rapid Transit Project.

This the 22<sup>nd</sup> day of May, 2019.

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**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 Town Manager to submit a funding request for the North South Bus Rapid Transit Project from the Orange County Transit Plan to GoTriangle.



**TOWN OF CHAPEL HILL**  
**Office of the Manager**

405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514-5705

*phone* (919) 968-2743 *fax* (919) 969-2063  
[www.townofchapelhill.org](http://www.townofchapelhill.org)

May 16, 2019

Mr. Jeff Mann  
President and CEO  
GoTriangle  
PO Box 13787  
Research Triangle Park, NC 27709

Re: Request for Funding for North South Bus Rapid Transit Project through Orange County  
Transit Plan

Dear Mr. Mann:

I am writing on behalf of the Town of Chapel Hill and our Chapel Hill Transit Funding Partners (Town of Carrboro and University of North Carolina at Chapel Hill) to request additional funding for the North South Bus Rapid Transit (BRT) Project in support of the project moving forward in the Federal Transit Administration (FTA) Small Starts Process. This critical transit project was approved to enter FTA's Project Development phase in November of 2016 and we anticipate requesting a project ranking from FTA in September 2019 as we move forward with pursuing a full-funding grant agreement.

As you are aware local funding commitments play a key role in the project rating process and being able to demonstrate that around 50-percent of the non-federal match is allocated to the project could help the North South BRT project significantly in the rating process. The current cost estimate for the North South BRT project is \$140M, which requires \$28M in non-federal match. The current Orange County Transit Plan allocates \$6.1M of the non-federal match for the project and we are pursuing the difference through the State's SPOT 6.0 process. However, SPOT funding will not be awarded in time for us to submit a rating request to FTA in September 2019. To assist us with this effort, we are asking that the Orange County Transit Plan allocate an additional \$8M to the North South BRT project by August of 2019 and we would agree to revisit the project's fiscal needs after SPOT 6.0 awards are announced in November 2019. The additional funds for the North South BRT project could be reallocated from capital revenues in the plan previously dedicated to the D-O LRT project.

We believe this request is reasonable considering that the D-O LRT project has been discontinued and the North South BRT project remains as one of the key transit investments identified in the Orange County Transit Plan. Additionally, the North South BRT project, despite

its anticipated high SPOT 5.0 score, was removed from the SPOT 5.0 process following a vote by the DCHHC MPO due to its potential risk to D-O LRT funding, eliminating our ability to attract State funding at that time to assist with the non-federal match requirement. We also believe this request is consistent with requirements of the Interlocal Implementation Agreement that governs that Orange County Transit Plan and its associated funding and should be considered a non-material change consistent with paragraphs 16 and 17 of the interlocal agreement.

The Town of Chapel Hill and our Transit Funding Partners are committed to the success of the North South BRT project and believe that this funding request will help us best position the project as we seek federal funding. We appreciate consideration for additional funding for the North South BRT project and look forward to our continued work together to create a dependable, affordable, time-competitive and accessible transportation network that will meet the needs of those who live, work, play, learn and heal throughout Orange County and the Triangle region. Please do not hesitate to contact me with any questions.

Sincerely,

Maurice Jones

Town Manager  
Town of Chapel Hill

DRAFT

CC: Pam Hemminger, Mayor, Town of Chapel Hill  
 Lydia Lavelle, Mayor, Town of Carrboro  
 Bonnie Hamersley, Orange County Manager  
 Travis Myren, Orange County Deputy Manager  
 David Andrews, Town Manager, Town of Carrboro  
 Damon Seils, Chair, Durham-Chapel Hill-Carrboro MPO Board  
 A. Bradley Ives, Associate Vice Chancellor for Campus Enterprises & Chief Sustainability Officer, The University of North Carolina at Chapel Hill  
 Felix Nwoko, Ph.D., MPO Executive Director, Durham-Chapel Hill-Carrboro MPO  
 Aaron Cain, Chair, Orange County Staff Working Group  
 Brian Litchfield, Director, Chapel Hill Transit



# TOWN OF CHAPEL HILL

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

## Item Overview

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**Item #:** 6., **File #:** [19-0479], **Version:** 1

**Meeting Date:** 5/22/2019

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**Adopt Minutes from January 24, and 31, 2018 and February 14, and 21, 2018 and March 7, 14, and 21, 2018 and April 11, 2018 Meetings.**

**Staff:**

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

**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
- January 24, 2018 Business Meeting
- January 31, 2018 Business Meeting
- February 14, 2018 Public Hearing
- February 21, 2018 Business Meeting
- March 7, 2018 Business Meeting
- March 14, 2018 Business Meeting
- March 21, 2018 Business Meeting
- April 11, 2018 Business Meeting

**A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2019-05-22/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 January 24, and 31, 2018 and February 14, and 21, 2018 and March 7, 14, and 21, 2018 and April 11, 2018.

This the 22nd day of May, 2019.

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

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

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**Wednesday, January 24, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

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*\* Items reissued from the canceled January 17, 2018 meeting.*

### Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaeitz

### Other Attendees

Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Communications Specialist Mark Losey, Senior Planner Kay Pearlstein, Senior Planner Aaron Frank, Senior Planner Corey Liles, Housing and Community Executive Director Loryn Clark, Assistant Housing and Community Director Sarah Vinas, Interim Operations Manager for Current Development Judy Johnson, Police Officer Rick Fahrer, Fire Inspector Greg Peeler, Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

### OPENING

Mayor Hemminger opened the meeting at 7:00 p.m., and welcomed new Council members. She explained that the evening's agenda would be long due to a previously canceled meeting. She thanked the Public Works Department and others who had helped during a recent snowstorm, and said she appreciated how the public had remained off the roads.

Mayor Hemminger mentioned that an orange flag had been raised at the Peace and Justice Plaza to honor victims of a recent mass shooting in Kentucky. Orange was the color being used by Moms Demand Action for Gun Sense in America, and others who were advocating for common sense gun legislation, she said.

Mayor Hemminger mentioned that a Chapel Hill Transit public meeting regarding the Town's Short-Range Transit Plan would be held on January 25 from 11:00 a.m to 2:00 p.m. at the UNC Children's Hospital, and from 6:00 to 8:00 p.m. at the Chapel Hill Public Library.

There would also be a public meeting regarding the Homestead Road Senior Apartments on January 25 from 5:00 to 6:00 p.m. at Town Hall, Mayor Hemminger said.

Mayor Hemminger added that the Frederick Douglass kick-off event would occur on January 26 at 7:00 p.m. at the United Church of Chapel Hill.

An Assembly of Government meeting would be held the following Tuesday at 7:00 p.m. in Hillsborough, she said.

### **PETITIONS FROM 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 motions, 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.

#### **0.1 Pete Andrews Regarding Chapel Hill Cooperative Preschool.**

**[\[18-0072\]](#)**

Pete Andrews, representing neighbors of the Chapel Hill Cooperative Preschool, raised concerns about the traffic impact analysis (TIA) and petitioned the Council to revise it, and then hold public meetings. Neighbors wanted the TIA to include a scenario for the full capacity of 112 students, he said. In addition, a recommended deceleration lane on Mt. Carmel Church Road did not appear on the application, he said. Mr. Andrews stated that the TIA had not evaluated the impacts of a 200-foot median that the North Carolina Department of Transportation (DOT) required. He asked that all of those impacts be considered in the TIA.

Town Manager Roger Stancil pointed out that a public information meeting had been scheduled and advertised. That meeting would include the consultant, DOT, Town traffic engineers, and an additional public meeting could be scheduled, if needed, he said.

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

**0.2 Adopt a Resolution Supporting SNAP and Other Federal Nutrition Programs. (R-0.1)**

[\[18-0079\]](#)

Mayor Hemminger explained that the Resolution 0.1 was in support of a request to continue the Supplemental Nutrition Assistance Program (SNAP) and other federal nutrition programs with no reductions. She pointed out that North Carolina was the eighth hungriest state in the nation, and that more than 15 percent of state residents use nutritional programs.

A motion was made by Council Member Bell, seconded by Mayor pro tem Anderson, that R-0.1 be adopted. 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.

Mayor Hemminger called attention to Consent Agenda Item 9 regarding two public hearings that had been rescheduled to January 31, 2018. The January meeting would address the sale of 127 West Rosemary Street, and a proposed closure of a portion of the public right-of-way on Flemington Road, she said.

*Approval of the Consent Agenda*

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. \* Approve all Consent Agenda Items. [\[18-0032\]](#)

2. \* Award a Bid and Authorize the Town Manager to Execute a Contract for the Friday Center Drive Reconstruction Project. [\[18-0033\]](#)

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

3. \* Call a Public Hearing for February 28, 2018 to Consider Closing the Public Right-Of-Way for the Unmaintained Alley Near the Intersection of Pritchard Avenue and West Rosemary Street. [\[18-0034\]](#)

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

4. \* Call a Public Hearing for February 28, 2018 to Consider Closing Unmaintained Public Rights-Of-Way Near Smith Avenue. [\[18-0035\]](#)

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

5. \* Call a Public Hearing for February 28, 2018 to Consider Closing the Public Right-of-Way for the Unpaved and Unmaintained Portion of Ward Street. [\[18-0036\]](#)

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

6. \* Adopt a Resolution Supporting an Application for Transportation Demand Management (TDM) Grant. [\[18-0037\]](#)

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

7. \* Approve Changes to the Amity Station Development Agreement Subcommittee. [\[18-0038\]](#)

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

8. \* Amend the 2018 Council Calendar. [\[18-0039\]](#)

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

9. Continue the Public Hearings for the Sale of Real Property at 127 West Rosemary Street Pursuant to an Economic Development Agreement and a Request to Close a Portion of Public Right-Of-Way on Flemington Road between Maxwell Road and Brandon Road to January 31, 2018 [\[18-0061\]](#)

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

## INFORMATION

10. \* Receive Upcoming Public Hearing Items and Petition Status List. [\[18-0040\]](#)

This item was received as presented.

11. \* Human Services Program Overview and Process Review Underway. [\[18-0041\]](#)

This item was recieved as presented.

## SPECIAL USE PERMIT(S)

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.** \* Consider an Application for Special Use Permit Modification -  
State Employees Credit Union (SECU) Family House  
Expansion, Residential Support Facility, 123 Old Mason Farm  
Road (Project #17-012)

[\[18-0048\]](#)

Senior Planner Kay Pearlstein gave a PowerPoint presentation on a special use permit (SUP) modification application for expanding SECU Family House on Old Mason Farm Road. She explained that a rezoning would not be required, and that the application had been through public hearings, and was available for Council action.

Ms. Pearlstein showed the site and surrounding properties on an aerial map, and described the building layout. She outlined the request for an additional 28,000 square feet of floor area, and for buffer, vehicle, and bicycle parking modifications. She said that there had been four changes to the resolution since the public hearing. These included: providing a bus shelter on Old Mason Farm Road; further shielding light from an adjacent neighborhood; strengthening the construction management plan; and obtaining state approval of an erosion control stipulation. Ms. Pearlstein recommended that the Council close the public hearing, and adopt Resolution 10, approving the SUP modification.

Council Member Oates confirmed with Ms. Pearlstein that there already were trees along the eastern border.

Bruce Ballentine, representing SECU Family House, said he was available to answer questions, but had nothing to add to his presentation at the public hearing.

Council Member Anderson mentioned an email to Council from a Family House neighbor, Gary Richmond, regarding the location of the recycling pick-up area.

Mr. Ballentine replied that the applicant had found that to be the best location, and that the area would be screened with a full retaining wall, slope, and trees.

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

**13. \* Consider an Application for Special Use Permit Modification -  
Montessori Community School, 4512 Pope Road (Project  
#17-017)**

**[18-0049]**

Senior Planner Aaron Frank gave a PowerPoint presentation on a SUP modification application for Montessori Community School. He said that the application had been through the public process, and was available for Council action. Mr. Frank described the approximately 14-acre site on Hope Road, and showed the surrounding area on an aerial map. He explained that the property was zoned OI-2 and R-2, and that a school was a permitted use in both districts.

Mr. Frank outlined the proposal to expand the existing campus by adding a gymnasium/auditorium, classroom building, maintenance, and administrative spaces. The parking lot would have a new access, and would be expanded to include 122 parking spaces, he said. He noted that the parking area was not connected to the student pick-up and drop-off area. There would be 30 new bicycle parking spaces, he said.

Mr. Frank explained that the proposed modifications included changing the eastern landscape buffer from a 30-foot type D, to 30 and 20 type C, and increasing the number of parking spaces from 84 to 122. Since a November 15, 2017 public hearing, the applicant had agreed to construct a sidewalk along its entire Pope Road frontage, and to notify nearby residents of when the Community Design Commission (CDC) would review a final lighting plan, Mr. Frank said. He recommended that the Council close the public hearing, and adopt Resolution 2018-01-24/R-12, approving the SUP modification.

Council Member Oates asked what would happen if the lighting plan was unacceptable to the nearby residents.

Mr. Frank replied that the public would have an opportunity to provide input regarding that at the CDC meeting.

Council Member Oates asked why there was a need for 29 additional parking spaces.

Mr. Frank explained that the plan reflected the NC Department of Transportation's review of total capacity, and stacking and parking demand. In addition, the Town's parking code which had been built on demand, allowed 122, he said.

Ed Harrison, an area resident and former Council member, said that he had addressed the application as a Council member, but had not been present when 24 additional LED campus street lights were proposed. He pointed out that the Montessori School was the largest development in that part of Town, and that it had created a lot of noise and light impact. Mr. Harrison said he was pleased to see the lighting stipulation, but wished the current

lighting could be undone. He was grateful for the sidewalk plan, and hoped that Durham County would be asked to connect its section to it, he said.

Andrew Porter, of Coulter Jewell Thames, and Tim Daniel, headmaster at the Montessori School, said they were available to answer questions. Mr. Daniel recognized staff members and parents who were present, and said that much work had been put into the project.

Mayor Hemminger stated that she was especially pleased about the sidewalk, which would improve safety and connectivity in the area.

A motion was made by Council Member Bell, seconded by Mayor pro tem Anderson, that R-12 be adopted. The motion carried by a unanimous vote.

## **DISCUSSION**

### **14. Receive an Update on the Blue Hill District Design Guidelines**

**[18-0062]**

Mr. Stancil pointed out that he was wearing an orange tie in support of Moms Demand Action for Gun Sense in America. He said that the orange flag would be raised the following morning in honor of those who had been killed in school violence over the past year.

Mr. Stancil introduced the Blue Hill District Design Guidelines (DGs), and pointed out that the Council had already approved a schedule, and would decide whether or not to move ahead on that. Mr. Stancil said that there would be many opportunities for feedback. The Planning Commission (PC) and the CDC both supported moving forward with public hearings, he said.

Senior Planner Corey Liles gave a PowerPoint update on the DGs. He showed the Blue Hill District on a map, and said that the Town was on track with a work plan and schedule for revitalizing the area. He said that the DGs would establish a common understanding of good design, such as creating walkable, green areas. The DGs would provide guidance for applicants, and a reference for the CDC when preparing a certificate of appropriateness, he said.

Mr. Liles explained that the current item was a check-in opportunity for the Council to make sure it agreed with the path forward. The target for completion was May or June 2018, he said. The Town was ending the third of four phases, he said, adding that the fourth phase would be to finalize and adopt the DGs. Mr. Liles provided a summary of public outreach efforts, and said that the PC and CDC suggestions could be readily incorporated.

Consultant Nore' Winter gave a PowerPoint presentation on the DGs' organizational structure and relationship to form-based code (FBC). He explained that they addressed a finer level of detail, some of which was already subject to CDC review, some that could be considered under the

FBC, and other details that staff might determine. Mr. Winter expanded upon those options, and described the DGs' hierarchical structure. He said that the DGs had been written to synchronize with the FBC.

Mr. Winter showed sample DGs pages and explained the organizational structure and tone. There were four major chapters: Guiding Principles, Public Realm, Site Design, and Building Design, he said. He also provided details, as well as, the rationale behind the building massing and pass-through sections.

Mr. Winter noted that the DGs' vision was to build on active green, and creative traditions found throughout Town. It envisioned a walkable community with opportunities to live, shop, work, and share community experience, he said. He listed the following guiding principles: achieve excellence in design, promote creativity, design with authenticity, design with consistency, design with durability, design with sustainability, draw upon local design traditions, enhance the pedestrian experience, keep the automobile subordinate, and provide signature open spaces. All of those goals had been developed through the public process, he said. Mr. Winter explained that the DGs referred to FBC and to an Engineering Design Manual, which contained information on specific public infrastructure requirements, and other topics that the DGs did not address.

Mr. Liles mentioned that there would be further opportunities for public input. A final draft and any text amendments would go to the PC and CDC for recommendations, and then through a public process to consider adoption, he said. Mr. Liles gave a target adoption date of June 2018.

Council Member Oates confirmed with Mr. Liles that a chart she had seen would be included in the introductory chapter of the final draft.

Mr. Winter said that a chart of applicability that would help summarize different categories of regulation and advice was being developed. That checklist would allow the CDC, staff, and applicants to know which guidelines apply under which conditions, he said.

Council Member Oates asked that the next draft clarify who would pay for public green spaces, and what leverage the Town had to obtain those spaces from developers.

Mr. Liles replied that the general expectation was that applicants would bear the cost of that space. If there was interest in turning it into more of a park, then that might be a partnership opportunity, he said.

Council Member Oates advised staff to look for loopholes during the final document review.

Council Member Gu expressed concern about implementation of the DGs. If they were too flexible and only affirmative, there would not be enough



enforcement power, she said.

Mr. Winter replied that the hierarchical structure that he had outlined would address that. The applicant had choices, but still needed to meet the intent of the FBC and DGs, he explained.

Council Member Gu asked how staff would enforce guidelines that "encouraged" greenspace.

Mr. Liles replied that the Town could state how outdoor amenity spaces must be done, based on the code, and the DGs would explain how it was to be done. He gave examples of things that were best practices, but not required in the current FBC. Those might provide a way to gain approval if an applicant were seeking a design alternative for some aspect of its project, he said.

Council Member Schaevitz asked if feedback from the Environmental Stewardship Advisory Board had been dramatic.

Mr Liles replied that he did not find it dramatic, but thought the board had some of the best thinking about the different menus of sustainable solutions. Staff would be able to incorporate much of its feedback fairly easily, he said.

Council Member Schaevitz recommended looping that board back in after changes had been made, and the project was moving toward a text amendment. She then asked if there was a strategy for broadening the next round of public outreach.

Mr. Liles replied that staff had tried to advertise opportunities for public input as widely as possible, and believed that putting the survey online had helped to include people who could not attend meetings. However, they could always be thinking about more ways to connect with more people, he said.

Council Member Schaevitz asked that the survey be sent to Council members again.

Mayor pro tem Anderson asked what the guidelines would have done for an existing project, such as the Chapel Hill Berkshire Apartments, under FBC. What would have been different about that building if the DGs had been in place, she asked.

Mr. Liles pointed out that the FBC had changed since the Berkshire Apartments were built. Now there were requirements for pass-throughs and outdoor amenity space, and the DGs would add a menu of options for massing, quality of furnishing, character of the open space, and more, he said.

Mr. Winter added that the DGs state that setbacks need to be a public amenity. They introduce four-sided design concepts, and add more guidance about the design of parking structures as seen from the public way, he said. Mr. Winter said that interaction between the FBC and DGs would have addressed some of the Town's large concerns. He pointed out that the DGs contained much more information on materials, design, and scale than the CDC previously had.

Council Member Parker said that he liked the DGs, but felt that the Town was putting a large burden on the CDC. He asked how the CDC could be helped to execute the DGs.

Mr. Liles offered to check with CDC members. If that was a concern then staff would figure out how to address it, he said.

Council Member Buansi noted that part of the DGs' intent was to keep automobiles subordinate. He asked for examples of what that meant or would look like.

Mr. Winter explained that the FBC set limits on where surface parking could be, on parking numbers, and on buffering requirements, but did not go into detail on visual impact. The DGs would provide guidance about screening of surface parking from the public way in a variety of ways, and would provide much more information on designing parking structures to be visually interesting, in scale, and more pedestrian-friendly, he said.

Mayor Hemminger said she appreciated the work regarding massing, and was looking forward to seeing the DGs work through the process.

Mayor pro tem Anderson asked the presenters to think about ways to encourage smaller projects, so the district would feel more eclectic and inviting. She would like to hear any "amazing ideas" they might have for having it look less like huge towers, she said.

This item was recieved as presented.

**15. Consider Authorization to Execute a Contract for the Process to Select a Town Manager.**

**[18-0047]**

Mayor Hemminger reminded all that Mr. Stancil was retiring, and that the Council would be searching for a new town manager process. This had been discussed at a Council work session, but there needed to be a formal Council vote, she said.

Council Member Buansi commented that he appreciated Development Associates' presentation at the work session, but was surprised that they had not received more consultant applications for the process.

A motion was made by Mayor pro tem Anderson, seconded by Council

Member Parker, that R-14 be adopted. The motion carried by a unanimous vote.

### *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, a citizen speaking on an agenda item is 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.

**16. Concept Plan Review: Hanover Chapel Hill, Mixed-Use Development, 1010 Weaver Dairy Road. (Project #17-111)**

**[18-0063]**

Senior Planner Kay Pearlstein updated new Council members on the concept plan, and the development review processes. She pointed out that there was no formal staff review of concept plans, and that the two being presented were rough sketches that applicants were presenting for feedback. She described the Town's three development processes: special use permit (SUP), development agreement (DA) and Conditional Zoning (CZ), and explained that CZ was a new process that was not yet available for use. The applicants had been advised to say which process they would want to follow, she said.

Ms. Pearlstein gave a PowerPoint presentation regarding Hanover Chapel Hill, a proposed mixed-use development on approximately 10.5 acres where a mobile home park, and two duplexes currently stood. She said that the application was for approximately 400,000 square feet of floor area. It would include 303 apartments, and 18 townhomes in three- and five-story multi-family buildings, she said.

Ms. Pearlstein explained that the applicant was proposing to rezone the site from MU-OI-1 to OI-3 to accommodate additional floor area. She showed the site on a land use map, and said that it was included in a Northern Area Task Force report, and was in Focus Area 2 of the Chapel Hill 2020 Comprehensive Plan. She pointed out that proposals for bus rapid transit in that very high transit corridor would support additional

development there.

Ms. Pearlstein noted that public comments at a CDC meeting included the need to relocate current residents of the mobile home park. The proposed 15 percent affordable units for those making 80 percent and 65 percent of the area median income might not be affordable to current residents, she pointed out. She said that the CDC had raised questions about the developer's responsibility regarding displacement of current residents.

Ms. Pearlstein reviewed other CDC comments, which pertained to the realignment of Old University Station Road, and the one-story office/retail building. She said that CDC members had thought there was a lack of anything that would draw people into the site, which seemed more residential than mixed use. In addition, CDC members thought there was too much surface parking, Ms. Pearlstein said. She recommended that the Council adopt Resolution 15, transmitting its comments to applicant.

Council Member Gu clarified with Ms. Pearlstein that 15 percent affordable housing applied to all of the units.

Mayor pro tem Anderson asked if the applicant had discussed relocation with residents of the mobile home park.

Ms. Pearlstein replied that the applicant would need to answer that question.

Council Member Buansi asked if staff had received feedback from the Housing Advisory Board (HAB).

Ms. Pearlstein replied that the HAB had done a courtesy review of the concept plan in December 2017, and had requested additional information about the housing plan.

Dan Jewell, of Coulter Jewell Thames, described how the area along Weaver Dairy Road and Martin Luther King Jr. Boulevard had become a mixed-use neighborhood - with two supermarkets, retail stores, and work opportunities within a 10-minute walk - and how the Town had identified it for economic development. He reviewed issues that Ms. Pearlstein had outlined, and discussed a plan to realign University Station Road. Mr. Jewell said that he would address more of the CDC's comments when making a conditional zoning application.

Bo Buchanan, representing Hanover Company, said that he had prepared his presentation with affordable housing, and a relocation program in mind. He acknowledged that there was a threat to many of the Lakeview Mobile Home Park residents, who did not have control over the land they were living on. That land had been designated for development by Orange County and the Town, he said, adding that the proposed development would be a higher land use, and would provide taxes to the Town.

Mr. Buchanan argued that Lake View residents would be better off going through Hanover Company's proposed relocation process than if they did not. Hanover had identified June 30, 2019 as the date of relocation, and was pledging \$75,000 for relocation in a process where the HAB would provide resources and options.

Mayor Hemminger clarified with Mr. Buchanan that 33 families currently lived on the property, and that they all had very short leases which automatically renewed, and had been in place for a long time.

Council Member Parker ascertained from Mr. Buchanan that the area proposed for a 5,000 square-foot retail building was roughly one acre.

Mayor pro tem Anderson asked if the applicant had had any conversations with Lakeview residents, and if any of those residents would be able to move into the new affordable units.

Mr. Buchanan replied that there would not be a community meeting until after the concept plan review process. He said that Hanover Chapel Hill would take two years to build, and that it seemed obvious, based on their response, that none of the current residents would move into the new housing.

Council Member Oates confirmed with Mr. Buchanan that Hanover Company was a national builder that had 55 developments under construction, and had built more than 150 across the country. Hanover had constructed 10 in the Triangle area, and about 12 in Charlotte, he said. Council Member Oates confirmed that Hanover was a privately-owned company that used institutional equity partners and lenders.

Council Member Oates asked about Hanover company's target return to investors, and Mr. Buchanan replied that it was typically 6.5 percent, but would be 6.25 percent with the proposed project. Council Member Oates verified that Hanover Company typically sold its properties to institutional buyers once they were stabilized.

Council Member Oates ascertained from Mr. Buchanan that the small retail area was envisioned to be an amenity, such as a coffee shop. She pointed out that such shops already existed in the area.

Council Member Stegman asked about the relocation plan for residents and how the applicant had arrived at \$75,000.

Mr. Buchanan said that he did not mean to imply that \$75,000 would cover all the costs. Hanover hoped there would be other sources of funding as well, and would ask the HAB for help with the plan, he said.

Council Member Schaevitz confirmed with Mr. Buchanan that Hanover

Company had done similar relocation projects in the past, but not where there was an existing mobile home park. The company had paid \$500 per unit to relocate 150 apartments in Texas, Mr. Buchanan said, explaining that they had given those renters a three-month notice.

Council Member Schaevitz asked Mr. Buchanan what he had meant by "resources," and he explained that it meant identifying options, with the help of the HAB, to get a relocation plan for each individual. He did not think it could be a generic plan, but one that would have to be created organically, he said.

Council Member Buansi asked if the applicant would work with Town staff as well on the relocation plan.

Mr. Jewell replied that the applicant wanted to work with all agencies involved, and that the rezoning process would allow dialogue that would help them arrive at the best scenario for everyone.

Council Member Buansi confirmed with Mr. Jewell that, thus far, the applicant had talked with the Orange County Health Department, and had had one conversation with the HAB. It would take months to create a plan, but the applicant was ready to do so, Mr. Jewell said.

Mayor Hemminger said that the Town had been talking with Orange County Commissioners about a joint plan to set up an area that would be suitable for mobile, pre-fabricated, and tiny homes. She stressed the importance of keeping affordable housing in the community. The Town had three mobile home communities that were under option pressure, so it was incumbent upon the Council to try and find solutions, she said. Mayor Hemminger said that she wanted to hear from residents about their interests. The Town did not want families to have to move, but landowners could decide what to do with their property, she pointed out.

Delores Bailey, executive director at EmPOWERment, Inc., spoke in support of the Lakeview community. She noted that the Family Success Alliance and members of the Affordable Housing Committee for the NAACP were present to speak about the effects that Hanover Chapel Hill would have on families - on more than 60 Chapel Hill/Carrboro school children, and on the Town in general. The Town wanted to be inclusive, but seemed to be pushing Lakeview residents out, she said. Ms. Bailey said that the plan with Orange County sounded wonderful, but it was hard to imagine it actually coming together by June 2019.

Dixon Pitt, CDC chair, reported that the CDC had supported the relocation efforts discussed at its December 2017 meeting. Some commission members had thought the proposed road seemed out of scale, and did not work with the townhomes, he said, and mentioned possible alternatives.

Council Member Parker noted a CDC comment about giving the project's

main road an urban feel. He asked if the commission had discussed doing that along Weaver Dairy Road as well.

Mr. Pitt replied that some CDC members wanted a heavy buffer, and some did not. In general, the CDC tried to encourage better streetscapes in all projects, and would encourage a more attractive frontage along Weaver Dairy Road, he said.

Council Member Schaevitz verified with Mr. Pitt that the CDC's suggestion for a payment in lieu toward a future northern greenway would be in lieu of greenspace.

Mayor Hemminger asked if the CDC had an opinion about the proposed commercial space.

Mr. Pitt replied that commissioners thought the 5,000 square-foot building seemed out of scale. An alternative would be to not have any retail, he said, pointing out that demand might be low with the Timberlyne Shopping Center right across the street.

Luis Santiago Rodriguez, a 15-year Lakeview resident, said that his time at Lakeview had been the happiest of his life. Work, schools, hospitals, stores, and transportation were all accessible - and the area was secure, he said, and praised the Town's police force. Mr. Rodriguez said that any move, if necessary, should be done correctly, and should consider the impact on children who would lose friends, schools, and teachers.

Pedro Munos, a 20-year Lakeview resident, expressed gratitude for the Council's support, and asked that all Lakeview residents receive the same benefits if they must be relocated.

Faith Fernandez, a fourth grader at Estes Hills Elementary School, said it was not fair to kick her, her family, and her neighbors out of the homes where they had spent their entire lives and were happy. How would you feel if you had to move from a place you call home that was a very important part of your life, she asked. Miss Fernandez told Council members that she and her family were very sad, and that she begged them to not build new houses where someone already lived.

Rodrigo Montano Parra, a fifth grader at Frank Porter Graham Elementary School, said that all his memories were at Lakeview. His parents were afraid, and had nowhere to go, he said. "I don't know why you are doing this," said Mr. Parra.

Lea Fernandez, a seven-year-old Estes Elementary School student, said it was not fair to move Lakeview residents from their homes, and that she and her parents were sad. Her parents did not have enough money to buy a house, and she did not want to lose her home, school, and friends, she said. She asked the Council to think hard about where it might move

them.

Maria Fraire, a Smith Middle School student, said that she and her family had moved many times, and she did not want to move again. Lakeview was like home, the people were like family, and she did not want it to be the last time she would see either, she said. Ms. Fraire pointed out that her family worked hard to pay for everything. She asked the Council to think about all the damage it would do to Lakeview residents.

Irene Fraire, an East Chapel Hill High student, said "we are your future" and asked the Council to consider how Lake View teens might suffer from sadness, and be bullied if made to go to other schools. Unlike some other neighborhoods, Chapel Hill was a safe place where people help and protect each other, she said. Miss Fraire pointed out that developing Lakeview would mean cutting down a lot of trees in a town that wants to stay green.

Alberto Franco, a 17-year resident of Lakeview, explained that he and others had put much effort into building the community, and had watched their children grow up there. He said that he paid taxes and owned nothing to the government. "We're not criminals," Mr. Franco said. He stated that developers were not considering the people who live there, and did not even know where they would be relocated. How would he get to work? How would the children get to school? Who would watch the children when they could not be home? Mr. Franco stressed that Lake View residents were not asking for anything for free. They wanted to know that they would go to a safe place where they would be treated like human beings, he said.

Elias Montano Perro, a middle school student, said he was proud to live in a neighborhood that had very good schools, camps, clinics, and support from Triangle United. He had a great relationship with his classmates, he said, adding that he had learned two languages, and could get to soccer practice by bus. Changing schools all of a sudden would affect his grades, Mr. Perro said.

Belen Alvarado, a single mother, said that she moved to Lakeview when she was pregnant, and had worked two jobs, day and night, in order to buy a safe home, and provide for her two daughters. She was grateful that her mother lived in Lakeview, as well, and could help care for the children, she said. Ms. Alvarado implored the Council to not take away the home that she had built and the experiences that she and her neighbors had shared.

Ninga Parra, an 11-year resident at Lake View, said that she had four children in four different local schools. Her husband worked, and she used the bus to go everywhere because she did not drive, she said. Ms. Parra expressed concern about not having access to shopping, clinics, and school conferences if she had to move. She said that her children's grades would probably suffer due to the psychological impact of moving. She asked



Council members who were parents to think about how they would feel in her situation, and to keep her children in the same schools if they must move.

Suri Alvarado, a Lakeview teen, expressed sadness and fear that moving could mean not living close to her grandmother, who cared for her when her mother, who had Parkinson's Disease, was at the hospital. She said she did not want to change schools, or move to a place where the police were not as friendly as they were in Chapel Hill. Miss Alvarado pointed out that there was a store near her home, a movie theater across the street, and various parks nearby.

Ingrid Garcia, a Lakeview resident and mother of two daughters, ages eight and five, said that a woman from Alliance for Family Success had advocated for her and kept her informed. Ms. Garcia explained that she had a chronic illness, but still worked two jobs to support her daughters. Moving would mean losing her family and friends, her job on Franklin Street, and all of the support that she had in Chapel Hill, she said.

Maricela Martinez, a Lakeview resident, said that she had kidney trouble, and asked the Council to please not move residents from a place where they help each other like one big family.

Heather Brutz, a volunteer with the NAACP, read comments by residents who were not comfortable speaking in public. This included a statement from a woman whose ill daughter might not be alive if they had not had access to the hospital via the Town bus system. Ms. Brutz also read a statement from another woman who depended on the bus system, and did not want her three children to have to leave Chapel Hill Schools.

Kim Talikoff, an Estes Hills Elementary School teacher, praised the children who had spoken, and characterized them as showing tremendous strength in the face of multiple challenges, and toxic stress. She knew that Council members were deeply committed to protecting and expanding the Town's low-income housing stock, and she trusted them to not reduce existing stock, and displace people from Town, she said. Ms. Talikoff stated that she was not okay with the Town saying it cannot find a solution.

Anna Richards, Chapel Hill-Carrboro NAACP president, expressed solidarity with Lakeview residents who were facing eviction, and likely displacement from Town. She asked the Council to search for ways to help that community of approximately 120 residents. They were our neighbors, and it would be shameful if they were forced out, and their children had to leave Town schools, she said. Ms. Richards acknowledged that there was a need for more housing in Town, but said it should not come at the expense of existing residents. She requested that the Town develop a plan to help secure new housing for Lakeview's residents within Chapel Hill.

Ms. Richards said that any plan should be developed with input from residents, and should not require them to disclose their immigration status to receive assistance. Possible solutions included providing land for mobile homes, and giving stipends for residents to move or to purchase new homes if their existing ones could not be moved, she said. This could be done with a combination of Town, County and developer funds, and the NAACP looked forward to helping craft solutions, said Ms. Richards.

Erika Rubi Franco, a senior at UNC-Chapel Hill, said she had lived at Lakeview since she was six. She and the other children there had been through continuous school redistribution, and were now losing the homes that had been the only constant in their lives. All of their parents work, she said. Ms. Franco noted that the area around Lakeview had developed to a point where children could walk to the grocery store, and health clinic, and take a bus to school. Ms. Franco argued that it was inhumane to advance the Hanover Chapel Hill proposal without protecting the Lakeview community.

Maricela Hernandez, a navigator with Family Success Alliance, summarized the socio-economic status of Lakeview community members, and described their dreams of owning a mobile home. She asked if allowing new people to move into the community, and displacing those who had been living there for more than 15 years would signify progress. Ms. Hernandez said she agreed with Ms. Richards's comments. She asked the Council to find a way to relocate Lakeview residents within Chapel Hill, and to reimburse them for the resulting costs.

Mayor Hemminger said that she was proud of those who had come out and spoken, especially the children. She understood how intimidating it was to do so and she was grateful, she said.

Council Member Bell said that Council members needed to deepen their understanding of affordable housing and why it was needed. The evening's testimony was not about price points, but about mobility, access, and creating a community where people could support one another, she said. Council Member Bell expressed appreciation to those who had shared their stories and had created a level of urgency that has been missing from the conversation. She said she trusted what the developer had said about wanting to be part of the conversation.

Council Member Bell explained that she was not feeling well, but had stayed because it was important to hear the residents' testimony. She left the meeting at 10:12 p.m.

Council Member Stegman said it was the job of local government to protect communities, especially the most vulnerable ones. Her first choice would be to keep the community where it was, she said, but she pointed out that the Town did not own the land. Council Member Stegman stated her commitment to developing a plan that would maintain all of the

important resources that the speakers had mentioned. She proposed that the Town evaluate all of its own properties for potential relocation. She agreed with the NAACP's recommendation to obtain input from residents, help them move, and keep the community together, Council Member Stegman said.

Council Member Buansi said that he felt puzzled and a little disturbed by inconsistencies in the applicant's draft relocation plan. Those inconsistencies had led him to think that there was no relocation plan, or that it was at the beginning stages, he said. Council Member Buansi emphasized the need to have a clear plan before contemplating relocation.

Mayor pro tem Anderson praised those who had come to speak. She said that she had felt upset when reading about the plan and was feeling very sad after hearing the evening's testimonies. She said that the Town needed to work hard to find a location for Lakeview's residents that would be in the Chapel Hill-Carrboro City Schools district. Council Member Anderson warned that not going ahead with the proposed development could lead to the landowner evicting residents quickly. Mayor pro tem Anderson assured residents that they were not a burden and that the Council wanted them in Town. She urged them to be part of the process of finding a place that would feel right and where they could be together.

Mayor pro tem Anderson told Mr. Buchanan that she would have looked upon the plan more favorably if there had been a relocation plan. There already was much market-rate rental housing in northern Chapel Hill so more high-end rental was not her first choice, she said. She said that the project did not feel like mixed-use, but more like housing with less than one percent office and retail. There should at least be a conversation about different types of housing, she said, noting that subsidized housing might allow the current residents to remain with a different type of housing.

Mayor pro tem Anderson mentioned that the Town had been discussing changing the concept plan process. The Hanover Chapel Hill proposal seemed like a perfect example of how asking developers to check boxes did not address what the Town really wanted, she said.

Council Member Parker told the residents who had spoken that he admired their courage. He said that they had been heard and would be treated with the same respect and dignity as everyone else in Town. The Town owed them an apology because it had known for a long time that trailer park land was becoming valuable and it should have had a plan, he said. He recommended that the Council buckle down and work collaboratively with Orange County, affordable housing partners, and residents. Council Member Parker pointed out that the solution would require much effort, and would not be free for the Town.

Council Member Parker agreed with others that the concept plan was not

mixed use since the retail building seemed like an afterthought. He agreed with most of the CDC's comments and said that the proposed main road looked out of scale and the surface parking was an inefficient use of land. The Town's goal was to urbanize that area, but the plan looked like a classic suburban development, he said. He said that he did not find much that was appealing but acknowledged that his reaction might be colored by the testimony he had just heard.

Council Member Gu said she had visited the Lake View community, and realized the similarities between the residents and herself, since she had daughters, used UNC Hospitals, took public transit, and shopped in local stores. She challenged the developer to design a true mixed-use project that would include the community that was already living there. Council Member Gu said that the Council was committed to serving everyone in the community.

Council Member Oates pointed out that the Town would not be able to stop the property owner from selling his land, but said she hoped the applicant understood that the current residents were performing important work that the Town valued. The Council would be hesitant to shoot itself in the foot by evicting people who were a very important part of the Town, she said. Council Member Oates told Mr. Buchanan that she would expect Hanover Company to participate in working with residents to find an acceptable alternative.

Council Member Schaevitz mentioned that her daughter was in kindergarten with some of the children from Lakeview. She said that she felt humbled by her responsibility as a new Council member, and that the Council would work hard to do the best it could for Lakeview residents. She thanked Family Success Alliance and the NAACP for their testimonies, and encouraged residents to continue working with those organizations and the Town on a relocation plan.

Mayor Hemminger told residents that they had been heard and that the Town was addressing the issue. She noted that Orange County had just passed a motion to look at a 10-acre parcel, which was in the Chapel Hill school district, but not on the transit line. "But perhaps it could be," she said.

Mayor Hemminger told Mr. Buchanan that 18 months was not a realistic timeline for making progress jointly with the Town. She understood the owner's right to sell the property, and the process could move more swiftly if all worked together, she said. Mayor Hemminger pointed out that Lakeview was not the only mobile home community that was under development pressure. The Town needed to think more broadly, she said, and pointed out that other types of affordable housing were coming on the market. Habitat for Humanity was also rethinking its strategies for different types of housing, she said.

Mayor Hemminger agreed with others that the concept plan did not feel like mixed use. She said that the Town already had plenty of luxury apartments, and was looking for different types of housing. The plan looked like buildings in a sea of parking, and the applicant could do better than that, she said. In summary, the Council wanted to look at housing for Lakeview residents that would be in the Chapel Hill-Carrboro City School system and have access to transit, she said. Council members wanted to have a plan before moving forward, and intended to talk with mobile home park owners about working on a plan together, Mayor Hemminger said.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that R-15 be adopted. The motion carried by a unanimous vote.

**17. Concept Plan Review: Coley Hall Self-Storage Building at Vilcom Center, 66 Vilcom Center Drive (Project #17-094)**

**[18-0064]**

Ms. Pearlstein gave a PowerPoint presentation on a concept plan for Coley Hall, a site at Vilcom Center that had been approved as an office building in zone OI-2. The applicant was asking for a modification to consider a conditioned self-storage building at that location instead, she said. She explained that conditioned self-storage was not currently a permitted use in Town, and would require a text amendment.

Ms. Pearlstein showed a site plan, and pointed out that Vilcom Center was in Focus Area 2. She mentioned other projects that were being proposed for the surrounding area, and said that the impact on the adjacent neighborhood, Kensington Trace, would need to be considered. Allowing conditioned self-storage would mean changing the zoning map, and ordinance to allow it as a new use, she explained.

Ms. Pearlstein said that the CDC had expressed concern about potential impacts on neighbors, and had recommended reducing parking in one area, and adding windows at ground level. The CDC had said the site was a good one for the proposed use, she said. Ms. Pearlstein added that the CDC had recommended additional buffering between the site and properties to the east of it.

Council Member Parker confirmed that the applicant was trying to keep both options open, and asked how that would work.

Ms. Pearlstein explained that the applicant was proposing to allow self-storage in OI-2, the current zoning district, but staff was just beginning to evaluate whether or not that was the proper zone for the use. If the applicant wanted to keep the building as office space and allow both options, it would have to be a project that would allow both, she said. Mayor Hemminger reminded the Council that it had approved self-storage in a building in the new Enterprise Zone.

Sarah Bryan, of Bryan Properties and Redwing Land LLC, outlined the proposal for a three-story, 93,000 square-foot, conditioned self-storage building. She said that a market study had shown demand for the use in Town. She showed the site on a Vilcom campus map, and said that all condo association groups had approved the proposed elevations and site plans.

Ms. Bryan provided details regarding parking and a nearby right-of-way. She said that conditioned self-storage had not been a common use when Vilcom Center was approved, but that demand for it had grown. Ms. Bryan described existing vegetation that could be used as a buffer, and asked for some relief from the landscape buffer requirement due to power significantly limiting what could be planted in the right-of-way.

Council Member Parker asked why there had not been enough demand for an office building as had originally been planned.

Ms. Bryan replied that they had hoped demand for an office building would develop, but had found a use for which there was demand in the meantime.

Council Member Schaevitz asked why having a building in place was important to tenants.

Ms. Bryan explained that tenants wanted a complete development rather than a vacant lot with a chain link fence, and only one connection to Weaver Dairy Road.

Council Member Oates said she wanted to see how the plan fit in with Northern Area Task Force recommendations. She also wanted to know if approving self-storage would have any impact on what the Lake View property owner could do with its parcel next door.

Council Member Gu confirmed with Ms. Bryan that "office or self-storage" meant there was a demand for conditioned self-storage, but if something were to change before the text amendment was in place, the applicant could change the plan and construct an office building.

Council Member Stegman asked about potential impacts on Kensington Trace.

Ms. Bryan said that storage facilities were visited rarely, and required only eight to 10 parking spaces. There would be two staff people present at all times, she said.

Mayor pro tem Anderson stressed the importance of making sure that light and noise were adequately buffered. She said that she liked the CDC's comments. She could not get overly excited about self-storage, but was not offended by it, she said.

Council Member Parker confirmed that loading would be done through double doors at the rear of the building, and that there would not be a loading bay with large trucks backing up to it.

Mayor Hemminger said, in summary, that the Council liked the CDC's recommendations, and wanted the building to resemble the Vilcom office buildings. They also like the existing buffering, and wanted the applicant to work with staff to ensure that there would be sufficient buffer to protect neighbors from noise and light pollution, she said. There were no concerns about parking, she said.

Mayor Hemminger mentioned the importance of connectivity. She proposed that the applicant make the area near the power lines more aesthetically pleasing. She said that the Council would prefer to see an office building at that location, but that she applauded the applicant for trying to find a good use. The Town did have pent up demand for storage, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Schaevitz, that R-16 be adopted. The motion carried by a unanimous vote.

### **Adjournment**

The meeting was adjourned at 11:13 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 Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

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

**Wednesday, January 31, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

*\* Items reissued from the canceled January 17, 2018 meeting.*

### Rollcall

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaeitz

### Other Attendees

Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Community Specialist Mark Losey, Fire Chief Matt Sullivan, Emergency Management Coordinator Vencelin Harris, Senior Planner Kay Pearlstein, Housing and Community Assistant Director Sarah Vinas, Manager of Engineering and Infrastructure Chris Roberts, Assistant Town Manager Mary Jane Nirdlinger, Business Management Director Kenneth C. Pennoyer, Director of Planning and Development Services Ben Hitchings, Business Management Assistant Director Amy Oland, Senior Planner Aaron Frank, Assistant Police Chief Jabe Hunter, Community Safety Communications Specialist Ran Northam, Community Manager Catherine Lazorko, Housing and Community Executive Director Loryn Clark, Operations Manager Richard Terrell, HRD Consultant Anita Badrock, Public Works Director Lance Norris, Deputy Town Clerk Amy Harvey

### OPENING

#### 0.1 Proclamation: Our Three Winners Day.

[\[18-0082\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. with a proclamation honoring Deah Barakat, Yusor Abu-Salha, and Razan Abu-Salha, all of whom had been fatally shot at their Chapel Hill home in February 2015. Barakat had been a UNC dental student, and his wife Yusor was about to begin dental school. Razan, Yusor's sister, had been an undergraduate at NC State University, Mayor Hemminger said.



Mayor pro tem Anderson read the proclamation, which declared February 10th to be Our Three Winners Day in Chapel Hill, and was dedicated to the three students' commitment to service and selfless community work. The proclamation called upon Chapel Hill residents to observe the week through acts of community service, and by participating in community events. She explained that an Our Three Winners foundation had awarded more than \$100,000 to organizations and students who were carrying on the legacy of service and community building.

Mayor pro tem Anderson presented the proclamation to Nida Allam, an Our Three Winners activist, who said that it would challenge citizens to ask themselves what they were doing to emulate Barakat, Razan, and Yusor. The three should not be remembered with sadness, but for the positive impact that they had, said Ms. Allam.

Mayor Hemminger thanked the family and community, and said that it was inspiring to see grief had been turned into productivity and service.

#### 0.2. Proclamation: Chapel Hill High School Men's Varsity Soccer Team Championship.

[\[18-0083\]](#)

Mayor Hemminger read a proclamation congratulating the Chapel Hill High Men's Varsity Soccer Team for winning the North Carolina High School Athletic Association (NCHAA) Men's Soccer Championship on November 18, 2017. Under the guidance of Head Coach Justin Curtis, and Assistant Coaches Kevin Davis Boyle and Ron Benson, the team had won the East Regional Championship and the Conference Championship for the second and fifth straight seasons, respectively, she said. Mayor Hemminger told team members that they had brought honor to their school, the Town, and the entire school district. They served as an inspiration to youth throughout the community, she said, and expressed gratitude on behalf of the Town for the team's dedication and hard work.

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

#### a. Mayor Hemminger Regarding Passing of Former Council Member David Godschalk.

[\[18-0084\]](#)

Mayor Hemminger commented on the recent death of former Council Member David Godschalk, stating that he had been an important community member who had striven hard to bring people together to plan for the future. Mr. Godschalk had been a distinguished UNC professor, and an integral part of many Town planning processes, and he would be missed, she said. Mayor Hemminger sent thoughts and wishes to Mr. Godschalk's family, and said that a service was being planned for later in February.

#### b. Mayor Hemminger Historic District Commission Vacancies.

[\[18-0085\]](#)

Mayor Hemminger announced that the Historic District Commission was seeking applicants to fill two vacancies. Those interested should submit applications by noon on February 13th, and the Council would choose new members on February 28, 2018, she said.

c. Mayor Hemminger Regarding Upcoming Meetings.

[\[18-0086\]](#)

Mayor Hemminger said that the Committee for Economic Sustainability would meet at 8:00 a.m. on Friday at the Public Library. There would also be a Council Work Session at the Library the following Wednesday, she said. She encouraged residents to look at the meetings and interest groups that were listed on the Town Calendar.

1. Winter Storm Inga Update. (no attachment)

[\[18-0073\]](#)

Fire Chief Matt Sullivan gave a PowerPoint update on the Town's response to the recent winter storm Inga. He showed photos of 6-12 inches of accumulation, and explained how Town staff had prepared for the storm, and communicated internally and externally. Chief Sullivan emphasized the Town's focus on teamwork, responsibility, professionalism, and safety. He asked employees from the Parks and Recreation, Public Works, Fire Department and Police Department to stand.

Chief Sullivan reported that storm Inga had had significant impact, and had been followed by extremely cold temperatures, which had complicated snow removal and clean-up efforts. The storm cost the Town more than \$100,000, he said. He described efforts to communicate with the public through news releases, social media, door-to-door visits, and a Storm Call Center that the Human Resource Development office had helped to manage.

Chief Sullivan also noted that the Town's Emergency Management Coordinator had retired. He said that Vencelin Harris, a 24-year veteran of the Chapel Hill Fire Department, would take that position.

Human Resources Development Consultant Anita Badrock explained that she, and nine other Town employees had worked at the Storm Call Center, and had received about 175 calls over a two-day period. She provided a breakdown of callers' concerns, which included transit questions (43 percent), snow removal/road conditions (33 percent), and questions about trash removal, UNC services, downed trees, and more. The call center had provided a centralized resource for callers, and freed other staff members to communicate with the field, rather than taking calls and questions from the public, she said. Ms. Badrock gave anecdotal testimony about citizens whom the call center had helped, and said that the 10 Town employees who had answered those calls hoped that others would sign on as the call center expands and improves.

Chief Sullivan said that Town staff would continue to debrief and learn from Storm Inga. Staff would further develop the call center, continue to

refine and enhance Town messaging, and refine the Town's adverse weather policy, he said.

Mayor Hemminger thanked staff members for what they did, and how thoroughly they did it. "You keep us safe, and the call center was a wonderful addition," she said, adding that she had received positive feedback.

Mayor pro tem Anderson and Council Member Schaevitz thanked staff members for their work.

Council Member Schaevitz praised the call center idea in particular. It was important for those who were not on social media, and it freed others to work in the field, she said.

This item was received as presented.

## **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.

- a. Environmental Stewardship Advisory Board Request for Council Support of a Resolution Endorsing a Federal Revenue-Neutral Carbon Fee and Dividend Program.

[\[18-0087\]](#)

Tom Henkel, a Chapel Hill resident, read a petition from a citizens' climate lobby that asked the Council to adopt a resolution endorsing a Federal Revenue Neutral Carbon Fee and Dividend Program. He also read a memorandum that referred to a petition that the Environmental Stewardship Advisory Board had submitted to the Council in February 2017, regarding the AIA 2030 petition. Mr. Henkel said that staff had studied the issue, and had submitted a report, and he read four parts of that report that the board endorsed.

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

## **PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA**

a. Eugene Farrar Regarding Affordable Housing.

[\[18-0088\]](#)

Eugene Farrar, a Chapel Hill resident, spoke about a prior Council meeting regarding Lakeview Mobile Home Park. During that meeting, Lakeview residents, including children, had asked the Council to let them remain in Chapel Hill, rather than being displaced by development, he said. Mr. Farrar said that the Town had a great opportunity to buy that land and preserve it for those who are poor and disenfranchised. He pointed out that the Town had spent approximately \$8 million to buy property on Legion Road. Mr. Farrar quoted Dr. Martin Luther King, Jr: "Our lives begin to end the day we become silent about things that matter." He said that the Lakeview issue mattered to him, and should matter to the Council as well.

Mayor Hemminger replied that the Council did care about Lakeview's residents, and a group was working very hard on the issue. The Town had met with its partners, and was putting a plan together, she said.

## CONSENT

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

### *Approval of the Consent Agenda*

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items.

[\[18-0074\]](#)

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

3. Consider Proposed Revisions to the Ethics Guidelines for Town Advisory Boards and Commissions.

[\[18-0075\]](#)

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

## INFORMATION

4. Receive Upcoming Public Hearing Items and Petition Status List.

[\[18-0076\]](#)

Mayor Hemminger explained that the Town was going through the Petitions list. Staff had not yet responded to some who were on it, but would do so shortly, she said.

The item was recieved as presented.

## DISCUSSION

5. \* Open the Public Hearing and Consider the Sale of Real Property at 127 West Rosemary Street Pursuant to an Economic Development Agreement.

[\[18-0045\]](#)

Town Manager Roger Stancil gave a PowerPoint presentation on a development agreement (DA) with Investors Title to purchase Town-owned land on Rosemary Street that had been appraised at \$285,000. He said that Investors Title had offered \$300,000 for the land, which it would combine with its current property to create a larger parking lot. The offer included allowing the Town to use 75 parking spaces after 6:00 p.m. for a minimum of six years. It also included giving the Town first right-of-refusal if Investors Title decided to sell its property, Mr. Stancil said. He recommended that the Council receive public comment and consider approving the DA. Revenue from the sale could be used to improve downtown parking by repairing the Wallace parking deck, he said

Council Member Oates said that she had thought the right of first refusal had been taken off the table.

Town Attorney Ralph Karpinos replied that the Town would have notice if Investors Title decided to sell the land. The Town could then make an offer, but the land would likely be combined in a larger tract, he pointed out.

Mr. Stancil said that the process would be similar to the one followed for the American Legion property.

Mayor pro tem Anderson asked how the Town would ensure that parking rates were reasonable and commercially competitive.

Mr. Stancil replied that the Town would monitor the going rates, and that would be enforced as a condition of the legal agreement. He and Mr. Karpinos pointed out that this would be written into the deed and enforceable through communication, and through the courts if there was no compliance.

Mayor pro tem Anderson said that she could imagine Investors Title raising parking rates because of its location and other factors.

Mr. Stancil replied that there had been discussions with Investors Title about using the same management firm that managed other lots in Town. During his conversations with them, they had been very reasonable, and had not done anything that would lead him to believe they had a different

motive, he said.

Council Member Bell confirmed with Mr. Karpinos that there was no specific amount of time specified regarding the right of first refusal. She noted that turnaround for the American Legion property was short. Council Member Bell expressed concern about including a clause that would make a purchase seem plausible when it might not really be probable.

Mr. Stancil said that he thought the advantage of including the clause was that the Town would receive notice, and have an opportunity to participate if the Council chose to do so at that point. While the Town purchasing the combined land seemed unlikely, at least there would be an opportunity to consider that in the future, he pointed out.

Council Member Schaevitz asked about the cost of a pending design contract for the Wallace deck, and if any of the \$300,000 from the Investors Title sale would be left over for repairs.

Mr. Stancil replied that a staff report regarding the design contract would come to the Council in March. He believed that most of the \$300,000 would be used for that, he said. Mr. Stancil noted that the issue had been discussed with Council at the time.

Council Member Oates cautioned against voting for the sale with the expectation that the Town would actually get six years of parking. She pointed out that a clause in the contract stated that the Town could only expect parking until Investors Title redeveloped, or sold the property. Moreover, the applicant was not willing to prorate if they sold before six years, she said, adding that she saw that as a clear indicator that they were keeping their options open.

Mayor Hemminger expressed excitement about the option. The Town needed more parking at peak times, especially in that location after 6:00 p.m., she said. She said that the sale would give the Town breathing room while it looked at the Wallace deck, and had a bigger parking discussion. Mayor Hemminger pointed out that the nature of parking would change - with more use of shared resources, zip cars, Ubers, and public transit. Towns were studying whether they should build more parking, she said. The sale to Investors Title was an opportunity to get more parking during peak times, and to get paid for it, Mayor Hemminger pointed out.

Mr. Stancil said that Investors Title had about 120 employees, and might need to move if it could not secure sufficient parking. Having those spaces available to the Town at night would mean taking an unused resource and getting revenue from it, he pointed out. He believed that Investors Title was serious about doing that, Mr. Stancil said.

A motion was made by Mayor pro tem Anderson, seconded by Council

Member Parker, that R-3 be adopted. The motion carried by the following vote:

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

**Nay:** 1 - Council Member Oates

6. \* Approve the Housing Advisory Board's Recommended Funding Plan for the Affordable Housing Development Reserve.

[\[18-0043\]](#)

Executive Director for Housing and Community Loryn Clark opened a PowerPoint presentation on the use of funds from the Town's Affordable Housing Development Reserve "A Penny for Housing". She said that staff had received many questions from the Council in recent days, and would provide answers to those questions at the current meeting or soon after.

Assistant Director for Housing and Community, Sarah Vinas continued the PowerPoint presentation. She provided background on the Reserve since the Town established it, and the Council approved an allocation strategy in 2015. She said that there had been eight funding cycles since that time, and the primary goal had been to create and preserve affordable housing (AH). Ms. Vinas described the process and scoring methods. She said that \$2.75 million (\$688,395 annually) had been allocated since 2015. She showed pictures of the range of Town projects, and said that 95 housing units and five preservation projects had been completed, and 95 more AH units were in the pipeline.

Ms. Vinas mentioned the following requests for funding in the upcoming cycle: A \$100,000 request from Community Home Trust to acquire two single-family homes at the Courtyards at Homestead, and age-restricted (55+) community where the developer was making a \$803,250 payment in lieu to the Town; a request from DHIC for \$700,000 for the second phase of Greenfield Commons, an affordable rentals project for residents 55 and older. Ms. Vinas said that the Housing Advisory Board (HAB) had unanimously approved both applications in the full amounts requested. Staff was recommending that the Council adopt Resolution 4, approving the HAB's recommendation, she said.

Community Home Trust Executive Director, Robert Dowling explained a unique opportunity to obtain AH at the Courtyards at Homestead. He said that an anonymous donor had offered \$400,000 toward the purchase of AH. However, each home would cost more than \$380,000, so \$180,00 more would be needed for each with the goal of selling them for no more than \$80,000, he said. Mr. Dowling pointed out that this opportunity had risen because of the vision and generosity of one person who was seeking diversity. He had never experienced such an event before, Mr. Dowling

said.

DHIC Vice President for R.E. Development Natalie Britt provided background information on DHIC's involvement with the Town as a non-profit partner in the Greenfields AH tax credit project. She said that the first phase, Greenfield Place, had been developed on Town-owned land in 2013, and that HDIC had applied to build the second phase, Greenfield Commons, in 2016. Ms. Britt outlined DHIC's financing plan, and asked for \$700,000 from the Town. She explained that DHIC could leverage \$8.42 of additional funds for every \$1.00 that the Town contributed. Ms. Britt described the proposed AH units, which would be targeted to those making 60 to 30 percent of the area median income (AMI), and said that there already was a waiting list for the units. Ms. Britt explained that contingency had been built in, and said there would be no cost overruns.

Council Member Gu asked how many people at Greenfield Place had moved there from within Chapel Hill, and how many were from neighboring communities.

Ms. Britt agreed to provide that information.

Council Member Buansi confirmed with Ms. Britt that there were 15 people on the waiting list for Greenfield Commons. Others had decided to come back later after being told that the project was about a year away, she said, adding that demand was huge.

Council Member Schaevitz asked questions on behalf of residents who could not be present. What was the source of the cost over-runs, she asked, and wasn't the estimated value of the Town's land donation out of date, and potentially worth more now?

Ms. Britt replied that construction costs had increased by 10 to 14 percent over a two-year period, and interest rates had risen as well. In addition, pricing on tax credits had dropped due to tax rate changes. It had been a perfect storm of many things that were out of HDIC's control, she said. With respect to the land, Ms. Britt said that its current value might be higher, but the per unit subsidy was still in the normal range when compared to what other Triangle local governments do. She said the Greenfield Commons tract had been appraised at \$1.3 million.

Betsy Crittenden, a Courtyards at Homestead resident, expressed support for the Community Home Trust request. The Courtyards community were strongly in favor of AH, and would very much like to see the two homes constructed, she said.

Housing Advisory Board (HAB) Chair Mary Jean Seyda said that the HAB had enthusiastically recommended both projects. The HAB was excited about receiving the applications because of the need for a range of AH in the community, and felt that both projects were highly leveraged and



great investments for the Town, she said.

Council Member Gu asked about the HAB's criteria for recommending projects.

Ms. Seyda replied that projects get more points for serving lower income ranges. They also look at the experience, and its track record of the applying agency, and its ability to collaborate with other Town agencies and resources, she said. The HAB looked at whether agencies accept rental subsidies, have property management experience, and use any universal design approaches, Ms. Seyda explained. She said that the HAB also considered environmental features, the length of the affordability, and whether or not the project met a Town priority.

Ms. Gu asked if the HAB gave any priority to low-income Town residents who were being displaced by development, such as those in the Lakeview Mobile Home Park.

Ms. Seyda replied that the issue had not been before the HAB in the past, and they had not yet discussed it. She pointed out that there could be discussions about whether or not those who had been displaced could go into one of the the AH units that the Town had already approved. There were also some creative approaches that the HAB had approved in the past that could be brought to the table, Ms. Seyda said.

Mayor Hemminger pointed out that the Town would have to work with fair housing laws.

Council Member Bell pointed out that the DHIC project was not a market rate development, and would be advertised through local providers rather than through publications. She cautioned against overestimating the mobility of people who were poor. She said that basing an equation on the current value of an asset that the Town sold two years ago was not a good way to calculate cost to the Town. It was important to not go back in time, and rejigger numbers because the cost of development had changed, she said. Council Member Bell expressed strong support for Community Home Trust's request. The Town had wanted AH in the Courtyards at Homestead, but had not been able to figure out how to negotiate it with the developer, she pointed out.

Council Member Stegman said that the DHIC projects were exactly the kind of investments the Town should make, since simply negotiating a unit here and there would not reach the goal. She said that the market would not take care of people at low income levels, and the Town had to address those needs. The DHIC project was a great example of partnership and leveraging, and was very much in line with Town goals, she said. Council Member Stegman proposed exploring the DHIC opportunity for those who were being displaced, as well as, those who work in Town, but cannot afford to live there.

Council Member Parker expressed enthusiasm for doing things at scale. He commented that getting 149 units at one time was "huge," and a bargain, and said that he was thrilled and delighted about it. He also thanked the anonymous donor on behalf of the Council. That donation was "a super thing to do, and we are all tremendously grateful," he said.

Council Member Oates mentioned that the Courtyards at Homestead project was in her neighborhood. She said that she felt moved to see the neighbors come together in support of AH. The Courtyards and the DHIC projects were very different, but they were both for senior citizens, and she appreciated having decent, nice housing for low-income retirees, she said.

Council Member Schaevitz praised the collaborative efforts of both applicants, and the collective effort of many who had been working hard to make that level of AH possible. She expressed enthusiasm regarding the donation, and the neighborhood fund-raising at the Courtyards. That exemplified the spirit that the Town was trying to promote, she said. There were Town residents who did want AH in their neighborhoods, and she hoped this project would inspire others, she said. Council Member Schaevitz told about a young, single mother, who worked in Town, and had moved into Greenfields Place, and gotten a fresh start to her life. She said that she was happy and proud, that there would be more people like that woman.

Mayor pro tem Anderson agreed with what all the other Council members had said. She expressed appreciation to DHIC staff for responding to all of her questions. She lauded the project for having leveraged so many resources, and said that the Town should explain what a huge success that was. It was not every day that the Town built that many units for that cost, she pointed out. She knew many people who could not afford to live in Town, and the Council still had a lot of work to do, said Mayor pro tem Anderson.

Council Member Buansi thanked the HAB for laying out its criteria for considering requests. It was a team effort on everyone's part, and that was what it would take to continue addressing the AH crisis, he said. It would require continued cooperation, and he hoped to see more of the generosity that the donor had modeled, said Council Member Buansi.

Council Member Bell noted the work of those in an AH rental that had determined the need for a fund to support AH. She thanked Mr. Stancil and all others who had worked on the Affordable Housing Development Reserve, and advocated for a strategy that made funds available.

Mayor Hemminger said that the anonymous donor was hearing the Council's heartfelt gratitude. She thanked the Town partners who had worked on the projects, and expressed appreciation to DHIC for its difficult

work all over North Carolina. She pointed out that it was a difficult and changing time for DHIC, and said that the Council was grateful for the huge impact they were having in Chapel Hill. Mayor Hemminger thanked Mr. Dowling, as well as Town housing providers and staff. The Town had a lot more hard work to do on AH, but should remember to stop and celebrate that it was making progress, she said.

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

7. \* Open the Public Hearing and Consider a Request to Close a Portion of Public Right-Of-Way on Flemington Road between Maxwell Road and Brandon Road.

[\[18-0046\]](#)

Engineering and Infrastructure Manager Chris Roberts responded to a request to partially close a public right-of-way on Flemington Road. In a PowerPoint presentation, he reviewed a process that had begun with a DA approval in June 2014. Mr. Roberts outlined a request by Glen Lennox to close part of the right-of-way. He noted that the realignment had been approved as part of the DA, and that the Glen Lennox developer owned the property on both sides. Mr. Roberts recommended that the Council approve Resolution 5.

George Retschle, representing Ballentine and Associates, showed the Glen Lennox area on a map, at the intersection of N.C. 54 and U.S.15-501. He explained that Phase I of the development had been approved, but that Flemington Road needed to be moved about 30 feet as part of the design. That would require abandoning a portion of the right-of-way that would no longer be needed, he said. Mr. Retschle said that a new right-of-way would be dedicated in the realigned road.

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

8. Update on Municipal Services Center.

[\[18-0077\]](#)

Assistant Police Chief Jabe Hunter began a PowerPoint update on a Municipal Services Center (MSC) project. He provided information about the current Police Department facility's inadequacy, and need for major repairs. Mr. Hunter said that other Town facilities were in poor condition, as well, and the Town envisioned co-locating them in one MSC. He discussed the benefits of having a shared environment where daily cross-departmental collaboration could thrive.

Mr. Hunter showed a proposed location on the University of North Carolina (UNC) property on Estes Drive Extension. He said that staff had held three community information sessions since March 2017. Stormwater issues had been the main concern raised at those meetings, and staff believed that those issues could be mitigated with proper engineering and design. Mr. Hunter said that UNC and the Town had been working on a

development agreement (DA) since September 2017, and that more community sessions were scheduled for February 5th and 15th, and March 1, 2018.

Senior Planner Aaron Frank reviewed the history of the project and summarized some of the discussion points and milestones that had been reached during the DA process.

Council Member Parker said that he liked the draft Guiding Principles, but wanted the Town to make promises that it could keep.

Assistant Town Manager Mary Jane Nirdlinger described ongoing conversations with UNC, and said that the project had gone into design, community engagement, negotiation, and conversation in recent months. The University had an opportunity to provide feedback on revised designs, and had continued the conversation about what a lease structure would look like, she said. Phase 4 would include finalization of the DA, review by the Town, advisory boards, and UNC, and the Planning Commission would provide a recommendation to Council, she explained.

Ms. Nirdlinger showed an early concept plan, and reviewed key tenants, such as a vegetative buffer along the South and East. In Phase I, she said, the MSC would be the core building, flanked by additional future office space for UNC. She described dual access points for Emergency Services, and said there would be a pad for a future fire station. Since a September kick-off meeting, there had been three community workshops regarding site and building orientation, and stormwater management, she said. The Town would continue to have community meetings in that format moving forward, Ms. Nirdlinger said.

Eric Schoenagel, representing Little Architecture, gave a PowerPoint overview of concept designs for four preliminary projects on the site. He said that the design team's next steps would include the following: condensing the development area; evaluating opportunities for a contiguous tree canopy; exploring distributed stormwater control measures; assessing transportation and multi-modal inter-connectivity; studying options and costs for structured parking in order to minimize surface parking; and considering greenways and trails as a public amenity.

Ms. Nirdlinger reviewed Guiding Principles that the Town had developed with the help of the neighboring community. These were: to preserve 50 percent of the site; to design with empathy (as though you lived there); to exhibit environmental leadership; and to exceed stormwater requirements. She asked that the Council refer those principles to the DA negotiations. Ms. Nirdlinger pointed out that there was still much work to be done on refining specifics.

Business Manager Ken Pennoyer discussed fiscal impacts and resources. He said that the funding plan included a combination of General Obligation

Bonds and installment financing. Construction could start in late 2018, or 2019, he said, noting that the cost of construction escalated \$1 million per year. He pointed out that the project costs included coal ash mitigation.

Mr. Pennoyer said that funding sources would include proceeds from the sale of the Old Town Library building, Parks and Recreation bonds, and installment financing, and would total \$35,700,000. He explained that funds would be used for pre-construction and design, construction, furniture, fixtures and equipment, and coal ash mitigation on the current Police Department site. Mr. Pennoyer discussed a capital financing plan for the next five years, as well as, ways to remedy anticipated cash flow problems in 2023-25.

Ms. Nirdlinger said that next steps would include additional community meetings, refining the site layout, capturing development standards, reviewing the project with Town boards and commissions, and then returning to Council. She recommended that the Council approve Resolution 6, to receive the draft Guiding Principles, and refer them to the Town Manager and Town Attorney for the DA negotiations.

Council Member Parker said that he liked the Guiding Principles but was concerned about making promises the Town could not keep. He asked how confident staff was that it could meet the 50 percent conservation criterion.

Ms. Nirdlinger replied that the Town understood and agreed with the intent, but the design was not yet refined to the point where she could answer that question.

Council Member Gu asked if 50 percent referred to Phase 1 or Phases I and II combined.

Ms. Nirdlinger replied that the layout being shown was the ultimate site build-out. Fifty percent referred to half of full build-out, she said, adding that staff's goal was to construct the first building and associated infrastructure somewhere on the site. There were no current plans for a future building, but staff wanted to show full build-out of the site rather than coming back in a few years "for another bite of the apple," she said.

Council Member Oates asked why the Town was responsible for UNC's coal ash cleanup.

Mr. Karpinos replied that issues regarding what needed to be done, and who was responsible, were far from resolved. The number shown was for estimating purposes only, he said.

Council Member Stegman confirmed with Ms. Nirdlinger that the Stormwater Advisory Board would review the project, and that the university was flexible regarding a start date.

Mayor Hemminger verified with Ms. Nirdlinger that the lease would have to be approved by the Council of State, and the building would have to go through the normal approval process with UNC's Buildings and Grounds Department, and its Board of Trustees.

Ms. Nirdlinger said that the Board of Trustees would approve the site, and then the Town would have to bring the building through UNC's building approval process. The Board of Trustees would also have to approve the DA, she pointed out.

Carmen Elliott, an area resident, expressed gratitude to the Town for fostering community meetings regarding concerns. The neighborhood had consistently asked that a minimum of 50 percent of contiguous land be preserved in perpetuity, she said. They had also asked that the MSC be three stories high, as close to Estes Drive as possible, and that it have an attached parking deck rather than surface parking, she said. Ms. Elliott asked the Council to keep preservation of land and neighbors' needs first and foremost in the design. She stressed the importance of staff conveying the community's position accurately to Council, and asked Council members to keep in touch and attend neighborhood meetings.

Tim Williams, an area resident, praised Town staff for keeping neighbors informed, and giving them access to the design team. He pointed out a letter to Council from approximately 60 homeowners regarding concerns that they continued to have. Mr. Williams asked Council members to make the Guiding Principles part of the DA. He would also like to see something about limiting impact on the neighborhood included under "design drivers," Mr. Williams said.

Fred Stang, an area resident, thanked the Council members who had gone out and walked the property, noting that residents wanted the Town to see the project from the neighborhood's perspective. In addition to the right of quiet enjoyment of their property, property value was a factor, he said. Mr. Stang asked the Town to have an appraisal done of the project's probable impact on neighboring real estate values.

Mem Wood, a new homeowner in area, expressed appreciation to the Town for listening to neighbors, and said she supported incorporating the Guiding Principles into the process.

Mayor pro tem Anderson thanked staff and neighbors for working together, and said that she absolutely supported including the Guiding Principles. Building closer to Estes Drive would be great, too, as would having a parking deck, if the Town could afford it, she said. Mayor pro tem Anderson said that having a 50 percent buffer was a great goal, and that she loved the idea of being able to improve stormwater. The project was an opportunity to make things better, not worse, she said.

Council Member Schaevitz said that she appreciated the clarity and specificity of the Guiding Principles. She said that it had been useful to have UNC representatives, Council and community members, Town staff, and designers together for a conversation.

Council Member Parker said that walking the property with neighbors had brought out concerns about stormwater challenges. The Town's standard was to not make things worse, but he thought there was an opportunity and obligation to make things better at that location, he said. With the Guiding Principles as a basis, the Town would strive to make the project as good to the neighborhood as possible, he pledged, adding that he hoped the Town would find the funds to address some of the serious stormwater concerns. Council Member Parker pointed out that receiving 21 free acres from UNC would save taxpayers money, and allow putting the EMC in a much better location than the previous options.

Council Member Gu thanked all who had participated in the process. She said that she, too, hoped to use the opportunity to mitigate existing stormwater conditions, and was glad that the Stormwater Advisory Board would be part of the process. She felt confident that there would be resolutions to benefit all, said Council Member Gu.

Mayor Hemminger pointed out that the project had been a good example of community, Town, University and partners working together for a positive outcome. She felt confident that they would resolve some stormwater issues, and become better neighbors than a typical development would, she said.

A motion was made by Council Member Buansi, seconded by Council Member Schaevitz, that R-6 be adopted. The motion carried by a unanimous vote.

**9. \* Report on the Town's Comprehensive Annual Financial Report (CAFR) for the Period ended June 30, 2017 and Financial Update Presentation. [\[18-0042\]](#)**

Kari Dunlap, an audit manager from Martin Starnes and Associates, gave a brief overview of the auditing process. she said that the Town had received an unmodified (clean) opinion for the year.

Interim Director of Business Management Amy Oland reviewed the Comprehensive Annual Financial Report (CAFR) contents. While the CAFR included Townwide financial statements, the major funds gave the best indication of the Town's financial results, she said. Ms. Oland explained that there were two different sets of major funds - Governmental Funds and Enterprise Funds. She said that each fund used a different basis of accounting, and she explained the differences.

Ms. Oland said that CAFR results showed whether the Town was better off than it had been a year ago, and whether there were any trends or

conditions that needed to be addressed. The FY 2017 report showed a "clean" opinion from the auditors, she said. Ms. Oland added that the Town had been awarded a Certificate of Excellence for FY 2016, and was expected to do so for FY 2017, as it had for 32 consecutive years. Ms. Oland said that the Town continued to maintain a AAA bond rating as well.

Business Management Director Ken Pennoyer explained the Town's total net position had decreased by about \$3.8 million in FY 2017, split evenly between a \$1.9 million decrease in Governmental Funds, and a \$1.9 million decrease in Enterprise Funds. The Town's General Fund balance was down \$8.2 million, but much of that had been planned for the American Legion property purchase, two large transfers for AH, and post-employment benefit accumulated funds, he said.

Mr. Pennoyer explained that the Town's "Rainy Day Fund" had been relatively stable over the last eight years, but had dropped to 20.2 percent for FY 2017, he said. He reminded Council members that the Town had informally established a Fund Balance floor of 22 percent.

Mr. Pennoyer said that the Town's employee turnover rate of a little less than 10 percent had provided savings of about \$3.4 million in the FY 2017 budget. Even though the Town was using Fund Balance to balance the budget, savings through lapsed salaries balanced it out, and allowed the Town to finish the year on a more or less break-even basis, he said.

Mr. Pennoyer discussed sales tax revenues, and said that the Debt Management Fund balance had increased to \$7 million. However, planned debt through FY 2022 was about \$54 million, and new debt service would eventually be about \$3.5 million, he said. As of 2017, the Town had \$70 million worth of outstanding debt, he said, noting that the challenge going forward would be to manage debt issuance in a way as to not go below zero.

Mr. Pennoyer said that the Transit Fund showed a decrease of about \$1.4 million in net assets, due to increases in personnel and depreciation costs, as well as bus purchases to replace federal grants that were no longer unavailable. With regard to the Parking Fund, expenditures exceeded revenues by about \$200,000 in FY 2017, due to unexpected expenditures and costs, he said.

Mr. Pennoyer said that there might be an eventual cash problem, if the results in FY 2018 were similar to that of FY 2017. Staff was monitoring that closely, and the Town might want to look at alternatives to having it as a self-supporting Enterprise Fund, he said.

Mayor Hemminger pointed out that there had been positive results for the first six months of the current fiscal year. Things were not looking quite so dire in the Parking Fund yet, she said.



Mr. Pennoyer said that the Housing Fund had declined in net assets due to housing stock maintenance projects. However, the Town had strong unrestricted net assets as a percentage of budget in that fund, so it was in a relatively good position, he said. He pointed out that there had been changes in the Housing Fund revenue sources over the past few years. The Stormwater Fund had a positive net result for FY 2017, and was in a relatively good position moving forward, he said.

Mr. Stancil gave a brief PowerPoint summary of trends and next steps for solving issues related to the Town's financial condition. He noted that the Stormwater Fund was relatively stable. The reduction in federal funding for Public Housing was concerning, he said, and explained that the Transit Fund had been weakened due to changes in federal funding as well. The Town had begun conversations with UNC regarding transit funding that included discussions regarding a memo of understanding, he said.

Mr. Stancil said that the Parking Fund had been up and down, and was currently in critical condition. He mentioned that a dip in the Debt Fund had not been unexpected, and said that possible solutions were to stretch projects out and/or raise the tax rate to create more revenue. The General Fund was breaking even, but costs and expenses did not run exactly parallel with each other, so the Town needed to find ways to address those, he said.

Mr. Stancil mentioned a plan to maintaining core services. He said that personnel and healthcare costs were rising, and causing a dilemma everywhere. A Town group had been working on recommendations and would be sharing those with the Council, he said. Mr. Stancil said that maintenance that had been put off during the Great Recession was having repercussions, and the Town would need to be thoughtful about how to maintain its older facilities. With regard to strategic initiatives, the Council would decide on those priorities at its upcoming retreat, Mr. Stancil said.

Mr. Stancil said that a mid-year report regarding the Town budget would be issued in the next few days. Over the next few months, the Council would discuss a General Obligation Bond issuance in the spring, he said. He pointed out that the Council retreat would be a critical part of planning for the FY 2019 budget process. The Council had been discussing a potential AH bond referendum in November 2018, and would need to make decisions about that soon, he said. Mr. Stancil clarified that borrowing money would mean having to raise taxes to pay it back.

Council Member Bell said that the Town had lowered the amount of tax that it put toward debt service in 2010. She confirmed with Mr. Stancil that that was currently half a cent from its former level. Council Member Bell commented that the Town was currently funding its debt at a lower rate than it had been in 2009.

Council Member Oates asked if \$70 million in debt was a reasonable amount.

Mr. Pennoyer replied that it put the Town in the middle of its AAA peer group.

Council Member Oates confirmed with Mr. Pennoyer that the debt had been from things such as the Chapel Hill Public Library, the Town Operations Center, the Aquatics Center, and a number of other things, such as streets and parks and recreation projects.

The item was recieved as presented.

**10. \* Parking Update Presentation.**

**[18-0044]**

Director of Planning and Development Services Ben Hitchings gave a PowerPoint follow-up to his April 17, 2017 presentation on parking. He pointed out that parking required an integrated strategy to serve a number of functions, and said that staff had been looking at best practices and appropriate strategies - such as shared parking for the downtown and the Blue Hill District.

Mr. Hitchings pointed out that UNC had been a strong partner in providing transit services, which had helped reduce parking on campus. He said that benefits and challenges associated with best practices for mitigating traffic included parking payments in lieu, un-bundling parking fees and rents, dedicating on-street spaces for ride/share purposes, and integrating different techniques to increase the effectiveness of each.

Mr. Hitchings discussed potential future changes, such as autonomous vehicles, and pointed out that there was much uncertainty about if/when such changes would occur. He described the impacts on traffic that such changes would have, but said that it probably would be at least a decade or two before those modes of travel would be available. He said that the Town had hired Nelson Nygaard Consulting Associates to analyze current and future parking demand in the downtown area.

Mr. Hitchings said that a payment in lieu was currently the most promising technique for helping new development mitigate the demand it creates. Staff would update language in the Town's Code of Ordinances, and would study other communities for more information regarding best practices, he said, and outlined the following next steps: complete installation of new parking meter system and track resulting data; bring the Council a presentation on Nelson Nygaard research; and present a preliminary analysis of parking in the Blue Hills District, if the Council was interested in seeing that. He asked Council members what other information would be helpful to them.

Council Member Parker confirmed with Mr. Stancil that the Nelson Nygaard

report was scheduled to return to the Council at its second meeting in March.

Council Member Anderson verified with Mr. Stancil that construction for new parking meters would begin in three to four weeks, and that staff was working with the vendor to have them installed as quickly as possible.

Mayor Hemminger said that installation should begin in about 10 weeks, and would be done in phases.

Council Member Oates asked if staff was considering including parking regulations for the downtown when rewriting the Land Use Management Ordinance.

Mr. Hitchings replied that staff would definitely revisit the parking requirements table, and could include those if it was something the Council wanted after having further discussions.

Council Member Gu pointed out that GPS technology could be an alternative to shared parking. With GPS, parking spaces could be pooled together and drivers guided to available spots, she said. Council Member Gu said that such a software approach might be worth exploring because it could be more flexible, and would use existing resources.

Mr. Hitchings replied that the Town would have to do work on its code requirements. He pointed out that demand fluctuated during the day, and said that areas with counter-cyclical uses provided a particular opportunity for shared parking. The proximity of different uses was part of the consideration, he said, noting that available spaces could be too far from the desired destination. However, staff could absolutely look at some of the software opportunities for making existing spaces more broadly available, Mr. Hitchings said.

Mr. Stancil pointed out that the Town was one of a small number of AT&T Smart Cities in the country. Due to its contract with AT&T for extending fiber throughout Town, there was a specialized area of technology consistent with that idea, and he would bring the Council a report, he said.

Mayor Hemminger said that the Town needed to think more broadly about parking. She liked the multi-faceted approach of payments in lieu, providing some parking, and working with the Town's Transportation Management Plan (TMP) program, she said. She pointed out that the Town had taken great steps forward, by rearranging parking, increasing capacity at peak times, moving people around, and partnering with UNC. Carolina Square was going in as well, she said.

Mayor Hemminger said that the Council needed to be ready to discuss parking issues related to new projects. She saw changes ahead, such as autonomous cars, so she was not motivated to spend a lot of money on a

new parking deck that might not bring in enough revenue, she said. Mayor Hemminger advised working with those who want to redevelop downtown to find some kind of balance through a combined approach that would be more than a TMP. She mentioned some ideas that were being discussed, and spoke in favor of balancing approaches.

Council Member Buansi asked if interest in making a payment in lieu differed between residential and commercial property owners.

Mr. Hitchings replied that his first thought was that commercial developers would want to build their own parking on the site. He agreed, but thought that it would be interesting to see what the utilization levels were for the two kinds of development.

Council Member Anderson noted that Mayor Hemminger had mentioned Carolina Square. She asked what that development had done for downtown parking.

Mr. Stancil replied that staff did not yet have enough information to answer that question. There was a possibility that it did not include enough parking, but more time was needed to determine what the impact would be, he said.

Mayor Hemminger asked if there had been enough Council feedback to staff to return with a combined approach. Mr. Hitchings replied that it would be helpful to have the Nelson Nygaard analysis. He proposed starting a discussion based on that, and the Council could then decide whether it wanted staff to bring back a formal recommendation.

Council Member Parker asked staff to provide shared parking information as well.

Mr. Stancil recommended that the Town defer its discussion of the Wallace Deck until after it had the additional information, and Mayor Hemminger agreed.

This item was received as presented.

### *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, a citizen speaking on an agenda item is 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: Eastowne Redevelopment, Phase I  
Medical Buildings, 100 and 600 Eastowne Drive.**

**[\[18-0022\]](#)**

Senior Planner Kay Pearlstein gave a PowerPoint overview of a UNC Healthcare concept plan for Phase 1 redevelopment of its Eastowne Drive medical offices. On a map, she indicated approximately 13 acres in the western portion of the site near the intersection of U.S.15-501 and Interstate 40. She noted that the area included a creek in an environmentally sensitive area.

Ms. Pearlstein pointed out that staff had not reviewed the concept plan, which was being presented for Council feedback only. The idea was to demolish four of five office buildings and then build a 5-1/2 story parking deck for 1,100 spaces, two 6-story medical buildings, and a 300,000-square-foot medical office building, she said. She pointed out that the existing zoning was OI-2.

Ms. Pearlstein said that the site was in Focus Area 5 in the Chapel Hill 2020 Comprehensive Plan, and on the Town's Land Use Map. She noted its potential connection to light rail and bus rapid transit, and pointed out that the location was a gateway entrance to the Town. She said that key considerations included the following: future redevelopment plans; light rail and bus rapid transit connections in the area; site design as the area builds out; walkability to existing greenways; and connections to other buildings in the area.

Ms. Pearlstein noted that the Community Design Commission (CDC) had wanted additional contextual information, such as what was being proposed for the area around Phase I. The CDC had expressed concerns about the view of the parking deck from nearby apartments, and disturbance to the environmental area, she said. Ms. Pearlstein reported

that the CDC's dissenting opinion was related to the U.S.15-501 landscape buffer, and access to the light rail station. There had been some CDC discussion about having a signature building that could be a focus of that area, she said.

Ms. Pearlstein listed the applicant's three development options, and said that UNC Healthcare had expressed interest in a rezoning/special use permit process for Phase I. Staff recommended that the Council adopt Resolution 7, transmitting comments to the applicant, she said.

Council Member Parker pointed out that nearby Wegmans's traffic impact analysis had not assumed any of the development being described. He said that either Wegmans or the Town would be spending money on traffic mitigation along U.S.15-501, and that any UNC Healthcare development would need its own mitigation. The approach to traffic felt "horribly uncoordinated," he said, and asked if a traffic analysis could be fast-tracked, and built into the plan for Wegmans.

Mr. Stancil replied that the Town had told the NC Department of Transportation that the entire intersection and gateway entrance of U.S.15-501 needed to be redesigned. The Wegmans solutions were only temporary measures, he said.

Simon George, VP of Real Estate at UNC Healthcare, gave a PowerPoint presentation on UNC Healthcare's long-term growth plans, and explained the concept of developing the Eastowne medical buildings in phases. He said that UNC Healthcare wanted its development to be in its hometown, but needed to build fast due to immediate needs. He had met with the CDC, and taken its feedback regarding the parking structure and buffers to heart, he said. He noted that the CDC had asked to see a master plan, and had provided comments regarding the project's walkability and connectivity.

Mr. George reviewed what Ms. Pearlstein had described, and pointed out that five of the 13 acres were in the environmentally sensitive area. He said that designers had looked at parking in many different ways. Since the building would consist of clinical space, and have patients coming and going throughout the day, they believed that the parking structure should be along Eastowne Drive, he said. Mr. George said that a 35-foot buffer would hide the parking nicely. However, there would be a need for temporary surface parking during construction, he said. He described two areas that would be used for that, noting that one spot, by the pond, would become a green amenity at build-out.

Mr. George said that the second project would be a six-story building next to the first one, and the parking structure would be larger to accommodate approximately 520 more parking stalls. He said that UNC Healthcare's goal was to decongest and consolidate services on its main campus by leveraging its existing infrastructure on Eastowne Drive. They wanted the

construction of first building during the summer of 2018, if possible, and hoped to deliver the first building in early 2020, and begin the second one in 2021, Mr. Simon said.

John Martin, an architect with Elkus Manfredi, gave a PowerPoint presentation and discussed the concept of entering into a planning process for the entire 47 acres with the Town and community while the first two buildings were being constructed. He presented a timeline that showed how this could be accomplished. Mr. Martin discussed four of the issues that the CDC had raised: future plans, the environmental and built quality of the site, visibility and buffering, and the arrangement of buildings on the site. He showed renderings of the building as it would be seen from Highway 15-501 and from across Eastowne Drive. Mr. Martin argued that having a building along Eastowne Drive would create a much more imposing presence than the parking garage would.

Dixon Pitt, CDC chair, commented on the opportunity for a great place at the site, and said that the CDC liked the incremental plan, which would limit impact. He said that the applicant had done a good job of addressing the master plan and connectivity issues. Mr. Pitt said that the plan to add sidewalks would improve the area and noted that none currently existed on UNC's side of Eastowne Drive. The CDC's opinion was mixed regarding buffers, but felt comfortable that UNC would create attractive buildings, he said.

Council Member Buansi asked if any Pinegate residents had attended the CDC meeting.

Mr. Pitt replied that he did not know. None had spoken if they were there, he said.

Mayor Hemminger remarked that she had spent a lot of time at Pinegate over the summer, and did not recall how the entrance to UNC's property lined up with Pinegate's entrance. She pointed out that many Pinegate residents use public transportation and said that there were difficulties getting children across the street because of the number of cars. Mayor Hemminger asked if the CDC had discussed any of that.

Mr. Pitt replied that it would be a good point to discuss in the broader conversation about connectivity. The CDC had talked more about the parking deck and the view from the neighborhood, he said.

Mayor Hemminger verified with Mr. Pitt that the CDC had not talked about "wrapping" the parking deck.

Tim Williams, representing USAT Corporation, located on Eastowne Drive, described his office area as a complicated little section of Pinegate. He said that traffic in and out of Eastowne was already horrible, and that no one had mentioned how that would be remedied. Nor had anyone

explained how years of construction would be managed, he said. Mr. Williams asked for more information on potential noise levels, traffic impact, circulation, and debris removal during construction. He expressed support for the project, but said he was concerned about the interim process, and wanted to know if all street parking would ultimately be eliminated.

Mayor pro tem Anderson praised the CDC's report and comments. It was difficult for her to evaluate the project with no master plan that put it in context, but she was glad to hear that traffic impacts would be looked at in a larger, more holistic way, she said. Council Member Anderson commented that the parking deck seemed to dwarf the office space. With respect to AH, she noted that UNC generated a lot of low-paying jobs, and she advocated for having opportunities for people to live near where they work.

Council Member Oates asked for more information about UNC Healthcare's plan to "decongest" its main campus.

Mr. George explained that there were many out-patient clinics on campus, and that UNC was proposing to move those to Eastowne. It would then re-purpose the space for in-patient clinics where people could stay for longer periods, he explained. The patient flow, and commensurate traffic, would then be diminished on campus, Mr. George said.

Council Member Schaevitz asked for more information about AH going forward. She also asked if existing satellite sections of UNC Healthcare would move to the site.

Mr. George replied that the current focus was to move functions from main campus. However, some clinics could be moved from outside main campus as well, and planners were still working through that, he said.

Council Member Gu noted that the environmentally sensitive area was very close to the floodplain. She asked for information on what kind of evaluation processes UNC would use to make sure that construction did not have a negative impact. She was especially concerned about stormwater management, and impact on the floodplain, said Council Member Gu.

Council Member Parker said he preferred the thinner buffer with the caveat that the building should look good if the that buffer were chosen. He suggested minimizing the visual impact of the parking deck by including some sort of functional space, such as food facilities, particularly at ground level. That would make the parking garage more than just a place to park cars, he pointed out.

Council Member Stegman said she agreed with the CDC that parking was important, but there should also be an emphasis on connectivity. She



recommended thinking about ways to encourage modes of transportation other than driving cars.

Mayor Hemminger said that creating walkability at the site was a huge issue. She pointed out that the back of the Eastowne property connected to other neighborhoods, and told the applicant to think about that when looking more broadly at walkability and mobility through the site. Mayor Hemminger said that UNC's Cobb Deck on main campus was an example of a parking deck that was more visually appealing. She stressed the importance of addressing the appearance of a deck that would be facing the Pinegate community.

Mayor Hemminger said that it would be helpful for those coming to the building to be able to see it from the street. She was interested in having a buffer that showed the building, but softened the edges with green and low-growing plantings, she said. Mayor Hemminger said that the Council was pleased that UNC Healthcare wanted to stay in Town, and that she considered it a great partner, and draw to the area. She expressed concern that the parking deck might not be large enough to handle parking from two buildings, though.

Mr. George replied that trips to medical office buildings were typically short, and that parking spots turned over frequently during the day. He said that the plan was for 580 stalls in the first building, and another 520 when the deck was expanded.

Council Member Bell expressed concern about people parking in the deck, and then taking a train somewhere else. With regard to the concept, she said that having a strong, complete design took some pressure off having to have a master plan.

Mayor Hemminger pointed out that the Town would request that electric charging stations be included in the parking plan. The Council would also begin requesting shared ride spots, and a conduit for solar roofs, she said. She told the applicant to keep carbon footprint reduction in mind during design. The Town was excited about the concept plan, and would like to know more about how it would fit into an overall master plan, she said. Mayor Hemminger said that the Council had some concerns that it wanted the applicant to address, but was pleased about keeping UNC Healthcare in Chapel Hill.

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

## **APPOINTMENTS**

13. \* Appointment to the Parks, Greenways and Recreation Commission.

[\[18-0050\]](#)

The Council appointed Linda Alexander to the Parks, Greenways and Recreation Commission.

**12. Appointments to the Housing Advisory Board.**

**[18-0078]**

The Council appointed Letitia Davidson, Stephen Whitlow, Jim Yamin, and Anne Hoole to the Housing Advisory Board.

**ADJOURNMENT**

Council members agreed to move the closed session to the following Wednesday.

Mayor Hemminger announced that an Economic Sustainability meeting would be held on Friday morning.

The meeting was adjourned at 11:48 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 Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

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

**Wednesday, February 14, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

### Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaeitz

### Other Attendees

Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Housing and Community Assistant Director Sarah Vinas, Police Rick Fahrer, Deputy Town Clerk Amy Harvey

### OPENING

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

### ANNOUNCEMENTS BY COUNCIL MEMBERS

- 0.1** a. Mayor Hemminger Regarding Upcoming Community Meetings.

[\[18-0119\]](#)

Mayor Hemminger announced three meetings on February 15th: a discussion about proposed mixed-income housing, at the United Church of Christ at 6:00 p.m.; a discussion about aesthetics and lighting for the proposed Municipal Services Center, at Philips Middle School at 6:30 p.m.; and, a conversation with foreign-born residents at St. Thomas Moore at 7:00 p.m.

- 0.2** b. Mayor Hemminger Regarding LIGHTUP Festival.

[\[18-0120\]](#)

Mayor Hemminger announced a Chinese New Year celebration on February 18, at the Friday Center. Following her announcement, Town Manager

Roger Stancil recruited several Council members to participate in a dragon dance at that event.

**0.3 c. Mayor Hemminger Regarding Tiny Houses Forum. [\[18-0121\]](#)**

Mayor Hemminger announced a forum on Tiny Houses in Room B of the Chapel Hill Public Library on February 18 at 6:00 p.m. She also said that Community Partners would hold an Affordable Housing meeting on February 23, and that she would announce that again next week.

**0.4 d. Council Member Anderson Regarding Events in Florida. [\[18-0122\]](#)**

Mayor pro tem Anderson commented on the tragic mass shooting in Parkland, Florida, where 17 high school students had lost their lives. She said that Council members were thinking of the families and feeling disappointed and saddened by the ongoing gun violence.

Mayor Hemminger pointed out that Chapel Hill advocated for, and tried to promote, sensible gun laws.

**0.5 e. Mayor Hemminger Regarding MPO Meeting. [\[18-0123\]](#)**

Mayor Hemminger reported that she and Council Member Parker had attended a Metropolitan Planning Organization (MPO) meeting where a weighted vote had been taken on state funding priorities. The MPO had voted to send only the Durham Orange Light Rail Transportation Project forward, and not the Town's Bus Rapid Transit (BRT) project, she said. The Town did get support from its local partners, but Durham County and the City of Durham felt the risk of adding BRT to the equation was too high, she explained. Mayor Hemminger said that there might be other opportunities to address the Town's \$12.5 million request for BRT.

Council Member Parker said that the outcome with the MPO would not kill the BRT project since the investment plan had not contemplated receiving those state funds.

## **DISCUSSION**

**1. Building Integrated Communities Project Update. [\[18-0101\]](#)**

Assistant Director for Housing and Community Sarah Vinas provided a PowerPoint update on a Building Integrated Communities (BIC) Project. She outlined the project's background, progress to date, and next steps. The BIC was a multi-year planning process that helped local governments successfully engage with foreign-born residents and help those residents be more engaged in local government, she explained.

Ms. Vinas pointed out that BIC aligned with the Council's stated goal of making the Town a place for everyone. She said that Chapel Hill was one of two NC municipalities that had been selected to participate for 2017-19, and that it was being conducted jointly with the University of North

Carolina at Chapel Hill (UNC). Ms. Vinas provided various statistics on the Town's diverse population. She said that 17 percent of the Town residents were foreign-born, and the top five countries of origin were China, South Korea, India, Mexico, and El Salvador. Approximately one third of public housing residents were foreign-born, she said.

Council Member Hongbin Gu arrived at 7:10 pm, during this portion of the presentation.

Professor Hannah Gill, a principal UNC investigator for the BIC project, provided additional background information about the initiative, and its steering committee members. She said that UNC had been working with the Town for several months on the state-wide initiative, which was based at the Institute for Study of the Americas at the Center for Global Initiatives at UNC. The project's goal was to build relationships with immigrant communities and promote leadership, she said. Ms. Gill explained that the project was in its first phase - a community assessment consisting of conversations with foreign-born Town residents. This was being done with the aid of bi-lingual facilitators in seven languages, she said.

Professor Gill outlined the project's next steps, which included preparing a report on the first phase, and moving into phases two and three (action planning and implementation). During the implementation phase, the committee would collaborate with local officials to enact action plans, she said. Professor Gill said that the Town would receive a full evaluation plan for measuring the strategies' impacts in the future.

Council Member Oates asked what sorts of issues were emerging, and if there were any common threads among different ethnic groups.

Professor Gill expressed reluctance to report on her impressions when the results from several focus groups had not yet been completely analyzed. She said that the response to opportunities to participate had been overwhelming, and that participants had been thrilled about having an opportunity to meet with elected officials.

Council Member Schaevitz said that having child care available at meetings had been very important, and she hoped it had helped to reach additional people.

Mayor Hemminger said that holding the meetings at the Seymour Center during a time when seniors would normally be there had been helpful as well.

Mayor pro tem Anderson encouraged citizens to attend meetings. It was interesting to see and hear from people who do not often come to Town meetings, she said.

Council Member Gu asked about contacts within the community, and Professor Gill described an effort to build trust and connections with neighborhoods, families and communities. She said that optional sign-up sheets for those who wanted to become more involved with the project had been provided at meetings.

Council Member Buansi praised the effort, and said that the community conversations had created a space where people who would not normally interact with Council, and staff had been able to do so.

Mayor Hemminger said that she looked forward to hearing more about the initiative. The Town was pleased to have been selected to participate, she said, adding that talking with community members from whom the Council would not normally hear had been heartwarming. She was looking forward to learning more as the project moved forward, said Mayor Hemminger.

The item was recieved as presented.

**2. Discuss Expectations and Competencies for the Town Manager Recruitment and Selection Process (Item published 2/12/18)**

**[\[18-0102\]](#)**

Stephen Straus, representing Developmental Associates, gave an overview of the Town Manager (TM) recruitment and selection process. He explained how a job ad would be crafted - with input from the Council, staff and public - and posted no later than March 1, 2018. He said that four different recruitment methods would be used: targeting individuals; social media, Linkedin and list-serves; and listings in professional regional, state, and international journals/websites.

Mr. Straus outlined a schedule for assessing candidates, producing a spreadsheet, and gradually narrowing the list of candidates. Following that, the next phase would include structured telephone interviews, an emotional intelligence inventory, and candidates would complete a short essay, he said. He pointed out that the Council would have four to five days prior to May 2, 2018 to reduce the number of candidates to no more than six.

Mr. Straus described a set of exercises that candidates would be asked to perform, and a related session at which he would provide feedback to Council. That process would typically leave one to three candidates with whom the Council would meet before finally making a conditional offer of employment, Mr. Straus explained.

Council Member Gu asked about opportunities for public input.

Mr. Straus replied that the Town could schedule a couple of public input sessions over the next couple of weeks or so. There would also be an opportunity for four to six community members to be involved in the

assessment process, he pointed out. Mr. Straus said that transparency was important, but that some applicants would have concerns about their names being released too soon in the process.

Mayor Hemminger explained that two different public input sessions were being discussed. One might be at the Public Library, and the other might be at the Hargraves Center, she said.

Council Member Parker confirmed with Mr. Straus that there would be an online tool linked to the Town's website as well. He would bring information on that to the Council along with the proposed ad, Mr. Straus said.

Council Member Oates asked if it was possible to have a Town Manager hired by the beginning of June.

Mr. Straus replied that the current plan would allow the Council to make a conditional offer of employment by the first half of June. That would be followed by a background investigation, which would take 7-10 days, and the candidate would also need to give notice to his/her employer, if they were employed outside the Town, he pointed out.

Council Member Oates noted that June was a crunch time for Town Managers. It might be helpful to have the new Town Manager in the position so that s/he could "shadow" Mr. Stancil, she said.

Mr. Straus replied that candidates would probably be working feverishly on their own budgets at that time. He also noted that Mr. Stancil would be available to mentor, if needed, until September.

Council Member Stegman asked Mr. Straus if he could recommend a way to ensure that residents selected to participate in the assessment process represent all communities in Towns.

Mr. Straus replied that the diversity issue was very important but he could not recommend how to do it. Maybe a Council subcommittee could address that, he proposed.

Mayor Hemminger mentioned that, in the past, a Council subcommittee had tried to bring in people with different perspectives. That had worked fairly well, but she was open to ideas, she said.

Mr. Straus emphasized the importance of planning that sooner rather than later. He noted that participating in the process would mean making a full, two-day commitment.

Council Member Stegman said that requiring two full business days of public involvement raised concern for her because it could limit who would be able to participate.

Mr. Straus said that he understood the concern. However, Developmental Associates had done it that way many times in the past and had had diverse groups of community participants despite that challenge, he said.

Mayor Hemminger commented that the suggested times would allow some flexibility because they were outside UNC's semester window.

Council Member Buansi asked if people had been allowed to phone/video into past subcommittee meetings. He pointed out that allowing such an option on one of the two days might open up more participation.

Mr. Straus told about a recent experiment with a candidate who had participated via Skype. That man had gotten the position, but he turned out to be very different from the person they thought he was, he said. Mr. Straus expressed concern about electronic participation because exercises were more dynamic than just an interview.

Council Member Buansi clarified that he was talking about making it available for citizens, not the candidate.

Mr. Straus replied that a citizen using technology to observe such exercises would miss a lot as well.

Council Member Parker verified with Mr. Strauss that about 14 assessors would be needed for 6 candidates. About a third of those would be community members, he said.

Council Member Gu said that her overall impression was that the evaluation process would be very strong. However, coming up with a candidate profile for what the Council and community wanted was crucial, she said, and she asked Mr. Straus how he would develop that.

Mr. Straus replied that it would be the result of information gleaned from the current and other public sessions, and that information from Council members would provide the basis for designing how to screen candidates. He said that that would then go into the rubric that Developmental Associates would set up for the structured telephone interview and assessment center exercises. There would be 15-25 behavioral criteria that assessors would look for in the exercises, he explained. Mr. Straus said that assessors would be trained to observe and provide behaviorally-objective feedback on the criteria.

Council Member Parker asked how Developmental Associates would distill the many opinions (some of which would be contradictory) from the Council and community down to something that all would be comfortable with.

Mr. Straus replied that he would look for common themes that occur frequently and across groups. If there was a lot of controversy about



certain factors then part of what they would look for in a Town Manager would be one who could develop an effective process for working out differences of opinion, he said.

Council Member Bell requested feedback and suggestions, at some point, on how other communities try to create the assessors. She stressed the need for greater diversity around policy in Town, but pointed out that the Town Manager was not a policy-maker, but someone who helped the Council implement policy. She asked for basic guidelines on what to keep in mind while trying to accomplish the assessment task with 14 people.

Mr. Straus replied that finding folks who could objectively compare how the candidate was performing with the rating criteria was most important. He said that objectivity and awareness of their own biases was the key quality that assessors should have. In addition, it would be good to include a great deal of diversity in terms of age and gender, and a variety of different stakeholders, he said.

Mr. Straus requested that public comment address key challenges, opportunities, and priorities facing the Town -- both currently and over the next two to three years.

Joan Guilkey and Julie McClintock, representing CHALT (Chapel Hill Alliance for a Livable Town), spoke about the importance of meeting residents' expectations for transparency, public involvement, and participation in decision-making. Ms. Guilkey recommended that the search team include at least one Town resident with no conflicts of interest who had expertise in executive hiring. That citizen (or two) should help create the candidate profile, choose competencies, and conduct interviews, she said. Ms. Guilkey recommended that the Town hold public forums for input from residents early on in the process.

Ms. McClintock asked that the public be allowed to comment on the draft Town Manager profile. She asked for an open process that would invite as many opinions as possible. She thought that a deep understanding of the budget process and the Town's economic condition was one of the most important qualities needed in a Town Manager, Ms. McClintock said.

Jesse Gibson, representing the Hank Anderson-Bill Thorpe-Yonni Chapman Breakfast Club, summarized an email from that group that listed characteristics they thought the new Town Manager should have: a commitment to hiring from a multi-cultural perspective; experience in dispute settlement and conflict resolution; and experience in fair and impartial community policing with respect to racial and gender profiling. Mr. Gibson recommended that the Town Manager also be someone with experience in fundraising and planning for affordable housing from non-governmental sources. The new Town Manager should have experience related to urban and residential sprawl as it relates to the floodplain and form-based code, he said. Mr. Gibson recommended that

the Council consider visiting the home cities of the final candidates.

Mayor Hemminger said that citizens had been requesting the Town hold a public forum in a less formal format before crafting the job description. She proposed setting up at least two public sessions, and mentioned several dates in late February and early March.

Council Member Bell said she wondered if Mr. Straus was the right person to facilitate those conversations, which would be more of a rolling meeting with many people sharing information and views. She said that the Council wanted as much feedback as possible, and she was not sure that such public sessions would be the best use of Mr. Straus's time. .

Mr. Straus pointed out that he did have facilitation skills and said that he would run the sessions like a focus group unless they become too large. However, if the Council wanted him to merely ask clarifying questions, that would be fine with him, he said. Additionally, it would be completely fine if the Town preferred to have someone else facilitate those meetings, but he would want to attend, Mr. Straus said.

Council Member Bell explained that about 50 people typically come to such meetings, and Mr. Straus replied that he had facilitated sessions with hundreds, and would have someone assist him, if necessary, to make sure that everyone could provide input.

Council Member Schaevitz confirmed with Mr. Straus that the online component would also be available for public participation.

Mayor Hemminger said, in summary, that The Council was expressing support for two or three community input sessions at different times of the day, and also online. She and other Council members discussed the sequence of events with Mr. Straus, and Mayor Hemminger asked about the typical content and length of an ad.

Mr. Straus replied that his firm would put create two different ads for Council review - one long and one short. He briefly described those ads, explaining that they would focus on key challenges, and include the Town's profile.

Council Member Schaevitz spoke in favor of getting community input prior to creating the ad, since the Town would be asking community members to help establish challenges that it would include. She pointed out that getting community input before finalizing the job posting might draw more candidates because the interviewing process would occur later during budget deliberations.

Mayor Hemminger pointed out that the process needed to include time for a final background check. If findings from that were not positive, then the Town would need time to get started again, she said, and noted that the

Council would be on break during July and August. The schedule could be shifted a week or so, but not much more than that, Mayor Hemminger said.

Mr. Straus replied that delaying the initial screening from April 11 to April 18 would probably still allow everything else to stay on schedule.

After discussing the schedule further, Council members agreed to hold public sessions on two different days and at different locations. Mayor pro tem Anderson proposed possibly holding one of the sessions on a weekend evening.

Council Member Parker asked about including dial-in participation, setting up video conferencing, or allowing participation via Skype. It was hugely important to include those who were not normally able to attend meetings, he said.

Council Member Gu stressed the importance of reaching out to different components of the Town, such as school PTA groups, UNC, and other stakeholders in order to include more diverse opinions.

Mr. Straus replied that he was willing to do that. He noted, though, that his proposal had been based on spending a couple of days, not four to five.

Mayor Hemminger pointed out that the Town would also use its online tool, and regular Council meetings to accept input. In addition, Council members take phone calls and emails from citizens, she said. With regard to public meetings, she noted that the Town had had more success with attendance at the Hargraves Center when meetings were held on Sunday afternoons. The Town Library and the Seymour Center seemed to be good locations as well, she said. Mayor Hemminger noted that the Town could contact stakeholder groups and encourage participation.

Council Member Schaevitz suggested listing in "The Peach Jar," a digital flyer that the school system sends to parents. That would be a good way to contact people through the schools, she said.

Mayor Hemminger summarized the plan for three out-reach sessions at different times of the day and at different locations. Town staff would coordinate that with Mr. Straus, she said. She also noted that she was on the radio every week. The Town had many different formats for communicating with the public, Mayor Hemminger said.

Mayor Hemminger pointed out that a closed session for the Council and Developmental Associates had been moved to an earlier time on February 18th due to a request by Mayor pro tem Anderson.

Council Member Gu asked how information from public sessions would be

compiled into one ad. She also asked if the Council and citizens would have opportunities to provide feedback on the ad.

Mr. Straus replied that he would send the Council two documents to contrast and compare. These would be a summary of what he had learned from the group sessions and the ad itself, he said.

Council Member Buansi emphasized the importance of public participation in the process. He encouraged all citizens to come out to public forums or participate online.

Mayor Hemminger and Mr. Straus asked Council members to state the challenges, priorities and opportunities that the Town would face over the next two-three years, and what they were looking for in a new Town Manager.

Mayor pro tem Anderson said she was looking for an ability to articulate and facilitate a clear vision. She said that a projected budget short-fall in some Town funds would present challenges. She mentioned the need to foster public confidence and trust in government, and noted that transparency was very important. Mayor pro tem Anderson listed collaboration - with other municipalities: Orange Council, UNC, UNC Healthcare, the Chapel Hill-Carrboro School System, and others - as a priority. Strengthening the Town's competitive advantage compared to other municipalities, funding transportation for those who rely on it, and bringing new vibrancy and life to the downtown were on her list of important challenges as well. Mayor pro tem Anderson said that the new Town Manager should be able to articulate clear goals and standards for staff, and be good with numbers, strategy, collaboration, and working with the public.

Council Member Parker agreed with all that Mayor pro tem Anderson had said, and added that managing the Land Use Management Ordinance rewrite, which would include developing a consensus around future growth, was an important competency as well. He mentioned downtown revitalization, overall economic development, and economic competitiveness within the region as additional challenges. He said that managing the Town's capital program would be challenging. Competencies should include fully embracing Town values regarding social justice, and citizen participation in government, said Council Member Parker. He noted the importance of understanding how land decisions drive the view of the Town and Town politics. The candidate for Town Manager should have strong financial management skills, be fully committed to transparency, and have a good appreciation of strategic planning and goal setting, he said. He listed the following skills as well: flexibility, good listening, ability to cooperate with other jurisdictions/entities/agencies, and the ability to maintain and strengthen the Town's cultural values.

Council Member Buansi pointed out that an increasing population of

non-English speakers was one of the Town's challenges, so the candidate should be able to address that. Adding on to what other Council members had said, he noted that the Town was committed to being environmentally responsible, and to enhancing and creating transportation options that were as carbon neutral as possible. The Town Manager would need to make sure that advisory boards were well-informed, he pointed out. Among desired skills, Council Member Buansi mentioned a commitment to treating employees fairly, and insuring a fair retraining and disciplinary process. The Town Manager should also be able to comfortably interact with people of many different cultural, racial, socioeconomic, LGBTQ and other backgrounds, he said.

Council Member Stegman said that developing a plan for mobile home parks that were under threat would be a challenge. She agreed with other Council members' comments about supporting local businesses and helping them thrive. She mentioned increasing competition from neighboring municipalities, and said there was a lack of knowledge in the community about what the Town was accomplishing. Council Member Stegman mentioned the task of balancing Town needs in the face of budget constraints. With regard to competencies, she listed effective communication - written, verbal, media, and interaction with residents. The new Town Manager should value equity, use data effectively for planning and decision-making, and understand urban design in a way that includes elements such as green, environmental approaches, and multi-modal transit, Council Member Stegman said.

Council Member Gu agreed with previous Council members' comments regarding equity and social justice issues. She added that she would like the new Town Manager to have a comprehensive view of the impact of policy on projects. She spoke in favor of finding a Town Manager who had experience developing an economy based on innovation, noting that Chapel Hill was a college town with cutting-edge research being done within its boundaries. She was hoping for a Town Manager who would put Chapel Hill on the map for innovation, and weigh how technology would be used in government, and integrate recent technological innovations into city planning, she said. Council Member Gu stressed the importance of collaboration, outreach, and encouraging diversity.

Council Member Bell added to the list of Town challenges. She pointed out that the new Town Manager would need to address the issue of increasing regionalism. She said that the Town needed to help citizens understand the balance between the cost of services, and the cost of creating those services. She noted that the Town had an amazing fare-free transit model, but that resources to help pay for that were diminishing. She mentioned a continuing tension regarding parking, and pointed out that the Town's high tax rate made any tax increase feel onerous. Council Member Bell said that the Council had expressed a desire to talk less about development, and more about policy, and that she would welcome help with making that happen.

Council Member Oates said that Town challenges had already been described. With regard to characteristics, she would like the new Town Manager to understand numbers, value the environment, and see green space as a necessity rather than a luxury, she said. The Town Manager should recognize the contributions of low-income workers and risk-takers, and make it possible for them to live in the Town where they work, she said. The Town Manager should be able to fire people, or help people move on when they no longer fit the needs of Town staff, said Council Member Oates. She recommended that the Town Manager be a strong negotiator, or be able to fully support someone who is. Her personal inclination was to work with someone who was fact-based, data-driven, unflappable, and "no drama," said Council Member Oates.

Council Member Schaevitz said that she did not have any challenges to add to those already mentioned. An additional competency would be a willingness to think outside the box, and provide innovative and interesting new ways of approaching Town issues, she said. In particular, someone with experience with non-governmental funding for affordable housing would be welcome, she said. The Town Manager should be experienced with green construction, growing a solar profile, and reducing the Town's carbon footprint, said Council Member Schaevitz. She recommended that the Town Manager be someone comfortable with delegating to staff. She spoke in favor of growing talent from within, and expressed a desire to have the Town Manager's office be a place where young people from Town would get their start, work their way up, and feel comfortable sharing their ideas.

Mayor Hemminger pointed out that Mr. Stancil had been unflappable, and she said that such a quality was especially important when dealing with the public and with partners such as UNC, UNC Healthcare, neighboring jurisdictions, and non-profits. She pointed out that the Town was part of a growing region, and said she wanted a Town Manager who was willing to work with partners to find answers. Being open to learning from others, and being able to pull people together mattered, she said. She agreed with others that the new Town Manager should embrace Town values and welcome diverse perspectives.

Mayor Hemminger mentioned growth pressure on Town infrastructure, and the Town's desire to maintain its quality of life. Chapel Hill was a college town, and a healthcare town, she pointed out, adding that collaborations and partnerships with those systems were highly valued. The Town was becoming more business-friendly and innovative, and she wanted it to be a place where people could live, work, play, learn, and grow, she said. She mentioned that a Town Manager should embrace art as part of economic development, have good time management skills, be adaptable regarding new technology, and be able to effectively communicate what the Town was doing well.

Mayor Hemminger said that she was eager to hear what citizens would say about Town challenges, and qualities they want in a new Town Manager. She wanted to see where that feedback agreed or differed with what the Council was thinking, she said. Mayor Hemminger explained that staff would devise a process for selecting citizens to serve on the assessment committee, and bring that to a Council meeting for discussion.

The item was recieved as presented.

## **APPOINTMENTS**

### **3. Appointment to the Grievance Hearing Board.**

**[18-0103]**

The Council appointed Annie Brayboy to the Grievance Hearing Board.

## **ADJOURNMENT**

Mayor Hemminger said that Launch would kick off its ninth cohort the following evening at a celebration for five years of moving groups through its start-up accelerator program. That would be a great time to celebrate the success of nurturing, growing, and capturing spin-off companies in Town, she said.

The meeting was adjourned at 9:05 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 Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

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

**Wednesday, February 21, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

### Roll Call

**Present:** 8 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaeitz

**Absent:** 1 - Council Member Donna Bell

### Other Attendees

Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Housing and Community Assistant Director Sarah Vinas, Housing and Community Executive Director Loryn Clark, Affordable Housing Manager Nate Broman-Fulks, LUMO Project Manager Alisa Rogers, Traffic Engineering Manager Kumar Neppalli, Planning and Development Services Director Ben Hitchings, Budget Analyst David Finley, Fire Protection Specialist Chris Kearns, Deputy Town Clerk Amy Harvey, Police Officer Rick Fahrer

### OPENING

Mayor Hemminger opened the meeting at 7:00 p.m. She said Council Member Bell was absent, excused.

a. Mayor Hemminger Regarding LIGHTUP New Year Festival.

[\[18-0143\]](#)

Mayor Hemminger congratulated Council Member Gu on a recent Chinese New Year festival - LIGHTUP - held at the Friday Center in Chapel Hill that had more than 7,000 attendees. She said that being involved in such a beautiful and enriching celebration had been heartwarming.

Council Member Gu thanked the Mayor and Council for supporting and attending the event. The Town was growing stronger due to its diversity, she said.



Mayor Hemminger pointed out that "team Chapel Hill" had performed a dragon dance, with Town Manager Roger Stancil leading the dragon's tail. It had been a bonding experience, and photos and a video would be shared with all, she said.

b. Mayor Hemminger Regarding Frederick Douglass Event.

[\[18-0144\]](#)

Mayor Hemminger said that a Frederick Douglas "Then and Now" event, co-sponsored by Carolina Public Humanities, would be held at the Chapel Hill Public Library on February 22 at 7:00 p.m.

c. Mayor Hemminger Regarding Orange County Affordable Housing Summit.

[\[18-0145\]](#)

Mayor Hemminger announced an Orange County Affordable Housing Summit at St. Thomas Moore Church on February 23 from 10:30 a.m. to 1:30 p.m.

d. Mayor Hemminger Regarding Transit Career Day.

[\[18-0146\]](#)

Mayor Hemminger said that Transit Career Day would be held on February 24 at the Town's transportation department building on Millhouse Road. Onsite interviews would take place from 9:00 a.m. to 1:00 p.m., she said.

e. Mayor Hemminger Regarding Wilson Caldwell Day Celebration.

[\[18-0147\]](#)

Mayor Hemminger announced a Wilson Caldwell Day celebration on February 25. It would begin at 3:00 p.m. at the Old Chapel Hill Cemetery, and then move to the School of Government for a discussion and reception, she said. She explained that Wilson Caldwell had made significant contributions to the Town and the state. These included founding a school for African American children in 1869, and being appointed as North Carolina's first African American Justice of the Peace. The Town, the University of North Carolina (UNC), the NAACP, and the Black Caucus student group were partnering for the event, said Mayor Hemminger.

f. Mayor Hemminger Regarding Chinese New Year Event.

[\[18-0148\]](#)

Mayor Hemminger noted that another Chinese New Year event would also be held on Sunday, February 25 at 2:30 p.m.

g. Learning Outside Recognition by NC Peace Corps Association.

[\[18-0149\]](#)

Mayor Hemminger recognized and thanked 'Learning Outside', a Town and Triangle Land Conservancy partnership that had been a 2018 NC Peace Corps Association Peace Prize winner.

Wendy Banning, co-founder and director of 'Learning Outside', explained that it was a nonprofit organization, begun in 2009, that focused on connecting children with the natural world. All of its programs were held outdoors on the Triangle Land Conservancy's urban nature preserve, she said. Ms. Banning said that 'Learning Outside's' programs served more than 540 youngsters each year. It had been recognized for a peace prize because of its deep culture of learning outside, and valuing the uniqueness of every child in a non-competitive environment, she said.

## **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.**

[\[18-1117\]](#)

#### **a. Kimberly Brewer Request to Make Tiny Homes a Legal and Affordable Housing Option.**

[\[18-0150\]](#)

Kimberly Brewer, representing the Chapel Hill Tiny Home Initiative, discussed the Town's affordable housing (AH) crisis and said that allowing 400 square-foot and less homes was an option that should be explored. Such homes provide the needed daily functions of a traditional home at a fraction of the cost, she said. Ms. Brewer pointed out that the Town's Accessory Dwelling Unit Ordinance would allow tiny homes, and that two of them already existed - in Northside and at the Church of the Advocate. She said that barriers in building and development codes would need to be changed to allow tiny homes, however.

April Kemper, co-leader of the Chapel Hill Tiny Home Initiative, summarized the petition's request to the Town to take the following actions: evaluate code revisions (adopted or being considered by other local governments) that make tiny homes legal, and consider which type would be appropriate for Chapel Hill; amend Town codes and ordinances to make tiny homes an option; and, adopt the International Building Code Tiny Home Appendix Q. There were more than 350 signatures on the petition being presented, Ms. Kemper said. She pointed out that the Town's Housing Advisory Board supported exploring a tiny homes option, and the Chapel Hill Alliance for a Livable Town (CHALT) had had great attendance at a recent forum on the topic.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that this Petition be received and referred to Town Manager and Mayor. The motion carried by consensus.

## **PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA**

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

- a. Council Member Anderson Regarding Rally Against Gun Violence.

[\[18-0151\]](#)

Mayor pro tem Anderson announced a rally against gun violence at the Wilson Library on February 22, at 11:00 a.m. She praised the Parkland, Florida high school students, who had begun protests after a recent shooting at Marjory Stoneman Douglas High School, and said she was proud of those from Chapel Hill, and throughout the country who had been protesting for gun reform. She hoped that citizens would come out and support local students who were trying to get sane gun legislation passed, Mayor pro tem Anderson said.

Mayor Hemminger mentioned that Mayors for Sensible Gun Laws had partnered with Moms Demand Action and had reached out to student groups to help provide a platform, connections, and a venue for spreading the word about their marches. Information was also being put on a national website so that anyone across the country could find out about marches and activities, Mayor Hemminger said.

## **CONSENT**

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

### *Approval of the Consent Agenda*

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-1 be adopted, which approves the Consent Agenda and R-2 be adopted as amended. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items.

[\[18-0124\]](#)

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

3. Approve a Tentative Affordable Housing Bond Referendum Plan and Proposed Schedule of Actions.

[\[18-0125\]](#)

Mr. Stancil pointed out that Resolution 2 had been revised to clarify that the Council's action would affirm its conversation at a recent work session. The revised resolution would also authorize him to prepare information on,

and before March 21, 2018 that would help the Council make an informed decision about whether or not to have a bond referendum, he explained.

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

## **INFORMATION**

4. Receive Upcoming Public Hearing Items and Petition Status List.

[\[18-0126\]](#)

All items received as presented.

## **DISCUSSION**

5. Receive the FY18 Second Quarter Affordable Housing Quarterly Report.

[\[18-0127\]](#)

Loryn Clark, executive director for Housing and Community, introduced a PowerPoint presentation on the Affordable Housing (AH) Second Quarterly Report and the AH Dashboard. Staff would also provide results and recommendations regarding a recent employee housing survey as well, said Ms. Clark.

Sarah Vinas, assistant director of Housing and Community, reviewed the Second Quarter Report and key AH data points, which included community indicators, such as median home value (\$362,700) and area median income (AMI), which was \$73,300. The report showed that 5,464 affordable homes were disbursed throughout Town for those who were below 80 percent AMI. Ms. Vinas discussed availability of housing stock for the 60 percent AMI level as well. She said that half of renters and 22 percent of homeowners in Town spent more than 30 percent of their income on housing.

Ms. Vinas said that the Town needed approximately 2,000 more AH units and was investing \$6.2 million during the current year in an attempt to close the gap for households below 50 percent AMI. Second quarter results had exceeded the Town's target, she said. She reported that the Town had subsidized more than 1,000 units, had completed three preservation projects, and had allocated 42 percent of its budget for AH. Ms. Vinas also noted that the Council had exceeded its target of 80 AH units by developing 94 units in the second quarter.

Council Member Oates confirmed with Ms. Vinas that cost-burdened renters included students who listed Chapel Hill as their permanent address.

Nate Broman-Fulks, Affordable Housing manager, highlighted projects that had recently come online: six new single-family Habitat for Humanity homes in Northside for households at or below 60 percent AMI; three preservation projects in the Rogers Road area for households at or below

60 percent AMI; a Community Home Trust acquisition in Northside that would serve households at 50 percent or below AMI; a tiny home duplex partnership among Self Help, Habitat for Humanity and Peewee Homes for residents who have been homeless or have a history of chronic homelessness; and, Greenfield Phase I, an 80-unit, multifamily development in the Blue Hill District, which was a partnership between the Town and DHIC.

Mr. Broman-Fulks said that the Town had 1,062 AH units, which meant that it had surpassed its goal by 62. Looking ahead, 106 projected units would surpass the Town's target for new AH units. A projected 40 preservation units would be below the target for 55, and staff was actively pursuing additional projects, he said. Mr. Broman-Fulks reviewed projects in process, and said that everyone in the AH work plan was on track to be completed on time, and within its project scope. Staff would present the Third Quarterly Report in the spring, he said.

Council Member Stegman confirmed with staff that most of the projects in Northside had been a result of the Northside Neighborhood Initiative.

Council Member Schaevitz asked for a quick summary of UNC and UNC Healthcare involvement in the process.

Ms. Clark replied that recent conversations with UNC had mainly pertained to the Northside Initiative. There were ongoing talks between UNC representatives and Mr. Stancil, regarding how to continue that relationship, she said, noting that this had been discussed with the Council during a recent workshop. Discussions with UNC Healthcare had been focused on the Homestead Road development, and a potential partnership with UNC Horizons (a UNC Healthcare program that supports women and children in recovery), Ms. Clark said.

David Finley, Strategic Plan project manager, demonstrated how the interactive web-based dashboard presented metrics on AH progress throughout the year. Staff was still developing and tweaking the tool, but the prototype was available on the Town's website and the community could look at data regarding the Town's efforts toward building AH, he said.

Mayor pro tem Anderson clarified with Ms. Vinas that the Town's total AH investment was \$6.2 million, which included the Public Housing budget, and the Department of Housing and Community's grant programs. Mayor pro tem Anderson and Mayor Hemminger recommended clarifying that the approximately \$2 million had been allocated to outside partners for projects.

Mayor pro tem Anderson clarified with Ms. Vinas that an increase in the number of preservation projects listed in the Council's packet was due to the inclusion of Town-initiated rehabilitation projects, and rental, and

utility assistance figures that had not been in prior projections.

Mayor pro tem Anderson said that the Town might need to rethink the targets that it sets, and perhaps set a range in order to not over-promise.

Ms. Vinas agreed, and pointed out that rental and utility assistance ebbed and flowed. The Town did not get any in the second quarter, but might get as many as 20 in the third quarter, she said.

Mayor pro tem Anderson confirmed with Ms. Vinas that nearly every one of the Town's AH endeavors had been done in collaboration with other organizations and/or jurisdictions.

Ms. Vinas said that staff would think about how to show that better and incorporate it into the report.

Council Member Gu suggested that staff present the actual numbers along with percentages. She asked staff to include a frequency table, with, for example, affordability versus income level, in order to show a more complete picture. In addition, more contextual information, such as who the 2,000 people are who make up the housing gap, would be useful, she said. Council Member Gu noted that solutions could differ depending on who people are.

Ms. Vinas replied that the Town's source, American Community Survey Data, might be able to get such granular information. Staff also had additional charts and graphs that would give more details, she said.

Council Member Schaevitz congratulated staff on the dashboard tool. She said that they had done a phenomenal job on it, and she praised the tool's appearance, and how it would do much of what the Town wanted to do. She asked if staff had envisioned a specific target audience to use the tool.

Ms. Vinas replied that staff had primarily created the dashboard for Council's use, but hoped it would give the community a good sense of what was going on. Staff had tried to simplify the terms and language, and hoped it would be understandable to anyone in the community, she said.

Council Member Schaevitz agreed that it would be useful to the community - and eventually to those who were in the market for AH. She recommended that the next step provide links to existing webpages and AH resources that would be useful to all.

Ms. Vinas agreed, noting that staff was working on an AH webpage, which would be linked through the Town website. That would become a clearing house for all things AH, and the dashboard would live there, she said.

Council Member Buansi asked if staff had asked housing providers for feedback and input on the dashboard and Ms. Vinas replied that the Council was the first to see it. However, staff had shared the related Quarterly Report with providers and had received positive feedback, she said.

Mayor Hemminger praised staff for their work and said that the dashboard would help the Council tell the story about all the Town was doing. The Council wanted to set goals, and it was important to know where the Town was before doing that, she said. Mayor Hemminger said that the Chapel Hill community cared deeply about the AH issue.

Mayor Hemminger agreed with Council Member Gu about the need for more context that would help explain the dilemma of median income not equaling a house. She also recommended including more information on how many AH units there were in Town, on average, their ranges, and the Town's efforts with partners to address AH. She proposed putting such information on a main sheet, and in a context where people would not have to do the math.

Mayor Hemminger said she was very pleased with how interactive the dashboard was. Being able to point interested citizens to a place where they could get both the cumulative and immediate story was very important, she said. She pointed out that having allocated more than \$6 million in the budget toward all types of AH was impressive for a Town the size of Chapel Hill.

Council Member Schaevitz confirmed that about \$2 million in un-allocated funds would go to the Housing Advisory Board for local allocations.

Ms. Vinas said that CDBG and HOME funds had not yet been approved and that all funds would be allocated by the end of the year. The Town usually had more requests than available funding, she pointed out.

Mr. Stancil commented on how Ms. Clark had assembled an impressive AH team and said that he wanted to make sure the Town expressed its gratitude. It was exciting to see the AH data, as presented, he said, adding that the AH dashboard was a prototype for what staff intended to do in other areas as well.

Mayor Hemminger agreed. She thanked the "incredible team" for the work they do and the passion they bring to it.

This item was received as presented.

**6. Update on Exploration of Employee Housing Incentives.**

**[\[18-0128\]](#)**

Mr. Broman-Fulks gave a PowerPoint presentation with background on the Council's interest in exploring incentives that would allow employees to

live in Town. He noted that only 33 percent currently did live in Chapel Hill, and that one in three commuted more than a half hour to and from work. He said that staff had explored options in a three-step process that included research, analysis and ultimate strategies.

Mr. Broman-Fulks explained that the first step had looked at best practices from various sources. Staff had learned that employees who participate in such programs have less stress due to the reduction in commuting times and distances. The data also suggested that incentives could improve employee retention and recruitment, increase employee morale and productivity, and give employees a better connection with the community, he said. Benefits for the community at large included pollution and congestion reduction, and the furtherance of Town goals, said Mr. Bowman-Fulks. He said that employee interest had been evaluated through two surveys.

Ms. Vinas provided analysis of the survey findings. She said that about half of employees who did not live in Town would be interested in doing so, and she discussed reasons that others had given for not being interested. Forty-five percent would take advantage of housing incentives, and many thought such incentives would be an effective tool for retaining and recruiting new employees, she said. Ms. Vinas provided additional information regarding respondents' interest in receiving help with closing costs and down payments, home-ownership and budgeting, rental and utility assistance, and a Town program that might match an employee's savings toward the purchase of a home in Town. She also noted several incentive ideas that the focus groups had identified.

Ms. Vinas recommended creating a pilot program to include a menu of rental and home ownership incentives. She suggested a list of what that menu could include. Potential funding sources might be the Town's AH Development Reserve, its AH Fund, HOME and CDBG funds, foundation and financial institutions grants/loans, and help from local partners, she said. Ms. Vinas recommended that staff return to the Council in the spring with a pilot program proposal. She provided details on what the next steps would be if the Council approved of the concept.

Council Member Oates asked if staff had gained any insight into why some respondents did not want a housing subsidy.

Ms. Vinas replied that it was difficult to know for sure, but that she imagined that those employees were not in a position to relocate or were not interested in living in Town.

Council Member Oates asked if the Town would want to be the landlord on a master lease.

Ms. Vinas replied that that would be determined based on direction from Council. The Town did have landlord experience with public housing and



transitional housing programs, she pointed out.

Mayor pro tem Anderson asked if staff had seen any trends across departments.

Ms. Vinas replied that the survey had not asked that question and staff had not looked at the survey data that way. However, differences had been expressed in the focus groups, where some, such as public safety employees, had expressed interest in living a distance from the community where they worked, she said.

Mayor pro tem Anderson asked about the budget scope, and Ms. Vinas replied that staff wanted Council feedback and direction before developing a pilot programs. Staff had figures on employees' salaries but would need to obtain whole household income in order to income-restrict the program, Ms. Vinas said.

Council Member Schaevitz verified with Mr. Broman-Fulks that the household income of more than half of respondents was less than 100 percent of AMI. She said that it would be helpful to have a sense of what percent of all Town employees were at that level in order to have a sense of the scope of the issue and how the budget should relate to it.

Council Member Gu asked for more contextual information and data on the Town's current recruitment, retention and turnover rate, and if those rates were being actively affected by the housing issue. Such data would help to understand how serious the need was, she said.

Ms. Vinas replied that she could likely gather such information from the Town's Human Resources Department. The survey and focus groups had stemmed from Council interest, which had been based on the fact that the majority of employees did not live in Town, she said.

Council Member Gu said that having AMI data on which groups of employees would be most interested in the program would be helpful as well.

Council Member Parker recommended that staff do some modeling and look carefully at the numbers to make sure that employees would actually be able to find houses in the marketplace that the program would let them afford. The fundamental problem was that those houses did not exist, he pointed out. Council Member Parker also wondered if there would be secondary measures of the program's success.

Council Member Stegman expressed strong support for the effort, stating that anyone who worked for the Town should have the option of living there if they chose. She praised the human-centered design approach that strove to understand employee issues and desires. She thought such incentives could play an important part in attracting and keeping staff

while also meeting some of the Town's AH goals, she said. In order to be able to give guidance on specifics and on whether to proceed or not, the Council would need to see cost analyses of different options, Council Member Stegman said.

Mayor pro tem Anderson characterized the report as a great initiative and said she was glad that staff was looking into the idea. She, too, requested additional data and noted the importance of working with the Chapel Hill-Carrboro School System, Orange County, and other partners. She wondered if there would be value in knowing how many people lived within the school district but not the Town, she said.

Council Member Oates commented that communities were stronger when people live in the Town where they work. She expressed concern about making the program sustainable while keeping houses affordable, however. She said that the expectation with down payment assistance was that the person would return it when selling the house so the money could go back into the system to be used again. She had no problem with offering incentives to new employees, she said. Council Member Oates suggested that the program be limited at first to homes in Town.

Council Member Oates expressed support for a tiered approach up to 120 percent AMI. If there was a master lease, or a partnering arrangement with other landlords, she would discourage apartment complexes that had a high vacancy rate from participating for a certain period of time, she said. Council Member Oates explained that moving into an apartment with the idea that one would have to move out within one-to-three years fell into the definition of homelessness. Employees should have to repay a subsidy once they stop being employed by the Town, she said.

Council Member Buansi expressed concern about an employee getting a rental subsidy and then having his/her employment terminated. He asked if staff had investigated what other towns had done in that situation. Had there been an extended period in which the person continued to receive the subsidy, he asked.

Ms. Vinas replied that most of the models that staff had looked at had been grants with no repayment requirements. There were some exceptions for home-ownership, and there could be a repayment requirement for employees who leave the organization or move out of town before a certain number of years, she said. Staff had structured agreements such as those for AH projects, but the typical incentive options were grants rather than loans, she explained.

Mayor Hemminger described a similar program in schools, where staying for a certain number of years meant not having to pay it back and it was prorated if the person left earlier than that. She recommended moving toward a grant program with parameters that make it work for all.

Mayor Hemminger pointed out that the Community Home Trust and Habitat for Humanity held financial preparedness and other classes and might be able to present those to Town employees as well.

Ms. Vinas replied that that idea was exactly in line with the staff's thinking. Many Town employees had already taken advantage of that Community Home Trust training but the programs could easily be included in a more structured way with a curriculum geared specifically for the interests of Town employees, she said.

Mayor Hemminger pointed out that some apartment complex owners were willing to offer discounted rates for Town employees, and she asked for more information on that. She said that she liked the idea of allowing people to live anywhere in the county and that partnering with groups like Community Home Trust could help the Town understand locations and price ranges of houses. Mayor Hemminger said that the program would probably have to be income restrictive at some level, and that staff would determine where those lines were.

Council Member Oates asked if a housing subsidy from the Town was considered taxable income for employees, and Town Attorney Ralph Karpinos agreed to bring that information back to the Council.

Mayor Hemminger told staff, in summary, that the Council liked the idea, would like to have a pilot program of some sort, and would like staff to provide more information and parameters.

This item was received as presented.

**7. Open the Public Hearing: Land Use Management Ordinance  
Text Amendment - Proposed Revisions to Articles 3 and 4  
Related to Conditional Zoning.**

**[\[18-0129\]](#)**

Alisa Rogers, Land Use Management Ordinance (LUMO) project manager, gave a PowerPoint presentation on Land Use Management Ordinance (LUMO) amendments to expand the use of Conditional Zoning (CZ) in Town. The effective date for those revisions would be April 1, 2018, she said. Ms. Rogers reported that the Planning Commission (PC) had reviewed the amendments and made recommendations, which she would present along with an ordinance and resolution of consistency.

Ms. Rogers explained that the amendments proposed to establish a link between the Town's Land Use Plan (LUP) and CZ district applications. As proposed, the amendments would preclude establishing a CZ district unless it conformed to the LUP, she said, and she explained the rationale behind that. Ms. Rogers said that the PC had recommended a condition to comply with "Architecture 2030 Challenge," which had the goal of carbon neutrality by 2030 for all new developments, major renovations, and new buildings. Mr. Stancil had requested that such compliance be retained in

the ordinance until Town staff had had an opportunity to assess a related petition from the Environmental Stewardship Advisory Board, she said.

Ms. Rogers said that another amendment pertained to the Town's Innovative Light Industrial Conditional Zoning District (a.k.a. Enterprise Zone). That amendment would clarify that the Council may act in the same evening as the initial public hearing for projects in the Enterprise Zone, she said. In summary, the proposed revisions related to a condition regarding Architecture 2030 Challenge, clarification of procedures for the Enterprise Zone, a requirement that conditional zoning districts conform to the LUP, and defining a process for amending the LUP, she said. Ms. Rogers recommended that the Council open the public hearing, receive comments, and recess the hearing to March 21, 2018.

Mayor pro tem Anderson verified with Ms. Rogers that an applicant could request the CZ process and have the Council provide advice on that during the concept plan stage.

Mr. Karpinos clarified that an applicant could apply for a special use permit (SUP) and rezoning, a development agreement (DA), or CZ at the concept plan stage, but the Council would decide whether or not to approve.

Mayor Hemminger pointed out that the Council could turn down an applicant who, for example, had recommended an SUP process at the concept plan stage but then turned in a CZ application. It would be difficult to do so, since the application would have gone through advisory board review and so forth, but the Council would have that option, she said. Mayor Hemminger pointed out that an applicant could not do a DA without the Council's agreement. Therefore, such a situation could only arise regarding SUPs versus CZs, she said.

Mayor pro tem Anderson asked about recent legislation regarding CZ projects that do not comply with the master plan going through the process and changing the plan as a result.

Mr. Karpinos explained that legislation gave the Council three options when looking at a rezoning: to deny if the project is not consistent with the Comprehensive Plan; to approve if it is consistent; and to approve and say that the project is not consistent -- and that would change the Comprehensive Plan. The Town had the opportunity, with the process that was being proposed, to look at the LUP and the Comprehensive Plan in a holistic manner and decide if it was appropriate to change the LUP, he said.

Mayor pro tem Anderson stated that approving a project that was not in compliance with the LUP would change the LUP.

Mr. Stancil pointed out that in some situations the text in the Comprehensive Plan or in a Small Area Plan would be impacted as well.

Therefore, it would behoove the Town to look carefully at what its functional documents say, he said.

Council Member Oates verified with Ms. Rogers that recent legislation impacted any land use change that the Town might make.

Council Member Oates asked if there was any way to have the CZ option be only for projects that comply with the LUP.

Ms. Rogers replied that there could be such an option. She pointed out that the LUP had been put in place in 2012 and said that there might be an opportunity in the future to do a project that had not been conceived of back then. That might be an opportune time to change the LUP, she said.

Council Member Oates noted that the Town was planning to rewrite the LUMO and it seemed like that might be an opportunity to make that change. She expressed concern about approving a project that would change the LUMO without people realizing it.

Ms. Rogers pointed out that the state legislature's action regarding changes addressed the Comprehensive Plan, not the LUMO.

Council Member Oates replied that it could, however, be something that someone might sue the Town over, but Mr. Karpinos said that he was not worried about that.

Council Member Parker commented that an SUP could only be approved if consistent with zoning and the Comprehensive Plan. The Town typically received combined rezoning/SUP applications and always approved a resolution of consistency with the LUP, he said. If an application were not consistent, then the Town could modify the land use map at that time, said Council Member Parker.

Mayor Hemminger expressed concern that changing the LUP for a CZ could affect the Council's negotiating strength.

Ms. Rogers replied that the Town could theoretically change the LUP, and have a project not move forward. The idea behind having a LUP amendment happen first was to provide an opportunity to think about whether or not the change was warranted, she said.

Mayor Hemminger confirmed with Ms. Rogers that making a land use change for an applicant would not enable that applicant to get the project approved in order to sell it.

Mr. Karpinos pointed out that some projects would go directly to a CZ application, and not involve an LUP. Those would be in the same situation as those that had the LUP change first, he said.

Mayor Hemminger said that she wanted to make sure that what Council members had approved was what they thought they had approved.

Council Member Gu asked if it was correct to say that the changes being considered would not change the Chapel Hill 2020 Comprehensive Plan, but that the LUP might or might not change when the Council approved a CZ.

Ms. Rogers replied that the Comprehensive Plan included both text and the LUP, and that projects would be evaluated for consistency with one or both of those. The amendment being proposed was actually calling out consistency with the LUP, she said. The Town would look at making decisions about whether or not it was consistent with that plan, and if it was not, then about changing the plan, she said.

Council Member Gu asked for clarification that, if it was not consistent, then the Town may or may not decide to change the LUP, but did not have to do so.

Ms. Rogers replied that the N.C. Legislature had said in October 2017 that approving a rezoning that was not consistent with both the text and map in the Chapel Hill 2020 Plan would change the map.

Mayor Hemminger asked if this was the case with SUPs or a DAs as well.

Ben Hitchings, Director of Planning and Development Services, replied that it was not true for a DA. A rezoning associated with a SUP or DA would trigger the consistency statement, but a straight SUP with no rezoning would not, he said.

Del Snow, a Chapel Hill resident, strongly urged the Council to not implement the text amendment until concerns had been addressed. She said that the previous Council had discussed applying the CZ to specific districts and that staff had said at that time that CZ applications could be denied if the Council deemed them problematic. Allowing the LUP to be amended as the result of approval was a difficult policy to endorse, she said. Ms. Snow argued that the amendment would undermine the purpose, spirit, and value of zoning and land use planning; would not give residents predictability; and would betray future landowners who would have no way of knowing what could be developed next to their property. She recommended not implementing the text amendment until the Council had clearly addressed residents' concerns and properly analyzed unintended consequences.

Mayor pro tem Anderson pointed out that Ms. Snow 's concerns seemed to pertain more to the state legislature than the Town Council.

Mr. Stancil agreed that to a certain extent, the state legislature had taken it out of the Council's hands because approving a project with a rezoning

that does not conform with the 2020 Plan changes the Plan at that moment, he said.

Mayor pro tem Anderson asked if the Council could address any of the other concerns that Ms. Snow had raised.

Mr. Hitchings described the differences among CZs, SUPs and DAs, and said that the Town had constructed the CZ to be the same process as the SUP in the sense that community and Council would have control over decisions. He said that keeping the CZ process similar to that for a SUP might lead to more applicants choosing the CZ in order to be able to talk directly with the Council. He pointed out that a DA process also allowed dialogue, but could be more time-consuming. A CZ provided the opportunity for dialogue but, like a SUP, was a more systematic process, Mr. Hitchings said.

Mayor pro tem Anderson asked if the text amendments were addressing the issue of not allowing CZ all over Town.

Ms. Rogers replied that tying it to the LUP and fully thinking about how a project would impact its surrounding area was how the Town was addressing that issue. However, an applicant could always apply to rezone anything to anything, she pointed out.

Council Member Parker said that the Council had made a deliberate effort when it approved a CZ in November to have it mimic the SUP process as closely as possible, but allow for conversations with the community. He pointed out that the LUP was not a zoning map, and did not have any regulatory power. That power resided in the zoning atlas, which specified zoning - including restrictions and privileges - for every parcel in town, he said. .

Council Member Parker said that the text amendment would make the CZ process more onerous than a traditional rezoning/SUP process. He described and contrasted processes, and said that a project that was in conflict with the LUP would have to go through one that would involve the Council and PC before applying for CZ, which would add cost and time. In addition, the current Land Use Map was in conflict with the Comprehensive Plan in some cases, he said, and gave an example of that in the Central West area. Council Member Parker said he was concerned about the Council making the CZ process so onerous that it would push applicants back to rezoning/SUP and defeat the purpose of the CZ tool.

Mr. Stancil replied that he had intended when proposing the amendment to make it more onerous. Any proposal that was not consistent with the LUP would have to go through something more difficult, he said. He explained that his reason for that was exactly what Ms. Snow and others had said about sending a message to someone in a single-family, detached neighborhood that CZ did not mean putting a grocery store beside their

house. Mr. Stancil then described improvements that staff was making to the Land Use Map.

Council Member Parker said he appreciated the intent of protecting single-family detached areas, but thought the tool was overly broad. Maybe a better approach would be to just not allow CZ in areas such as R-1 and R-2 that need to be protected, he said. He pointed out that the Council could approve a grocery store with traditional rezoning. It seemed as though the proposal was being asymmetric by trying to use more protection for CZ than was in place for the traditional rezoning/SUP, Council Member Parker said.

Mr. Stancil explained that the goal was to have someone applying for something that was not consistent with the Council's interests go through a separate, more onerous process so the Council could give direction before spending a lot of staff and community time. That was the intent, he said, noting that the Council had asked, when initiating the CZ tool, for a way to provide assurance to single-family detached neighborhoods that they were not under threat.

Mr. Karpinos pointed out that the Council had the legislative authority to make changes during its term of office, and that the next Council would have the authority to change that if it chose. The Town could have protections and procedures that would make it more challenging to do certain actions, but there were no guarantees, he pointed out.

Mr. Hitchings explained that staff had been trying to make it smooth when it was consistent with the framework the Council had described and more difficult when it was not.

Council Member Schaevitz asked if having an applicant drop out after the Council approves an LUP amendment would leave the Town locked into the change. It seemed that the SUP process did not leave much space for loop holes whereas there seemed to be many loop holes and contiguous steps with the CZ process, she said.

Mr. Hitchings replied that the Council would need to consider whether such a proposal for changing the LUP made sense broadly. What was sometimes more problematic, was granting a CZ associated with a project and then having something happen that makes it no longer relevant, he said. Mr. Hitchings explained that there was a clause that allowed reversion to the previous zone when a project was not started within a certain time.

Mr. Karpinos added that the Town could revisit and change the LUP on its own initiative if it were to amend it and then a CZ did not come forward, or was denied and no one brought another one in a reasonable period of time.



Mayor pro tem Anderson asked staff to bring back the pros and cons of having Townwide CZ versus having it in only certain areas. She needed more information on how single-family detached neighborhoods would be protected, she said.

Mayor Hemminger asked about prohibiting use of the CZ tool on R-1, R-2 and maybe R-3 areas without going through the land use change first.

Mr. Karpinos replied that, as proposed, the Town would have to go through the LUP change before approving a CZ that was inconsistent. For example, changing R-1 to commercial would clearly be inconsistent, he said.

Mayor Hemminger replied that she wanted to make that clearer to the public so that citizens would not fear having a grocery store built next to their house, and Mr. Hitchings agreed to work on that.

Council Member Gu said she understood that changes could be changed back through the legislative process. However, the purpose of having an LUP was to provide predictability for residents and being able to change it so easily undermined its purpose somewhat, she said.

Council Member Oates said that not having predictability lowered land values and that the Town needed to carefully guard against such "creep." All Council members liked the idea of having a mechanism through which it could talk with the applicant when a proposal comes before it, but they needed to make sure that they did not shoot themselves in the foot along the way, she said.

Council Member Gu asked for information on whether staff was proposing to retain and follow the Environmental Stewardship Board's suggestions.

Mayor Hemminger asked staff to include having the Council come to some agreement with the applicant by the end of the concept plan review regarding which tool it preferred they use, with the understanding that it would not be a requirement. She said that the Council liked the CZ tool because it allowed conversations and that she, personally, liked having legislative authority without having to worry about the four findings alone. What appealed to her most was that the CZ provided the Town with leeway to get the project it wanted, she said. Mayor Hemminger asked staff to bring back a better description of the text amendment, based on the evening's comments.

A motion was made by Council Member Parker, seconded by Council Member Buansi, that this Public Hearing Item be continued to March 21, 2018. The motion carried by consensus.

8. Authorize the Town Manager to Enter into a Supplemental Municipal Agreement with NCDOT to Proceed with Additional

[\[18-0130\]](#)

## Design Services and Construction for Variable Message Signs Project.

Traffic Engineering Manager Kumar Neppalli gave a brief PowerPoint presentation on the Town's traffic signal system, which was implemented in 2012. The system included fiber communication cable throughout the Town, and communicated signals back to a Traffic Management Center, he explained. Mr. Neppalli said that traffic monitoring cameras had also been installed, but the Town had not had funding to install variable message signs (VMS) at that time.

Mr. Neppalli said that UNC used VMS as temporary message boards to provide information regarding special events. In 2014, the Town and UNC had agreed to develop a joint project for implementation of permanent signs, he said. Mr. Neppalli noted that the Council had adopted a resolution in June 2014, and had also enacted a budget ordinance for design services of VMS project. The initial funding for design was \$93,750 (\$75,000 federal/\$18,750 Town) and the Town had hired Kimley-Horn and Associates to begin the design, he said.

Mr. Neppalli recommended that the Council provide input regarding the location, number and aesthetics of variable message signs (VMS), and adopt the resolution authorizing a municipal agreement with the NC Department of Transportation (NCDOT) and enacting the budget ordinance amendments.

Kevin Smith, a project manager with Kimley-Horn and Associates, said that the project team included stakeholders from UNC, the Town, and NCDOT. He displayed slides showing what VMS signs look like on roadways and said that the purposes were to reduce congestion, convey information, and manage traffic operations. VMS in Chapel Hill would be subject to NCDOT policy, he said, explaining that state policy specifically stated that VMS were only for traffic operations and guidance.

Mr. Smith discussed the project's three main phases. The third phase was to develop construction documents that the Town would put out to bid, he said. He presented a map showing proposed signs at 10 locations in Town, and explained stakeholders' reasons for choosing those. Seven of the 10 would be medium (5.5' x 11') signs, and three would be small (4.5' x 10'), he said. Mr. Smith asked for Council feedback regarding color (black or green finish) and structure (single or double posts). He said that the next steps would be to finalize the design, hopefully by June 2018. The project would be put out to bid in fall 2018, with construction running from January to December 2019, Mr. Smith said.

Mr. Neppalli stated that the cost would be \$1,024,000, with the Town's share being \$10,300. He said that the signs could be painted any color, and that UNC's and the Town's Police Departments would both have access to programming.

Mayor Hemminger confirmed with Mr. Neppalli that the colors of the LED lights could be changed.

Council Member Buansi clarified that Carrboro had decided not to participate in the project because of the lack of major decision points for drivers in its area. There would be a sign near Southern Village before the bridge on U.S.15-501, Mr. Neppalli said.

Council Member Oates ascertained from Mr. Neppalli that NCDOT would reimburse the Town for 92 percent of the maintenance costs, and would pay the full cost of replacement.

Council Member Gu confirmed that signs would be dark when not in use. She asked if there was any data showing their effectiveness, and Mr. Neppalli replied that he thought there was, but did not know if it was available.

Mr. Smith commented that the signs were the best way to reach all motorists on a road, and said that their effectiveness depended on whether or not people obey the message.

Council Member Gu asked who would be responsible for putting out the messages, and if it was possible to give real time traffic information, such as how many minutes to a specific destination.

Mr. Smith replied that DOT signs on the freeway could display travel times, but he did not know if the Town had the necessary vehicle detectors in place. That could be done in the future, if the Town saw value in it, he said.

Council Member Stegman proposed moving signs closer to one or two areas where there had been fatal accidents, and Mr. Neppalli offered to talk with the team about making that change.

Council Member Oates asked who would program the language on the signs, and Mr. Neppalli replied that the details of that still had to be worked out. It would be an automatic process, but Town and University police would be able to program them if needed during emergencies, he said.

Council Member Oates said she favored whichever post design would be safer, and the least distracting to drivers. She said that she found the \$100,000 total cost of each sign to be astounding, and asked why they were so expensive.

Mr. Smith replied that most of the cost was for the heavy, mounted structure, which contained a lot of electronics, as well as the costs of getting power and communications to the signs.

Council Member Oates confirmed with Mr. Smith that the project had not yet been put out for bids, and that the estimate was based on what VMS typically cost in other places.

Council Member Schaevitz asked about solar-powered options, and Mr. Smith replied that they existed, but not in North Carolina. Those required huge solar panels that were about twice the size of the sign itself, he pointed out.

Mayor Hemminger said she preferred a single, green post and confirmed that DOT required the sign itself, and the border around it to be black. She asked if the sign could direct people coming off Interstate 40 to the Eubanks Road park and ride lot.

Mr. Smith replied that the sign in that area would direct people to a detour when there was a traffic problem in that area.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Stegman, that O-1 and O-2 be enacted and R-3 be adopted. The motion carried by consensus.

## **APPOINTMENTS**

9. Affirm Chapel Hill-Carrboro City School's Nomination of Council Member Parker to Serve on Chapel Hill-Carrboro City Schools' Business Advisory Council.

[\[18-0131\]](#)

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

## **ADJOURNMENT**

Mayor Hemminger reminded the Council that it had established a light rail orientation session with GoTriangle to be held on March 12 for new Council members, and anyone else who would like to attend.

Mr. Stancil encouraged all Council members to attend the meeting, noting that it would include an introduction to gateway planning as well. It would be a comprehensive view of GoTriangle's incursion into Chapel Hill, and an opportunity to ask questions, he said.

Mayor pro tem Anderson requested that the meeting be added to the Council's calendar.

The meeting was adjourned at 10:22 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 Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

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

**Wednesday, March 7, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

### Roll Call

**Present:** 7 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Michael Parker, and Council Member Rachel Schaeitz

**Absent:** 2 - Council Member Nancy Oates, and Council Member Karen Stegman

### Other Attendees

Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Director of Planning and Development Services Ben Hitchings, Police Officer Rick Fahrer, Communications and Public Affairs Director and Town Clerk Sabrina M. Oliver

### OPENING

- 0.1** a. Mayor Hemminger Regarding Duke Men's Basketball Win over UNC Men's Basketball Team.

[\[18-0203\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. and said Council Members Stegman and Oates were absent, excused.

Mayor Hemminger explained that she was wearing Duke blue as a result of a friendly wager with the City of Durham over a recent Carolina vs. Duke ACC Championship game in which the Carolina Tarheels had lost to the Duke Blue Devils. She read a poem, titled "An Ode to Chapel Hill," which the City of Durham had written after a game that Carolina had won. "Go Heels!" said Mayor Hemminger.

- 0.2** b. Mayor Hemminger Regarding Explore More at Pritchard Park Video.

[\[18-0204\]](#)

In keeping with the Council's "Celebrating Successes" initiative, Mayor Hemminger introduced a short video called, "Explore More at Pritchard Park." The video showed a pollinator garden, weather/air quality station, butterfly area, children's play areas, and more. Mayor Hemminger explained that the park was a collaborative effort of Town departments and local partners, such as the Morehead Planetarium, NC Botanical Garden, UNC Institute for the Environment, and others. She encouraged all to go and experience Pritchard Park, and also the adjacent Chapel Hill Public Library.

## **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.**

**18-0184**

#### **a. Kidzu Children's Museum Request for Town Assistance to Explore the Southern Village Site for New Museum.**

Kidzu Children's Museum Board Chair Melissa Cain explained a request to explore developing a new museum on Town-owned property at Southern Village. She reviewed the museum's 12-year history in Town and described its partnerships with the Town, the Chapel Hill-Carrboro City School System, and the University of North Carolina at Chapel Hill (UNC). Ms. Cain pointed out that the museum was designed for the growing area of early childhood education. It was limited by a small interior space, and no outdoor space, and needed to expand in order to achieve its goals, said Ms. Cain.

Board Member Lisa Van Deman read a proclamation that the Town had awarded the Kidzu Museum on its 10th anniversary. She explained that the petition would go into more detail about the board's vision for the future. They would, at some point, like to discuss partnering with Town to create a world class children's museum, she said. Ms. Van Deman said that the Kidzu board looked forward to working with the Town on developing a shared vision that would be a legacy for generations to come.

Board Member Al Leach noted the many benefits that education provides to children from all income levels, ethnicity, and geographic regions. He said that children's museum enabled young children to adopt learning skills through creative play. Many schools had eliminated such activities,

and children's museums were filling the need and were the fastest growing segment of the museum industry, he said. Mr. Leach provided revenue statistics and noted the strategic value of the Southern Village location.

Mayor pro tem Anderson thanked the speakers for addressing the importance of having a children's museum in Town. She said that it was personally important to her and her children, and that she was excited about the potential of having an even better Kidzu Museum that could support economic development and serve all families.

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

**1.1 b. Residents of East 54 Regarding Noise Ordinance.**

**[18-0205]**

Robert Hutchins, an East 54 resident, told the Council that a boxing gym had opened on the floor below his condo and had been creating constant noise from 6:00 a.m. to 8:00 p.m. every weekday. He had expected some noise in a mixed-use community, but the degree and duration of the current noise was unreasonable, he said. Mr. Hutchins explained that he had tried to contact the building's owner, East West Partners, but no meaningful improvements had been made. The Town's code enforcement officer had told him that no action could be taken because the Town's ordinance did not apply to mixed-use property, he said.

Mr. Hutchins said that he and his neighbors had been calling the police at each disturbance, which was often three times a day, per unit. However, the Police Department had been unwilling to cite the boxing studio due to the code enforcement officer's and the police attorney's statement that there was no precedent on the issue. Mr. Hutchins said that tenants believed the issue would fall under Sections 11-39 and 11-39.1 of the Town ordinance and were asking the Council to clarify.

Viki Pace-Smith, an East 54 HOA board member, pointed out that such disturbances would affect people's interest in living in mixed-use buildings. She noted the benefits of mixed-use living, but said that such a level of disturbance was not fair because it prevented people from being able to live peacefully.

Lauren Anderson, an East 54 HOA board member and Community Home Trust homeowner, pointed out that East 54 was governed by multiple community associations -- residential, office/retail, and restaurant. None of those entities could restrict the activities of another, so residents must rely on ordinances and prevailing Town rules to resolve issues, she said. Ms. Anderson asked the Council to provide clarity on the issue of a retail tenant disturbing multiple residential homeowners in a mixed-use community.

Barnett Frank, East 54 HOA vice president, said that there was a precedent for the noise issue at East 54 because a Zumba studio had had to move out due to noise disturbances. Mr. Frank said that he, too, was a Community Home Trust homeowner and pointed that two of the three condos most affected belonged to Community Home Trust homeowners. Mr. Frank said that he experienced noise, and vibrations, from 5:30 a.m. to 8 p.m. during the week, and could not work from home for that reason. Residents had been told that the ordinance was difficult to enforce because of the Town's attorneys' interpretations, he said, adding that he did not want to bring a civil action.

Mayor Hemminger thanked the speakers for bringing the issue to the Council's attention. She expressed sympathy for their experience, and pointed out that mixed use was supposed to be a positive experience. She asked the Town Attorney to return with clarification of whether the Town's ordinance covered mixed use.

Mayor pro tem Anderson asked that the Attorney also provide options about what could be done if the ordinance did not apply.

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

## **PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA**

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

- 1.2** a. Mayor Hemminger Regarding Planning for Light Rail Meetings. [\[18-0206\]](#)

Mayor Hemminger said that there would be an overview of planning for light rail (including station areas) at Council Chambers on March 12, 2018 from 5:00 to 6:30 p.m. There would also be two public information meetings on station area planning on March 13th, at 9:00 a.m. and at noon, she said.

- 1.3** b. Mayor Hemminger Regarding Upcoming Council Meetings. [\[18-0207\]](#)

Mayor Hemminger announced a Council meeting on March 14, 2018, and a joint meeting of the Town Council and Orange County Commissioners on March 22. The meetings would probably occur at the Southern Services Center, but she would verify that, she said.

- 1.4** c. Council Member Buansi Regarding Dedication of Public Art at Bolin Creek Trail in Honor of Former Council Member Herzenberg. [\[18-0208\]](#)

Council Member Buansi mentioned a dedication of public art on March 10, 2018 at 10:00 am at the Bolin Creek Trail. The dedication would be in



memory of Joe Herzenberg, the Town's first openly gay Council member, who had contributed much to parks and recreation services, he said. Council Member Buansi encouraged citizens to attend and support Mr. Herzenberg's memory.

## CONSENT

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

### *Approval of the Consent Agenda*

A motion was made by Mayor pro tem Anderson, seconded by Council Member Buansi, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all consent agenda items. [\[18-0185\]](#)

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

3. Approve a Contract Extension for Audit Services Contract for Fiscal Year 2017-18. [\[18-0186\]](#)

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

4. Amend the Town's Planning and Development Services Fee Schedule to Add a Fee for Wireless Facilities Applications. [\[18-0187\]](#)

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

5. Call a Public Hearing on April 18, 2018 to Consider Adopting the Blue Hill Design Guidelines and Associated Amendments to Form District Regulations. [\[18-0188\]](#)

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

## INFORMATION

6. Receive Upcoming Public Hearing Items and Petition Status List. [\[18-0189\]](#)

The item was received as presented.

7. Receive 2017 University of North Carolina Annual Development Plan Report on Transportation. [\[18-0190\]](#)

The item was received as presented.

## DISCUSSION

### 8. Review of Draft Advertisement for Town Manager Process.

[\[18-0191\]](#)

Consultant Heather Lee, a partner with Developmental Associates, guided the Council through editing an advertisement that she had written for the new Town Manager (TM) position. She said that input from a public survey and public meetings, private emails, an NAACP letter, and staff/Council meetings had all contributed to the job analysis reflected in the proposed ad.

Ms. Lee explained that she had tried to capture common themes in two postings, and that the longer of the two versions was being presented for Council review. The long version was based on research regarding what candidates were looking for when applying for a job, and the shorter version was what would be posted in places where the Town pays for the posting, she said. Ms. Lee asked the Council to provide feedback and to confirm the desired minimum qualifications and salary.

Mayor Hemminger noted that the public would be included at many different stages of the process, which would likely run through June 2018. A staff member pointed out the following link on the Town's website: [Townofchapelhill.org/townmanagersearch](http://Townofchapelhill.org/townmanagersearch).

Mayor pro tem Anderson asked how education and experience requirements affected the size of the applicant pool.

Ms. Lee replied that the standard was 10 years of progressive experience with a bachelor's degree as minimum and a master's degree preferred. Making that more stringent by adding a specific degree or work experience would narrow the pool, she said.

Mayor pro tem Anderson said she thought the Council had decided to have public sessions with finalists.

Mayor Hemminger replied that the Council had decided to not do that because those candidate would probably still be at their other jobs.

Mayor pro tem Anderson asked why Town challenges that the Council had previously listed were not included in the ad.

Ms. Lee replied that they had tried to capture many of those, but could not capture everything in the ad. Those challenges, as well as the public comment, would be used in multiple places, such as phone interviews, survey questions, and exercises for the assessment center, she explained. Council Member Parker asked when the Council would meet with and interview finalists, and Mayor Hemminger replied that the consultants and

staff would work out those dates for some time between June 1 and June 11, 2018.

Council Member Parker pointed out a discrepancy in the two versions of the ad and clarified with Ms. Lee that "years of experience" should be 10 in both of them.

Council Member Gu confirmed with Ms. Lee that a total of six people had attended three public sessions.

Council Member Buansi asked if attendees at public sessions had commented about anything other than expectations, qualifications and competencies. For example, had there been any comments or questions about the process, he asked.

Ms. Lee replied said that she had not been present at those meetings. Her colleague was transcribing that information for staff, who would share it with Council, she said.

Council Member Buansi asked if that information would be available before the ad was posted on Friday.

Deputy Manager Flo Miller replied that the survey would be left open until the end of April because that information could also be used for the assessment center. With regard to the number of people at meetings, there had been 10, including a couple of repeats, she said.

Eugene Farrar, a lifelong Chapel Hill resident, spoke in favor of having an opportunity for the public to meet with the final candidates. He also stated that the Chapel Hill Police Department was understaffed and underpaid, and that a new TM should make that a priority. Mr. Farrar suggested having a probation period for the TM and said that the salary should be progressive based upon performance. He encouraged the Council to make the selection slowly and make sure that the TM would be friendly to all. It was critical that police, teachers, and emergency service employees were able to live in Town, Mr. Farrar said, and asked the Council to campaign for affordable housing.

Mayor Hemminger asked for a reminder of how staff was involved in the selection process.

Ms. Lee replied that decisions about staff involvement in the assessment stage would be made later. Typically, staff was not involved in the process, but it was highly variable and Council would make that decision, she said.

Mayor Hemminger confirmed with Ms. Lee that nearly all organizations have a residency requirement. That requirement typically ranged from 6-18 months and was negotiated, often based on the TM's family needs,

said Ms. Lee.

Council Member Schaevitz asked, in reference to Mr. Farrar's comment about a probation period, whether or not that was typically done.

Ms. Lee replied that it was common to negotiate probation periods in contracts, including clauses on how to end it if there is not a good fit.

Ms. Lee said that the qualifications presented in the proposed ad were typical. A Masters in Public Administration (MPA) was standard, and preferred, she said. She added that most communities hire someone who has an MPA, but including that in the ad did reduce the quantity of applicants.

Council Member Parker asked Ms. Lee if she would expect to find many applicants with as little as 10 years of experience. He also recommended saying "MPA or equivalent master's," rather than "MPA or MBA."

Ms. Lee agreed with the point about master's degrees and said she thought 10 years of progressive experience, as it was currently stated, was reasonable. Managers with fewer years were usually placed in small municipalities, she said.

Council Member Buansi pointed out that many with JDs had been successful town managers as well. He agreed with modifying the language to make it more inclusive, he said.

Ms. Lee agreed to change the wording to "masters or higher" and noted that it was equally common to make that part more inclusive. Chapel Hill was likely to get very interested people with a wide range of degrees, she said.

Mayor pro tem Anderson asked Ms. Lee for her assessment of the number of years of experience requirement in view of the Town's size and unique culture. She said that 10 years was fine with her, but wondered if Chapel Hill might go lower or higher than that standard.

Ms. Lee replied that it was not atypical, depending on the size of the community, for there to be a range. Smaller communities often say five to eight years, and the number would go up for a community that was larger and more sophisticated in terms of the things that it manages, with the range being eight to 15 years, she said.

Council Member Gu recommended a stronger emphasis on the Town's identity as a university community, and expressed her hope that the new TM would have that kind of experience.

Ms. Lee said that another town/gown community had recently put "experience in a university community is highly desirable" in their ad.

Mayor Hemminger pointed out that UNC was referenced in the second paragraph.

Council Member Gu replied that it was only mentioned once and she would like to elevate the importance of that kind of experience.

Ms. Lee asked for suggestions on how and where that should be elevated in the ad.

Mayor Hemminger said she had recently participated in a discussion about the need to be cognizant that there were multiple groups within the community that were not part of the University system. She said that she did not want to limit the TM position to someone with University experience because there were not that many such individuals across North Carolina.

Mayor Hemminger said that a person who is good at collaborating and working with different groups could learn how to work with UNC as well. She pointed out that the Town was connected with UNC and UNC Healthcare on many different levels. She said that she might agree with mentioning UNC more often but was not sure about making it more prominent. Emphasizing social justice and equity was more important to her, she said.

Council Member Parker expressed agreement with the Mayor. The goal was to cast a wide net and no one candidate would check every box, he pointed out, cautioning against narrowing the applicant pool. The purpose of the ad was to bring people in, and the later screening process and interviews would rule people out, he said.

Council Member Gu said she understood it not being part of the qualifications, but wondered if it could be part of the job description. She pointed out that collaboration with UNC provided many opportunities, such as developing an innovation-based economy. A TM with that background and mind-set would be very helpful, she said.

Ms. Lee said that she would be happy to take that comment and make changes in a section other than qualifications. Council members would have different priorities and the supplemental questions that applicants complete would get at specifics such as experience working in a university community, she pointed out. Those interests could be addressed even if they were not in the ad, said Ms. Lee.

Mayor Hemminger said that Council members had nodded their heads in agreement with being more inclusive on the educational requirements, and were seeking consensus on the requirement for 10 years of experience.

Ms. Lee pointed out that the ad also included "at least five years at

department head level or above." She said that was standard, and Mayor Hemminger confirmed that there was consensus among Council members in favor of that.

Council Member Parker said that he did not know how one would measure "visionary leadership" and was not sure that quality added much to the minimum qualifications.

Ms. Lee agreed, but explained that wanting someone with "vision" had appeared quite a number of times in the public comments.

Council Member Bell said that she had noticed confusion regarding the issue of vision. The Council set policy and a vision for what it wanted the Town to be, and expected the TM to bring ways to achieve that, she said. While she liked the idea of people being innovative and helping to meet Council goals, she was uncomfortable with the idea of a TM crafting a vision for the Town, she said.

Other Council members agreed with Council Member Bell's comment, and Ms. Lee replied that North Carolina had a reputation nationwide for having a strong Council/TM relationship, and understanding that the Council set the vision and the TM followed that. The "visionary leadership" qualification was meant to address how the TM works with staff, she said, and suggested stating, "working with the Council to carry out the strategic priorities of the community." She said, however, that she wanted the Council to understand that Development Associates was aware of that distinction.

Council Member Bell said that her concern extended to applicants and community members who were engaging in the process. She wanted to make sure that the Council clarified what it was expecting in applicants and the process, she said.

Council Member Anderson mentioned that there was a reference to the Chapel Hill 2020 Comprehensive Plan in the ad. It would be almost 2019 when the new TM was hired, she pointed out.

Ms. Lee replied that screening of candidates would include finding out how much they had learned about the Town. With respect to CH 2020 being about to expire, she proposed saying, "Chapel Hill's strategic focus, for the present, is guided by the community vision established in the Chapel Hill 2020 Comprehensive Plan."

Council Member Parker said that it might make sense to acknowledge that the new TM would likely guide the Town through a new comprehensive plan. He pointed out that the Town was in the process of rewriting its Land Use Management Ordinance (LUMO), and said that having someone who knew how that worked and, ideally, had been through it, would be a big plus. That should be referred to in the ad somewhere, he said.

Ms. Lee replied that the LUMO could be referred to in the "high priorities" section, in "implementation of Chapel Hill 2020" section, and perhaps in "Guiding the Next Comprehensive Plan."

Council Member Bell commented that the LUMO rewrite was a priority, but the 2020 Comprehensive Plan had not even been finished in some sections. The Council needed to have a larger conversation about Chapel Hill 2020 before giving direction to a new TM, she said.

Ms. Lee replied that she had put Chapel Hill 2020 in as a placeholder and was happy to take it right back out.

Mayor pro tem Anderson said that she saw Council Member Bell's point but did not see the Town going much past 2020 without at least having a conversation about the Comprehensive Plan. The new TM should have that on his/her radar, she said.

Council Member Parker proposed leaving the ad as it was, and having that as an interesting probe when looking at candidates.

Mayor Hemminger suggested stating "continuing to implement" Chapel Hill 2020 instead of "implementing." The ad stated that the LUMO was important, so applicants should take a look at that as well, she said. She recommended taking "development of the next comprehensive plan" out because the Council had not reached agreement regarding that process.

Ms. Lee noted the option of adding supplemental questions as part of the application process. Those questions could ask applicants about their experience developing and implementing comprehensive planning, and also about their university community experience, she said.

Mayor Hemminger expressed support for that suggestion.

Council Member Schaevitz commented on the phrasing of "transparent public communication" and "personal community engagement" in the minimum qualifications section of the ad. She said that the first was probably okay, but the second sounded like buzzwords to her. She recommended being more specific about what that meant.

Ms. Lee replied that it came from frequent community comments and it referred to the TM getting out in the community. Being skilled in community engagement at all levels and in multiple situations was a standard expectation for city and town managers, she said. Ms. Lee pointed out that not all TMs were comfortable with that, so the question was asking for a proven track record.

Mayor pro tem Anderson pointed out that that sentence started with the word "leading," which she read as meaning that the new TM would be

personally engaged rather than merely having a team that was.

Council Member Bell pointed out that such qualities were also part of the Town's annual TM evaluation.

Council Member Parker asked about the point at which Council members would start prioritizing qualifications. Would they do it prospectively or wait until they see what candidates come before them, he asked.

Ms. Lee replied that it would be both. It was important for the Council to discuss what its priorities were, but the ad would be broad enough to pull a lot of candidates in and a consensus on priorities would through the process, she said.

Mayor Hemminger asked for guidance on a minimum starting salary.

Ms. Lee discussed salaries at other comparable communities, and said that the median was \$183,000, with a low of about \$173,000. The Town could use one of three approaches: stating that the minimum starting salary will be X; give a hiring range; or, state that a competitive compensation would be offered. She cautioned that the last approach could lead to candidates wanting much higher salaries than the Town was willing to pay.

Mayor Hemminger clarified that the median was a base salary that did not include other compensation that would be individually negotiated.

Council Member Parker asked if a range would be sufficiently attractive, and if Ms. Lee had any idea what a deputy manager's salary in a larger city might be.

Ms. Lee replied that there would be a distinct advantage to offering a minimum salary, or no salary, and not offering a range. For example, Wilmington, NC's deputy manager's starting place was higher than the salary of some current city managers, she said.

Council Member Parker asked what was included in stipends, and Ms. Lee said that those could include a long list, such as: housing stipend, trips to go back home, car allowances, cell phones, laptops, professional development conferences, to name a few.

Council Member Bell noted that Ms. Miller had sent out a spreadsheet that listed the median salary at \$183,000 and the mean salary at \$181,000. She pointed out that Chapel Hill seemed more like Asheville than Jacksonville, which was closer in size. It did not seem right to base the salary merely on population, she said.

Ms. Lee offered to do some additional tweaking. She said that population size was most commonly used to determine salary, but that other factors such as the number of departments, number of employees, geography/



tourism, and so forth, were used as well. She could provide additional data to help the Council fine tune that, she said.

Council Member Bell said she did feel comfortable arriving at a salary based on the current information.

Mayor Hemminger said it was important to have a minimum starting salary because it would be negotiated. She said that \$175,000 to \$180,000, as a minimum, would leave room to negotiate.

Council members suggested various minimums and Ms. Lee said that candidates would likely negotiate. Communities that pay \$172,000 to \$175,000 were not comparable to Chapel Hill, and the Town was not likely to find someone who would accept that unless s/he was very young in their tenure, she said. Ms. Lee proposed an \$180,000 minimum.

Mayor Hemminger confirmed there was Council consensus for an \$180,000 minimum salary. With regard to the text of the ad, she said that the words did not flow as well as she wanted.

Council Member Schaevitz suggested a few changes in wording, such as changing "passionate" to "thoughtful" and adding "participatory."

Council Member Parker suggested adding "and the university system" to "collaborating with regional partners."

Council Member Bell recommended deleting "managing growth effectively and consistently with Town values," since that was the Council's job, not the TM's.

Mayor Hemminger proposed saying something about a "growing" Town, and Council Member Parker proposed saying "managing the challenges of growth."

Council Member Buansi said that he wanted to retain "social justice oriented" but thought that was different from "equity."

Council Member Gu asked if "inclusive" should be included somewhere.

Ms. Lee agreed to take all of the recommendations and make an edited short version of the ad, which would drive people to look at the website. Development Associates was also creating a brochure that should be ready for review by end of week, she said, and she described the balance of the process.

This item was received as presented.

9. Presentation: University of North Carolina at Chapel Hill  
Semi-Annual Campus Development Report.

[\[18-0192\]](#)

Director of Development and Planning Services Ben Hitchings introduced UNC Associate Vice Chancellor for Facilities Services Anna Wu to give UNC's semi-annual development report. Ms. Wu, in turn, introduced Executive Director for Facilities Planning and Development Evan Yassky to present the University's report on projects development completed, projects currently in construction, and projects in design.

With respect to projects completed, Mr. Yassky provided details on a Carmichael Residence Hall makerspace and Carolina Square. Under projects in construction, he discussed the Porthole Alley master plan, several projects in the Pit area, the Mary Ellen Jones building renovation, a Finley Fields project, and a package of other facilities for athletics. Projects in design included building amenities in campus housing, a new medical education building, Odum Village demolition, a solar photo-voltaic demonstration project at the Horace Williams site, and a new two-story media and communications studio for the Department of Athletics, he said.

Mr. Yassky also discussed UNC's campus master plan update. He said that the project had begun in late summer 2017 and would be presented to the Board of Trustees in May for an anticipated roll-out of details following that.

Mel Hurston, senior vice president for UNC Healthcare, showed renderings of a surgical tower project designed to replace 24 operating rooms and 56 ICU beds, and expand the pre- and post-operative bays for patients at UNC Hospitals. He explained that the primary impetus was to expand and update facilities and do things in a more efficient manner. Mr. Hurston showed renderings from various views and reviewed the project schedule. Design drawings were being completed and construction would begin in August with completion in September 2021, he said.

Council Member Buansi confirmed with Mr. Yassky that the track and field program at Fetzer Field was being transferred to Finley Fields, and would have a new and improved rubber track.

Council Member Gu asked what would be built to replace Odum Village.

Mr. Yassky replied that there were no immediate plans to build a project in that neighborhood, but there were quite a number of redevelopment ideas. He would be able to share more information during the summer after the Board of Trustees' May meeting, he said.

Council Member Gu asked if the plan was for housing, a medical facility, or a research facility.

Mr. Yassky replied that all of those ideas had been discussed, but nothing had been determined. There would almost certainly be a mix of uses, given the amount of land, he said, adding that he thought a vibrant mixed-use neighborhood would be a positive thing. Mr. Yassky added,

however, that his comment was speculative at the current time.

Council Member Gu confirmed with Mr. Hurston that the surgical tower would be where a parking lot currently was and that UNC Healthcare was working with the Town and the North Carolina Department of Transportation to refine area traffic studies.

Mayor Hemminger confirmed with Mr. Hurston that the plans he was describing fit in with UNC Healthcare's plans to move some of its activities from the main campus to its Eastowne location.

Council Member Schaevitz and Mr. Yassky discussed a painting studio that was planned for one of the residence halls. She wanted the Council to hear about the idea of building amenities in dormitories to encourage students with different interests to live on campus, she said. Council Member Schaevitz said that it was wonderful to hear about that in view of the Town's desire to have more affordable housing for others in Town.

Mr. Yassky replied that it was Carolina Housing's goal to create good spaces, with amenities, that would encourage students to stay on campus. The University had found that students' opportunities for success increased if they stayed on campus longer, he said.

Mayor Hemminger pointed out that the demolition of Odum Village and the conversion of other dormitories into other spaces had reduced the number of spots on campus for students. The Town wanted to encourage UNC to consider creating more spaces, she said, noting that UNC was increasing its enrollment as well. Mayor Hemminger said that the Town would love to work with the University on creating more spaces, especially for graduate students who apparently wanted to be on campus, but did not want to live in dorms. She encouraged UNC officials to consider this while thinking about their master plan.

Mayor pro tem Anderson said that it would be wonderful if the Town and UNC could start planning together regarding housing, and became more aware of each other's challenges. The Town could never satisfy the student demand for housing, and the inevitable rise in prices was one more factor leading to its affordability crisis, she said. Mayor pro tem Anderson strongly encouraged the Town and UNC to work together, coordinate efforts, and support each other while figuring out how to serve the same community.

Mayor Hemminger spoke about Town efforts to have all new developments include electric charging stations, and commented on the possibility of putting them at the Horace Williams Airport site. The Town had also been asking that new developments include a conduit for roof solar as the technology continued to become more available, less costly, and smaller, she said.

Mr. Yassky explained that UNC had had conversations about both of those issues, and said he was glad to hear that the Town was thinking about them as well.

Ms. Wu pointed out a section on parking on the UNC Maps that identified charging locations.

Mayor Hemminger replied that Environment NC, NC Green, and other groups had noted a need for more locations. She pointed out that UNC was considering increasing the number of jobs and people coming to the state, and said that everyone needed to be thinking about these things.

Ms. Wu listed the locations where the charging stations were located. She said that Mayor Hemminger's point about type and availability was well taken, and that UNC continued to look for those opportunities.

Mayor Hemminger said that the Council was very interested in UNC's master plan and was hoping to have some collaborative conversations in that regard. It was the same with respect to UNC Healthcare developments, and she was looking forward to continued conversations, she said.

This item was received as presented.

## **APPOINTMENTS**

10. Appointment to the Community Policing Advisory Committee.

[\[18-0193\]](#)

The council appointed Christopher Jackson to the Community Policy Advisory Board.

## **ADJOURNMENT**

The meeting was adjourned at 10:08 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 Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

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

**Wednesday, March 14, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

### Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

### Other Attendees

Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Economic Development Officer Dwight Bassett, Business Management Director Kenneth C. Pennoyer, Executive Director Housing and Community Loryn Clark, Senior Planner Kay Pearlstein, Director of Planning and Development Services Ben Hitchings, Fire Inspector, Housing and Community Assistant Director Sarah Vinas, Police Officer Rick Fahrer, Deputy Town Clerk Amy Harvey

### OPENING

- a. Mayor Hemminger Regarding Pi Day. [\[18-1116\]](#)
- b. Mayor Hemminger Regarding Council Member Schaevitz's Birthday. [\[18-0221\]](#)
- c. Mayor Hemminger Regarding National School Walkout Day. [\[18-0222\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. She pointed out that it was Pi Day, Council Member Schaevitz's birthday, and National School Walkout Day.

### PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA

a. Local High School Students Regarding their Walkout Experience.

[\[18-0223\]](#)

High school students Zac Johnson, Max Poteat, Alya Suayah and Rose Wang reported on a National Student Walkout Day, March 14, 2018.

Mr. Johnson said that the walkout at Chapel Hill East had received much local and national news coverage. Students had shown photos and read the names and bios of the 17 people who had recently been killed at Marjory Stoneman Douglas High School in Parkland Florida, he said.

Ms. Suayah said that students at Chapel Hill High had walked out as well. They also held a moment of silence and read the names and short bios of those who had died in the Parkland massacre, she said.

Mr. Poteat reported that students at Phoenix Academy had laid more than 1300 pinwheels in front of Lincoln Center during a 17-minute ceremony to remember those who had been slain at Marjory Stoneman Douglas High School.

Ms. Wang said that Carrboro High School had held a similar event. The overall plan had been to unify the school ceremonies so that the news media would know what was happening at all four schools even if they only went to one, she said.

Mr. Johnson stated that students would not stop organizing and were asking for the Council's continued support. He thanked Council members for being dressed in orange T-shirts to show support.

Mayor Hemminger applauded and thanked the students. She pointed out that effective organizing was hard work, and that the Council was impressed by the students' passion. "We are sorry that you have to do this, but thrilled that you're doing it," she said.

Council Member Oates said she was glad students were using the force of the media to keep the message alive because that was what it would require. She encouraged them to make individual changes as well, noting that state and federal legislatures move slowly. She encouraged students to use their persuasive powers locally by talking with people about gun safety and why they feel a need to have guns. "There's fear behind much of the vitriol," Council Member Oates said.

Council Member Gu told the students she was proud of them and said that adults felt inspired by what they had said and the action they had taken to make changes in the community and country. "Thank you so much for doing that. I am very impressed by your teamwork and leadership," she said. Council Member Gu expressed hope that students would do more to engage the community and help it become more connected, in order to

take care of all its members.

Mayor pro tem Anderson agreed with what other Council members had said. Students had been doing things that many others had great interest in, but had not been able to achieve, she said, adding that the Council was there if students needed anything. She pointed out that activism becomes more difficult when the news media disappears. "When that time comes, come to us and we'll try to help you," she said.

## **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Mayor Hemminger Regarding Water Week Activities.

[\[18-0224\]](#)

Mayor Hemminger said that the following week would be Water Week. There would be related activities on how "going green can help the water be blue" at Chapel Hill Public Library on March 21, from noon to 1:00 p.m., she said. She added that the globally acclaimed film, called "House Straw," which was about plastics in waterways, would be shown.

b. Mayor Hemminger Regarding Town Manager Search.

[\[18-0225\]](#)

Mayor Hemminger said that an ad for a new Town Manager had been put on numerous websites and the Town would be accepting applications through April 12, 2018. There had been much public input, and there was information on the Town website about what the community was looking for in a Town Manager, she said. Mayor Hemminger pointed out that the public could continue to provide input and said that she would provide more information later on about additional ways for the public to be involved.

c. Council Member Buansi Regarding Commemoration of Sanitation Workers.

[\[18-0226\]](#)

Council Member Buansi encouraged citizens to attend a "Commemoration of Sanitation Workers" in remembrance of the two-month strike that had ended on April 16, 1968, 12 days after the assassination of Dr. Martin Luther King Jr. He encouraged citizens to attend the commemoration ceremony at the United Church of Chapel Hill on Sunday at 3:00 p.m.

d. Mayor Hemminger Regarding Future Rescheduling of Canceled Meetings.

[\[18-0227\]](#)

Mayor Hemminger noted that the downtown area had been quieter recently because students were away on spring break. Additionally, a GoTriangle meeting had been cancelled due to a recent snow event and would be rescheduled to another time, she said.

## **PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS**

Petitions and other similar request 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.

a. Council Members Anderson, Gu, and Schaevitz Request  
Regarding Addressing Blue Hill District Community Interests.

[\[18-0228\]](#)

Mayor pro tem Anderson read a petition from herself and her colleagues regarding the Council's efforts to improve the Blue Hill District's form-based code by passing Land Use Management Ordinance (LUMO) amendments, creating new design guidelines, and adopting a Mobility and Connectivity Plan. She said that the petition asked the Council to do the following: look at methods to increase the amount of non-residential commercial development in the district; find solutions that help achieve the goal of 300 new affordable units and mitigate impact of the units lost; and, address building size and massing concerns. The petition asked the Council to vote on the request before its summer break, Mayor pro tem Anderson said.

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

## INFORMATION

1. Receive Upcoming Public Hearing Items and Petition Status List.

[\[18-0209\]](#)

The item as received as presented.

## DISCUSSION

2. Consider Adopting the Economic Development Incentive Guidelines.

[\[18-0213\]](#)

Town Manager Roger Stancil, Economic Development Officer Dwight Bassett, and Council Member Parker gave a PowerPoint presentation on proposed Economic Development Incentive Guidelines (IGs) for the Town.

Mr. Bassett reviewed the Town's economic development strategy, its stated vision of being a national leader in research and development, and



its mission to foster economic opportunities that create jobs and lead to economic prosperity for all. He listed many of the initiatives that the Town pursued through its economic development office.

Council Member Parker, chair of Council Committee on Economic Sustainability, pointed out that the IGs being proposed provided the Council with a framework to think about what it wanted to do but were not prescriptive and did not require any specific action. He commented that towns did not win because of incentives, but because they are desirable places to live and do business. However, incentives can sometimes help a town stay in the game, he said.

Council Member Parker pointed out that all of the incentives being proposed were performance agreements that would not be reached without full public review and debate, and explicit Council approval. He listed many reasons why incentives already were part of the Council's goals for economic development. He noted the importance of being careful with community funds, which could be used on occasion for endeavors that include creating the kind of talent pool that makes the Town attractive to businesses.

Council Member Parker said that the committee had had conversations with Orange County (OC) about incentives, but OC would rather do it on a case-by-case basis than through a consolidated policy. However, difficulty harmonizing the two policies did not mean that OC was unwilling to work with the Town, he said. He explained that one reason why the committee was in favor of IGs was that the Town had recently entered into two incentive agreements -- with Carraway Village and with Wegmans. The Committee felt it was important to start creating guidelines that would help the public understand the goal and give the Council a framework when projects were presented, he said.

Council Member Parker said that the proposed incentives pertained to development, capital investment, job creation, location, and retention or expansion of targeted businesses. He provided details on each of those categories, noting that they were not mutually-exclusive. He said that incentives would be done if they were needed to stay in the game, but that the Town would not lead with them. All incentives would be performance based and no money would change hands until conditions laid out in the agreement had been met, he explained.

Mayor pro tem Anderson asked how the proposed numbers, such as "20 net new jobs," had been decided upon.

Mr. Bassett explained that staff had looked at economic policies of nearby municipalities, such as Durham and Raleigh, and had tried to come up with what was reasonable. They had also tried to stay within parameters that the state used when awarding credits based on jobs, he said.

Mayor pro tem Anderson asked if the Town was giving priority consideration to projects that receive incentives from OC, or if the state would be a blanket policy or is it based on the project.

Mr. Bassett replied that the IGs were subject to Council authorization on a case-by-case basis. However, there were state incentives that the Town might want that would require a local match, he said.

Mayor pro tem Anderson asked if OC might be willing to talk about incentives, even though she understood that they did not want to commit to anything.

Mr. Bassett replied that he thought that was absolutely possible and was the staff's intent. He had already had joint conversations with OC about two projects, he said.

Mayor pro tem Anderson said that the IGs seemed to favor bigger companies, but Mr. Bassett replied that they had not been strictly drafted that way. However, there had been specific interest in knowing that the Town could compete with other municipalities if it got the opportunity to do so, he pointed out.

Mr. Bassett stressed the case-by-case basis aspect and pointed out that the Town could choose to not make job creation awards and simply award investment. He said that staff had worked on a marketing statement for a year and had presented that at the last Council meeting. It seemed as though everyone had been comfortable with going forward and the IGs were based on the marketing framework in which the Council had expressed interest, he said.

Mayor pro tem Anderson expressed concern that the proposed structure, which increased the potential award based on the minimum number of jobs, would send a message that the Town did not want smaller companies, or start-ups. She asked Mr. Bassett what message he thought the Town was sending potential applicants regarding incentives.

Mr. Bassett replied that the IGs were not meant to state that the Town desired larger companies, for which there was limited capacity. The intent was to put the Town on a level playing field with adjacent counties' policies, he said.

Council Member Parker commented that a relatively small amount of money could make a big difference for a start-up but would not move the needle with much larger companies.

Council Member Stegman noted that incentives were often secret and said she wondered about the IGs showing numbers that other towns might top.

Mr. Bassett replied that the intent was to create a level playing field. The

Town could not be competitive with land, but the intent was to be at least equal in other respects, he said.

Council Member Gu noted that there was no reference to the type of company or economic development proposal that the Town wanted to incentivize -- such as life sciences, high tech, or other research businesses.

Mr. Bassett replied that the categories seemed broad enough to meet the interests of the people staff had talked to at the University of North Carolina (UNC), and there probably was no need to refine that further. The Town had been aggressive in reaching out to UNC, and the inquiries from there over the last 12 months had been astounding, he said. Mr. Bassett recommended keeping the categories broad in order to build a mixed business community. He mentioned a company that had moved to Durham, for example, because it wanted to mix and mingle with other companies.

Council Member Gu asked whether the Town should be doing something extra to get economic development started.

Mr. Bassett replied that staff had tried to draft a policy that was competitive. He said that the incentives were good enough to at least get the opportunity to respond to a request if it came to the Town. The IGs show that the Town is serious and interested, he said.

Council Member Schaevitz ascertained from Council Member Parker that the Town was trying to achieve the goal of vocational training through economic development. It was not something it would necessarily try to achieve through the IGs, he said.

Council Member Buansi noted that affordable housing was listed as a goal and asked how the IGs would advance that.

Mr. Bassett gave Carraway Village as an example. He explained that the Council had approved an SUP for that development in 2015 but had then renegotiated a better affordable housing agreement when endorsing an economic development incentive to help improve the road.

Council Member Stegman asked if something about equity and non-discrimination in hiring could be required in the IGs.

Mr. Bassett replied that it could, perhaps, be part of the policy section on goals.

Town Attorney Ralph Karpinos pointed out that the Council would have the option of not providing the incentive if a business were not abiding by what was in the policy section.

Council Member Stegman pointed out that the incentive agreement would be made before people were hired. She confirmed with Mr. Karpinos that the Town's policy could be written into the agreement.

Katie Loovis, Chapel Hill-Carrboro Chamber of Commerce chair, speaking in support of the IGs, said that Mr. Bassett, Mr. Stancil, Council Member Parker, and the Council had done a great job. From the Chamber's perspective, the IGs were a fair and reasonable starting point to show that the Town was trying to be open for business, she said. Ms. Loovis proposed that the Council think of the IGs as a living document that could always be adjusted down the road.

Council Member Schaevitz said that she wondered if giving preference to companies that pay a higher wage to the greatest number of new hires might send a message that the Town wanted particular kinds of companies and education levels needed for the jobs. She expressed concern about creating a lot of jobs for extremely well-educated people, and she emphasized the importance of creating opportunities for living wage jobs, skills development and vocational training.

Mayor pro tem Anderson agreed and cautioned against incentivizing places that did not pay a living wage. However, there was room to think about what living wage jobs could look like, she said. She said that she liked the performance agreement concept in general, but was concerned about the message it could send. The Town should give a little more consideration to that, she said.

Council Member Bell pointed out that the two incentive projects that the Town had done had not fit in with science tracks but had fit in with Town goals regarding economic development and bringing in living wage jobs. The Town had been working hard on showing that it was open for business, and the IGs continue that process, she said. Council Member Bell suggested having discussions about how the IGs would fit with some of the smaller incentives that OC offered. She pointed out that the IGs would not be the Council's only tool or even the one that it would necessarily reach for first.

Council Member Gu praised the effort and said she thought the IGs would make a big difference. She proposed that the Town explore partnering with UNC and the Chapel Hill Carrboro School system on a package that would include training or other collaborative opportunities in addition to monetary incentives. Maybe the Town could incentivize companies to provide skills development and lifelong learning opportunities for the community, through internships and other means, she said.

Council Member Oates clarified that the Town was not creating a policy that would state the kinds of jobs it wants. The IGs were developed because the vast majority of the Town's tax revenue came from homeowners, and the goal was to attract more businesses, she said. The

type of businesses that would be a good fit for Chapel Hill would draw on UNC's brainpower -- and the Town did not currently have the affordable housing that would enable it to attract companies with low-wage jobs, she pointed out. Council Member Oates said she was not trying to exclude companies with lower paying jobs but that the IGs were one tool to help the Town attract some of the top companies.

Council Member Anderson asked staff to edit the wording to clarify that the Town would not give priority to businesses that were not in line with its values, even if the state did so in a project that involved matching funds.

Council Member Parker suggested adding a clause that companies would be given priority as long as they were consistent with the Town's economic development goals. He also mentioned data on how every job that a tech company created yielded five additional jobs in the community. He thought the Town could achieve many of those other objectives with the IGs, Council Member Parker said.

Council Member Buansi said that he appreciated the Council's comments about trying to do what it can, where it can, to provide opportunities for training. He appreciated that the guidelines were just guidelines and did not bind the Town to any particular offer, he said. Council Member Buansi added that training might be something additional that the Town could ask for in a particular case.

Mayor Hemminger said that she was excited to see the IGs moving forward. She noted that the Town had not been part of conversations with some high quality companies and said that being able to attract those would benefit the entire community. She discussed the reasons why some start-ups had left Town. Chapel Hill had been working with OC regarding small business grants and other means of attracting businesses, but had been missing out on attracting bigger companies, she said.

Mayor Hemminger said that the IGs would show that Chapel Hill was willing to consider and work with any company that might be a good fit with the Town and its value system. She expressed strong support for the IGs, which she said would be a living, evolving document.

Mayor pro tem Anderson said that she supported the idea, but would vote against the resolution because she did not think the IGs were quite ready to be adopted.

A motion was made by Council Member Parker, seconded by Council Member Oates, that the council adopt R-1 with the amended guidelines. The motion carried by the following vote:

**Aye:** 8 - Mayor Hemminger, Council Member Bell, Council Member Buansi, Council Member Gu, Council Member Oates, Council Member Parker, Council Member Stegman, and Council Member Schaevitz

**Nay:** 1 - Mayor pro tem Anderson

**3. Presentation on Affordable Housing Bond: Background and Information (no attachment)**

[\[18-0210\]](#)

Executive Director for Housing and Community Loryn Clark gave a PowerPoint presentation on a possible bond referendum on affordable housing (AH) in November 2018. She said that staff would review the Town's AH Investment Plan, share information about the bond referendum process, and answer Council questions. No action by Council would currently be required, she said.

With respect to the Town's AH Investment Plan, Ms. Clark said that the Town's target was 80 new units annually over the next five years. The goal also included preserving 55 units over the next year, she said. Ms. Clark said that the five-year target included 400 new and 275 preserved units. She reviewed an AH Investment Plan framework, which the Council had approved in February 2018, that included eligible activities and priorities for the use of funds. Staff was recommending an AH bond to achieve the Council's goals, she said.

Ms. Clark explained that state and federal funding was primarily allocated through either OC or the Town. The Town then dispersed those funds to provider partners, she said. In FY 2018, the Council budgeted \$6.2 million for AH activities, and OC budgeted about \$6.1 million, said Ms. Clark. She pointed out that those amounts did not include an AH county bond, of which \$2.5 million remained.

Ms. Clark discussed the estimated subsidy for those projects and said that staff continued to recommend that the Town pursue a \$10 million AH bond. She estimated that the average amount of needed subsidy would be \$22,000 per unit for new development and about \$5,000 per unit being preserved. That would equal about \$10 million, she said. Ms. Clark reminded the Council that the Town had not yet evaluated projects by non-profit providers.

Council Member Oates verified with Ms. Clark that "estimated subsidy" could refer to what the provider may request from the Town over time. However, staff did not know if all of that funding would come from the Town, Ms. Clark said.

Council Member Parker confirmed with Ms. Clark that the number of units for sale had been based on revised projections that staff had received

from providers and on potential ownership at 2200 Homestead Road.

Director of Business Management Ken Pennoyer gave a PowerPoint presentation. He explained that General Obligation Bonds were a tool to provide capacity in the near term and flexibility for implementing the AH Investment Plan. He said that he had been asked if the Town could accomplish its AH investment goals without having to go to a bond referendum and that the answer was "that depends."

Mr. Pennoyer discussed two different scenarios. He explained that adding one penny to the tax rate to directly invest in AH projects without borrowing would yield about \$1.5 million per year for five years. He then compared that with the \$15 million that Ms. Clark had said was needed and showed that one penny plus additional anticipated funding for AH would yield about 47 percent of the target.

Mr. Pennoyer said that a second scenario, in which the Town would use the penny to pay debt service, would get to about 85 percent of the target. He provided details on each scenario and said that a major difference was that using debt meant paying over 20 years while there would be no lingering costs after five years in the first scenario.

Mr. Pennoyer said, in conclusion, that the Town could reach its goal without debt, but the bond would have to be closer to three pennies to reach the target in five years. That raised the question of how important it was to reach the target within that time, he said.

Mr. Pennoyer pointed out that any issuance of AH Bonds from a referendum would require a tax increase to repay the debt. He compared Chapel Hill's taxes and services to other similar municipalities and discussed the impact that a tax increase would have on property owners' taxes. Adding one penny to the Town's existing combined tax rate would be an overall tax increase of .65 percent, he said.

Mr. Pennoyer explained that the Council would control the timing of a bond issuance and that the associated tax rate increase. It would have 7-10 years to issue all, some, or none of the bonds, he said. He noted that the increase in Debt Fund tax needed for repayment of bonds was based on the amount of bonds issued and the timing of that issuance.

Mr. Pennoyer discussed the Town's significant, but manageable amount of debt, and said that issuing a \$10 million AH bond would not impact the Capital Program because a separate tax increase would be required to pay for that. He reviewed the current condition of the Town's Debt Management Fund and explained that the current Capital Plan had "a full plate." An AH bond would have to be financed through a separate tax, he said.

Mayor Hemminger asked about a Rogers Road sewer commitment that she

did not see listed under Debt Financing Plan Projects for FY 2018-23.

Mr. Pennoyer replied that there was a separate list of projects that still needed to be funded and said that staff was looking at moving projects around.

Mayor Hemminger said that a slide that showed .5 penny was not accurate, in that case, because .5 penny would not help if some things were not on the original list.

Mr. Pennoyer mentioned a need for funding fire stations as well, but Mayor Hemminger said she thought the Town had committed to paying for Rogers Road improvements before five years. While the Town did want to address its fire stations, there was not the same known commitment for those, she said.

Mr. Stancil said that the Town did have estimates on the fire station that could be wrapped into the projects list. He pointed out that OC was responsible for borrowing the Rogers Road funds and then billing the Town over a 20-year period. He was not sure if OC had accomplished that, he said, but he added that staff could wrap those numbers into the estimates as well.

Mr. Pennoyer said that the Rogers Road commitment might not show on the list because part of it might already be funded out through five years. He offered to check, and Mayor Hemminger replied that it would be awesome if it was true that the project had been funded through five years.

Mayor pro tem Anderson said she was having difficulty with the staff presentation because the Council had not received it in advance. She pointed out that there were a lot of important implications that Council members needed to understand, but said it was difficult to comprehend it all in the manner being shown.

Mr. Stancil said that staff would send the presentation out after the meeting. He explained that they had been scheduled to come on March 21, but the Council had expressed interest in seeing it earlier. Staff had only developed it in its current format in the last few days, Mr. Stancil explained.

Council Member Oates mentioned \$6.2 million for the Blue Hill District road improvements and asked if that was not already being paid for by increased revenue.

Mr. Pennoyer replied that the slide was showing a list of borrowings the Town would make. The repayment would be coming from additional Blue Hill District revenue, he said.



Mr. Pennoyer continued the PowerPoint presentation. He explained that the Town's Debt Fund was primarily being funded by 8.2 cents on the tax rate. He also showed transfers from other funds that offset that amount.

Council Member Oates commented on two pennies for Housing, noting that the first amount was \$688,000 and the second was \$800,000. Wouldn't it be the same, she asked.

Mr. Pennoyer explained that the initial Penny for Housing was a little short of an actual penny. The new penny would be an actual penny, which was currently generating about \$800,000, he said.

Council Member Oates replied that it was not actually a tax increase but the tax revenue that the Town had. It just meant carving out one or two pennies from the budget, she said.

Mr. Pennoyer agreed. The \$688,000 was already in the budget and would be in next year's budget as well, and the additional \$800,000 would come from an additional tax, he said.

Mayor Hemminger expressed some confusion. It was an additional penny on the tax rate that was specifically dedicated to AH versus a penny on the tax rate that would be dedicated to the Debt Fund balance. So, it was still a one-cent tax increase, but just designated two different ways, she said.

Mr. Pennoyer agreed, noting that the first scenario would dedicate it directly to projects, and the second scenario would have a penny go toward debt service.

Council Member Oates confirmed with Mr. Pennoyer that no Council had actually voted on the extra penny for housing. Mayor Hemminger and Mr. Pennoyer explained that it was merely a scenario to show the difference between using a penny directly and borrowing and using that penny for debt service.

Council Member Oates confirmed with Mayor Hemminger that a previous Council had designated a penny of the current tax rate for AH, but had not increased taxes. However, the second penny would be a tax increase, said Mayor Hemminger.

Mr. Stancil explained that the first penny had been the revenue equivalent of a penny on the tax rate four years prior, when the Council wanted to identify an amount equal to a penny on the tax rate to spend on AH. Choices had been made about things to not do or to stop doing in order to put that money together, he said. Mr. Stancil explained that there had not been an actual tax increase, but there had been challenging budget decisions made to create that \$688,000.

Council Member Oates confirmed with Mr. Pennoyer that a tax increase on a potential \$10 million AH bond would be an actual tax increase. He explained that the \$10 million would be borrowed, and the Penny for Housing would be the amount used to repay that borrowing.

Council Member Oates verified with Mr. Pennoyer that the Town was only looking at one penny, which would provide enough cash flow to pay the debt service on \$10 million of new debt.

Mr. Pennoyer compared the Town with its peers regarding debt benchmarks and said that Chapel Hill was a little above the middle of NC municipalities. Chapel Hill had a significant but manageable amount of debt, he said.

Mr. Pennoyer explained that Council adoption of a preliminary resolution on March 21st would trigger a number of steps toward approval of a referendum. He listed those steps, which would put the Town on the path to a November 6, 2018 referendum for an AH bond.

Mayor Hemminger verified with Mr. Pennoyer that proceeding with a \$10 million AH bond would mean having to have a tax increase to pay for it.

Mayor pro tem Anderson asked if there were any differences between the two scenarios being presented, other than that one achieves a percentage of the Town's goal and the other gets all the way to the goal.

Mr. Pennoyer replied that there were other trade-offs as well. For example, issuing debt meant paying that debt service for 20 years, whereas trying to achieve the same amount of projects in the same period of time with just a tax meant that the tax rate would be higher, but the Town would be imposing it for a shorter period of time. Basically, the question was whether the Town wanted a high tax for a short period of time or a low tax that would last for a longer period of time because it would be stretched out to pay debt, he said.

Mr. Pennoyer pointed out that both scenarios get to the same place. The debt side would mean paying debt service, including interest, and the other side meant increasing the tax rate. He noted that the latter scenario might be sensitive due to the fact that the Town already was on the high end of combined tax rates.

Mayor pro tem Anderson said that guidance and/or additional information on why the Council would choose one scenario or the other would be helpful. She mentioned that OC had been considering increasing taxes as well.

Mr. Stancil replied that he thought the chief reason for borrowing funds versus putting an amount equivalent to a penny in a fund was that the cost of land was the highest contribution to the cost of housing in the

community. The Town had an opportunity through redevelopment of its land to make a significant impact on AH stock in the community, but the only way to make those significant investments and build on Town land was to have the money in hand, he said. Mr. Stancil added that being able to make projects happen in a fairly short time, while spreading the cost out over 20 years, would be the big gain from selling bonds.

Mayor pro tem Anderson asked if specific projects would be included on the bond referendum. She asked how staff had come up with targets of 400 new units and 275 preserved units. Was that based on an assumption that the Town would raise taxes, or do a bond, or both, she asked.

Ms. Clark replied that the targets were based on what the Town received from its providers and the funding that was available. It was ambitions to think it could be done without a bond or some other infusion of cash, but that was how staff had started the conversation, she said. She explained that staff had done a significant amount of pre-development on Town-owned projects and were feeling confident about those due to the Council's direction to pursue those projects.

Ms. Clark explained that staff had not yet evaluated the other projects from AH providers but had asked those non-profits to provide a sense of what they might be doing over the next five years. The figures being presented had come from those estimates and were not a commitment to provide funding, she said.

Mayor pro tem Anderson verified with Ms. Clark that the bond would ask for money for acquisition and rehabilitation, as had been approved as part of the Town's AH investment plan. She confirmed with Mr. Stancil that the referendum would not approve specific projects. It would ask voters if the Town could borrow \$10 million for AH activities, Mr. Stancil said. He explained that the Town would only be getting authorization to borrow those funds and not actually issue the bonds until there was a set of projects the Council was interested in.

Mayor pro tem Anderson said that she had misstated the question. She wanted to know what the Town would be telling voters it wanted to do. "Are we just saying, we want \$10 million and we'll let you know later," she asked.

Mr. Stancil provided some history on the Town's recent approaches toward doing more for AH, which included a possible bond referendum. He said that information from AH providers regarding projects they had in the pipeline had gone into determining the \$10 million amount, and Council had asked staff to validate that as a reasonable number.

Mr. Stancil explained that staff had multiplied the Town's target of 400 AH units over five years by an average subsidy that seemed reasonable (\$22,000 to 25,000 per unit) and had arrived at \$10 million for the size of

the bond referendum. The Town would only receive that money when the Council decided to sell, and by that time, there could be a specific list of projects, Mr. Stancil said.

Mayor pro tem Anderson asked how many Town residents were on the verge of needing assistance and would be pushed into an unstable situation if their taxes went up.

Mr. Pennoyer replied that he would be able to show what the increase would mean for people with properties in a certain value range when estimates on what Orange County, the School District, and the Town were going to propose as tax increases were available.

Mayor pro tem Anderson said she wanted to be open about what a bond referendum would do to people's taxes and did not want there to be unintended consequences.

Council Member Parker noted that the cash flow scenarios were only for five years and asked to see a further time horizon because the commitment to pay for 20 years meant that the money would not be available to spend in years six through 20. With regard to the \$10 million, he said it could be helpful to break out the cash flow to understand which projects were certain to happen versus those that might or might not happen.

Mr. Pennoyer pointed out that only a certain amount of information could go on a screen and be readable. He said that one could model hundreds of scenarios based on a dozen different projects coming in at different times and at different costs. However, he agreed to try and come up with some basic ones before the next meeting.

Council Member Buansi asked if staff envisioned the bond covering some of the anticipated renovation costs with the Public Housing Master Plan, for example.

Ms. Clark replied that staff had been thinking about using some of the funding for the major redevelopment projects of public housing. The Town did have other resources available for repairs and renovations, but that would have to be phased because there was not enough to do everything all at one time, she said. Ms. Clark said that staff was preparing to present a broader Public Housing Master Plan in May, which would show the investment that would be required to maintain existing housing and/or redevelop other sites.

Former Police Chief Brian Curran advocated for passing the AH bond, stating that he had seen the kinds of problems that lack of AH could engender. He was currently serving on the Habitat for Humanity in Orange County board, he said. Mr. Curran described how secure housing provided stability and urged the Council to seriously consider passing an AH bond.

Mary Jean Seyda, Housing Advisory Board (HAB) chair, said that the HAB had been recommending increasing the AH Development Reserve over the last couple of budget cycles. There was insufficient funding for the number of requests that the HAB received, she said. Ms. Seyda pointed out that an AH bond would create a fund that would allow the Town to seize upon preservation and new development opportunities that arise.

Susan Levy, executive director for Habitat for Humanity and chair of the AH Coalition, said there was an AH crisis in Town and not really any federal subsidy to address it. On behalf of the Coalition, Ms. Levy asked the Council to consider a \$15 million bond, noting that Ms. Clark's presentation indicated a need for even more than that amount.

Ms. Levy said that Habitat's recent request for funding had been based on a real project that would not be achievable without a considerable amount of subsidy. She said that Ms. Clark's estimate of \$22,000 in subsidy needed per unit seemed extremely low to her, unless there were some other sources of funding that she did not know about. She thought the number as based on was one that DHIC had used, which included low-income tax credits, Ms. Levy said.

Cherie Rosemond, director of UNC's Partnerships in Aging Program, said she wanted to focus the Council's attention on the issues that seniors face. Based on OC data, seniors were the most cost-burdened age group across the board, she said. She explained that 56 percent of senior renters and 28 percent of senior homeowners were cost burdened; more than a third were paying more than 30 percent of their income on housing. Ms. Rosemond asked the Council to consider that seniors were the most cost-burdened segment of the population when looking at what type of AH to build.

Hudson Vaughan, representing the Marion Cheek Jackson Center, clarified that the majority of AH efforts did affect people who actually live in Town. Most efforts help people move out of tents in the woods into homes in Town and from public housing into other housing opportunities, he said. He said that most of the new 400 units would be for people who live in Town but were currently in substandard housing or had no housing at all.

Mr. Vaughan explained that an additional penny on the tax rate would add about \$35 a year for someone with a \$350,000 house. That was not significant for most people, and tax mitigation programs existed for those who were tax-burdened, he said. Mr. Vaughan pointed out that some of the bond funds would be spent at Northside. He asked the Council to move forward with a \$15 million bond as well as other ways to fund AH collaboration.

Deloris Bailey, executive director at EmPOWERment, Inc., pointed out that there were people in Town -- such as those living in mobile home

communities -- who would soon have nowhere to go. She recommended that the Council set aside \$1 million to \$3 million in addition to the AH bond for those who would need homes over the next one to five years.

Maggie West, co-director of Community Empowerment Fund, emphasized the need for substantially increasing resources for AH. A \$15 million bond would be a fabulous investment, she said, noting that \$7 million of the proposed \$10 million was for Town-specific projects, which left an inadequate \$3 million for other opportunities. A \$15 million bond was far from enough but was much more realistic, she said. Ms. West spoke in favor of adding two cents over the long term so that there would be a total of three pennies for AH.

Council Member Bell recalled that one of the outcomes of a Mayor's Committee on Affordable Rentals had been that the Town would release a bond referendum. It was not a new conversation, she pointed out, adding that she had been talking about AH for six years. She said that the Town had made great strides when the Manager figured out how to find AH funds, and the Council was now looking at asking for additional funds.

Council Member Bell expressed support for a \$15 million bond. She said that public housing was part of the Town's AH stock and should be supported. The need had been clear and consistent for decades and questioning whether or not there was a need felt inappropriate to her, she said. However, talking about scale did feel appropriate, said Council Member Bell.

Council Member Stegman said she agreed with Council Member Bell. She pointed out that federal funding for housing had been cut and had been close to decimated for AH. Therefore, the Town was not only trying to create more funding to make up for that but also needed funds for its public housing, which needed repairs and renovations, she said. Council Member Stegman proposed thinking about the bond as an opportunity to fund a land bank. She noted that many innovative ideas had been raised at an AH summit, but the Town did not have the funds to achieve them. Council Member Stegman said that she wanted to see numbers and consider a \$15 million bond.

Mayor pro tem Anderson agreed that there was a clear need, but said that she had been asking for data that would help her understand what the Town could do. She did not know if \$15 million was the right amount because she did not understand the impact of that on taxpayers, she said. She said that she supported an opportunity fund in conjunction with defined projects.

Mayor pro tem Anderson said she wondered why the Council would tell voters that the whole thing would be an opportunity fund when it already knew about important priorities that existed. Why wouldn't the Council be clear with voters about how it would use the money, and also set some

aside for what might be coming, she asked. Mayor pro tem Anderson said she did not think that a Town initiative should be based on money the Town did not already have.

Council Member Oates said she agreed with much of what Mayor pro tem Anderson had said. She wanted to be able to explain the costs to people she met at the supermarket, she said. With regard to the new penny and the tax increase that would cover the debt service, would the original penny have to go to the debt service too, she asked. Council Member Oates said that she understood that the new penny would cover debt service but assumed that the Town would have to pay back the principal as well. How much would that cost, whether it's \$10 million or \$15 million, she asked.

Council Member Gu said that the Council had talked about AH at almost every public hearing and that the need was clear. It was also clear that the Council was committed to trying to address the issue, she said. She agreed with Mayor pro tem Anderson that the solution needed to be comprehensive and sustainable, she said.

Council Member Gu said she understood that the Town would need to issue a \$10 million bond in order to obtain 401 units and pay that by one penny on the tax rate over 20 years. But, if that 20-year increase was only to address the needs in the next five years, what was the solution for the other 15 years, she asked. She said that she wanted to see a comprehensive plan based on reasonable tax revenues and would feel more comfortable making the commitment if she knew that the Town would be able to take care of people in the long term.

Council Member Buansi asked for a breakdown from staff for scenarios one and two with a \$15 million bond. He asked what conversations staff had had with OC and Carrboro about this regional issue.

Mr. Stancil replied that staff had been having monthly conversations with regional managers regarding AH and had also been meeting monthly with housing providers to coordinate efforts. Much of staff's thinking had been informed by those conversations and efforts to collaborate, he said. Mr. Stancil noted that OC had passed a bond referendum for AH. He said that he talked only with managers, however, so he did not know if the OC Commissioners and Carrboro Aldermen were discussing AH bonds.

Council Member Buansi asked Mr. Stancil if he was aware of any conversations about a tax increase, or any other means of dedicating funding to AH.

Mr. Stancil replied that that had not been part of his conversations. He pointed out that the Council's March 21 vote would be about having the opportunity to have a bond referendum in November. The Council would always have the option to not put it on the ballot, he said. Mr. Stancil

added that one cent tax for a \$10 million bond would cost the average tax payer \$35 per year.

Council Member Parker asked for information regarding how much of OC bond funds was expected to come to Chapel Hill. It seemed as though OC was telling the Town it was on its own regarding AH, he said, and he pointed out that the Town made up 50 to 60 percent of OC. Chapel Hill needed to push harder for help in solving the AH problem, Council Member Parker said.

Mayor Hemminger said that the Council was in agreement that there was a need for AH but that the Town had limited resources and competing needs. The penny for AH had been based on \$10 million, so \$15 million would require more, she pointed out. She confirmed with Council members that they agreed with continuing the \$688,000 per year as part of the Town's operating budget.

Mayor Hemminger said that the Council's strategic plan for AH had been based on having a bond. However, the Town's property values were growing, so a penny was becoming a little more each year, she pointed out. She characterized the situation as a balancing act where the Town had a lot of needs and had to figure out how to make it all work.

Mayor Hemminger said that AH was a primary community value and that the Town had to do a better job of working with partners and finding more opportunities to leverage funds. The Council needed to think about all of that when deciding on the size of the bond at its next meeting, she said. She pointed out that the Manager had not yet presented the next year's operating budget, and she mentioned some of the possible expenses and sources of revenue. Mayor Hemminger said she was excited about redeveloping and improving Town properties, and she recommended pulling in partners to do that as well.

Council Member Bell confirmed with Mr. Stancil that having a bond approved in November would not necessarily mean adding a penny to taxes this year. Mr. Stancil explained that the Town could delay the tax rate increase for AH to when it actually sold the bonds. He noted that one alternative would be to put a penny on the tax rate this year, before actually having the referendum, in order to generate funds that could be used to pay for design and other pieces of Town projects. Another option would be to phase in a tax rate to pay back the debt while selling the bonds, Mr. Stancil said. He pointed out that it did not have to be one penny all at one time.

Council Member Bell said that it would not actually cost more to do a \$15 million bond because the bond gave the ability to use those funds, but the Town did not have to use any of it.

Mr. Pennoyer agreed that a vote to approve the bond would give the Town



the authority to issue but would not compel it to do so. The Town could issue all, some, or none of the bonds, he said.

Council Member Bell said that she was trying to clarify that holding a bond referendum in the fall would not mean spending \$15 million on January 1, 2019. It would mean telling the community that the Council wanted the opportunity to do some things over the next 20 years that would require additional funds and was asking citizens if they agreed or not.

Mayor Hemminger said that committing to putting a bond referendum out meant committing on how to pay for it. The Town would have to pass the penny to add to the debt fund in order to be able to ever pull those funds down because it would hit a negative slope if it did not, she said.

Mayor Hemminger reminded Council members of three important upcoming meetings: A meeting with OC commissioners the following week regarding a list of topics that would include AH; the Legislative Breakfast on April at 8:30 a.m.; and the Near to Far Festival on Franklin Street on April 8.

This item was received as presented.

### *ZONING ATLAS AMENDMENT(S) and SPECIAL USE PERMIT(S)*

#### *ZONING ATLAS AMENDMENT(S)*

4. Open the Public Hearing: Application for Zoning Atlas Amendment - Merritt Mill East, Multi-Family Development, 800 S. Merritt Mill Road (Project #17-084).

[\[18-0211\]](#)

Senior Planner Kay Pearlstein gave a brief PowerPoint overview of the Town's rezoning and Special Use Permit (SUP) processes. She then presented the Merritt Mill East Multi-Family Development rezoning application, noting that the 24 one-bedroom, rental project, developed by CASA, was 100 percent AH. She pointed out that the Planning Commission (PC) had recommended approval.

Ms. Pearlstein showed the site's location on an area map and explained that only half of it was in Chapel Hill, with the other half being in Carrboro. She recommended that the Council receive the staff report, hear public comment, and recess the public hearing on rezoning to April 25, 2018.

Jess Brandes, CASA's housing developer, said that the rezoning was being requested because of changing conditions. She listed ways the project would achieve the purposes of the Chapel Hill 2020 Comprehensive Plan. Ms. Brandes explained that the development would include 24 one-bedroom units on the Chapel Hill side and 24 two-bedroom units on the Carrboro side. The total lot was three acres and the units would be

permanently affordable to those at 60 percent of the area median income (AMI) or below, she said.

Ms. Brandes explained that the proposed main source of funding was low-income tax credits and that CASA would accept rental subsidies. She described the site plan and noted its steep slopes and underground stormwater detention with a playground above. Ms. Brandes discussed landscaping, buffers, and elevations. She said that the project would reduce traffic, increase density, would be an urban infill of vacant land, and would exceed ASHRAE standards.

Council Member Parker asked for more information about the requested zone, and Ms. Pearlstein explained that a Residential Special Standard Conditional zone was only available to 100 percent AH projects. That zoning district did not have a density cap, perimeter setbacks, or required landscape buffers, she explained. Ms. Pearlstein said that the proposed zone also had a fairly high floor-to-area ratio. It allowed about 56,000 square feet, but the applicant was proposing only 25,000, she said.

Mayor Hemminger expressed enthusiasm about the opportunity and said she was glad that staff had been collaborating with the applicant. It was an AH project that was needed in the community, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Buansi, that this Public Hearing be continued to April 25, 2018. The motion carried by a unanimous vote.

### *SPECIAL USE PERMIT(S)*

5. Open the Public Hearing: Application for Special Use Permit - Merritt Mill East, Multi-Family Development, 800 S. Merritt Mill Road (Project #17-084).

[\[18-0212\]](#)

Ms. Pearlstein said that all development review boards had reviewed and approved the Special Use Permit (SUP) application, with two of them adding special considerations. She showed the two-parcel assemblage on a map and described the proposed three-story building with a clubhouse at the front and 26 parking spaces. The entire development would maximize the building area and would have only one entrance, she said.

Ms. Pearlstein noted that the applicant was asking for a steep slopes modification to allow for a flatter building site. She reviewed plans for OWASA sewer and water, a sidewalk, and five-foot bike lanes along the frontage. She noted a list of requested modifications regarding a planting strip, steep slopes, solid waste/recycling, tree canopy, and recreation space. The applicant had also asked to remove Stipulation 18, which required that the playground be fenced in, due to the playground's location on the Carrboro side away from the street, she said.

Ms. Pearlstein suggested two additional changes to Resolution A, which pertained to the direction of an evergreen screen and the number of bicycle parking spaces. She recommended that the Council receive evidence, hear testimony, and recess the public hearing to April 25, 2018.

Civil Engineer Dave Ballentine suggested that Section 9, regarding utilities on page 73, be worded differently. He explained that the applicant was preparing plans that could be approved by the NC Department of Transportation and was not doing the water line work.

Ms. Brandes asked to tweak the wording to say that designs would be provided and approved. She stressed that the April 25 Council meeting was an important date because the deadline for tax credit funding was May 11, 2018.

Ms. Brandes disclosed that she had submitted a modified funding request to the Town for an additional \$220,000, due to the expanded scope of the project from 12 units to 24 units. She said that CASA was asking the Town to fill the gap so they could turn in a complete application by May 11th.

With regard to Council Member Parker's earlier question about what percentage of Orange County's AH bond funds were being spent in Chapel Hill, Ms. Brandes pointed out that CASA had received more than \$1.3M from Orange County and that those funds had made the project feasible.

Mayor pro tem Anderson mentioned that Duke Energy was providing incentives for green building and asked if CASA had pursued that.

Ms. Brandes replied that they had not. They had received many environmental suggestions from Town advisory boards and were open to looking at which ones they could accomplish, she said. She pointed out that CASA would be better able to determine what it could afford once it had been awarded funding in August. Ms. Brandes mentioned that CASA agreed with Carrboro's request to replace trees with the same specimens that were being removed.

Council Member Buansi asked how many feet from the NC 54 exit the development's proposed entrance was. Ms. Brandes replied that she was not exactly certain but that the NC Department of Transportation had said it could not be any closer to NC 54 than the location being presented.

Council Member Oates said she thought that multi-family developments always had to have two points of egress.

Ms. Pearlstein replied that the development would be sprinkled and that each parcel would have its own fire hydrant. That was apparently sufficient for fire regulations, she said.

Council Member Oates asked if there would be compensations to surrounding properties if more run-off resulted from the steep slopes being leveled.

Mr. Ballentine explained that construction would actually improve drainage in the area. The applicant would be treating stormwater on the site, putting it underground, and adding catch basins and other improvements along NC 54, he said.

Council Member Oates asked if having laundry facilities in the clubhouse meant that the apartments would not have them.

Ms. Brandes replied that the Housing Finance Agency had recently recommended that accommodations for those facilities be put in the apartments. She said that putting laundry facility hook-ups in apartments would probably not significantly increase the cost, since CASA would not be supplying the appliances.

Mayor Hemminger verified with Ms. Brandes that first floor units would be ADA compliant. Ms. Brandes said that CASA was required to have 10 percent set aside for people with disabilities, or who were homeless, and they would try to increase that to 20 percent. She said some units were fully wheelchair accessible.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Bell, that this Public Hearing be continued to April 25, 2018. The motion carried by a unanimous vote.

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

A motion was made by Council Member Gu, seconded by Council Member Schaevitz, that the council enter Into Closed Session as authorized by General Statute Section 143-318.11(a)(3) to consult with the Town Attorney concerning the handling of an existing lawsuit in which the parties are William Raynor, Jr., Kara Raynor, the Town of Chapel Hill, the Town of Chapel Hill Historic District Commission, John Wood Sweet, Kimberly Kyser, Robert L. Epting, Mary Frances Vogler,, Susan S. Smith, Walter Woodrow Burns, Jr. and Alan E. Rimer.; and, as authorized by General Statute 143-318.11(a)(5) to consider possible acquisition of real property. The motion carried by a unanimous vote.

### **ADJOURNMENT**

The meeting was adjourned at 10:52 p.m., the Council went into closed session and the meeting adjourned at the end 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 Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

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

**Wednesday, March 21, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

### Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaeitz

### Other Attendees

Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Housing and Community Executive Director Loryn Clark, Community Development Program Manager Renee Moye, Affordable Housing Manager Nate Broman-Fulks, Community Resilience Officer John Richardson, Planning and Development Services Director Ben Hitchings, Business Management Director Kenneth C. Pennoyer, Interim Principal Planner Corey Liles, LUMO Project Manager Alisa Duffey Rogers, Assistant Director of Housing and Community Sarah Vinas, Assistant Town Manager Mary Jane Nirdlinger, Police Officer Rick Fahrer, Fire Inspector, Communication Specialist Mark Losey, Deputy Town Clerk Amy Harvey

### OPENING

a. Mayor Hemminger Regarding Successes Video.

[\[18-0258\]](#)

Mayor Hemminger introduced a short video about improvements on Rosemary Street and explained it was part of the Town's "Celebrating Successes" stories. She said the Downtown Work Plan would continue through 2020 and many more similar videos would be posted on the Town's website.

b. Proclamation: TABLE Day.

[\[18-0259\]](#)

Council Member Gu read a proclamation regarding TABLE Day, which would be celebrated on April 7, 2018, and urged everyone to show appreciation

and support. She explained that TABLE was celebrating 10 years of providing hope, encouragement and healthy food to under-served children and families in Chapel Hill and Carrboro.

Ashton Tippins, executive director at TABLE, said that TABLE had begun in 2008 by delivering food to 12 children and had grown to serve 650 every week through its Backpack Program and 325 children through a Nutrition Education Program. TABLE planned to expand the number of children served and insure that families had knowledge of social services that may benefit them, she said. Ms. Tippins noted that TABLE needed larger, permanent facilities in order to reach its goal. She announced an open house at TABLE from 11 am to 1:00 pm on Saturday, April 7th.

The Mayor applauded the organization and thanked them and all their volunteers for all they do. TABLE helped children and families in the community and also brought the community together, she said, and she wished them a happy 10th anniversary.

## **PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS**

### **PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA**

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Mayor Hemminger Regarding Water Week.

[\[18-0260\]](#)

Mayor Hemminger pointed out the United Nations had declared March 22 of each year as World Water Day. She listed several activities in which the Town and several partners would be hosting and/or collaborating.

b. Mayor Hemminger Regarding Community Egg Event and Adopt a Trail Volunteer Work Day.

[\[18-0261\]](#)

Mayor Hemminger said there would be a community egg hunt on Saturday and an Adopt a Trail volunteer workday on the coming weekend.

c. Mayor Hemminger Regarding Near and Far Event.

[\[18-0262\]](#)

Mayor Hemminger said that a "Near and Far" event would be coming up on April 8 to celebrate the community's cultural diversity. There would be 35 flags flown and performances and foods from different cultures, she said, adding that she hoped the event would grow and expand.

d. Council Member Oates Regarding Community Policing Academy.

[\[18-0263\]](#)

Council Member Oates pointed out the Community Policing Academy training would be happening soon. She strongly encouraged anyone who had not yet taken that training to do so.

e. Council Member Stegman Regarding a New Habitat Home

[\[18-0264\]](#)

### Dedication in Northside.

Council Member Stegman said she had attended a Habitat for Humanity new home dedication that day in Northside. It had been a lovely ceremony for a family that had been relocated from a refugee camp in Thailand and was now working in Chapel Hill, she said. Council Member Stegman commented on the new home being the result of collaboration among United Church of Chapel Hill, Marion Cheek Jackson Center, Habitat for Humanity, Orange County, and the Town.

### f. Mayor Hemminger Regarding Joint Meeting with Orange County Commissioners.

[\[18-0265\]](#)

Mayor Hemminger reminded the Council they would have a joint meeting with Orange County commissioners the following evening.

## CONSENT

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

### *Approval of the Consent Agenda*

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

### 1. Approve all Consent Agenda Items.

[\[18-0236\]](#)

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

### 2. Amend the 2018 Council Calendar.

[\[18-0237\]](#)

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

## INFORMATION

### 3. Receive Upcoming Public Hearing Items and Petition Status List.

[\[18-0238\]](#)

The item was received as presented.

## DISCUSSION

### 4. Consider Adopting a Resolution for the Sale of \$12.5 million of 2015 Public Improvement General Obligation Bonds.

[\[18-0239\]](#)

Director of Business Management, Ken Pennoyer, presented a resolution authorizing the sale of \$12.5 million in general obligation (G.O.) bonds, pledging the Town's taxing power to repay those bonds, if necessary. He outlined a three-step process for issuance: Council approval of a referendum; public vote on bonds; Council approval of actual debt issuance.

Mr. Pennoyer gave a PowerPoint presentation, providing background on Chapel Hill voters' approval of \$40.3 million in G.O. bonds in 2015 for streets and sidewalks, trails and greenways, recreation facilities, solid waste facilities, and stormwater improvements. He said the Council had since authorized issuing \$3 million of sidewalk and street bonds, \$5 million of trail and greenway bonds, and \$1 million of recreation facility bonds.

Mr. Pennoyer explained the current resolution was for \$5.5 million of street and sidewalk bonds, \$4.3 million of recreation facility bonds, and \$2.7 million of stormwater bonds. He explained how those bond funds would be used and gave the staff's rationale for recommending the issuance. Mr. Pennoyer said the bonds would be for a 20-year term and that repayment would come from the Town's Debt Management Fund. The expected annual debt service would be about \$860,000 per year, he said.

Mr. Pennoyer showed a list of projects the Town planned to fund over the next five years, at a total cost of \$50.3 million. He said there was Debt Fund capacity of \$45.9 million and noted the funding gap. He showed a list of projects that were not in the five-year plan and pointed out they included affordable housing. The Town would need to either find another funding source to pay the debt service for those projects or reduce, or delay, the projects that were currently being funded, he said.

Mr. Pennoyer outlined next steps in the process. He said the Local Government Commission was scheduled to sell the bonds in a competitive process on April 3 and the sale would close on April 19, 2018. Staff would then bring projects back and ask the Council to appropriate funds, he said.

Mayor pro tem Anderson asked if Cultural Arts and the Varsity Theater were not the same thing.

Mr. Pennoyer replied that they were not. The Cultural Arts facility had been identified in the 2015 referendum process as an item in the Parks and Recreation Department's master plan whereas the Varsity Theater was a project that had come up relatively recently due to the pending sale of that building, he said.

Several Council members commented that the two "could be the same thing," but Mayor Hemminger said there had been no determination yet regarding that.



Council Member Stegman asked Mr. Pennoyer why he had said the Town was not expecting to sell the American Legion property within the next year.

Mr. Pennoyer replied he did not know that for a fact but did not want to count on it because it was not certain.

Town Manager Roger Stancil added that the American Legion Task Force had referred its report to him to think about meeting as many of its interests as possible. While doing that, staff was also being guided by the Council resolution, which indicated an interest in selling a portion of the property to help offset the cost, he said. Mr. Stancil pointed out that staff were scheduled to return in May with a report on the Task Force report. That would include many options for the Council to think about when making a decision on how to proceed, he said. Mr. Stancil said selling a portion of the American Legion property was unlikely to happen within the next year.

Mayor Hemminger said there had been a misconception that the Council had used Cultural Arts bond money to make an American Legion payment and had, therefore, deleted the Cultural Arts project. That was not true, she said, and she clarified with Mr. Pennoyer that the goal had been to get a better interest rate.

Mr. Pennoyer explained the most cost-effective way to finance the American Legion purchase had been to use those bonds. However, that did not remove the Cultural Arts project; it simply puts it in a category where the Town was looking for a funding source to move it further up, he said.

Mayor Hemminger explained the interest rates had been better with G.O. bonds than alternative financing would have been.

Council Member Buansi asked if the Rogers Road sewer project was a debt financing project.

Mr. Pennoyer replied Orange County (OC) had financed construction of the sewer project. The Town was paying 43 percent of the debt service on that and had set aside about five years' worth of that payment, he said. Mr. Pennoyer said the Town would look to adding to that at the end of five years, he said.

Council Member Bell commented the \$2.6 million for the Blue Hills District Phase II was financing to do the project. She confirmed with Mr. Pennoyer that the project would be paid back through a synthetic TIF. Therefore, it showed up as something the Town needed to borrow, but there was a revenue source that would offset that cost, Mr. Pennoyer said.

Council Member Bell mentioned some citizens were concerned about the Cultural Arts funds, which were part of the Parks and Recreation bond,

being used for the American Legion purchase. Those citizens had said there did not seem to be a plan for reimbursing them and had expressed concern about what that means for the future of a Cultural Arts building, she said.

Mayor Hemminger acknowledged the issue had been very confusing. She explained the Town had used G.O. Bond money to get a better interest rate and had needed it immediately because of the timing of the American Legion sale. The voters had voted for \$3.4 million for Cultural Arts and the Town was going to stand by that commitment, she said. She added the Council did not know when or how it would do that but was committed to finding a way.

Council Member Bell confirmed with Mayor Hemminger and Mr. Pennoyer that funds for Cultural Arts could not currently come from G.O. Bonds. Cultural Arts was on the list of projects currently searching for funding, Mr. Pennoyer said. He said he was relatively confident that staff would find a way to finance that project if it was a Council priority.

Mr. Stancil pointed out the Town was also paying down debt and creating capacity in the Debt Management Fund. In addition, Council believed there was a way to sell a portion of the Legion Road property in a way that would still achieve the Task Force's goals, and a Cultural Arts facility would be first on the list to be funded out of that, he said. Mr. Stancil mentioned several other potential sources of future revenue -- such as increasing the debt tax and increased economic development activity leading to more property taxes. There were multiple ways to replenish the Debt Management Fund, and the Town was very clear the Cultural Arts facility was the highest of priorities, Mr. Stancil said.

Council Member Stegman clarified with Mr. Pennoyer that the \$2.7 million currently remaining in the Parks and Recreation bond had been committed to the new Municipal Services Center. She asked if more money could go to that if more went into the same fund.

Mr. Stancil replied it depended on where those costs go, adding he did not see costs going down. One reason for keeping moving on the Municipal Services Center was to avoid more increases, he said.

Council Member Stegman said she wondered if selling a piece of the American Legion property and putting those funds back in might mean the money would go to the Municipal Services Center. She said it sounded as though the answer was "maybe."

Mayor Hemminger and Mr. Stancil noted there could be other opportunities, such as public/private partnerships, to help meet some of the goals.

Mr. Pennoyer pointed out the Town would drop a significant amount of debt in FY 2022 when the Town Operations Center payments would end.

Mayor Hemminger confirmed with Mr. Pennoyer that payments for the Chapel Hill Public Library would end in FY 2029.

Carmen Elliot, a local artist and teacher who managed Community Clay Studio at the Parks and Recreation Department, said the studio had served 18,500 Town citizens since 1981 with sculpture and pottery classes. Ms. Elliott described the need for a Cultural Arts building in Town and asked the Council to make that a top priority within the next few years.

Council Member Schaevitz, liaison to the Cultural Arts Commission, said the Commission was moving forward to come up with an idea of exactly what it would like to see the bond money used for and would let the Council determine cost and location. She encouraged Ms. Elliott and others from the arts community to email her for contacts with those who were compiling a list of groups that would like to work in the Cultural Arts space.

Council Member Oates, a former American Legion Task Force member, recalled conversations about using space on that property for Cultural Arts.

Council Member Bell said she was not sure a Cultural Arts facility was her highest priority and pointed out the need for fire stations as well. She recalled when the Town was down \$80 million worth of projects and said being down only \$31.6 million was something to cheer.

Council Member Stegman noted that part of the original agreement when the Council decided to buy the American Legion property was to sell part of that land. She wanted to make sure when voting tonight the Council was committed to that, she said. With regard to prior Council comments about holding onto land, thereby making it more valuable, Council Member Stegman noted the Town was maintaining it as well, and not collecting taxes on it, and that a lot of potential uses were on hold. Council Member Stegman said she felt a sense of urgency others might not share.

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

**5. Public Forum: 2018-2019 Community Development Block Grant Program Plan.**

**[\[18-0240\]](#)**

Community Development Program Manager, Renee Moyer, gave a PowerPoint presentation regarding the Town's 2018-2019 Community Development Block Grant (CDBG) fund allocation. Her presentation included background on the U.S. Department of Housing and Urban Development (HUD) creation of the program in 1974 and the Town's designation as an entitlement community.

Ms. Moyer said the Town had received grants from HUD annually for projects that benefit low- to moderate-income households, that aid in

the prevention or elimination of urban blight, or that meet an urgent need. She gave examples of eligible activities and explained that the Town's Application Review Committee had made the following funding recommendations: \$15,926 for the Inter-Faith Council's (IFC) Home Start program; \$24,000 for the Town's Summer Youth Employment Program; and \$75,000 for grant administration. She said the recommendation also included \$348,238 for affordable housing (AH) activities, which she listed.

Ms. Moyer explained the evening's public forum was the second one and Council action was scheduled for April 11 but might be delayed due to the federal budget approval process. The Council would receive a final recommendation for approval as soon as staff received notification of allocations, she said. Ms. Moyer recommended the Council open the public forum and accept comments on the use of 2018-19 CDBG funds and the recommended plan. Staff would return with a final plan as soon as they receive an allocations notification, she said.

Stephani Kilpatrick, Residential Services Director at the IFC, spoke on behalf of their request for CDBG funding to support a full-time case manager to assist families experiencing homelessness in their Home Start Program. She thanked the Council for its past assistance and explained how case management helped families overcome homelessness and break the cycle of poverty.

Marisa Martini, a Community Development Manager at Habitat for Humanity, thanked the Council for previous allocations of CDBG funds for affordable home repairs in Chapel Hill. She explained Habitat's request for \$50,000 would be used to complete 10 repair projects in the Northside, Pine Knolls, and Rogers Road communities through Habitat's Home Preservation Program. Ms. Martini provided details of the program and said she hoped the Council would approve Habitat's full funding request.

Mayor Hemminger commented the Town valued its partnerships with local programs and that partnering made funds stretch further. She was looking forward to the item coming back on April 11, or sometime thereafter, she said.

The item was received as presented.

**6. Consider Adopting a Preliminary Resolution Stating Chapel Hill's Intent to Proceed with a November 2018 Affordable Housing Bond Referendum.**

**[\[18-0241\]](#)**

Mayor Hemminger mentioned Town staff members had gone to Philadelphia to make a presentation regarding open data to the Public Library Association. The presentation would be about the Town's unique approach of using its Public Library to house an open data portal, she said. She noted Mr. Stancil had been invited to participate but had agreed to stay in Town.

Mr. Stancil recommended the Council move forward with a \$10 million Bond referendum for affordable housing (AH), stating that doing so would be a prudent use of Town resources. It would require a one cent tax increase over a period of time, he said. He stated \$10 million was a manageable amount to spend to advance the Council's AH interests. He acknowledged a list of needs had totaled about \$15 million, but pointed out the Town was not the only entity providing subsidies. Orange County (OC), private partners, income tax credits, and the Penny for Housing already allocated over the next five years; all contributed to AH funding as well, he pointed out.

Mr. Stancil explained the Council had several options to consider. Adopting Resolution 4, as presented, would set a November 18 referendum for \$10 million, he said. He explained the Council could modify the resolution to \$15 million, if it chose. He discussed the Council's excellent credit rating and bond ratings and stressed the importance of maintaining that. Pay-as-you-go would not be a good option, he said, and he provided reasons for that conclusion.

Mr. Stancil said a vote for a bond referendum would not be for any specific project but would be a vote to fund an amount of money. Staff would return before the November election with an evaluation process as well as criteria to evaluate projects, including those by the Town, he said. If the referendum succeeded, the Council would begin issuing bonds to advance projects and staff would recommend the tax increase required in the subsequent fiscal year to provide the debt service on how much was sold, he explained.

Mr. Stancil said he did not recommend implementing a tax increase before the bond referendum. The first tax increase would be in FY 2019 and would likely be a half cent, based on the Council having sold half (\$5 million) of the bonds, he said.

Business Management Director, Ken Pennoyer, gave a PowerPoint presentation with further details on what Mr. Stancil had presented. He said the current Penny for Housing plus a \$10 million bond would yield \$13.5 million for AH and would require a tax increase. He reviewed several steps that would be required if the Council intended to put an AH bond referendum on the November 6, 2018 ballot.

Mayor pro tem Anderson asked what the larger strategy was for funding AH beyond five or ten years.

Mr. Stancil replied the Town was growing its strategic planning process, and he viewed the five-year horizon as a mid-term goal and did not see any time in the foreseeable future where AH would not be an issue. He discussed economic strategies that should lead to commercial growth and a greater tax base. He pointed out that retiring debt from the Town

Operation Center would occur within the five-year window.

Mr. Stancil said other resources within the Debt Management Fund could help pay the Town's portion of AH. There were additional ways to subsidize AH, such as partnerships and joint projects with other political jurisdictions, he said, adding the federal government might "come back to life one day" as well. Mr. Stancil noted the University of North Carolina (UNC) and UNC Healthcare had an interest in AH as well.

Mayor pro tem Anderson asked why the Council could not give voters more information about what they would be voting for.

Mr. Stancil replied staff and Council would engage in such publicity over the next few months, if the Council approved the resolution. Staff would put that information out in August and September. The bond question was typically very broad, and the marketing information was what stuck in people's minds, he pointed out.

Mayor pro tem Anderson said Town projects seemed to have shifted, and she was confused about the numbers being presented. She asked when the Council would talk about whether Town projects still made sense and were still priorities.

Mr. Stancil replied staff would return with information about projects over the next few months. He recommended the Council evaluate all projects - including those by the Town -- by whatever criteria the Council established so that all would be treated equally.

Council Member Buansi expressed support for a \$10 million bond. He pointed out the community had been talking about AH for decades and said there needed to be a coherent and intentional strategy. AH was something the Town would have to continue investing in, in various ways, and he did not see that ending, he said.

Council Member Gu confirmed with Mr. Stancil that interest for a \$10 million bond paid back over 20 years would be \$4 million at the current rate. She verified with Mr. Pennoyer that about \$800,00 would come from taxpayers in the first year for the one penny increase, and that would increase between 1 and 1.5 cents each year over the 20 years. Council Member Gu calculated the current Penny for Housing plus the penny increase in the tax rate would come to \$35 million over 20 years for AH.

Mr. Stancil pointed out the Council would make a decision every year about whether to leave the tax increase or take it away.

Mayor Hemminger said a penny on the tax rate would generate more than \$16 million but less than \$20 million over 20 years, not \$35 million. She clarified Council Member Gu's point was that a penny increase in taxes would mean ending up with more than \$10 million, and would cost \$14

million in interest and principle.

Julie McClintock, a Chapel Hill resident, expressed support for a \$10 million bond as long as there were clear, justifiable goals and the Town identified how it would generally spend the money. She pointed out other projects - such as police and fire stations, road and sidewalk repairs, additional recreation and cultural arts space -- could be affected. Ms. McClintock advocated for finding partners to share the burden and leverage opportunities. She said the debate regarding an AH bond should not be divorced from potential county, school, and property tax increases.

Heidi Dodson, a public historian at the Marion Cheek Jackson Center, said she hoped the Town would increase the bond amount to \$15 million. She shared her personal experience and concerns about AH, explaining she might have to leave Town even though it is her home. Ms. Dodson said AH should not be divorced from wages and that a living wage needed to be considered as well.

George Barrett, representing the Marion Cheek Jackson Center, shared his experience of living on \$11,000 per year and pointed out that even some who work to provide AH for others could not afford to live in Town. He urged the Council to "practice what you preach" and adopt a \$15 million bond referendum. If the Town wanted diversity and a place for all, then it would have to take action to achieve that, Mr. Barrett said.

Chinita Howard, a Chapel Hill resident and teacher, noted UNC had been created through donations of land and by people working together. She told the Council about how the amount of her lease had been greatly increased "based on fair market" and how she had had to live in her jeep in the woods for three months. Ms. Howard asked the Council to amend Resolution 4 and asked for \$15 million.

Megan Stanley, an incoming graduate student at UNC and an education coordinator at Marion Cheek Jackson Center, said Chapel Hill was "The Southern Part of Heaven" for white and wealthy residents and "One of the best places to live" for those who were wealthy and single, according to CNN. She noted the Council members had identified AH as a priority in their campaigns and asked them to live up to those words.

Kathy Atwater, a Northside resident and Habitat for Humanity and a Jackson Center board member, said AH was very important to her and her family and pointed out that a house shown in the staff presentation belonged to her niece. She asked the bond be increased to \$15 million to enable the Town to return to being a livable community for all. Ms. Atwater pointed out that people whose ancestors helped build the Town and whose children want to attend UNC had to drive from their jobs back to other towns because they could not afford to live in Chapel Hill.

Robert Dowling, executive director at Community Home Trust, thanked Mr.

Stancil for recommending an AH bond. He recognized the Town's efforts to address AH and noted that the Council was being asked to do even more. Mr. Dowling pointed out that incomes had been stagnant for the last 15 years and noted several market challenges that towns and cities across the country had been facing. Addressing those challenges required crystal clear priorities, creative solutions, tough decisions, and a maximization of available subsidies, he said. Mr. Dowling said the Town could probably use \$25 million, or more, over the next 10 years.

Alyssa Peeler, a UNC undergraduate and a board member at the Orange County Partnership to End Homelessness, expressed deep concern about the state of AH. She said she had participated in taking a survey that included people living on the streets, in the woods, and in abandoned buildings in Town. In 2017, there had been 127 homeless people in Orange County, and the majority of those were in Chapel Hill, she said. As a volunteer at the Jackson Center, she had seen how rising costs made it more difficult for Northside residents to stay in their homes, Ms. Peeler said. She expressed concern about "gentrification" of Northside and said she would certainly vote for a \$15 million bond.

Anthony Sharp, a longtime Chapel Hill resident who was once homeless but was now an IFC board member, stressed the importance of people who work in Town being able to live in Town, as well, and send their children to Chapel Hill schools. The organizations that help people get free of homelessness also do a lot to help once people's lives improve, he pointed out. However, there was no place in Town for those who had been formerly homeless, and they were forced to move out, he said. Mr. Sharp asked the Council to vote in favor of a \$15 million bond referendum.

Heather Brutz, co-chair of the Housing Committee for the Chapel Hill-Carrboro NAACP, read her executive committee's official statement, which encouraged the Council to raise the bond to \$15 million, contingent upon concerns that included making sure funding reached people living at 60 percent of AMI and below. Ms. Butz said the Housing Committee was concerned about the current state of public housing in Town and wanted to insure there was appropriate oversight and well-defined plans for renovations, repairs and rebuilding. The Committee also wanted a portion of the bond to support relocation assistance for mobile home residents and others being displaced by development and for the St. Paul Village project, Ms. Butz said.

Brentton Harrison, a Chapel Hill resident, said AH was not just a budgetary concern but an education issue as well. Actions, or lack of, affected people's ability to imagine the "American dream," he said. He expressed concern the Council might be slipping backward and said it seemed incredible to him that they were having the current conversations when their campaigns had prioritized AH. "What's the hold up," Mr. Harrison asked, stating there was enough money for all in the community. He said people had put faith in their elected officials and that choosing to be



neutral in the face of oppression meant choosing the side of the oppressor.

Douglas Call, a Chapel Hill resident, said he and his wife would vote for an AH bond for as high as the Council could make it. In his professional career, he had spent much time building houses and working on disaster relief, and it was the same all over the world, he said. Mr. Call said it was the Town's responsibility to change things. If that meant raising the bond amount, then the Council needed to be bold and go for at least \$15 million, said Mr. Call.

Jonathan Young, a Chapel Hill resident and Community Empowerment Fund employee, shared statistics about the AH crisis and said \$10 million was great but more than \$25 million was needed. He said he understood the Town's budgetary constraints but did not understand why AH was not equal to other priorities. Chapel Hill had amazing schools and parks, but some children do not have safe homes to return to or parents who have enough free time to take them to the park, he said.

Patrick Watkins, a resident at IFC Community House, said he had met many people who had faced obstacles in life and had straightened themselves out only to find that the homeless shelter is the only place they will ever be. He said \$10 million was a gracious amount but more was needed. Chapel Hill was a welcoming place, but what was below the surface could be scary, Mr. Watkins said. He noted people were sleeping in tents in the woods by the highways. Others continued to live at Community House because there was nowhere for them to go, said Mr. Watkins.

Henry Harris, a Chapel Hill resident, explained he had come to Chapel Hill to have surgery and had been accepted at the Community House shelter. He had since recovered and was working full time, but his landscaping salary was not enough to pay for a place to live in Town, he said. Mr. Harris characterized Chapel Hill as a great place to live and said he felt everyone should be able to live in the Town.

Bliss Hayes, a Community House resident since last August, said he felt blessed to be in a town that was such a desirable place to live. However, those who were at 30 percent or below of AMI had "zero places to live," he said. Mr. Hayes argued it was unfair that those who serve coffee to Town residents at Starbucks could not afford to live in the town where they work. He asked the Council to set the referendum for a minimum of \$15 million so that people of all levels of income could live in Town.

Jackie Jenks, executive director at the IFC, said people were stuck in Town shelters, living in the woods, getting displaced from trailers, and struggling in other places to pay the rent. AH was the most significant issue the community was facing, she said, noting that even those who were making a "living wage" could not afford to live in Town. Ms. Jenks

said she believed taxpayers would be willing to pay more to achieve a racially and economically diverse community where everyone has a place. She asked the Council to consider giving voters a chance to vote on a \$15 million bond.

Kim Talikoff, a Chapel Hill elementary school teacher, said she was learning from this evening's presentation and Council members' questions that an integrated AH plan was still being developed and would take some time. The Town might discover in very short order that \$15 million was not nearly enough, she said. Ms. Talikoff encouraged the Council to not restrict itself.

Michelle Siegling, a Chapel Hill resident and former teacher's assistant, said she could afford to live in Town only because home values had been higher in the town she moved from. However, she has not met another family of two public school teachers who could afford to live in Town, she said. Ms. Siegling said her three children continue to see white, wealthy people with resources in their Chapel Hill schools, and she wanted them to be part of a diverse community with people from all backgrounds. Ms. Siegling urged the Council to approve a \$15 million bond.

Council Member Bell mentioned that holding a 2018 bond referendum for AH would be on track with the Council 2014 strategic plan. She said she had been moved by recent conversations and wanted the bond to be for \$15 million because there was need across a housing spectrum. She pointed out matching values and missions with strategic partners could be a time-intensive and difficult effort. She explained she did not mean to argue against doing that, but did not think the Council should make decisions based on doing so. She did not want to have to come back in 10 years and have the same conversation again, Council Member Bell said.

Council Member Stegman said the Town's AH crisis was the Council's responsibility and obligation, and the Town needed more money to address it. She pointed out that only 8 percent of housing in Town was affordable to those who were at 60 percent of AMI and below. Council Member Stegman said she absolutely supported a \$15 million bond, which would push some limits but gives more options. The Town needed to be creative and think more about different strategies for different populations, she said. Council Member Stegman said she did not want to have to do another bond in five years when the Town ran out of AH money.

Mayor pro tem Anderson said Council members realized the extent and importance of the AH issue, and she was personally and professionally familiar with it. However, she was also concerned about debt capacity and the other projects that the Town must undertake, such as fire and police stations, she said. Mayor pro tem Anderson said a \$10 million bond was the fiscally responsible thing to do, and she supported finding other strategic ways to address the AH issue as well.

Council Member Parker said he was convinced that a bond was the only way to generate the funds the Town needed when it needed them. However, he had concerns about the project list not being right, he said, adding he wanted to get the maximum value for every dollar the Town spent. It would be easier to raise larger sums in the future once the Town had proven it could manage AH projects and continue to generate the housing it needed, he said. Council Member Parker pointed out the Town had other priorities and projects it did not yet know how it would finance. He expressed support for a \$10 million bond and noted other ways the Town would generate additional AH funding.

Council Member Gu said the current Penny for Housing plus a \$10 million bond would mean taxpayers would contribute \$34 million toward AH over 20 years. She thought a \$10 million bond would be the most financially responsible thing to do at the current time, she said. She stressed the Council was committed to Town citizens and told about her own struggle to make ends meet at one point in her life. She said AH was more than just a roof over one's head, but referred to things such as public transit, food, opportunities for young people, as well. If the Town committed to one cent for the next 20 years, then there would be enough funds to comprehensively address the AH issue, said Council Member Gu.

Council Member Oates cautioned against making a generous pledge for a \$15 million bond and said she accepted staff's well-documented recommendation for \$10 million. Every town had an AH problem because everyone was motivated to find a place to live and that pushed the cost of housing everywhere, she said. She said she had been told that taxpayers alone could not come up with enough money to solve the AH problem. The Town needed to be able to rely on other resources, including private developers, she said. Council Member Oates said it would help if Orange County would hire a housing locator, which would cost \$40,000 per year. She acknowledged a \$10 million bond would not cover everything, but said it would chip away at it and noted that success breeds success.

Council Member Schaevitz said she wholeheartedly supported an AH bond and the Town needed to do something big to address the AH crisis. Ten million dollars was a huge amount of money, she said, but she noted the Town's partners were saying it was not enough. Since that was the amount the Town's financial staff had recommended, the Council needed to take a comprehensive look at the problem and think about all of the pieces of the puzzle, she said. Council Member Schaevitz commented she had been excited about the opportunity to vote for a \$10 million AH bond but was now hearing feedback that that was not sufficient. She agreed the Council needed to rely on the staff's expertise and look at all the demands on the Town.

Council Member Buansi said he had struggled to decide between \$10 million and \$15 million. Part of making responsible decisions as a Council member meant making sure the Town was a diverse and welcoming

community while also managing the Town's finances in a responsible manner, he said. He had decided to support \$10 million, he said, and he urged residents to keep in mind there would be other funding sources to draw upon as other Town initiatives generate more tax revenue.

Mayor Hemminger said Town staff knew what the Town could handle and had put together targets and goals in collaboration with others. They were the professionals and she respected the information they had presented, she said. She commented on the heartfelt passion from the community and said everyone on the Council wanted to do more. She expressed excitement about recent economic development opportunities that would help generate more funds for housing.

Mayor Hemminger said she did not think the bond could be \$15 million at the current time, given the Town's other obligations. Her biggest current concern was the Municipal Services Building, which would likely go over the amount budgeted, she said. Mayor Hemminger advocated for putting the penny tax in the debt service during the current year, adding that Council Member Gu's math calculations had given her a different perspective on that.

Mayor Hemminger stressed that the Town must work with its AH partners and said she wanted to create as much housing as possible along transit corridors. She said, in summary, that all Council members wanted to create more AH but disagreed somewhat on the amount and timing of the bond referendum. The majority supported \$10 million and also supported adding a penny to debt service in the current budget year, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-4 be adopted. The motion carried by the following vote:

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

**Nay:** 1 - Council Member Bell

**7. Presentation: Blue Hill Biannual Report [#7].**

**[\[18-0242\]](#)**

Community Resilience Officer John Richardson presented the Blue Hills District's (BHD) seventh semi-annual report. He gave an update on improvements since the last reports in September and January. In a PowerPoint presentation, he showed key BHD activity centers on a map and presented an update on projects. He said no new permits had been approved since January, but the Community Design Commission (CDC) had recently approved a zoning compliance permit and design review permit for facade improvements and outdoor amenity space in Village Plaza.

Mr. Richardson noted that Park Apartments, a 300-400 multi-family unit housing development, was at the pre-application stage. Staff anticipated an application would be submitted after roadway discussions had happened, he said. He explained the owner of the Quality Inn property was planning a 97-room True Hotel where the Hong Kong Buffet currently was and that the CDC had done a courtesy review of that. He said the Quality Inn would be demolished, and he described several possible projects that might go in its place.

Mr. Richardson said staff had received a question from Council about affordability metrics and was currently tracking market rate versus below market rate, as well as affordable square footage as a percentage of the total for all new housing. With regard to the net number of affordable units, staff would track that going forward and report on any potential loss or net differential, he said.

Mr. Richardson said the Elliott Road Extension project would go before the Transportation and Connectivity Board on March 27 and the Council on April 25. Staff would be looking at moving from 25 percent roadway design to 70 percent plans, he said. Mr. Richardson showed an area map with roadway improvements and said more details regarding that would be provided on April 25.

Mr. Richardson said the assessed value of the BHD had increased by 71 percent between 2014 and 2017. The Council had asked what percentage of that change could be attributed to development projects that had been permitted or constructed over the last three years, and the staff's estimate, based on tax records, was about 56 percent, he said. He said the number of school-aged children in the BHD had increased by five.

Mr. Richardson discussed projected and actual increases in retail square footage, noting that new square footage was 11 percent above target, at 33,000 square feet. He said 149 AH units had been constructed or permitted in the district, which was halfway to the Town's goal of 300. He pointed out that all 149 had been due to the DHIC project. Mr. Richardson discussed impervious surface treatment and said greenways had increased in the BHD by 177 percent.

Council Member Oates asked about parcels across Elliott Road, by Extraordinary Ventures, that had been pulled out with the idea they would have an AH incentive attached to them. She noted that topography issues had affected that plan and asked if there were other options.

Mr. Richardson replied topography challenges would make it difficult to put in ground floor retail with housing above. In addition, a Rosen and Associates study on zoning incentives for AH had found the subsidy required to provide AH units in that location would be \$147,000 per unit, he said. With regard to other options, the area was approved for a

municipal service district for stormwater, and those districts could potentially serve as a tool for other things and staff was exploring whether AH was one of those options, he said.

Council Member Gu pointed out the greenways improvement report was based on nothing being there to begin with. She said people she had spoken to felt there was not enough greenway space in the area, and she inquired about the goal.

Mr. Richardson explained an extension of the Lower Booker Creek greenway had been there in 2014. He showed on a map where the increases had been and might continue. He pointed out the Council had approved standards for a larger percentage of publicly-dedicated outdoor amenity space and said that should help increase publicly accessible spaces in the district.

Council Member Buansi confirmed with Mr. Richardson that all of the current AH space was rental.

Mayor pro tem Anderson asked where the Town would meet the remaining half of its AH goal for the district.

Mr. Richardson pointed out a Council petition just posed the idea of density bonuses or trade-offs associated with community benefits, and staff was evaluating that.

Mayor pro tem Anderson asked how the Town assessed the cost of services in ways other than the number of school-age children.

Mr. Stancil replied a certain amount of growth could occur without an additional cost of service. The challenge was to define where that point was, which was difficult to do in Chapel Hill since it did not grow through annexation. He said the Town had tried to find a consultant to help figure that out but had not found anyone who could do so.

Mayor pro tem Anderson commented it was not realistic to say there was no cost. She would like to see an estimate, or an asterisk, or something that indicated there was a cost, she said. She then asked how Fordham Apartments being built in the RCD would impact projections regarding flooding and stormwater.

Mr. Richardson replied that that project had been permitted on the basis there would not be a rise of more than six inches as a result of impervious surface or the project itself being added to the space. It was being done in conjunction with a flood mitigation project for Booker Creek, he said.

Mayor pro tem Anderson asked if information about where the Town started in 2014, what it currently had, and what it expected by 2029 would be provided in September.

Mr. Richardson offered to provide that sooner, in the next week or two.

Council Member Bell noted the cost of service had been discussed with other projects and staff had talked about the cost of additional fire and public works services. Additionally, the BHD was not set up to create AH but to increase commercial revenue that would enable the Town to support AH in other parts of Town, she said. She said the Town was well on its way toward meeting the goals of the 25-year BHD project.

Mayor Hemminger said the Town had already exceeded its goal of a certain number of residential units, but it was important to see where the Town was on retail square footage. She noted staff had shown how much progress had been made but had not addressed the goal. The goals had been specifically stated, and she would like to see how the Town was doing with those, she said.

Mayor Hemminger asked if the Park Apartments project was aiming for 700 units, and Mr. Richardson agreed to check that number.

Mayor pro tem Anderson said the report had been helpful regarding the BHD's status but had not provided an overall picture of lessons learned. She did not know how to evaluate what the Town had gotten right and what it needed to think differently about, she said. She wanted to know what did not happen the way the Council wanted it to. Mayor pro tem Anderson said she wanted to have an honest conversation about the BHD without seeming like implicating those who had voted for it.

Mr. Richardson replied staff definitely could return with lessons learned and a look at things that had been changed regarding regulations.

Mayor pro tem Anderson replied that doing so would be an example of how the Town always strives to do better and would not be a criticism of the original project.

Mayor Hemminger said knowing the number of residential units, even if there was only one person per unit, would give an idea of how many people were added to the community. If 1,000 people were added, then the Town would experience increased needs, so it was important to know how many more residential units would be in the BHD, she said.

Council Member Schaevitz praised the staff for its beautiful report, but said she felt manipulated because she was not hearing anything to the contrary. She agreed with Mayor pro tem Anderson on the need to know what was missing and what was coming next, she said. Council Member Schaevitz remarked that only celebrating success made her feel uneasy. She asked that future reports include some action that could challenge the Council and move things forward.

Council Member Gu said the numbers being presented were great but did not match how she felt. The staff presentation showed a large improvement in green space, but she did not see trees when she visited the area, she said, adding that everyone she talked to expresses the same feeling. She said connectivity was a goal but she was not sure how many people were walking or biking through the district. Something was missing; the numbers did not match people's perceptions, said Council Member Gu.

Council Member Parker said Council Members Anderson, Schaevitz and Gu had been commenting on qualitative dimensions that the staff report was not getting at. The numbers seemed to be working, but the Council had heard people did not like the buildings, he said, adding that maybe there was an urban design element the Town did not get right. Maybe the Town got the square footage it wanted, but it was not built in a way that people found congenial and the Town needed to better understand those elements, he said. Council Member Parker pointed out the Town had made changes in block length and building length that the staff report had not captured.

Council Member Stegman reminded other Council members the area being discussed had been just an empty lot with a chain-link fence for many years. She was a nearby resident and that area had been paved over for as long as she had lived there, she said, She pointed out it had not been attractive before and was still a work in progress that was only a couple of years into a longer term. More density and more people living there would lead to bikes and pedestrians walking around, she pointed out. Council Member Stegman said she runs and bikes through the area often and found it much safer, more pleasant, and more connected than before. The Council tends to hear more from people who are unhappy, she said.

Council Member Buansi said he had a wait and see approach and thought the experience people would have in the area was still to be determined. He said he had grown up in nearby Coker Hills and knew some people in his old neighborhood enjoy walking down Elliott Road to the shops. He wanted to hear from citizens about their reactions, he said.

The item was received as presented.

**8. Consider Land Use Management Ordinance Text Amendment - Proposed Revisions to Articles 3 and 4 Related to Conditional Zoning.**

**[\[18-0235\]](#)**

Community Resilience Officer John Richardson presented the Blue Hills District's (BHD) seventh semi-annual report. He gave an update on improvements since the last reports in September and January. In a PowerPoint presentation, he showed key BHD activity centers on a map and presented an update on projects. He said no new permits had been



approved since January, but the Community Design Commission (CDC) had recently approved a zoning compliance permit and design review permit for facade improvements and outdoor amenity space in Village Plaza.

Mr. Richardson noted that Park Apartments, a 300-400 multi-family unit housing development, was at the pre-application stage. Staff anticipated an application would be submitted after roadway discussions had happened, he said. He explained the owner of the Quality Inn property was planning a 97-room True Hotel where the Hong Kong Buffet currently was and that the CDC had done a courtesy review of that. He said the Quality Inn would be demolished, and he described several possible projects that might go in its place.

Mr. Richardson said staff had received a question from Council about affordability metrics and was currently tracking market rate versus below market rate, as well as affordable square footage as a percentage of the total for all new housing. With regard to the net number of affordable units, staff would track that going forward and report on any potential loss or net differential, he said.

Mr. Richardson said the Elliott Road Extension project would go before the Transportation and Connectivity Board on March 27 and the Council on April 25. Staff would be looking at moving from 25 percent roadway design to 70 percent plans, he said. Mr. Richardson showed an area map with roadway improvements and said more details regarding that would be provided on April 25.

Mr. Richardson said the assessed value of the BHD had increased by 71 percent between 2014 and 2017. The Council had asked what percentage of that change could be attributed to development projects that had been permitted or constructed over the last three years, and the staff's estimate, based on tax records, was about 56 percent, he said. He said the number of school-aged children in the BHD had increased by five.

Mr. Richardson discussed projected and actual increases in retail square footage, noting that new square footage was 11 percent above target, at 33,000 square feet. He said 149 AH units had been constructed or permitted in the district, which was halfway to the Town's goal of 300. He pointed out that all 149 had been due to the DHIC project. Mr. Richardson discussed impervious surface treatment and said greenways had increased in the BHD by 177 percent.

Council Member Oates asked about parcels across Elliott Road, by Extraordinary Ventures, that had been pulled out with the idea they would have an AH incentive attached to them. She noted that topography issues had affected that plan and asked if there were other options.

Mr. Richardson replied topography challenges would make it difficult to put in ground floor retail with housing above. In addition, a Rosen and

Associates study on zoning incentives for AH had found the subsidy required to provide AH units in that location would be \$147,000 per unit, he said. With regard to other options, the area was approved for a municipal service district for stormwater, and those districts could potentially serve as a tool for other things and staff was exploring whether AH was one of those options, he said.

Council Member Gu pointed out the greenways improvement report was based on nothing being there to begin with. She said people she had spoken to felt there was not enough greenway space in the area, and she inquired about the goal.

Mr. Richardson explained an extension of the Lower Booker Creek greenway had been there in 2014. He showed on a map where the increases had been and might continue. He pointed out the Council had approved standards for a larger percentage of publicly-dedicated outdoor amenity space and said that should help increase publicly accessible spaces in the district.

Council Member Buansi confirmed with Mr. Richardson that all of the current AH space was rental.

Mayor pro tem Anderson asked where the Town would meet the remaining half of its AH goal for the district.

Mr. Richardson pointed out a Council petition just posed the idea of density bonuses or trade-offs associated with community benefits, and staff was evaluating that.

Mayor pro tem Anderson asked how the Town assessed the cost of services in ways other than the number of school-age children.

Mr. Stancil replied a certain amount of growth could occur without an additional cost of service. The challenge was to define where that point was, which was difficult to do in Chapel Hill since it did not grow through annexation. He said the Town had tried to find a consultant to help figure that out but had not found anyone who could do so.

Mayor pro tem Anderson commented it was not realistic to say there was no cost. She would like to see an estimate, or an asterisk, or something that indicated there was a cost, she said. She then asked how Fordham Apartments being built in the RCD would impact projections regarding flooding and stormwater.

Mr. Richardson replied that that project had been permitted on the basis there would not be a rise of more than six inches as a result of impervious surface or the project itself being added to the space. It was being done in conjunction with a flood mitigation project for Booker Creek, he said.

Mayor pro tem Anderson asked if information about where the Town started in 2014, what it currently had, and what it expected by 2029 would be provided in September.

Mr. Richardson offered to provide that sooner, in the next week or two.

Council Member Bell noted the cost of service had been discussed with other projects and staff had talked about the cost of additional fire and public works services. Additionally, the BHD was not set up to create AH but to increase commercial revenue that would enable the Town to support AH in other parts of Town, she said. She said the Town was well on its way toward meeting the goals of the 25-year BHD project.

Mayor Hemminger said the Town had already exceeded its goal of a certain number of residential units, but it was important to see where the Town was on retail square footage. She noted staff had shown how much progress had been made but had not addressed the goal. The goals had been specifically stated, and she would like to see how the Town was doing with those, she said.

Mayor Hemminger asked if the Park Apartments project was aiming for 700 units, and Mr. Richardson agreed to check that number.

Mayor pro tem Anderson said the report had been helpful regarding the BHD's status but had not provided an overall picture of lessons learned. She did not know how to evaluate what the Town had gotten right and what it needed to think differently about, she said. She wanted to know what did not happen the way the Council wanted it to. Mayor pro tem Anderson said she wanted to have an honest conversation about the BHD without seeming like implicating those who had voted for it.

Mr. Richardson replied staff definitely could return with lessons learned and a look at things that had been changed regarding regulations.

Mayor pro tem Anderson replied that doing so would be an example of how the Town always strives to do better and would not be a criticism of the original project.

Mayor Hemminger said knowing the number of residential units, even if there was only one person per unit, would give an idea of how many people were added to the community. If 1,000 people were added, then the Town would experience increased needs, so it was important to know how many more residential units would be in the BHD, she said.

Council Member Schaevitz praised the staff for its beautiful report, but said she felt manipulated because she was not hearing anything to the contrary. She agreed with Mayor pro tem Anderson on the need to know what was missing and what was coming next, she said. Council Member

Schaevitz remarked that only celebrating success made her feel uneasy. She asked that future reports include some action that could challenge the Council and move things forward.

Council Member Gu said the numbers being presented were great but did not match how she felt. The staff presentation showed a large improvement in green space, but she did not see trees when she visited the area, she said, adding that everyone she talked to expresses the same feeling. She said connectivity was a goal but she was not sure how many people were walking or biking through the district. Something was missing; the numbers did not match people's perceptions, said Council Member Gu.

Council Member Parker said Council Members Anderson, Schaevitz and Gu had been commenting on qualitative dimensions that the staff report was not getting at. The numbers seemed to be working, but the Council had heard people did not like the buildings, he said, adding that maybe there was an urban design element the Town did not get right. Maybe the Town got the square footage it wanted, but it was not built in a way that people found congenial and the Town needed to better understand those elements, he said. Council Member Parker pointed out the Town had made changes in block length and building length that the staff report had not captured.

Council Member Stegman reminded other Council members the area being discussed had been just an empty lot with a chain-link fence for many years. She was a nearby resident and that area had been paved over for as long as she had lived there, she said, She pointed out it had not been attractive before and was still a work in progress that was only a couple of years into a longer term. More density and more people living there would lead to bikes and pedestrians walking around, she pointed out. Council Member Stegman said she runs and bikes through the area often and found it much safer, more pleasant, and more connected than before. The Council tends to hear more from people who are unhappy, she said.

Council Member Buansi said he had a wait and see approach and thought the experience people would have in the area was still to be determined. He said he had grown up in nearby Coker Hills and knew some people in his old neighborhood enjoy walking down Elliott Road to the shops. He wanted to hear from citizens about their reactions, he said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that the Public Hearing be closed, that R-5, R-7, and R-8 be adopted, and that O-1 be enacted. The motion carried by the following vote:

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

**Nay:** 1 - Council Member Oates

## **APPOINTMENTS**

Consider a Process for Recruiting and Selecting Community Members to Participate in the Town Manager Assessment Center.

[\[18-0243\]](#)

Mayor Hemminger said she would send an email to all Council members asking for volunteers and would then choose three, and an alternate, to participate in the Town Manager Assessment Center. She said the group would meet one time, for three or four hours, to narrow down applications. They would then bring a final list back to the full Council by May 2, 2018, she said. Mayor Hemminger explained staff needed the Council to approve a process in order to move forward.

Mayor pro tem Anderson asked if services such as childcare and transportation could be provided for participants.

Assistant Town Manager, Flo Miller, replied that something could be worked out for those four to six people, if needed, and staff would do its best to accommodate.

Mayor Hemminger clarified with Ms. Miller that applications for serving would be available the next day and people would have until April 16 to apply.

Council Member Parker asked if staff intended to proactively recruit.

Ms. Miller replied staff planned to use a process similar to that for recruiting advisory board members. That included contacting the faith community, home owners associations, the Northside community, media outlets, email accounts, and others. The goal would be to hit every area of Town, she said. Ms. Miller encouraged Council members to ask individuals to fill out the application form.

Council Member Stegman suggested contacting "Next Door" as well.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Schaevitz, that R-9 be adopted as amended. The motion carried by a unanimous vote.

## **ADJOURNMENT**

The meeting was adjourned at 11:30 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 Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

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

**Wednesday, April 11, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

### Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

### Other Attendees

Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Housing and Community Assistant Director Sarah Vinas, Director of Planning and Development Services Ben Hitchings, Economic Development Officer Dwight Bassett, Police Officer Rick Fahrer, Deputy Town Clerk Amy Harvey

### OPENING

Mayor Hemminger opened the meeting at 7:00 p.m., using a Congolese rattle that she had obtained at a "Near and Far" culture celebration in the downtown the previous weekend. The celebration had been successful and wonderful, she said.

#### 0.1. Mayor Hemminger Regarding Successes Video.

[\[18-0314\]](#)

Mayor Hemminger introduced a "success story" video about the Town's partnership with the non-profit DHIC to build 149 new affordable housing units.

In the video, Loryn Clark, noted a great housing need for those earning less than 60 percent of the area median income. She explained the Town had provided land and some of pre-development work on a site in the Blue Hills District where DHIC had built a low-income tax credit project.

Mayor Hemminger commented that the apartments had been filled by

families. Construction was underway for additional apartments, which would be for seniors, she said.

## 0.2. Proclamation: Sexual Assault Awareness Week.

[\[18-0315\]](#)

Council Member Oates read a proclamation about the prevalence of sexual assault and the problem of victim-blaming. She stressed the need for violence prevention education and said the Orange County's Sexual Response Team had been bringing various groups together to improve services for survivors. The Orange County Rape Crisis Center, a non-profit organization that had served the community since 1974, had been working to stop sexual violence and its impact through support, education and advocacy, she read. Council Member Oates read that the Council was proclaiming April 2018 as Sexual Assault Awareness Month in Town and encouraged all citizens to support local efforts to respond to those crimes.

Hathaway Pendergrass, a Rape Crisis Center board member, thanked the Council for the proclamation and for providing information about the Center. She said the Center's mission was to stop sexual violence and its impact through support, education and advocacy. The Center offered a round-the-clock hotline, support groups, workshops, community education programs, and a therapy program, Ms. Pendergrass said. She pointed out it had served 712 clients last year and that there had been a 36 percent increase in service to survivors in the last two years. Ms. Pendergrass said information about the Center and its weekly events was available at [ocrcc.org](http://ocrcc.org).

## 0.3. Proclamation: Chapel Hill Volunteers Week.

[\[18-0316\]](#)

Council Member Buansi read a proclamation regarding Volunteer Appreciation Week. The proclamation stressed the value of service to others, noting that volunteers create change in communities and, ultimately, the world. He said volunteers would be recognized for their service and commitment throughout the week and that the Council wished to honor and thank those who give so freely of their valuable time, energy and abilities. Council Member Buansi proclaimed the week of April 15 - 21 to be Volunteers Week in the Town of Chapel Hill and urged all citizens to find opportunities to volunteer.

## **PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS**

### 1. Petitions from the Public and Council Members.

[\[18-0304\]](#)

- a. Transportation and Connectivity Board and Planning Commission Request the Town Adopt a Vision Zero Policy.
- b. Renuka Soll Request for Chapel Hill and Carrboro to Implement a Gun Buyback Program.
- c. Mayor Hemminger Request to Consider Adopting a Resolution Regarding Off-Shore Drilling.

Paul Neebe and Susan Kjemtrup-Lovelace, representing the Transportation and Connectivity Advisory Board, petitioned the Council to adopt a Vision Zero policy to reduce all modes of traffic deaths and serious injuries in Town. Mr. Neebe, board chair, said the Planning Commission had endorsed the policy, which would allow the Town to be proactive. He pointed out that the first priority of local government was to keep its citizens safe, and he showed examples of measures taken in other parts of the country that had to a decrease in fatalities.

Ms. Kjemtrup-Lovelace explained that Vision Zero was a framework for an action plan into which much of what was already being done in Town could be folded. She said the Town's Public Works Department had been looking at relevant software and that Vision Zero would provide a framework for cross-departmental work.

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

b. Renuka Soll Request for Chapel Hill and Carrboro to Implement a Gun Buyback Program.

[\[18-0317\]](#)

Mayor Hemminger said she had recently requested help from local legislators regarding allowing the Town to not have to sell guns that it buys back on the open market. She explained the law had been changed in 2015 to require that guns obtained through the buyback program be sold on the open market. That essentially defeated the purpose of the buyback, and the Town wanted to have the option of destroying them, she said. When such legislation is available, the Town would absolutely be ready to go with the gun buyback program, said Mayor Hemminger.

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

c. Mayor Hemminger Request to Consider Adopting a Resolution Regarding Off-Shore Drilling.

[\[18-0318\]](#)

Mayor Hemminger pointed out that North Carolina's coastline contained two of the most diverse ecosystems in the world, and she stressed the importance of protecting that area. She read a resolution against seismic surveying and drilling for oil and gas off the North Carolina coast. The resolution urged the Trump Administration to honor the request of North Carolina's coastal communities by removing all portions of the Atlantic from the 2019-24 OCS Oil and Gas Leasing Program, she said.

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



d. Elise Fradin Request Regarding Chapel Hill Retirement Residence.

[\[18-0319\]](#)

Elise Fradin, a Chapel Hill resident, expressed concern regarding the Chapel Hill Retirement Residence construction, stating that she and other neighbors did not think the building conformed with the Central West Small Area Plan's principles. She submitted a petition that raised concerns about the effects of extensive blasting on nearby homes, schools and tennis courts and asked the Town to delay the blasting until evidence of its safety has been provided. Ms. Fradin also said the area had been clear-cut of virtually all trees, leaving only a small triangle of tree buffer between the site and the homes behind it.

Julie McClintock, a Chapel Hill resident, expressed support for the petition. She had been involved with the year-long Central West process, but was currently wondering if the Town's planning processes were working, she said. Ms. McClintock pointed out that planning goals had included minimizing negative effects on neighborhoods and the environment, requiring a graceful transition, and more. She did not think the Council had understood when approving the project that there would be blasting, or that every tree would be taken, she said. Ms. McClintock asked what kinds of things the Council could do in the future to ensure that the execution of plans agreed with their original intent.

Vish Viswanathan expressed support for the petition. He said that he, too, had participated in the long Central West planning process. He mentioned several features that had been promised and said it was time to keep those promises if the planning process was to be taken seriously. He asked the Council to keep its end of the agreement and give residents what they had been promised, such as proper traffic facilities, bus stops, and a tree canopy. Otherwise, the planning process did not make any sense, Mr. Viswanathan said.

Council Member Oates recalled that the original design that had come before the council had taken the topography into account. She asked if it was true that there had been a change and that the area was going to be leveled.

Town Manager Roger Stancil agreed to return with information regarding the project.

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

**PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA**

a. Local High School Students Regarding Upcoming National Walkout and Request for Parking.

[\[18-0320\]](#)

Chapel Hill high school students Zac Johnson and Katie Clark told the Council they intend to hold a school walk-out on April 20th at 10:00 a.m. in conjunction with a national walk-out against gun violence. They explained that they would hold a two-hour rally downtown at the Peace and Justice Plaza, and they asked the Council if they could reserve free parking spaces for students on that day.

Mayor Hemminger ascertained that about 200 students were expected at the rally.

Council Member Anderson confirmed with Mr. Johnson that the Council helping to raise funds for parking would be an alternative. She offered to help with that, if free parking could not be made available.

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

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Mayor Hemminger Regarding Orange County Living Wage Employer Award.

[\[18-0321\]](#)

The Mayor said the Town had been certified as an Orange County Living Wage employer. She held up the certificate and said that the Town would celebrate with a big event around Labor Day.

b. Mayor Hemminger Regarding Near and Far Event.

[\[18-0322\]](#)

Mayor Hemminger thanked Town staff and the Town partners who had worked on the "Near and Far" event. She said she was eager to watch that cultural celebration grow.

c. Mayor Hemminger Regarding Duke Energy Kick-off Event in Northside.

[\[18-0323\]](#)

Mayor Hemminger said that a Duke Energy energy-saving program had kicked off in Northside. About 70 families were participating, and the goal was to install energy saving devices in 1300 Northside residences, she said. Mayor Hemminger said the Town was excited that Northside had been chosen for the program.

d. Mayor Hemminger Regarding Municipal Services Building Check-in Meeting.

[\[18-0324\]](#)

Mayor Hemminger noted a Municipal Services Building check-in meeting would occur the next day at 5:30 p.m. at Phillips Middle School.

e. Mayor Hemminger Regarding UNC Science Expo.

[\[18-0325\]](#)

Mayor Hemminger announced a UNC Science Exposition would be held downtown on Saturday, April 14, 2018.

f. Mayor Hemminger Regarding UNC Innovation Summit.

[\[18-0326\]](#)

Mayor Hemminger announced a UNC Innovations Summit would be held the following day at the Friday Center. The event would showcase all kinds of innovative ideas and Council members would attend, she said.

g. Mayor Hemminger Regarding Council Special Meeting.

[\[18-0327\]](#)

Mayor Hemminger pointed out a special meeting of the Council would begin at 5:00 p.m. on Wednesday, April 18th, at Town Hall.

h. Council Member Schaevitz Regarding Carolina Public Humanities Event.

[\[18-0328\]](#)

Council Member Schaevitz mentioned a free public event, hosted by Carolina Public Humanities, regarding disagreements, intolerance and incivility in public life. She encouraged everyone to attend on Friday, April 13th, at Wilson Library. The event would begin with a keynote address at 5:30 p.m., she said.

## CONSENT

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

### *Approval of the Consent Agenda*

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

2. Approve all Consent Agenda Items.

[\[18-0305\]](#)

3. Adopt a Resolution to Authorize the Town Manager to Apply for a Parks and Recreation Trust Fund Grant.

[\[18-0306\]](#)

This item was removed from the Consent Agenda and deferred to a future date.

4. Amend the 2018 Council Calendar.

[\[18-0307\]](#)

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

## INFORMATION

- 
5. Receive Upcoming Public Hearing Items and Petition Status List. [\[18-0308\]](#)

The item was received as presented.

## DISCUSSION

6. OWASA Update: Advanced Metering Infrastructure (AMI) Project Agua Vista. [\[18-0309\]](#)

Todd Taylor, general manager at Orange Water and Sewer Association (OWASA), gave a PowerPoint introduction to Agua Vista, an advanced metering infrastructure project that would improve the efficiency and accuracy of OWASA's meter reading process and customer service. He played a brief video that explained the plan to replace old meters with an advanced AMI metering structure. The changes would improve the accuracy and efficiency of meter reading and billing, he said.

Mr. Taylor explained that OWASA was integrating software and installing the communication network. The process of upgrading approximately 1,500 meters in houses and businesses had begun in March 2018 and would continue until June 2019, he said. He added that OWASA would roll out a web portal for customers to access their own consumption data when about 75 percent of the project has been completed.

Council Member Oates confirmed with Mr. Taylor that OWASA did not plan to lay off any employees. OWASA was committed to retaining all employees through attrition and some, such as utility mechanics, would move to another function within the same job class, Mr. Taylor explained. He said there would be no changes in work schedules or duties as outlined in job descriptions.

The item was received as presented.

7. Consider Authorizing the Town Manager to Enter into a Performance Agreement with El Centro Hispano to Assist with Deferred Action for Childhood Arrival (DACA) Renewal Fees for Chapel Hill Residents. [\[18-0310\]](#)

Sarah Vinas, assistant director for the Office of Housing and Community, gave a PowerPoint presentation regarding DACA (Deferred Action for Childhood Arrivals), an Obama Administration program to protect some undocumented residents from deportation that the Trump Administration had tried to rescind. She noted the Council had adopted a resolution in September 2017 in support of DACA beneficiaries and said that staff was currently recommending a performance agreement to reimburse El Centro Hispano for DACA renewal fees for undocumented Chapel Hill residents.

Ms. Vinas summarized recent legal developments regarding DACA. She noted a federal judge had ordered in January 2018 that the program remain in place. She said the Town had formed partnerships with others to support the estimated 3,000 eligible DACA recipients in Orange County and had co-sponsored a series of community meetings and legal clinics pertaining to DACA renewal.

Ms. Vinas explained El Centro Hispano, which had been assisting with DACA renewals, had asked for support. Staff was recommending that the Council adopt Resolution 5 and authorize the Manager to enter into a performance agreement to help with DACA renewal fees in an amount not to exceed \$5,000, she said. The cost of renewal was \$500, so that amount would support 10 individuals, she pointed out. Ms. Vinas also recommended the Town continue to make its facilities available for community meetings and legal clinics.

Mayor pro tem Anderson asked why more of the 3,000 eligible Orange County residents had not asked the Town for assistance.

Ms. Vinas replied staff planned to work with El Centro Hispano to spread the word that Town assistance was available. One stumbling block had been the need to have an attorney help with the complicated application process, she said.

Eliazar Posada, El Centro Hispano manager, described some of the hurdles and fears that immigrants face. He explained that some were reluctant to spend money on attorney's fees when the current immigration system was so unpredictable.

Mayor pro tem Anderson asked about the Town giving a higher amount, and Ms. Vinas replied that \$5,000 was available in the Housing and Community budget and was the amount that staff felt comfortable with based on changes in other performance agreements that it had made. If that \$5,000 were spent, then the item could come back to the Council for additional resources, she said.

Council Member Buansi asked about the number of available legal clinics and attorneys.

Ms. Vinas replied that the Town had collaborated with El Centro Hispano and the Town of Carrboro on two legal clinics during a period when there had been a greater sense of urgency.

Mr. Posada said there had been two clinics in Orange County and two in Durham. Five or six attorneys donated time, as did eight to ten legal students and a couple of paralegals, he said. He said El Centro recruited experienced DACA recipients as well to provide moral support. In addition, an immigration attorney on El Centro Hispano's staff looked over DACA applications, Mr. Posada said.

Council Member Shaevitz asked if there had been any collaboration with a UNC undocumented students group.

Mr. Posada replied that El Centro Hispano collaborated with student groups at all the local colleges. He said several students from UNC's law school had assisted with Orange County clinics as well.

Council Member Bell confirmed with Mr. Posada that no counties had participated in funding. She asked that El Centro Hispano encourage the Orange County Commissioners to look at supporting the process. Council Member Bell said she shared Mayor pro tem Anderson's concern about the requested \$5,000 being insufficient. The Town needed to start thinking about adding funds to the FY 2019 budget year, she said, adding that offering a higher amount would fit within the Town's values.

Council Member Gu proposed possibly expanding the response by finding out from applicants what additional needs -- legal and otherwise -- they had. She said she supported the request but wondered if some funds should be reserved to respond to changes at the national level.

Mr. Posada replied there was not currently as much urgency as there had been when a DACA renewal deadline was imminent. However, El Centro Hispano did not only do renewals, he said, explaining that they took additional steps to fully screen and analyze an applicant's situation rather than just pushing renewals. Many DACA recipients were eligible for status changes in other ways, and DACA had an immigration lawyer to address that, he pointed out.

Pilar Rocha-Goldberg, El Centro Hispano director, explained that El Centro had hired an immigration lawyer to primarily do screenings to find any path to citizenship. They ended up doing more DACA renewals because of the urgency that had arisen, but that had not been their initial idea, she said. Ms. Rocha-Goldberg pointed out that El Centro had other programs and was receiving some funding from Orange County for those.

Council Member Oates said she had heard that people were afraid to come forward. She was glad that El Centro Hispano had hired a staff attorney, she said, noting that everyone's situation was different. It was good that people could come in and find out exactly what their situation was and what the pathway would be, she said.

Mr. Posada thanked the Council for expressing support for the request. He said the current situation was very dangerous and traumatizing to many in the community, not only DACA recipients. He mentioned an immigration raid that had occurred in the area the previous day and said that El Centro Hispano tried to build a safe space that made people feel welcome and supported. Town resolutions, such as the one being proposed, really did reinforce that idea, he said, and he thanked the Town for its continuing

support.

Council Member Schaevitz noted that April 17, 18 and 19 would be DACA Week on UNC's campus. People from all over the world would be speaking at the event, which would be open to the community, she said.

Mayor pro tem Anderson asked for a friendly amendment that would ask staff to look for additional funding and/or other potential funding sources. She commented that Housing and Community funds were somewhat limited.

A motion was made by Council Member Schaevitz, seconded by Council Member Oates, that R-5 be adopted as amended. The motion carried by a unanimous vote.

**8. Receive the Schools Adequate Public Facilities Ordinance (SAPFO) 2018 Annual Technical Advisory Committee Report.**

**[\[18-0311\]](#)**

Orange County Planning and Inspections Director Craig Benedict presented the Schools Adequate Public Facilities Ordinance (SAPFO) annual report regarding enrollment and capacity in Orange County schools. He noted that there had been a decrease in total enrollment of about 45 elementary school students between 2016 and 2017. The purpose of the report was to identify the need for schools at the elementary, middle and high school and projections had shown no need for new school construction in the next 10 years, he said.

Mr. Benedict explained that a slower rate of growth was expected due to changing Town demographics and growth of charter schools. He mentioned legislative changes (HB13 and HB 20), which would decrease elementary school levels and capacity over time, and said that the school system was monitoring that.

Mr. Benedict pointed out SAPFO had originally anticipated having to build new, larger schools in the future. Although that did not appear to be happening, SAPFO remained a valuable capital investment tool for monitoring needs while moving forward, he said. Mr. Benedict noted that comments from local governments regarding the report were due by April 23, 2018. He said it was on the Orange County Commissioners' agenda for certification on May 15, 2018.

Mayor Hemminger pointed out the Council could not discuss Chapel Hill High School because it was currently under a special use permit.

Council Member Bell confirmed there were currently three or four charter schools in Orange County.

Mayor Hemminger pointed out that elementary school numbers had grown but middle schools counts had not.

Council Member Schaevitz verified with Mr. Benedict that he had not heard about any state funding to support HB13 and HB90. He pointed out that impact from those bills on the Orange County School System was within the County's control. Orange County could delay things and change things within its system through budgetary adjustments, he said.

Council Member Buansi asked how the 10-year growth projections had been calculated.

Mr. Benedict described a mathematical process that tried to reconcile conditions in different schools districts with future employment, future populations, and how much multi-family and single-family split there was for new growth.

Mayor Hemminger noted the Town had been trying to work with the School System to determine possible elementary school sites beyond the couple that had already been slated. She mentioned several potential locations and said she wondered if there might be an opportunity in the Town's northeast corridor in the future.

Mr. Benedict agreed that such an exercise should be undertaken every 10 years or so.

The item was received as presented.

**9. Report on the Millhouse Enterprise Zone and Light Industrial Conditional Zoning District.**

**[\[18-0312\]](#)**

Planning and Development Serviced Director Ben Hitchings gave a PowerPoint presentation on the Millhouse Enterprise Zone. He provided background on the initiative and the Town's goal of having a particular location where local businesses could grow and create new economy jobs that are consistent with the Town's brand. He said the Council had enacted the Light Industrial Zone in April 2017 and approved the first project, Carolina Flex Park, in October 2017.

Mr. Hitchings explained applicants for projects in the Millhouse Enterprise Zone could move through the process faster, but still needed Council approval. He outlined a two-tier application process and showed a sample rezoning plan. He pointed out key features and requirements, such as a 10 percent increase in detention volume for stormwater.

Mr. Hitchings said Carolina Flex Park would encompass 13 acres, with half being for light manufacturing, research and flex space, a quarter for office space, a quarter for self storage. He said that there had been interest in the zone and that staff was recommending continuing the ordinance, as written, for another year.



Council Member Stegman asked if the developer would rent the space to other businesses, or use it itself. Does it matter, she asked.

Mr. Hitchings explained the Carolina Flex Park developer might build the building and lease it or might sell the site to someone else. There were multiple options for what might happen after approval, he said.

Council Member Gu asked how does the application process work for someone who wanted to put a new business in the zone.

Mr. Hitchings explained an applicant would prepare a rezoning plan, identify what uses it would like to have on the property, and prepare an application that would meet the Town's requirements for pursuing a Conditional Rezoning. The applicant would then submit the application, staff would review it, and the Planning Commission would review it and make a recommendation, he said. The application would then go to the Council, and, if approved, the applicant would have a basic entitlement for the site, he said. Mr. Hitchings explained that the applicant might then come forward and propose specific buildings. If those were consistent with the rezoning plan, staff could approve them, he said.

Council Member Gu confirmed with Mr. Hitchings that Town Economic Development Officer Dwight Bassett worked with potential applicants to determine their needs and then talked with staff regarding potential locations for proposed businesses.

Council Member Schaevitz confirmed with Mr. Hitchings a 112-day approval was part of why the process appealed to applicants. She asked if a current hold-up on the final plan application had been due to the applicant not having tenants lined up.

Mr. Bassett replied the developer had been marketing the site and did have prospects. He would be able to share more information with the Council regarding that in the very near future, Mr. Bassett said.

Mayor Hemminger mentioned that companies looking to locate in Town wanted to have something built within 18 months, so shortening the approval process was a benefit to them. In order to be competitive, the Town needed such a process, she said, adding that the Enterprise Zone was in an area of Town where the Council wanted such a district.

Elizabeth Fixler, a Chapel Hill resident, expressed concern that having developers build the property first would lead to the businesses having more expenses that would be reflected in diminishing wages. She asked if the Town could reverse the process and have companies ask to be in the Enterprise Zone first, with developers then having to accommodate those companies. Ms. Fixler said she wondered if the way the Town was proceeding was advisable.

Mayor Hemminger replied the process was the right one for that particular industrial area.

Ms. Fixler mentioned another state where the process was as she had outlined. It had been very successful, and the companies there were more successful because they controlled their own expenses, she said.

Mr. Bassett commented there were options as to whether the property would end up being built specifically for the client. He thought the Town would soon see a proposal for something to locate there, he said. Then there would be a clearer image of whether it would be developed for, or by, the business that would be located there, said Mr. Bassett.

The 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 Council Member Stegman, seconded by Council Member Parker, that the Council Enter Into Closed Session as authorized by General Statute Section 143-318.11(a)(4) to discuss two economic development proposals and as authorized by General Statute Section 143-318.11(a)(6) to receive a report on a personnel matter. The motion carried by a unanimous vote.

### **ADJOURNMENT**

The meeting was adjourned at 9:03 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session.



# TOWN OF CHAPEL HILL

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

## Item Overview

**Item #: 7., File #: [19-0480], Version: 1**

**Meeting Date: 5/22/2019**

### 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.

**Council Goals:** Foundational Program: Govern with quality and steward public assets



#### Attachments:

- [Scheduled Public Hearings <http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/scheduled-agenda-items>](http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/scheduled-agenda-items)
- [Status of Petitions to Council <http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/petition-status>](http://www.townofchapelhill.org/town-hall/mayor-and-council/council-minutes-and-videos/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.

### May 22

- Consider a Land Use Management Ordinance Text Amendment to Establish New Zoning Districts for the Historic Rogers Road Neighborhood.
- Consider a Land Use Management Ordinance Zoning Atlas Amendment to Apply the New Zoning Districts for the Historic Rogers Road Neighborhood.
- Open the Public Hearing: Land Use Management Ordinance Text Amendment to Section 3.11 Regarding Stormwater Management and Affordable Housing in the Blue Hill District.
- Open the Public Hearing: Land Use Management Ordinance Text Amendment to Section 4.5.4 Pertaining to Special Use Permit Modifications.

### June 12

- Consider Adopting the Budget for FY 2019-2020.
- Open the Public Hearing and Consider Renaming the Portion of U.S. Highway 15-501 South between Fordham Boulevard (NC 54) and Dogwood Acres Drive to "South Columbia Street."
- Open the Public Hearing and Consider Approving a Glen Lennox Performance Incentive Agreement
- Consider an Application for Zoning Atlas Amendment, Fire Station Training Center, 6902 Millhouse Road.

# 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 at [Council Meetings, Agendas, Minutes and Videos](#).

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
05/08/2019	Rebecca Ceresse	<a href="#">Regarding Resolution in Support of HR1384.</a>	Town Manager <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707 Mayor <a href="#">Pam Hemminger</a> , Mayor Phone: 919-968-2714	
04/24/2019	Cobb Terrace Residents	<a href="#">Petition Regarding Rooming Houses in the R-3 Zoning Districts.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Staff is preparing information to respond to this request.
04/24/2019	Board of Adjustment	<a href="#">Request Regarding Neighborhood Conservation District Ordinances.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Staff is preparing information to respond to this request.
04/17/2019	Amy Ryan for Planning Commission	<a href="#">Commission Regarding Site Plan Review Process.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Staff is preparing information to respond to this request.
04/10/2019	Climate Reality Group	<a href="#">Request for Council Support of a Resolution Seeing a Local, State, and National Goal of 100% Clean Energy by 2050 and the Creation of Green Jobs.</a>	Town Manager <a href="#">Ross Tompkins</a> , 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
04/10/2019	Council Member Anderson	<a href="#">Regarding Meeting Minutes and Archives.</a>	Communications & Public Affairs <a href="#">Sabrina Oliver</a> , Communications & Public Affairs Director Phone: 919-968-2757	Staff is preparing information to respond to this request.
03/20/2019	Cheri Hardman	<a href="#">Request to Explore Local Control over Transit Planning and Funding.</a>	Transit <a href="#">Brian Litchfield</a> , Transit Director Phone: 919-969-4908	Staff is preparing information to respond to this request.
03/06/2019	Environmental Stewardship Advisory Board	<a href="#">Request to Modify the Blue Hill Form Based Code to Include a Requirement for Installing Roof-Mounted Solar Energy Systems</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731 Town Manager <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	Staff will look at incorporating this request into future modifications to the Blue Hill Form Based Code.
02/13/2019	David Adams and Julie McClintock	<a href="#">Regarding Evaluation of Town Transportation Needs.</a>	Transit <a href="#">Brian Litchfield</a> , Transit Director Phone: 919-969-4908 Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Staff is preparing information to respond to this request.
02/13/2019	Citizens	<a href="#">Request Regarding Coal Use and Coal Ash.</a>	Town Manager <a href="#">Ross Tompkins</a> , 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
01/30/2019	Jeff Charles	<a href="#">Request Regarding Police Participation in Review Process of New Developments.</a>	<b>Planning &amp; Development Services</b> <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	The Police Department already participates on the staff Technical Review Team that looks at proposed new development during the application process. Staff will continue to include recommendations related to law enforcement and public safety.
01/16/2019	Ann Loftin	<a href="#">Petition Regarding Flooding in Briarcliff and Ridgefield.</a>	<b>Public Works</b> <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Staff is preparing information to respond to this request.
01/16/2019	John Morris	<a href="#">Regarding GoTriangle Meetings and Materials.</a>	<b>Planning &amp; Development Services</b> <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731 <b>Transit</b> <a href="#">Brian Litchfield</a> , Transit Director Phone: 919-969-4908	Staff is preparing information to share with GoTriangle.
12/05/2018	Paul Pritchard	<a href="#">Request to Defer Reforestation at Cleland, Rogerson, and Oakwood Intersection.</a>	<b>Parks &amp; Recreation</b> <a href="#">Linda Smith</a> , Interim Director Parks and Recreation Phone: 919-968-2849	This topic was added to the 01/15/19 agenda of the Parks, Greenways and Recreation Commission, with time allocated for the neighbors to speak. Another public meeting will be scheduled later in the year.
11/07/2018	Jeff Charles	<a href="#">Request Regarding Offering Toxicology and Public Safety Expertise.</a>	<b>Town Manager</b> <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	Following a published Request for Proposals and a review of qualified firms, the Town contracted with Duncklee and Dunham, P.C. to perform human health and ecological risk assessment services.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
10/24/2018	Justice in Action Committee	<a href="#">Request Regarding a New Location for the Teen Center of Chapel Hill.</a>	<b>Housing &amp; Community</b> <a href="#">Loryn Clark</a> , Executive Director Phone: 919-969-5076 <b>Community Arts and Culture</b>	A staff workgroup, in coordination with the Mayor's Office, has been gathering data and seeking input from teens, service providers, and other stakeholders. The Council received an update on this initiative at their 01/30/19 business meeting.
10/24/2018	Jeff Charles	<a href="#">Regarding Extended Speaking Time for Individuals with Disabilities.</a>	<b>Mayor</b> <a href="#">Pam Hemminger</a> , Mayor Phone: 919-968-2714 <b>Town Manager</b> <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	Staff is preparing information to respond to this request.
10/24/2018	Susana Dancy	<a href="#">Regarding Town-owned Properties in Southern Area.</a>	<b>Planning &amp; Development Services</b> <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	At the Council's request, Town staff organized a public meeting on 04/25/19 to review the history of past planning efforts, as well as water and sewer service in the area, and to take public comment about the future direction of southern Chapel Hill.
10/10/2018	Jeff Charles	<a href="#">Regarding Creating Citizen Advisory Board for Seniors.</a>	<b>Town Manager</b> <a href="#">Ross Tompkins</a> , 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
09/19/2018	Julie McClintock of CHALT	<a href="#">Regarding Land Use Intensification.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731 Public Works <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Staff will include the Town's new Resiliency Map as part of the map series for the Future Land Use Map. Staff is preparing information to respond to the additional requests in this petition.
06/27/2018	Susanne Kjemtrup / Brian Hageman	<a href="#">Transportation and Connectivity Advisory Board Request for an Electric Vehicle Provision in the Land Use Management Ordinance.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Staff is preparing information to respond to this request.
06/13/2018	Ondrea Austin	<a href="#">CHALT's Request to Revise the Tree Ordinance.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Staff is preparing information to respond to this request.
06/13/2018	Mayor pro tem Jessica Anderson	<a href="#">Request to Amend Bus Advertising Policy.</a>	Transit <a href="#">Brian Litchfield</a> , Transit Director Phone: 919-969-4908	At their 01/22/19 meeting, the Chapel Hill Transit Public Transit Committee considered the draft nonpublic forum transit advertising policy in order to provide feedback to the Chapel Hill Town Council on the option of amending the policy.
06/13/2018	Mayor Pam Hemminger	<a href="#">Regarding Reviewing Policies, Procedures, and Practices for Development.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Staff is preparing information to respond to this request.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
03/14/2018	Council Members Anderson, Gu, and Schaevitz	<a href="#">Request Regarding Addressing Blue Hill District Community Interests.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	At the 06/27/18 business meeting, the Council enacted ordinance amendments to encourage non-residential development and address building size in the district. Remaining items are scheduled to come to Council in early 2019.
11/29/2017	Council Members Anderson and Parker	<a href="#">Regarding East Rosemary Street Design Guidelines.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731 Town Manager <a href="#">Ross Tompkins</a> , Assistant to the Town Manager Phone: 919-968-2707	Staff will engage with an Urban Designer at the start of review for any projects that come forward.
09/06/2017	Tom Henkel from the Environmental Stewardship Advisory Board	<a href="#">Request for Modification to the Ephesus-Fordham Form-Based Code for the Purposes of Energy Efficiency.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Where feasible, modifications will be considered as part of the development process for the Blue Hill Design Guidelines.
01/23/2017	Transportation and Connectivity Advisory Board	<a href="#">Request to Support Low/No Vision Guidelines to be Included in the Town's Engineering Manual as Stated in the April 11, 2016 Petition to Council</a>	Public Works <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100 Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Request incorporated into process to update Public Works Engineering Design Manual.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
11/07/2016	Mayor Hemminger	<a href="#">Regarding Parking and Transit Needs in Downtown Area.</a>	<b>Planning &amp; Development Services</b> <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731 <b>Police</b> <a href="#">Chris Blue</a> , Police Chief Phone: 919-968-2766 <b>Public Works</b> <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	The Council received an update on these items at their February 2019 work session. The next update on the design of the Wallace Parking Deck addition will occur in early 2019.
11/07/2016	Heather Payne	<a href="#">Regarding Development Proposed at 111 Purefoy Road.</a>	<b>Planning &amp; Development Services</b> <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731 <b>Town Attorney</b> <a href="#">Ralph Karpinos</a> , Attorney Phone: 919-968-2746	At its 10/16/18 meeting, the Planning Commission denied the applicant's request for site plan approval. On February 21, 2019 the Board of Adjustment reversed the Planning Commission and approved the site plan request.
05/09/2016	Stormwater Management Utility Advisory Board	<a href="#">Request for Orange County Commissioners to Increase Staffing in Soil and Erosion Control Division and Improve Efficiency of Temporary Soil Erosion and Sediment Controls During Construction.</a>	<b>Public Works</b> <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Petition forwarded to Orange County. Consider changes to soil erosion and sediment control as part of Public Works Engineering Design Manual updates.
04/11/2016	Transportation and Connectivity Advisory Board	<a href="#">Request for Senior Citizen Pedestrian Mobility and Complete Street Implementation</a>	<b>Public Works</b> <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Request incorporated into process to update Public Works Engineering Design Manual.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
04/11/2016	Transportation and Connectivity Advisory Board	<a href="#">Request to Incorporate Proposed No-Vision and Low-Vision Pedestrian Facilities Guidelines into Design Manual and Development Code as Required</a>	Public Works <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Request incorporated into process to update Public Works Engineering Design Manual.
02/22/2016	Ken Larsen	<a href="#">Regarding Town Formulas for Development Parking Space</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Referred to the Future Land Use and Land Use Management Ordinance rewrite process, which began in Fall 2017.

Last modified on 5/17/2019 3:15:05 AM



# TOWN OF CHAPEL HILL

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

## Item Overview

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**Item #: 8., File #: [19-0481], Version: 1**

**Meeting Date: 5/22/2019**

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**Consider Adopting Land Use Management Ordinance Text Amendments to Establish New Zoning Districts for the Historic Rogers Road Neighborhood.**

See the Staff Report on the next page.

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

PRESENTER: Corey Liles, Principal Planner  
Caroline Dwyer, Renaissance Planning Group

- 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 1) close the public hearing; 2) adopt the Resolution of Consistency with the Comprehensive Plan; and 3) enact Ordinance A to amend Sections 3.4, 3.5, 6.24, 6.25, 6.26, Appendix A and Tables 3.7-1 and 3.8-1 of the Land Use Management Ordinance.



CONSIDER ADOPTING LAND USE MANAGEMENT ORDINANCE TEXT  
AMENDMENTS TO CHAPTERS 3 AND 6 AND APPENDIX A TO ESTABLISH NEW  
ZONING DISTRICTS FOR THE HISTORIC ROGERS ROAD NEIGHBORHOOD.

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

Ben Hitchings, Director

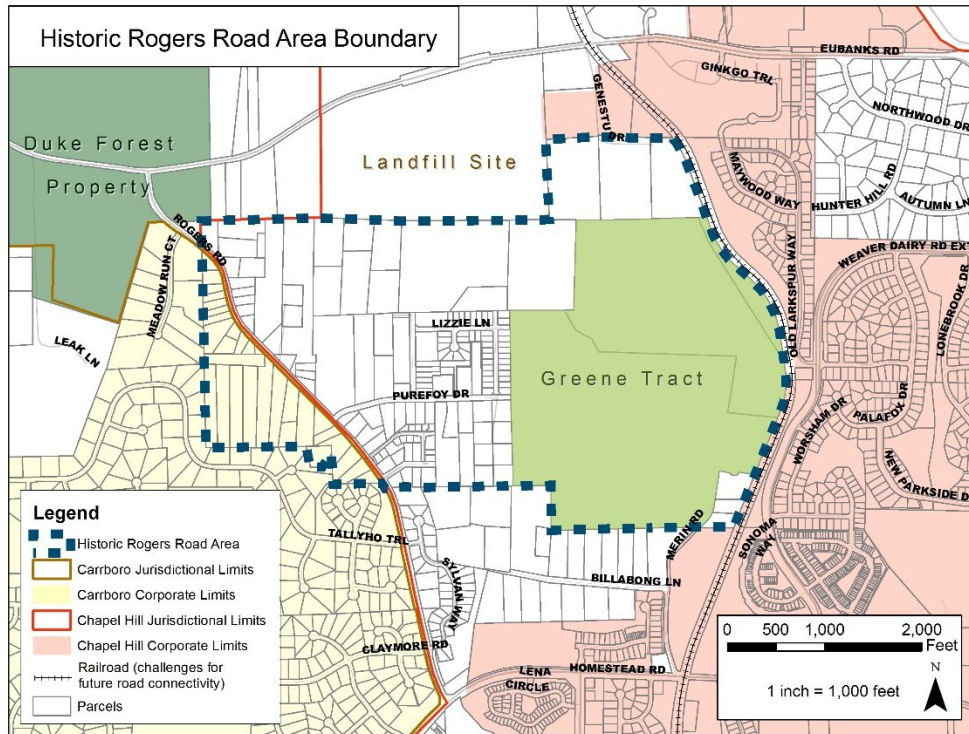
Corey Liles, Principal Planner

PROPERTY ADDRESS Historic Rogers Road Neighborhood (see map below)	BUSINESS MEETING DATE May 22, 2019	REQUESTED BY Town of Chapel Hill
STAFF RECOMMENDATION That the Council 1) close the public hearing; 2) adopt the Resolution of Consistency with the Comprehensive Plan; and 3) enact Ordinance A to amend Sections 3.4, 3.5, 6.24, 6.25, 6.26, Appendix A and Tables 3.7-1 and 3.8-1 of the Land Use Management Ordinance		
ITEM OVERVIEW The Towns of Chapel Hill and Carrboro have partnered on a project to establish new zoning standards for the Historic Rogers Road Area. This effort is designed to reflect the interests of residents and implement the recommendations of <a href="#">Rogers Road: Mapping Our Community's Future</a> <sup>1</sup> .	UPDATES SINCE PUBLIC HEARING Staff have updated the following topics in the proposed Text Amendment <ul style="list-style-type: none"> <li>• Street location standards</li> <li>• Affordability standards for Triplexes</li> <li>• Standards for location and operation of Major Home Occupations</li> <li>• Clarification of standards for Recreation Area, Buffers, and Signage</li> <li>• Enabling Conditional Use Districts to support SUP review</li> </ul>	
PROJECT OVERVIEW & BACKGROUND The Historic Rogers Road area of northwest Chapel Hill and northern Carrboro extends from Homestead Road to Eubanks Road. It is a legacy community with settlement dating back to the 1700s. From 1972 through 2013, the Orange County Regional Landfill operated nearby. The Chapel Hill portion of the neighborhood is located outside municipal limits in the Town's Extra-Territorial Jurisdiction (ETJ).  Community members authored a report titled Rogers Road: Mapping Our Community's Future in May 2016. The report recommended that development should retain long-term residents, create connections with the larger community, preserve socioeconomic and cultural diversity for the future, and respect the physical/natural character of the neighborhood. It identified new zoning for the community as a primary action tool for implementing these recommendations.  Initiated in Fall 2018, the Rogers Road Zoning Initiative involved a series of public meetings at the RENA Community Center, a market analysis to better understand opportunities for businesses, a draft zoning code that responds to community interests, and a draft zoning map that would apply the zoning code to properties in the Historic Rogers Road Neighborhood. Town Council opened the <a href="#">Public Hearing on April 17, 2019</a> <sup>2</sup> and received public comment on the proposed zoning. The ordinance has since been amended according to the updates described in the Technical Report.	PROCESS <ol style="list-style-type: none"> <li>1. Consultant Background Review Sept.-Nov. 2018</li> <li>2. Community Engagement Oct. 2018-Jan. 2019</li> <li>3. Draft Zoning Strategies December 2018</li> <li>4. Council Update February 2019</li> <li>5. Draft Zoning Code February 2019</li> <li>6. Additional Community Engagement March 2019</li> <li>7. Advisory Board Review March 2019</li> <li>8. Planning Commission Recommendation April 2019</li> <li>9. Open Council Public Hearing April 2019</li> <li>10. Close Hearing and Consider Action May 2019</li> </ol> <p>The Town of Carrboro is conducting a parallel process to consider similar new zoning standards for the portion of the neighborhood in their jurisdiction.</p> <p>The Land Use Management Ordinance establishes the intent of Text Amendments by stating that, "In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town it is intended that this chapter shall not be amended except:</p> <ul style="list-style-type: none"> <li>• to correct a manifest error in this chapter; or</li> <li>• because of changed or changing conditions in a particular area or in the jurisdiction generally; or</li> <li>• to achieve the purposes of the Comprehensive Plan."</li> </ul>	

<sup>1</sup> <https://www.townofchapelhill.org/home/showdocument?id=34438>

<sup>2</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=621448&GUID=6C649802-698B-47A7-80EE-A37E1D9B0810> (see item 4)

## PROJECT LOCATION



## FISCAL IMPACTS &amp; RESOURCES

The project zoning consultant, Renaissance Planning Group, Inc., is developing Rogers Road Zoning Standards under a contract with the Town of Chapel Hill for \$47,755.

The project market study consultant, Business Street, completed a market analysis for the Rogers Road area under a contract with the Town of Chapel Hill for \$15,000.

The Town of Carrboro will reimburse the Town of Chapel Hill 25% of the costs incurred under these two contracts, based on the terms of a Memorandum of Understanding. The share of costs for the Town of Chapel Hill draws from previously budgeted funds.

## ATTACHMENTS

1. Draft Staff Presentation
2. Technical Report
3. Resolution of Consistency with the Comprehensive Plan
4. Ordinance A (Enacting the Text Amendment)
5. Resolution B (Denying the Text Amendment)
6. Planning Commission Recommendations





# Rogers Road Zoning Text Amendments



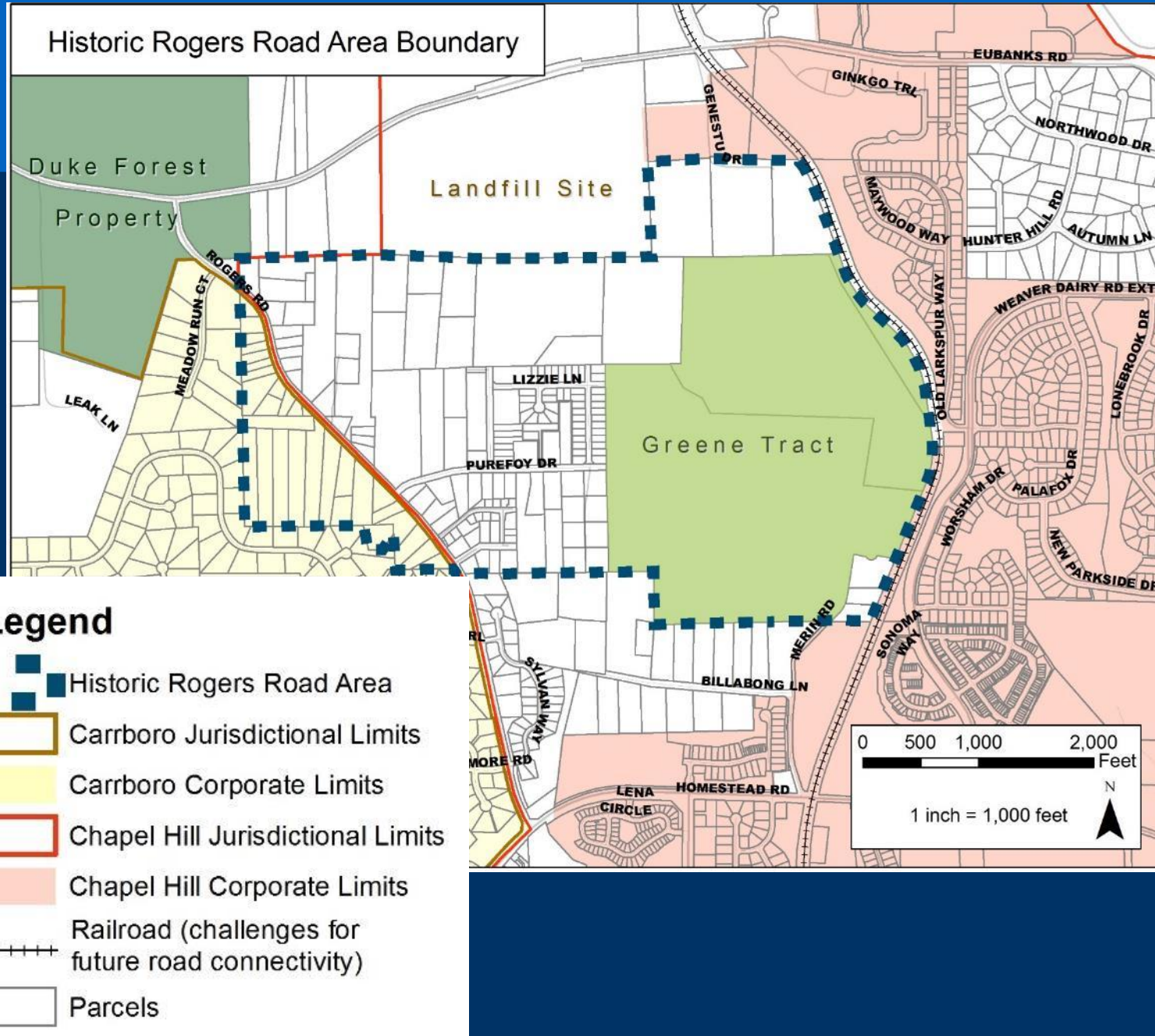
**Council Business Meeting**  
May 22, 2019

DRAFT

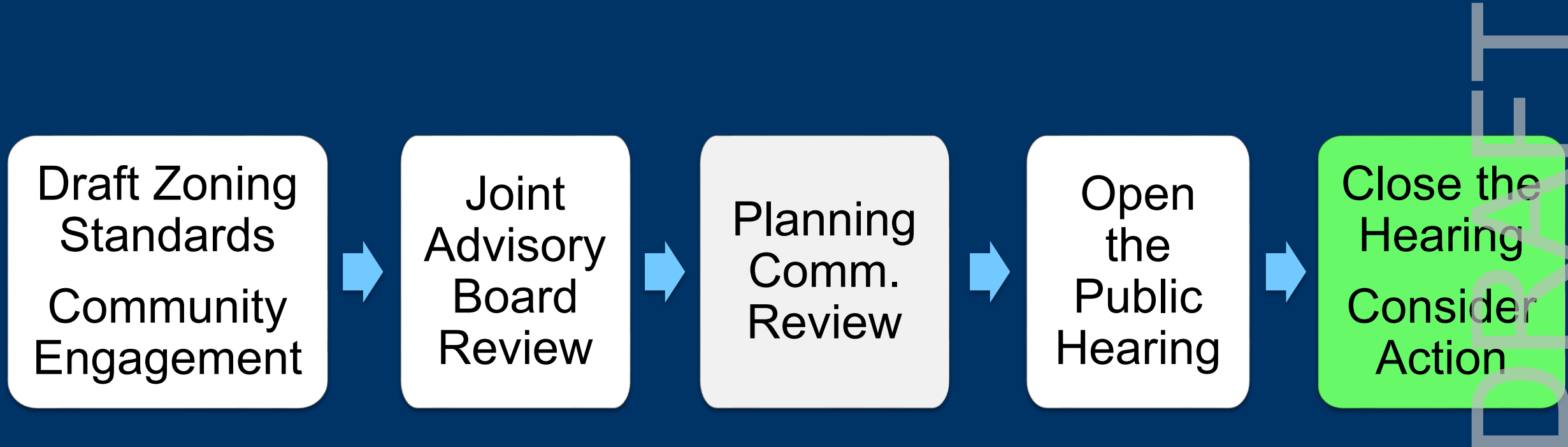


# Study Area

- Northwest Chapel Hill / Northern Carrboro
- Settlement dates back to 1700's
- Adjacent to former landfill site



# Where is this item?



Parallel review underway in Carrboro

# Staff Recommendation

- Close the Public Hearing
- Adopt Resolution of Consistency with the Comprehensive Plan
- Enact the Text Amendment Ordinance

DRAFT

# HISTORIC ROGERS ROAD NEIGHBORHOOD

## Chapel Hill Town Council

MAY 22, 2019



ZONING FOR A STRONG AND CONNECTED  
NEIGHBORHOOD



DRAFT

# AGENDA

- Recap
- Context
- Revisiting MOCF
- Changes since public hearing
- Home occupations
- Common feedback & responses



# PROJECT RECAP

DRAFT

# PURPOSE

Develop appropriate zoning standards for the Rogers Road neighborhood –  
**keep what you love, add what you need.**

DRAFT



# PROCESS

**Timeline:** September 2018- May 2019

**Engagement:** Six public meetings, zoning info posters, glossary, Vision Book

**Work products:** Background memo, outline, strategies report , draft/final ordinance, graphic summary document

DRAFT



# ZONING RECOMMENDATION

## Establish the Historic Rogers Road Neighborhood Zoning District

- New base zoning district
- Create “character areas” to address nuances in the neighborhood
- Honor the goals, vision, and stated needs of *Mapping Our Community’s Future*

DRAFT

# ZONING SUB-DISTRICTS

## MAPPED DISTRICTS:

**Residential Low Density (HR-L):** Protects character of existing lower-density areas while providing for compatible new development

**Residential Medium Density (HR-M):**  
Designates appropriate areas for medium-density residential development

DRAFT

# ZONING SUB-DISTRICTS

## UN-MAPPED DISTRICTS:

### **Housing & Employment Mixed Use (HR-X)**

Provides nodes in the neighborhood with a broader range of housing and employment options

### **Conservation (HR-C)**

Preserves and protects environmentally sensitive areas, as well as lands under joint management by the Town of Chapel Hill and Orange County.

DRAFT

### Legend

- HR District Boundary
- Parcel Lines
- Roadways

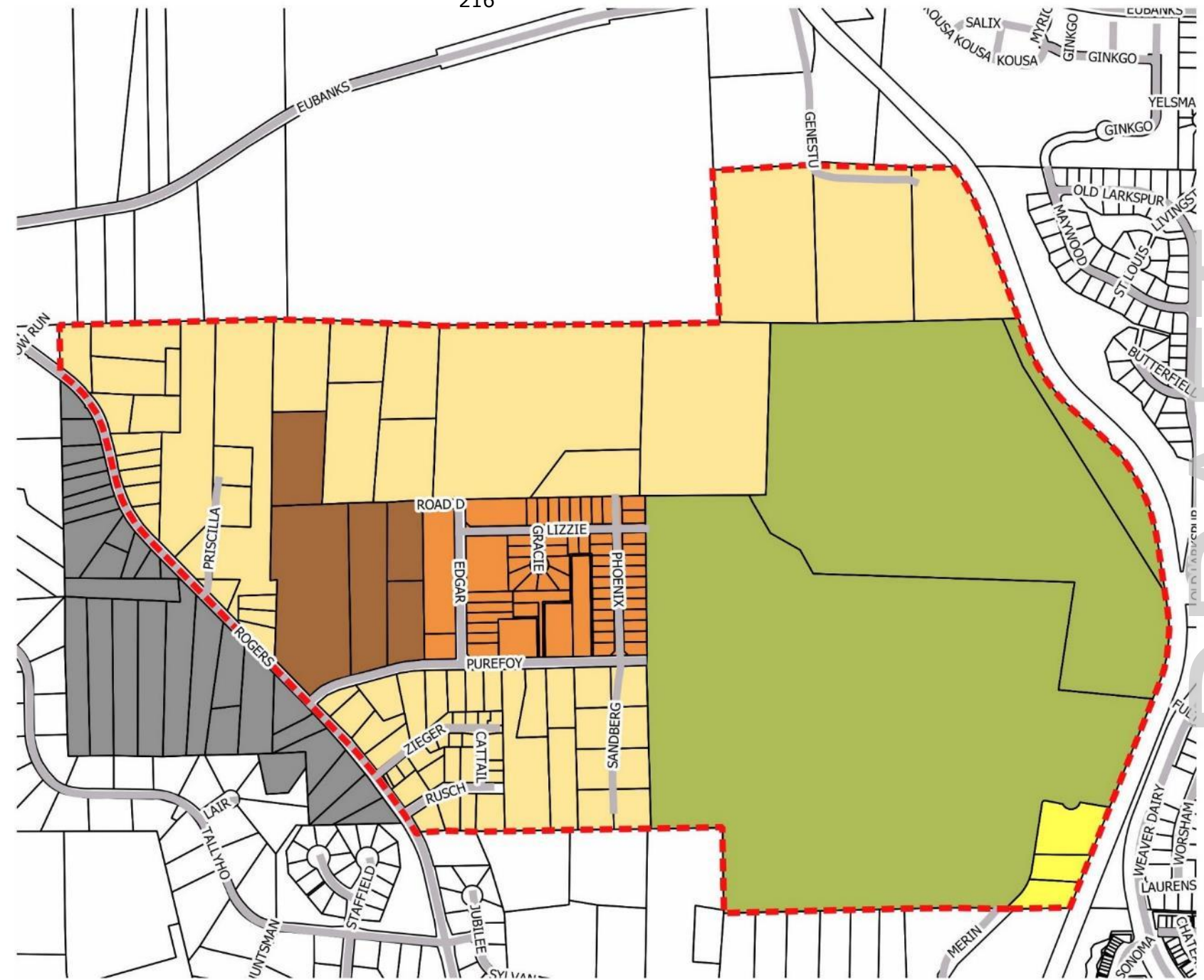
### HR Subdistricts

- HR-L
- HR-M
- R-1
- RT
- R-5-C
- HR-C
- HR-X

Carrboro Jurisdiction  
Parallel HR District



1:10000



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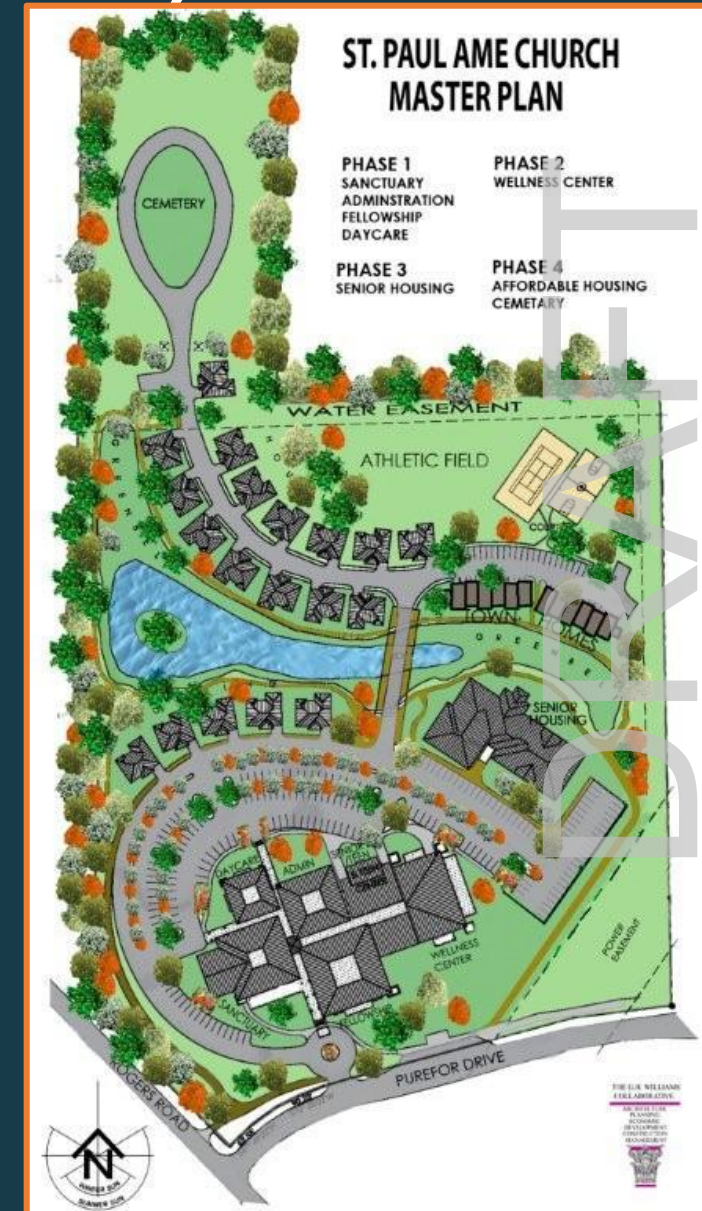
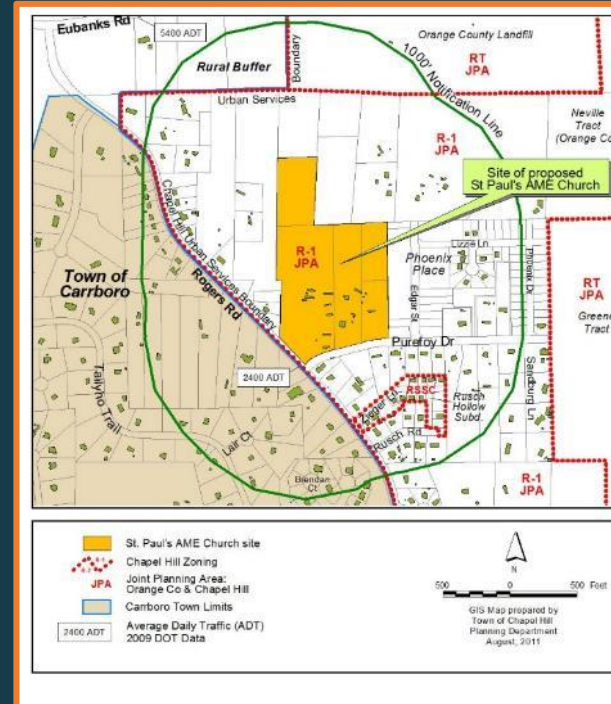
# CONTEXT

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# ST. PAUL VILLAGE (SUP)

- Existing SUP located within the Rogers Road neighborhood
- R-5-C zoning – no proposed change



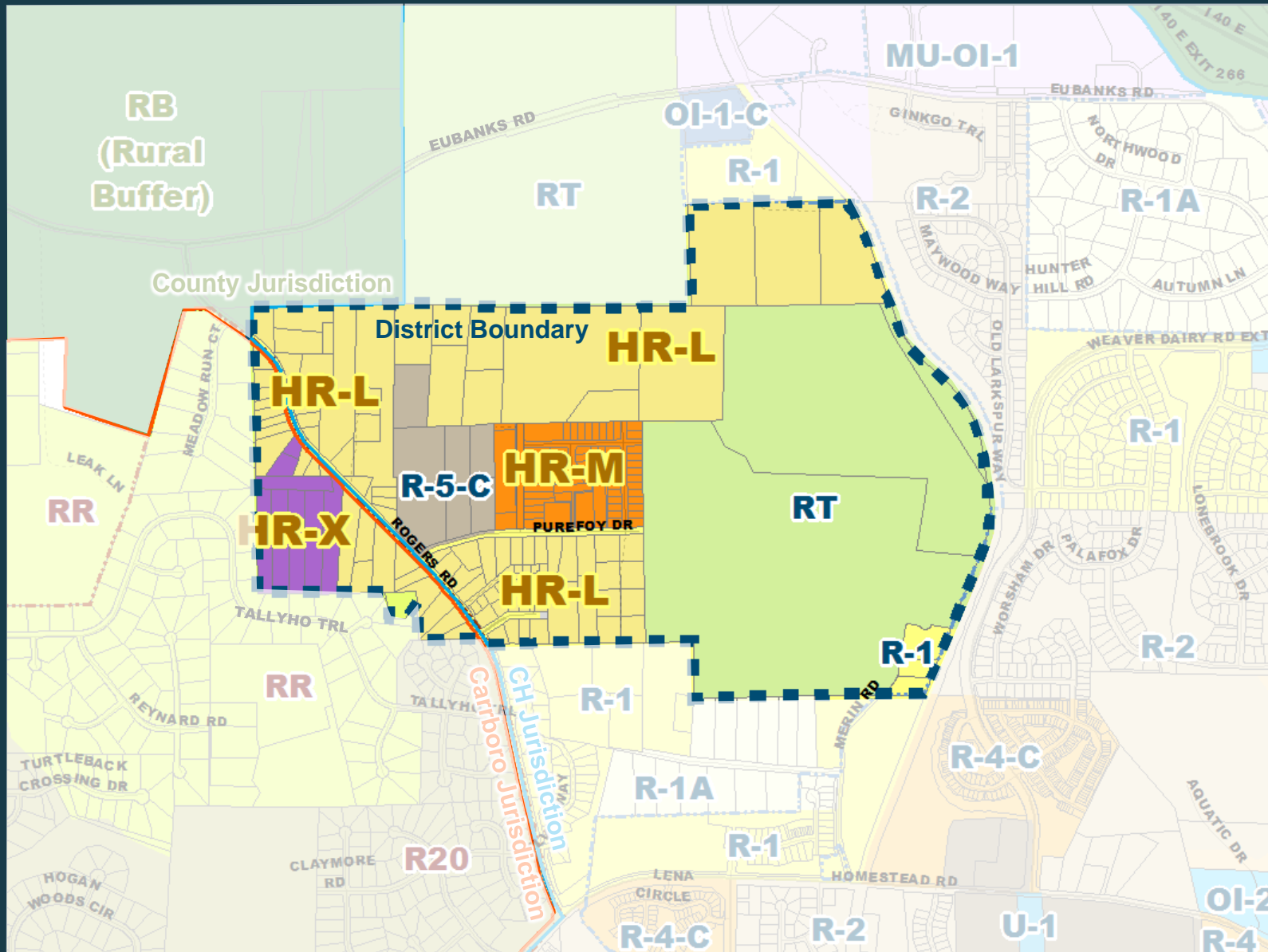
# GREENE TRACT

- Ongoing discussion of future land uses
- RT zoning – no proposed change



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# SURROUNDING ZONING



No rezoning proposed:

- St Paul Village
- Greene Tract
- Inman lots

DRAFT



# MAPPING OUR COMMUNITY'S FUTURE

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# MAPPING OUR COMMUNITY'S FUTURE



Retain families who have lived here for decades/  
generations



Connect us with each other and the larger  
community



Preserve socioeconomic and cultural diversity  
for the future



Respect the physical/natural character of the  
neighborhood



Rogers Road:  
Mapping our Community's Future

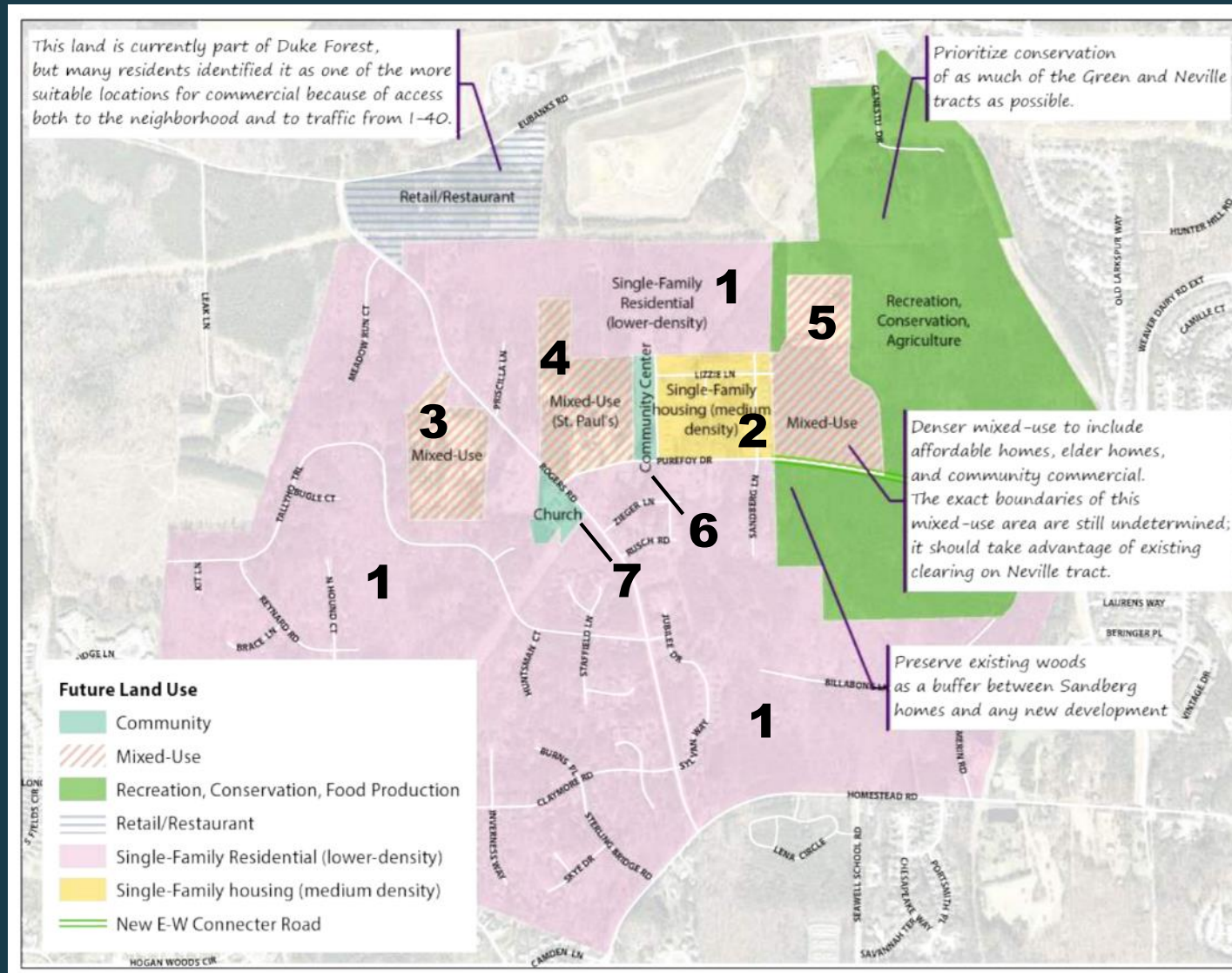
MAY 2015

The completion of an intensive 9-month planning effort with community stakeholders  
to create a shared vision for Rogers Road development for the next 20 years & beyond.

DRAFT

# FUTURE LAND USE MAP

## MAPPING OUR COMMUNITY'S FUTURE



**1 Single-Family Residential (lower density)**

**2 Single-Family Residential (medium density)**

**3,4,5 Mixed Use**

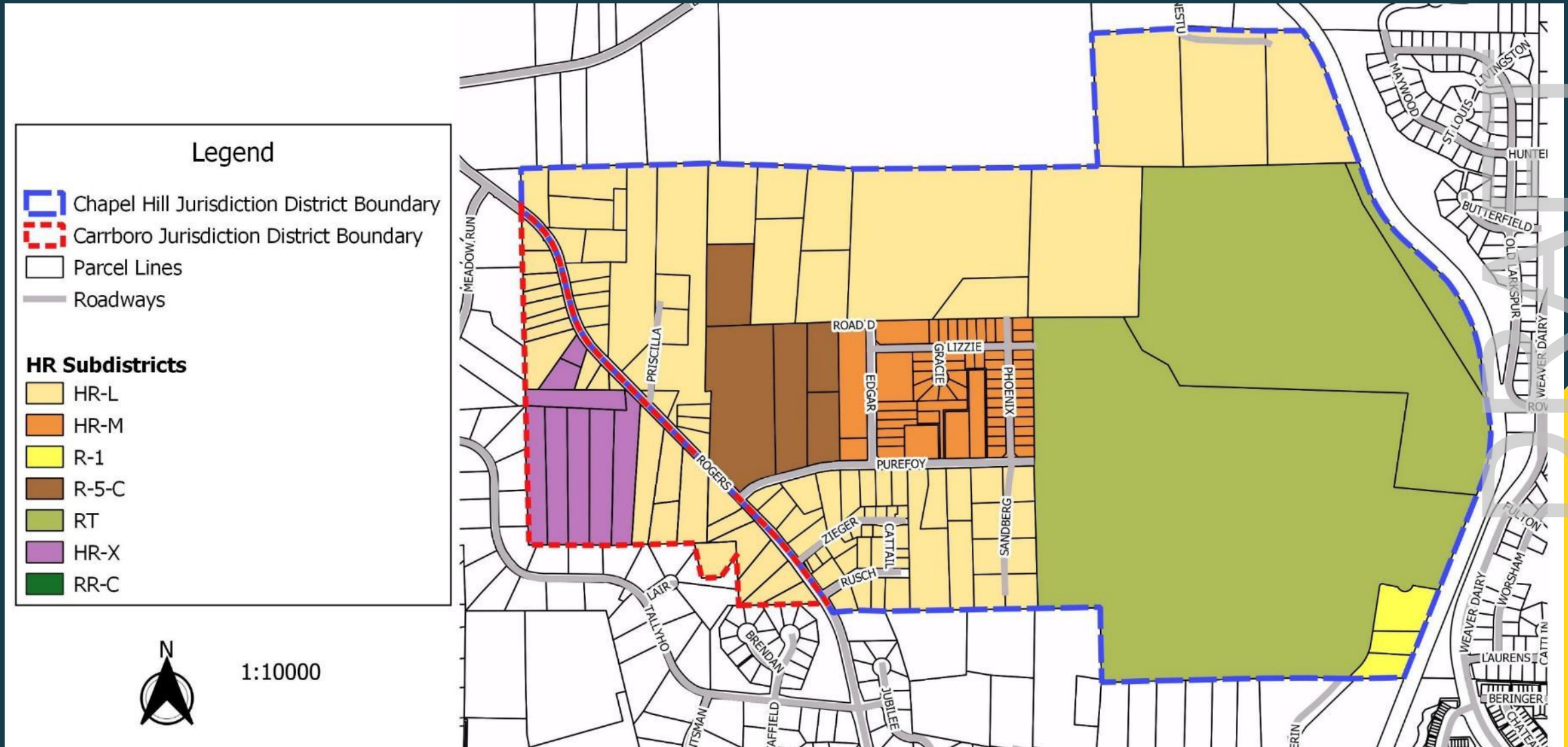
**6,7 Community Center; Church**

DRAFT



# HISTORIC ROGERS ROAD ZONING DISTRICT MAP

224





Retain families who have lived here for decades/  
generations

- Diverse housing (ADUs, duplexes) supports affordability and aging-in-place
- Increased density in exchange for attainable housing
- More neighborhood opportunities for small business creating economic opportunity (home occupations; HR-X district)

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Connect us with each other and the larger community

- Standards support walkability, connectivity, and informal interactions (maximum setback, block length)

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Preserve socioeconomic and cultural diversity  
for the future

- Diverse housing to support affordability (ADUs, duplexes) and aging-in-place
- More neighborhood opportunities for small business providing access to essential services (HR-X, expanded home occupation definitions)

DRAFT



Respect the physical/natural character of the neighborhood

- Context-appropriate design (home size, setbacks, density)
- Open spaces (conservation district, density, lot size)

DRAFT



# CHANGES SINCE PUBLIC HEARING

DRAFT

# CHANGES

## Billabong Lane

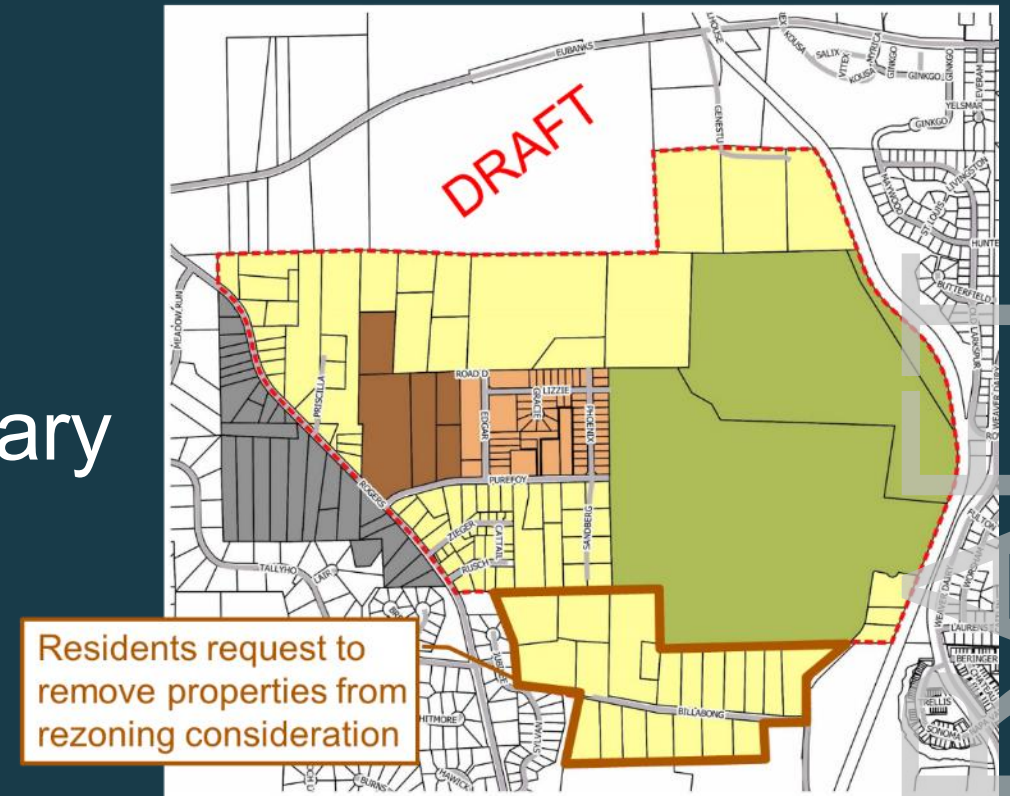
- Lots on both sides excluded from rezoning and district boundary

## Inman lots

- Excluded from rezoning (3 lots to the southeast of the Greene Tract, at the end of Merin Rd.)

## Street locations

- Text-based standards only
- Ensure new streets located to serve lots on both sides



# CHANGES

## Major home occupations:

- Allow cantilevered signs
- Remove lot size requirement
- Nuisance activities must either meet 60 ft setback OR must be fully enclosed/indoors
- Remove prohibited business types



# CHANGES

## **Triplexes:** Added affordability requirement

Permitted for **nonprofit** tax exempt organizations involving permanent residential development in which annual **documentation is provided** that 100% of the dwelling units will be occupied by **low-moderate income** households (less than 80% AMI) in perpetuity

DRAFT

# HOME OCCUPATIONS

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# MAJOR VS. MINOR HOME OCCUPATIONS

	MAJOR	MINOR
<b>Zoning Permit</b>	Required	Required
<b>Employees</b>	Limit of 6 non-resident FTEs	Limit of 1 non-resident FTE
<b>Size</b>	≤ 50% heated square footage of home (not including accessory structures)	≤ 35% and/or ≤ 750 sq. ft. of DU floor area + accessory structures
<b>Location of Business Activities</b>	Must meet setback requirements OR be fully enclosed/indoors	No external evidence of home occupation
<b>Traffic/ Parking</b>	<ul style="list-style-type: none"> <li>• Off-street parking for all business-related vehicles</li> <li>• No more than 3 business-related vehicles visible from roadway/adjacent lots</li> <li>• Business-related vehicles beyond 3 must be parked onsite and screened (Type C buffer or 6' opaque fence/wall)</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 3 vehicles parked at anytime on- or off-street (non-residential)</li> <li>• No regular pick-up/delivery by commercial vehicles</li> <li>• No excessive traffic/parking</li> </ul>

# MAJOR VS. MINOR HOME OCCUPATIONS

	MAJOR	MINOR
<b>Signage (non-illuminated)</b>	Wall sign ( $\leq 8$ sq ft) OR Cantilevered ground sign ( $\leq 4$ sq ft)	Wall signage ( $\leq 4$ sq. ft.)
<b>Prohibitions</b>	<ul style="list-style-type: none"> <li>The sale of goods incidental to a service is permitted (ie shampoo in a salon)</li> </ul>	<ul style="list-style-type: none"> <li>No noise, vibration, odor, glare, or electrical or communication interference detectable off the lot / outside the dwelling</li> <li>The sale of goods incidental to a service is permitted</li> </ul>
<b>Screening/ Buffering</b>	Screen outdoor storage of materials/equipment with Class C buffer or 6' opaque fence/wall	N/A
<b>Hours of Operation</b>	No noise, vibration, odor, dust, light or glare between 6 PM and 8 AM	N/A
<b>Events</b>	Allowed 1 per year	N/A

# COMPARISON TO PEER<sup>236</sup> COMMUNITIES

## Typical Ordinance Provisions for Major Home Occupations

### INCLUDED IN PROPOSED ZONING:

- ✓ Permit required
- ✓ Limit number of off-site employees
- ✓ Limit size of business space
- ✓ Limit number of generated trips, parking, and/or customer visits
- ✓ Limit or prohibit signs
- ✓ Limit on-site sale of goods
- ✓ Limit or prohibit storage of equipment and vehicles
- ✓ Restrictions on nuisances (noise, glares, odor, dust, etc)

### NOT CURRENTLY PROPOSED:

- Prohibited business types
- Limit or prohibit use of accessory structures
- Minimum lot size

### COMMUNITIES STUDIED

Orange County

Gastonia

Raleigh

Greensboro

Winston-Salem



# FEEDBACK & RESPONSES

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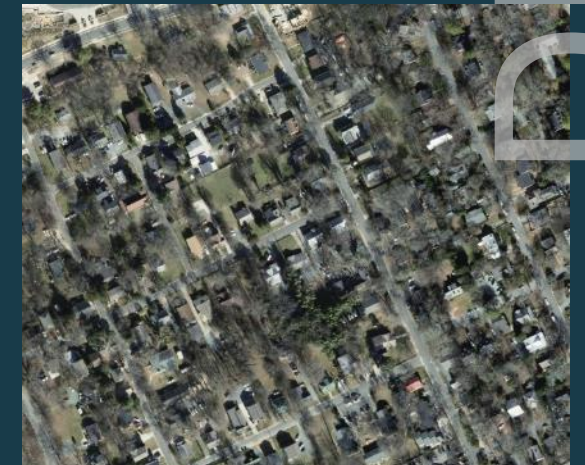
# COMMON FEEDBACK

## Existing home-based businesses:

- Required to meet new standards
- Minimum lot size removed; flexibility on setbacks
- Variance option

## Block length:

- Keep at 850' (same as Phoenix Place)



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# COMMON FEEDBACK

## Stormwater:

- All new development subject to standards applied town-wide

## Traffic impacts:

- Street standards encourage connectivity
- TIA required for larger projects
- Improvements and/or traffic calming for Rogers Road could be a future project for the Town(s) to consider

DRAFT

# COMMON FEEDBACK

## Compatibility of mixed use sub-district:

- Mainly housing and small service-based businesses
- No retail
- Buffering required to transition between uses/ mitigate impacts
- Key part of MOCF vision and future land use plan

DRAFT

# COMMON FEEDBACK

## ADU size:

- Required to meet the limits typically required by LUMO

## Retail:

- Not allowed in HR-X
- Permits for future building upfits allow a determination for Change in Use
- Potential future item to revisit



DRAFT

# Planning Commission<sup>242</sup> Recommendation

- Recommend approval of text amendment
- Consistency with Comp Plan
- 450-500 ft minimum block size
- Mixed Use subdistrict
  - Allow convenience retail
  - 10 ft min street setback
- Flexibility for home businesses
  - ✓ No minimum lot size
  - ✓ Allow product sales ancillary to services
  - ✓ No prohibited businesses
  - Exempt existing major home occupations from new standards

DRAFT

# Staff Recommendation

- Close the Public Hearing
- Adopt Resolution of Consistency with the Comprehensive Plan
- Enact the Text Amendment Ordinance

DRAFT

# TECHNICAL REPORT

Council Business Meeting – 05/22/2019



## LUMO TEXT AMENDMENT AND ZONING ATLAS AMENDMENT FOR HISTORIC ROGERS ROAD NEIGHBORHOOD ZONING

The following Technical Report describes proposed modifications to the Land Use Management Ordinance including four new zoning Subdistricts for the Historic Rogers Road Neighborhood, along with proposed zoning atlas changes that would apply the new Subdistricts to specific parcels of land.

### BACKGROUND

2009	Rogers Road Small Area Plan Task Force Final Report
2013	Historic Rogers Road Neighborhood Task Force Final Report
2013	Closure of Orange County Regional Landfill, adjacent to community
2015	Historic and Vibrant Rogers Road Report
2016	Rogers Road: Mapping Our Community's Future
2017-2019	Rogers Road Sewer Construction Project

September 2018	Initiation of Rogers Road Zoning Initiative (current project)
October 2018- April 2019	Community and Stakeholder Engagement
February 2019	Draft Zoning Code
March 19, 2019	Advisory Board Review
April 16, 2019	Planning Commission Recommendation
April 17, 2019	Council Public Hearing

### NEXT STEPS

May 22, 2019	Consider action on proposed text amendment and zoning atlas amendment
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### CONNECTIONS TO OTHER DOCUMENTS

Town staff has reviewed the text amendment for compliance with the themes from the [2020 Comprehensive Plan](#)<sup>1</sup> and the standards of the [Land Use Management Ordinance](#)<sup>2</sup>, and offers the following evaluation:

Comprehensive Plan Themes: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

	Create a Place for Everyone		Develop Good Places, New Spaces
	Support Community Prosperity		Nurture Our Community
	Facilitate Getting Around	<input type="checkbox"/>	Grow Town and Gown Collaboration

<sup>1</sup> <http://www.townofchapelhill.org/home/showdocument?id=15001>

<sup>2</sup> [https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALAUSMA](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA)



## TECHNICAL REPORT

Council Business Meeting – 05/22/2019

Staff believes the amendments to the Land use Management Ordinance comply with the above themes of the 2020 Comprehensive Plan.

### UPDATES TO DRAFT ORDINANCE SINCE APRIL 17 COUNCIL PUBLIC HEARING

In consideration of feedback provided by Town Council at the April 17 Public Hearing, by Advisory Boards, and by residents in and near the Rogers Road community, staff have updated the proposed Text Amendments to reflect the following:

- The conceptual map showing New Street Locations has been removed. Street locations will be determined for new subdivisions in accordance with text-based standards, which have been reviewed to encourage interconnectivity and walkability as much as possible.
- Triplexes would only be permitted in HR-L and HR-M when the units are dedicated in perpetuity for low-moderate income households.
- Updated standards for Major Home Occupations: no minimum lot size; nuisance activities not meeting the minimum setback must be fully indoors; no prohibited business types; product sales allowed if incidental to services; small freestanding signs allowed at the road, in addition to wall signs.
- Clarification of how LUMO Article 5 standards such as Recreation Area, Buffers, and Signage will apply to the HR- Subdistricts.
- Conditional Districts enabled for the HR- Subdistricts, allowing zoning conditions and Special Use Permit conditions to be recorded for future development.

Also in consideration of Town Council and public feedback, staff have updated the proposed Zoning Atlas as follows:

- Lots fronting on Billabong Lane and Merin Road have been removed from the area proposed for rezoning. (Please refer to the accompanying Zoning Atlas Amendment for an updated map).
  - Lots along Billabong Lane were platted and built upon after the closure of the landfill. Based on this criteria and discussion with residents, this area is not considered part of the Historic Neighborhood.
  - Lots at the north end of Merin Road are considered part of the Historic Neighborhood, however they are separated from the area currently proposed for rezoning by the Greene Tract. These lots could be considered for a future rezoning.

### SUMMARY OF PROPOSED CHANGES

Based upon the community input received to date, a Text Amendment has been developed to establish zoning standards for the Historic Rogers Road Neighborhood. The standards would then be applied to specific properties through a rezoning (Zoning Atlas Amendment). In combination, the proposed modifications would affect zoning for various portions of the study area as follows:

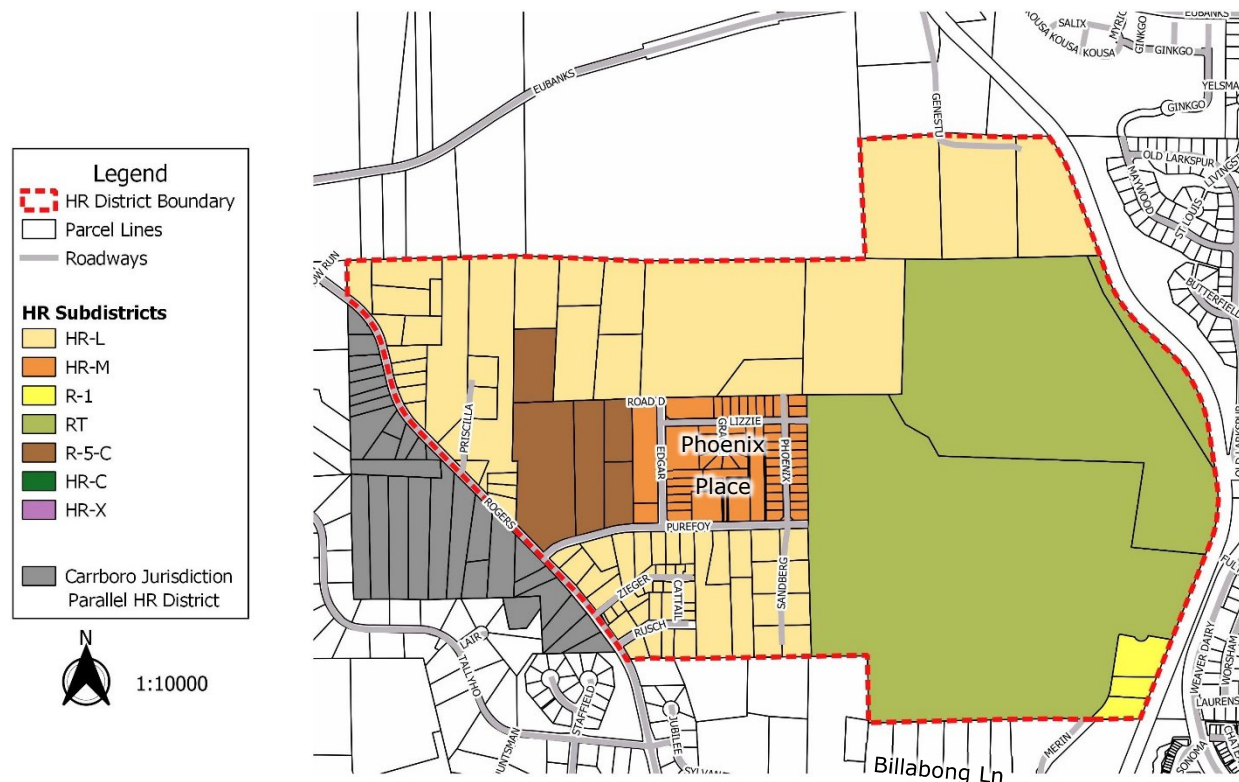
- A. **General Neighborhood:** How zoning would change for most of the study area, which is currently zoned R-1 (Residential-1) or R-SS-C (Residential-Special Standards-Conditional) and would be rezoned to HR-L (Historic Rogers Road-Low Density).

# TECHNICAL REPORT

Council Business Meeting – 05/22/2019

- B. Properties near Phoenix Place: How zoning would change for a few properties adjoining the Phoenix Place neighborhood, which are currently zoned R-1 and would be rezoned to HR-M (Historic Rogers Road-Medium Density). This would provide greater continuity with the Phoenix Place neighborhood, which would also be rezoned to HR-M but is a built-out development.
- C. Potential Mixed Use Area: Standards that would be in place for any future nodes of neighborhood-scale mixed use development (mixed housing with neighborhood services and small businesses). No properties are proposed to be rezoned at this time to this Subdistrict. The St. Paul's Village project (approved under a previous rezoning) would also serve as a mixed use node for the neighborhood.
- D. Potential Conservation Area: Standards that would be in place for any future conservation of environmentally sensitive lands. No properties are proposed to be rezoned at this time. However, this zoning could be considered for the Greene Tract as discussions progress on future use of that property.
- E. Other Standards, Applicable to all Rezoned Properties: Special development standards that apply to the Historic Rogers Road zoning as a whole, not specific Subdistricts.

A map of proposed zoning (HR-L and HR-M Subdistricts only) and a series of tables further detailing the comparison of existing and proposed zoning standards are provided below.



# TECHNICAL REPORT

Council Business Meeting – 05/22/2019

## A. General Neighborhood

Zoning Standard	Existing R-1 Zoning	Proposed HR-L Zoning
Permitted Housing Types	<ul style="list-style-type: none"> <li>▪ Single-family homes</li> <li>▪ Accessory dwellings</li> <li>▪ Manufactured homes (Class A)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Single-family homes</li> <li>▪ Accessory dwellings</li> <li>▪ Manufactured homes (Class A)</li> <li>▪ Duplexes</li> <li>▪ Triplexes, low-moderate income occupancy only</li> </ul>
Other Permitted Uses	Daycares, Places of Worship, Schools, Recreation, and Public Facilities. No change proposed	
Maximum Density	3 units/acre	<ul style="list-style-type: none"> <li>▪ 3 units/acre for single-family only</li> <li>▪ 4 units/acre with duplexes and triplexes</li> </ul>
Minimum Lot Size	17,000 sq ft Smaller lots may be approved under a Cluster Subdivision	14,500 sq ft Smaller lots may be approved under a Cluster Subdivision
Building Setbacks	<ul style="list-style-type: none"> <li>▪ 28 ft from street - minimum</li> <li>▪ 14 ft from other property lines - minimum</li> <li>▪ 17 ft solar setback - minimum</li> </ul>	<ul style="list-style-type: none"> <li>▪ 10 ft from street – minimum</li> <li>▪ 28 ft from street – maximum</li> <li>▪ 14 ft from other property lines – minimum</li> <li>▪ 17 ft solar setback - minimum</li> </ul> <p>Lots fronting on Rogers Rd:</p> <ul style="list-style-type: none"> <li>▪ 50 ft from street – minimum (no maximum)</li> </ul>
Maximum Height	29 ft at setback line, 40 ft interior to site – No change proposed	
Lot Width and Street Frontage	80 ft minimum lot width, 64 ft minimum street frontage No change proposed	
Maximum Floor Area Ratio	.076 - No change proposed	
Maximum Home Size	Not currently regulated	<ul style="list-style-type: none"> <li>▪ 2,000 sq ft for single-family</li> <li>▪ 1,200 sq ft per unit for duplex/triplex</li> </ul>
Home-Based Businesses	Minor home occupations allowed	Minor and Major home occupations allowed, with limitations to mitigate impacts on neighbors

# TECHNICAL REPORT

Council Business Meeting – 05/22/2019

## B. Properties near Phoenix Place

Zoning Standard	Existing R-1 Zoning (same as General Neighborhood)	Proposed HR-M Zoning
Permitted Housing Types	<ul style="list-style-type: none"> <li>▪ Single-family homes</li> <li>▪ Accessory dwellings</li> <li>▪ Manufactured homes (Class A)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Single-family homes</li> <li>▪ Accessory dwellings</li> <li>▪ Manufactured homes (Class A)</li> <li>▪ Duplexes</li> <li>▪ Triplexes, low-moderate income occupancy only</li> </ul>
Other Permitted Uses	Daycares, Places of Worship, Schools, Recreation, and Public Facilities <i>No change proposed</i>	
Maximum Density	3 units/acre	<ul style="list-style-type: none"> <li>▪ 4.5 units/acre for single-family only</li> <li>▪ 6 units/acre with duplexes and triplexes</li> </ul>
Minimum Lot Size	17,000 sq ft Smaller lots may be approved under a Cluster Subdivision	9,000 sq ft Smaller lots may be approved under a Cluster Subdivision
Building Setbacks	<ul style="list-style-type: none"> <li>▪ 28 ft from street - minimum</li> <li>▪ 14 ft from other property lines - minimum</li> <li>▪ 17 ft solar setback - minimum</li> </ul>	<ul style="list-style-type: none"> <li>▪ 10 ft from street – minimum</li> <li>▪ 20 ft from street – maximum</li> <li>▪ 14 ft from other property lines – minimum</li> <li>▪ 17 ft solar setback - minimum</li> </ul>
Maximum Height	29 ft at setback line, 40 ft interior to site – <i>No change proposed</i>	
Lot Width and Street Frontage	80 ft minimum lot width, 64 ft minimum street frontage	65 ft minimum lot width, 52 ft minimum street frontage
Maximum Floor Area Ratio	.076	.093 – Equal to R-2 District
Maximum Home Size	Not currently regulated	<ul style="list-style-type: none"> <li>▪ 1,500 sq ft for single-family</li> <li>▪ 1,200 sq ft per unit for duplex/triplex</li> </ul>
Home Occupations	Minor home occupations allowed	Minor and Major home occupations allowed, with limitations to mitigate impacts on neighbors

# TECHNICAL REPORT

Council Business Meeting – 05/22/2019

## C. Potential Mixed Use Area

Zoning Standard	Existing	Proposed HR-X Zoning
Permitted Housing Types	<p>N/A</p> <p>No rezoning proposed at this time; placeholder standards only</p>	<ul style="list-style-type: none"> <li>▪ Single-family homes</li> <li>▪ Accessory dwellings</li> <li>▪ Duplexes</li> <li>▪ Triplexes</li> <li>▪ Multifamily, 3-7 units per building</li> <li>▪ Live-Work units</li> <li>▪ Upper-story Dwelling unit</li> </ul>
Other Permitted Uses		<ul style="list-style-type: none"> <li>▪ Daycares</li> <li>▪ Places of Worship</li> <li>▪ Schools</li> <li>▪ Recreation</li> <li>▪ Public Facilities</li> <li>▪ Health Clinics</li> <li>▪ Places of Assembly (up to 2000 seats)</li> <li>▪ Independent Senior Living</li> <li>▪ Office</li> <li>▪ Flex Office</li> </ul>
Maximum Density		8 units per acre (regardless of housing type)
Minimum Lot Size		None
Building Setbacks		<ul style="list-style-type: none"> <li>▪ 20 ft from street – minimum</li> <li>▪ 40 ft from perimeter property lines – minimum</li> <li>▪ 17 ft solar setback - minimum</li> </ul>
Maximum Height		29 ft at setback line, 40 ft interior to site
Lot Width and Street Frontage		No minimum lot width, 40 ft minimum street frontage
Maximum Floor Area Ratio		.264 – Equal to OI-1 District
Maximum Home Size		<ul style="list-style-type: none"> <li>▪ 1,500 sq ft for single-family</li> <li>▪ 1,200 sq ft per unit for duplex/triplex</li> </ul>
Home Occupations		Minor and Major home occupations allowed, with limitations to mitigate impacts on neighbors
Buffers		30 ft undisturbed buffer at perimeter of mixed use development, screened to Type D (fully opaque) standards

# TECHNICAL REPORT

Council Business Meeting – 05/22/2019

## D. Potential Conservation Area

Zoning Standard	Existing	Proposed HR-C Zoning
Permitted Housing Types	N/A  No rezoning proposed at this time;  placeholder standards only	None
Other Permitted Uses		Public Facilities and Recreation
Maximum Density		N/A
Minimum Lot Size		N/A
Building Setbacks		N/A
Maximum Height		N/A
Lot Width and Street Frontage		N/A
Maximum Floor Area Ratio		N/A
Maximum Home Size		N/A
Home Occupations		N/A

## E. Other Standards, Applicable to All Properties Zoned HR-L, HR-M, HR-X, or HR-C

Zoning Standard	Existing R-1 Zoning (same as General Neighborhood)	Proposed Historic Rogers Road Zoning
Signage for Home-Based Businesses	No signage permitted	<p>Wall-mounted signs allowed:</p> <ul style="list-style-type: none"> <li>▪ 4 sq ft for minor home occupations</li> <li>▪ 8 sq ft for major home occupations</li> </ul> <p>Cantilevered ground signs allowed:</p> <ul style="list-style-type: none"> <li>▪ 4 sq ft for major home occupations only</li> </ul> <p>Non-illuminated signs only</p>
Limitations on Major Home Occupations	Not permitted	<ul style="list-style-type: none"> <li>▪ No more than 6 non-resident employees</li> <li>▪ Limited to 50% of principal structure floor area</li> <li>▪ Sale of goods allowed only when incidental to services provided</li> <li>▪ Business activities set back at least 40 ft from property lines</li> <li>▪ Activities producing noxious impacts (noise, vibration, dust, odor, light, or glare) set back at least 60 ft from property lines or fully enclosed</li> <li>▪ Screening of outdoor storage</li> <li>▪ Employees and visitors park off-street</li> <li>▪ No more than 3 business vehicles</li> <li>▪ No more than 50 trips per day generated</li> <li>▪ From 6pm-8am, no activity resulting in off-site noxious impacts</li> <li>▪ At all times, noise at property line cannot exceed 65 decibels</li> </ul>

# TECHNICAL REPORT

Council Business Meeting – 05/22/2019

New Streets in Subdivisions	Construct streets as necessary so that every new home faces onto a street	<p>In addition to existing Subdivision requirements, configure new streets to:</p> <ul style="list-style-type: none"> <li>▪ Connect with existing roadways</li> <li>▪ Follow straight lines</li> <li>▪ Intersect at right angles</li> <li>▪ Follow property lines to serve future adjacent developments</li> <li>▪ Avoid the use of cul-de-sacs</li> <li>▪ Support lot access on both sides</li> </ul> <p>Meet the above to the maximum extent practicable (e.g. in cases of environmental constraints)</p> <p>Minor subdivisions may dedicate right-of-way to support configuration standards, in lieu of street construction</p>
Sidewalks	Generally required on both sides of streets - No change proposed	
Maximum Block Length	Not currently regulated	850 ft
Cul-de-sacs	Engineering Design Manual limits length of cul-de-sacs	Permanent dead-end streets not allowed if there is practical alternative (stubs for future extension are allowed)
Stormwater	<p>In addition to existing requirements-</p> <ul style="list-style-type: none"> <li>▪ Incorporate public amenities (eg, paths) and LID methods into stormwater features</li> <li>▪ Avoid unsightly features (eg, chain-link fences)</li> </ul>	
Buffers, Screening	No change to existing standards proposed, except the addition of a perimeter buffer standard for mixed use areas (see Potential Mixed Use Area above)	
Tree Protection, Landscaping	No change to existing standards proposed	
Recreation Area in Subdivisions	No change to existing standards proposed	
RCDs and Steep Slopes	No change to existing standards proposed	
Lighting	No change to existing standards proposed, except that lighting fixture bulbs for nonresidential development can't be visible from adjacent lots or streets	
Parking	No change to existing standards proposed	
Exemptions	Not currently provided	Existing homes may increase floor area up to 25% or up to a total of 2,000 sq ft (whichever is greater) before being subject to new standards
Modification of Standards	For standards not currently applied	<p>Staff may approve minor modifications (up to 10%) for the following standards:</p> <ul style="list-style-type: none"> <li>▪ Maximum single-family home size</li> <li>▪ Maximum block length</li> <li>▪ Lot access on both sides of streets</li> </ul> <p>Provided there is still compatibility with surrounding properties and it meets the intent of the zoning</p>

# TECHNICAL REPORT

Council Business Meeting – 05/22/2019

## ZONING AMENDMENT FINDINGS OF FACT

All information submitted at the public hearing will be included in the record of the hearing. Based on the comments and documentation submitted, the Council will consider whether it can make one or more of three required findings (listed below A-C) for enactment of the Land Use Management Ordinance Text Amendment and Zoning Atlas Amendment.

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance and Zoning Atlas shall not be amended except:

- A. To correct a manifest error in the chapter; or
- B. Because of changed or changing conditions in a particular area or in the jurisdiction generally;  
or
- C. To achieve the purposes of the Comprehensive Plan.

Following is a staff response to the three required considerations:

- A. To correct a manifest error in the chapter

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: To date no arguments in support have been submitted.

Argument in Opposition: To date no arguments in opposition have been submitted.

- B. Because of changed or changing conditions in a particular area or in the jurisdiction generally

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: The Town and the community have undertaken multiple planning efforts to consider changing conditions such as the closure of the landfill, along with potential changes noted by community members that would improve the area. These efforts include the Rogers Road Small Area Plan Task Force, the Historic and Vibrant Rogers Road Report, and Rogers Road: Mapping Our Community's Future. The Town has also partnered with Orange County and the Town of Carrboro for construction of sewer infrastructure to serve the area.

Argument in Opposition: To date no arguments in opposition have been submitted.

- C. To achieve the purposes of the Comprehensive Plan

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: Relevant goals and objectives in the Chapel Hill 2020 Comprehensive Plan include, but are not limited to:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)
- Foster success of local businesses (Goal Community Prosperity and Engagement.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)



## TECHNICAL REPORT

Council Business Meeting – 05/22/2019

- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal Good Places New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal Nurturing Our Community.8)

Argument in Opposition: To date no arguments in opposition have been submitted.

## RESOLUTION OF CONSISTENCY

**A RESOLUTION FINDING THAT THE PROPOSED AMENDMENTS TO SECTIONS 3.4, 3.5, 6.24, 6.25, 6.26, APPENDIX A AND TABLES 3.7-1 AND 3.8-1 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO ESTABLISH NEW ZONING DISTRICTS FOR THE HISTORIC ROGERS ROAD NEIGHBORHOOD ARE CONSISTENT WITH THE COMPREHENSIVE PLAN (2019-05-22/R-7)**

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to respond to the interests outlined in Rogers Road: Mapping Our Community's Future; and

WHEREAS, upon consideration the Council finds that the amendments, if enacted, are reasonable and in the public's interest and are warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)
- Foster success of local businesses (Goal Community Prosperity and Engagement.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal Good Places New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal Nurturing Our Community.8)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed zoning text amendments to be reasonable and consistent with the Town Comprehensive Plan.

This the 22nd day of May, 2019.

**ORDINANCE A**

(Enacting the Land Use Management Ordinance Text Amendment)

**AN ORDINANCE AMENDING SECTIONS 3.4, 3.5, 6.24, 6.25, 6.26, APPENDIX A AND TABLES 3.7-1 AND 3.8-1 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO ESTABLISH NEW ZONING DISTRICTS FOR THE HISTORIC ROGERS ROAD NEIGHBORHOOD (2019-05-22/O-2)**

WHEREAS, residents of the Historic Rogers Road Area in the Northwest Chapel Hill and Northern Carrboro areas partnered with the Marian Cheek Jackson Center to author a report entitled Rogers Road: Mapping Our Community's Future, completed in May 2016; and

WHEREAS, the Town Council subsequently requested that Town staff develop new zoning standards for the Rogers Road area, based on the recommendations of the report along with additional community input; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to respond to the interests outlined in Rogers Road: Mapping Our Community's Future; and

WHEREAS, the Council finds that the establishment of new zoning districts in the Historic Rogers Road Neighborhood is appropriate and especially significant to the preservation of the historic nature and characteristics of the neighborhood, and will encourage uses that will complement these characteristics; and

WHEREAS, upon consideration the Council finds that the ordinance is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)
- Foster success of local businesses (Goal Community Prosperity and Engagement.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal Good Places New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal Nurturing Our Community.8)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Land Use Management Ordinance, Appendix A of the Town Code, is amended as follows:

## **SECTION 1**

**Section 3.4 Conditional Districts, Subsection 3.4.1 Conditional Use Districts** is hereby revised to read as follows:

"For the TC-1, TC-2, TC-3, CC, N.C., OI-1, I, R-6, R-5, R-4, R-3, R-2, R-2A, R-1, R-1A, **HR-L, HR-M, HR-X**, R-LD1, and R-LD5 districts hereinabove described, there are hereby established parallel conditional use districts designated TC-1-C, TC-2-C, TC-3C, CC-C, N.C.-C, OI-2-C, OI-1-C, I-C, R-6-C, R-5-C, R-4-C, R-3-C, R-2-C, R-2A-C, R-1-C, R-1A-C, **HR-L-C, HR-M-C, HR-X-C**, R-LD1-C, and R-LD5-C pursuant to North Carolina General Statutes Section 160A-382. Under each conditional use district, all uses allowed as a permitted use or special use by section 3.7, Table 3.7-1 (Use Matrix), for the parallel general use district are permitted only upon issuance of a special use permit by the town council pursuant to section 4.5 of this appendix."

## **SECTION 2**

**Section 3.4 Conditional Districts, Subsection 3.4.3 Conditional Zoning Districts** is hereby revised to read as follows:

"Conditional Zoning Districts, except the Innovative, Light Industrial Conditional Zoning District established in 3.4.4, parallel each of the following general use zoning districts:

R-5  
R-6  
**HR-X**  
TC-1  
TC-2  
TC-3  
CC  
N.C.  
OI-3  
OI-2  
OI-1  
MU-V

Except as otherwise provided in the innovative, light industrial conditional zoning district (LI-CZD), development in a conditional zoning district is subject to the same standards applicable to the parallel general use zoning district including overlay district regulations, as modified by the approved district-specific plans and conditions:

- a) That are proposed or agreed to by the owner(s) of the subject land;
- b) That incorporate any proposed modifications to use, intensity, or development standards applicable in the parallel general use district; and,
- c) That are limited to conditions that address conformance of the allowable development and use of the rezoning site with town regulations and adopted plans, and impacts reasonably expected to be generated by the allowable development or use of the site.

One goal of the town's comprehensive plan is to promote energy conservation through building design. Therefore, applicants are encouraged to meet the Architecture 2030 Challenge guidelines as amended."

### **SECTION 3**

**Section 3.5. Special Districts** is hereby revised to insert a new **subsection 3.5.7** as follows:

#### **"3.5.7. Historic Rogers Road Neighborhood District**

**a) Purpose and Intent**

**The purpose of the Historic Rogers Road Neighborhood (HR) District is to implement the relevant goals and recommendations of the Mapping Our Community's Future community planning effort, completed in May 2016. The intent of Mapping Our Community's Future and the HR District is to:**

- 1) Create opportunities for long-term residents to continue living in the community and to age in place;**
- 2) Preserve the socioeconomic and cultural diversity of the neighborhood;**
- 3) Increase physical connections within the neighborhood, including for pedestrians and bicyclists;**
- 4) Respect and protect the natural character of the neighborhood;**
- 5) Ensure that new development is consistent with neighborhood character and the vision that residents have developed for its future;**
- 6) Provide greater residential housing choice, affordability, and diversity;**
- 7) Increase economic opportunities within the neighborhood;**
- 8) Increase recreational resources within the neighborhood; and**
- 9) Ensure that new development is adequately served by infrastructure, including streets, sidewalks, and utilities.**

**b) Applicability**

**Except where exempted in Section 3.5.7(c), Exemptions, the standards in this section apply to all land and development located within the HR district and subdistrict boundaries as identified and located on the Chapel Hill Zoning Atlas.**

**c) Exemptions**

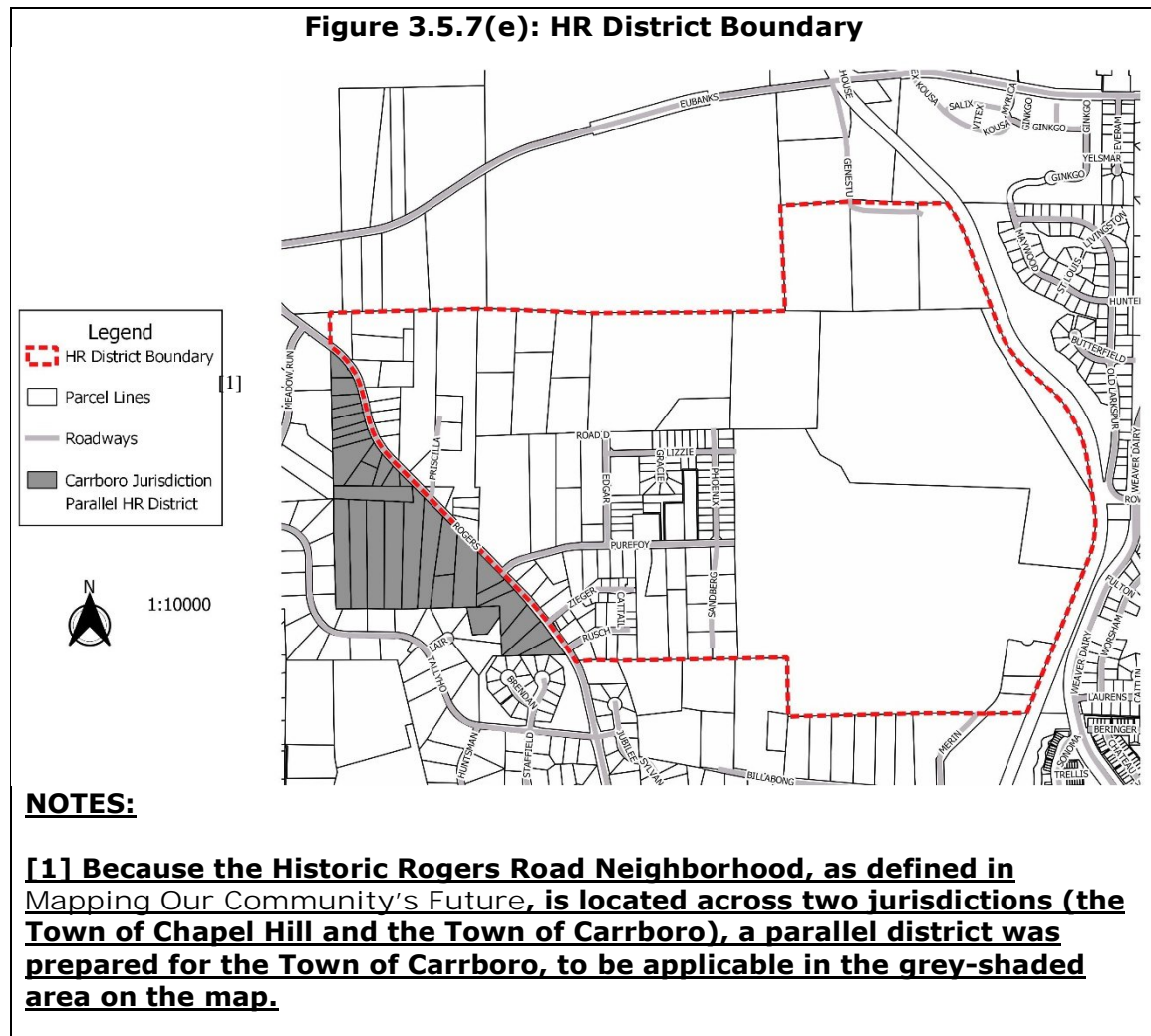
**Minor additions to lawfully-established buildings that existed on May 22, 2019 are exempt from the standards in this section. For the purposes of this section, "minor additions" are defined as increases in the amount of floor area on a lot of up to 25 percent beyond what existed on May 22, 2019 or up to up to a maximum total size of 2,000 square feet of heated floor area, whichever is greater.**

**d) Effective Date**

**The effective date of these standards is May 22, 2019.**

e) **District Boundary**

**The boundary for the HR District is depicted in Figure 3.5.7(e), below:**



f) **Subdistricts Established**

**The HR District is comprised of subdistricts, or character areas. The purpose and intent of each subdistrict is as follows:**

1) **Residential-Low Density (HR-L) Subdistrict**

**The Residential-Low Density (HR-L) Subdistrict is established with the intent to protect and preserve the character of existing lower-density areas (minimum lot size 14,500 square feet, or no more than three lots per acre) within the neighborhood while providing for compatible new development, including new housing choice options, and increased home occupation opportunities for residents.**

- 2) **Residential-Medium Density (HR-M) Subdistrict**  
**The Residential-Medium Density (HR-M) Subdistrict is established with the intent of designating areas within the neighborhood for medium-density (minimum lot size 9,000 square feet, or no more than five lots per acre) residential development that offers a broader range of housing options and increased home occupation opportunities for residents.**
- 3) **Housing and Employment Mixed-Use (HR-X) Subdistrict**  
**The Housing and Employment Mixed-Use (HR-X) Subdistrict is established with the intent of providing areas within the neighborhood with a broader range of housing and employment options. These areas are intended to concentrate new development into nodes which will balance providing areas for desired new uses while protecting the overall neighborhood character. Uses appropriate in the HR-X Subdistrict include live-work units, flex offices, and low-intensity neighborhood-serving establishments such as healthcare, assisted living, elder care, child care, and recreation facilities.**

NOTE: As of May 22, 2019, no lands bear the HR-X designation. This subdistrict is established as a placeholder for future use within the district, subject to a rezoning.

- 4) **Conservation (HR-C) Subdistrict**  
**The Conservation (HR-C) Subdistrict is established with the intent of preserving and protecting environmentally sensitive areas as well as lands under joint management by the Town of Chapel Hill and Orange County.**

NOTE: As of May 22, 2019, no lands bear the HR-C designation. This subdistrict is established as a placeholder for future use within the district, subject to a rezoning.

**g) Modification of District Standards**

- 1) **Minor modifications or deviations of up to 10 percent may be approved by the Planning Director through an administrative adjustment for the following numerical requirements:**
- A. **Maximum single-family home size;**
  - B. **Maximum block length; or**
  - C. **Street Configuration**
- 2) **In order to be granted a modification, the applicant requesting the modification must demonstrate all of the following:**
- A. **The modification is consistent with the character of development on surrounding land and results in development that is compatible with surrounding land uses;**
  - B. **The modification results in development that is consistent with both the purpose and intent statement of the HR District, as stated in Section 3.5.7(a), and the purpose and**

intent statement of the subdistrict in which the development is located, as stated in Section 3.5.7(g)(2);

- C. The modification compensates for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
- D. The modification will not pose a danger to the public health or safety; and
- E. Any adverse impacts resulting from the modification will be fully mitigated.

- 3) No modification granted under this section shall result in a change in use.

#### h) Development Standards

This section sets out the special standards for new development or redevelopment in the HR District. Development standards not listed in this section (including Recreational Area for Residential Subdivisions, Required Buffers for Adjacent Vacant Land Zoning, and Permitted Sign Types, Dimensional Standards, and Lighting) shall comply with the standards for development in the R-1 District listed in Article 5.

#### 1) Buffering

##### A. Purpose and Intent

The standards in this section are intended to protect the residential character of existing neighborhoods surrounding new mixed-use development in the HR District.

##### B. Applicability

The standards in this section shall apply to lands in the Housing and Employment Mixed-Use (HR-X) Subdistrict.

##### C. Buffering Standards

- 1. Development in the HR-X Subdistrict shall maintain an undisturbed perimeter buffer of no less than 30 feet in which no development shall occur.
- 2. Development in the HR-X Subdistrict shall be screened with existing vegetation and/or new plantings to meet the requirements of a Type D buffer as described in the Town of Chapel Hill Public Works Engineering Design Manual. The intent of this buffer type is to create a fully opaque screen separating development in the HR-X subdistrict from surrounding residential uses.
- 3. Buffering requirements between other land uses and/or zoning designations shall comply with Section 5.6.

#### 2) Exterior Lighting

##### A. Purpose and Intent

The standards in this section are intended to protect the primarily residential nature of the neighborhood, limit impacts on surrounding properties, and limit environmental impacts of nighttime lighting with a dark skies approach.



**B. Applicability**

The standards in this section shall apply to:

1. Development in the Housing and Employment Mixed-Use (HR-X) Subdistrict; and
2. Non-residential development in the HR-L and HR-M Subdistricts.

**C. Lighting Standards****1. Shielding**

Exterior lighting fixtures shall be shielded in such a way that directs light downward.

**2. Not Visible from Lot Line or Streets**

Exterior lighting fixtures shall be configured such that the bulb or source of illumination is not visible from grade level of adjacent lots or street rights-of-way.

**3) Signage****A. Purpose and Intent**

The signage standards in this section are intended to increase home-based employment opportunities for residents of the Historic Rogers Road Neighborhood by allowing limited signage for Major Home Occupation and Minor Home Occupation uses.

**B. Applicability**

1. The standards in this section shall apply to Major Home Occupation and Minor Home Occupation uses within the HR District.
2. All other developments and uses located in the HR District shall comply with the signage standards in Section 5.14.

**C. Signage Standards**

1. A lot that houses a legally-established Major Home Occupation as an accessory use may have either:
  - a. A maximum of one wall-mounted sign with a maximum area of eight square feet; or
  - b. A maximum of one cantilevered ground sign with a maximum area of four square feet.
2. A lot that houses a legally-established Minor Home Occupation as an accessory use may have a maximum of one wall-mounted sign with a maximum area of four square feet.
3. Signs shall be non-illuminated.
4. Such signs shall comply with the standards of Section 5.14.3, Signs in the Public Right-of-Way, 5.14.5, Prohibited Signs, and 5.14.6, General Standards

**4) Maximum Residential Building Size**

**A. Purpose and Intent**

The intent of the limitations on residential building size in this section is to protect the character of the Historic Rogers Road Neighborhood through compatible residential design.

**B. Applicability**

The standards in this section shall apply to new single-family, duplex, and triplex residential uses in any subdistrict of the HR District established after May 22, 2019.

**C. Measurement**

1. The standards listed below apply to heated square feet of a residential structure only.
2. Portions of a residential structure used for a home occupation shall count toward the maximum square footage.
3. For duplex and triplex dwellings, the maximum size is applied to each unit. For example, a duplex can be up to 2,400 square feet in size (up to 1,200 square feet per dwelling unit).

**D. Standards**

Table 3.5.7(h)(4) shows the standards for maximum residential building size in the HR District.

<b><u>Table 3.5.7(h)(4): Maximum Residential Building Size</u></b>	
<b><u>Residential Use Type</u></b>	<b><u>Maximum Size (heated square feet per dwelling unit)</u></b>
<b><u>Single-family</u></b>	
<b><u>HR-L Subdistrict</u></b>	<b><u>2,000</u></b>
<b><u>HR-M Subdistrict</u></b>	<b><u>1,500</u></b>
<b><u>HR-X Subdistrict</u></b>	<b><u>1,500</u></b>
<b><u>Duplex</u></b>	<b><u>1,200</u></b>
<b><u>Triplex</u></b>	<b><u>1,200</u></b>

**5) Streets**

**A. Purpose and Intent**

The intent of the street standards in this section is to ensure that future development in the Historic Rogers Road Neighborhood is served by adequate streets that:

1. Mitigate new traffic generated by development;
2. Increase connections within the neighborhood and between the neighborhood and surrounding areas in accordance with the goals and recommendations in Mapping Our Community's Future; and
3. Prioritize the safety of pedestrians, bicyclists, and drivers.

**B. Applicability**

1. The standards in this section shall apply to:
  - a. Development in the Housing and Employment Mixed-Use (HR-X) Subdistrict; and
  - b. New residential subdivisions in the HR-L and HR-M Subdistricts.
2. Minor subdivisions as defined in Section 4.6.3 shall, at the minimum, include in their applications:
  - a. A description of how the subdivision and future development will accommodate the standards of this section; and
  - b. Dedication of right-of-way for roads meeting these standards.

**C. Standards**

In addition to compliance with the standards in the Town of Chapel Hill Public Works Engineering Design Manual and Chapter 17, Streets and Sidewalks, of the Town Code of Ordinances, the following standards shall apply to development in the HR District.

1. Maximum Block Length  
The maximum block length, as measured from right-of-way line to right-of-way line of two parallel streets forming the sides of a block, or right-of-way line to property line, shall be 850 linear feet. Nothing shall prevent block lengths of less than 850 linear feet.
2. Preferred Street Configuration
  - a. To the maximum extent practicable, new streets shall be configured in accordance with the following guidelines:
    - i. New roadways shall extend and connect existing roadways into a coherent street network;
    - ii. New roadways shall intersect at right (90 degree) angles;
    - iii. New roadways shall be configured in straight-sided blocks, rather than curvilinear;
    - iv. New roadway networks shall avoid the use of permanent dead-end streets (including cul-de-sac streets);
    - v. New roadways shall follow lot lines so as to serve lots on both sides of the roadway; and
    - vi. New roadways shall be configured such that a minimum of 50% of each side of the roadway, by length, is usable for development. This may include future off-site development if a roadway is located at the site boundary

- b. Nothing in this section shall prevent the installation of dead-end streets expected to be extended in the future for the purpose of connection to future development.
- c. In cases where adherence to these guidelines is made impracticable by environmental constraints, existing infrastructure, existing structures, lot lines, or easements, applicants shall work with the Planning Director and applicable staff members to propose a street network that meets the goals and standards of this section.

6) Stormwater

In addition to the standards and requirements of Section 5.4, Stormwater Management, stormwater facilities in the HR District shall, to the maximum extent practicable:

- A. Incorporate into their design public amenities such as pervious walking paths, open space, low-impact design features, and landscaping;
- B. Utilize Low Impact Development (LID) methods for stormwater management in accordance with the NC Department of Environmental Quality; and
- C. Avoid features such as chain-link fences, un-landscaped or gravel-only stormwater catchment areas, and visible stormwater pipes."

## SECTION 4

**Section 3.7. Use Regulations, Subsection 3.7.3 Use Groups, Table 3.7-1: Use Matrix** is hereby revised to insert four new columns for the Historic Rogers Road Neighborhood District, to the right of "MH", with letters and symbols as follows:

**Section 3.7. Use Regulations, Subsection 3.7.3 Use Groups, Table 3.7-1: Use Matrix** is hereby revised to insert new rows for additional uses, in alphabetical order, to read as follows:

<b>"Table 3.7-1: Use Matrix</b>					
Uses	Use Group	<b>Historic Rogers Road Neighborhood District</b>			
		<b>HR-L</b>	<b>HR-M</b>	<b>HR-X</b>	<b>HR-C</b>
Dwelling Units, Single Family	A	<b>P</b>	<b>P</b>	<b>P</b>	<b>=</b>
Dwelling units, single-family with accessory apartment	A	<b>A</b>	<b>A</b>	<b>A</b>	<b>=</b>
Dwelling units, duplex (See also Article 6)	A	<b>P</b>	<b>P</b>	<b>P</b>	<b>=</b>
<b><u>Dwelling units, triplex (See also Article 6)</u></b>	<b>A</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>=</b>
Dwelling units, multifamily, 3 to 7 dwelling units	A	<b>=</b>	<b>=</b>	<b>P</b>	<b>=</b>
<b><u>Dwelling units, Live-Work (See also Article 6)</u></b>	<b>B</b>	<b>=</b>	<b>=</b>	<b>P</b>	<b>=</b>
<b><u>Dwelling Unit, Upper Story</u></b>	<b>A</b>	<b>=</b>	<b>=</b>	<b>P</b>	<b>=</b>
Manufactured home, Class A	A	<b>P</b>	<b>P</b>	<b>=</b>	<b>=</b>
Adult day care facility (See also Article 6)	B	<b>P, A</b>	<b>P, A</b>	<b>P, A</b>	<b>=</b>
Child day care facility (See also Article 6)	B	<b>P, A</b>	<b>P, A</b>	<b>P, A</b>	<b>=</b>
Clinic	B	<b>=</b>	<b>=</b>	<b>P</b>	<b>=</b>
Group care facility (See also Article 6)	B	<b>S</b>	<b>S</b>	<b>S</b>	<b>=</b>
Independent Senior Living Facility (See also Article 6)	B	<b>=</b>	<b>=</b>	<b>P</b>	<b>=</b>
Place of assembly, up to 2,000 seating capacity	C	<b>=</b>	<b>=</b>	<b>P</b>	<b>=</b>
Place of worship (See Article 6)	B	<b>P</b>	<b>P</b>	<b>P</b>	<b>=</b>
Public cultural facility	B	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Public service facility (See also Article 6)	C	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>
Public use facility	B	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Recreation facility: Non-profit	C	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
School, elementary or secondary	B	<b>P</b>	<b>P</b>	<b>P</b>	<b>=</b>
<b><u>Dwelling units, Live-Work (See also Article 6)</u></b>	<b>B</b>	<b>=</b>	<b>=</b>	<b>P</b>	<b>=</b>
<b><u>Home occupation, Major (See also Article 6)</u></b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>=</b>
Home occupation	A	<b>A</b>	<b>A</b>	<b>A</b>	<b>=</b>
Business, office-type	B	<b>=</b>	<b>=</b>	<b>P</b>	<b>=</b>
<b><u>Flex office</u></b>	<b>C</b>	<b>=</b>	<b>=</b>	<b>P</b>	<b>=</b>

## SECTION 5

**Section 3.8. Dimensional Standards, Subsection 3.8.2 Dimensional Regulations, Table 3.8-1 Dimensional Matrix** is hereby revised as follows to insert new rows for the HR Subdistricts, a new column for Street Setback (max feet), and associated footnotes. Note that the Street Setback (max feet) will be listed as 'N/A' for all other Zoning Districts in the Dimensional Matrix:

**"Table 3.8-1: Dimensional Matrix**

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)
Zoning District	Lot Size (square feet min)	Density (units per acre max)	Frontage (min feet)	Lot Width (min feet)	Building Height, Setback (max feet)	Building Height, Core (max feet)	Street Setback (min feet)	Interior Setback (min feet)	Solar Setback (min feet)	Impervious Surface Ratio (max)*	Floor Area Ratio (max)	Street Setback (max feet)
<b>HR-L</b>	<b>14,500</b>	<b>4<sup>3</sup></b>	<b>64</b>	<b>80</b>	<b>29</b>	<b>40</b>	<b>10<sup>4</sup></b>	<b>14</b>	<b>17</b>	<b>.5/.7</b>	<b>.076</b>	<b>28<sup>5</sup></b>
<b>HR-M</b>	<b>9,000</b>	<b>6<sup>3</sup></b>	<b>52</b>	<b>65</b>	<b>29</b>	<b>40</b>	<b>10</b>	<b>14</b>	<b>17</b>	<b>.5/.7</b>	<b>.093</b>	<b>20</b>
<b>HR-X</b>	<b>N/A</b>	<b>8</b>	<b>40</b>	<b>N/A</b>	<b>29</b>	<b>40</b>	<b>20</b>	<b>40</b>	<b>17</b>	<b>.5/.7</b>	<b>.264</b>	<b>N/A</b>
<b>HR-C</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A"</b>

"Footnotes:

- (1) The notation "N/A" indicates that the requirements does not apply within the particular zoning district.
- (2) Existing lots of record as of December 7, 1992, which are subsequently rezoned to R-LD5 can be subdivided to create up to three (3) lots of not less than two (2) acres gross land area in size each; provided, however the remaining land shall be developed with a minimum lot size of at least five (5) acres gross land area for each lot, and provided that no lot created under this exemption shall have a new direct access onto an arterial street.
- (3) Because the HR- subdistricts allow accessory dwelling units, duplexes, and triplexes, the maximum density (dwelling units per acre) in this table is greater than the maximum number of lots per acre. The minimum and maximum setbacks, maximum height, maximum impervious surface ratio, and maximum floor area ratio determine the potential building size and work to keep the building and lot size compatible with the surrounding neighborhood regardless of the number of dwelling units contained within the building.**
- (4) Lots that front on (take their address and ingress/egress from) Rogers Road shall have a minimum street setback of 50 feet. The intent of this standard is to preserve the rural character of the historic Rogers Road corridor. Lots that existed on May 22, 2019 and are smaller than 17,424 square feet (.4 acres) are exempt from this standard.**
- (5) Lots that front on Rogers Road shall have no maximum street setback. The intent of this standard is to preserve the rural character of the historic Rogers Road corridor."**

## **SECTION 6**

**Section 3.8 Dimensional Standards, Subsection 3.8.8 Cluster Development, subsection (b)** is hereby revised to read as follows:

- “(b) Approval requirements. The town council may approve a cluster development in any residential district, **or the HR-L or HR-M Special Districts,** if it finds that:
- (1) The tract proposed for cluster development is at least two (2) acres in size.
  - (2) Public, separate, water supply and sewerage connections are available for every subdivided lot.
  - (3) The total number of lots proposed for the tract, excluding parcels of reserved recreation area, is not greater than the number determined by multiplying the total gross land area by the maximum density established in section 3.8 for that zoning district.
  - (4) The recreation area reserved within the tract shall conform to the recreation area standards of section 5.5.
  - (5) The minimum amount of land reserved as recreation area shall be the sum of all reductions in minimum gross land area as a result of the cluster form of development, combined with the minimum recreation area reservation required in section 5.5. Only the minimum recreation area reservation required in section 5.5 may be dedicated outside the boundaries of the land being subdivided as specified in section 5.5.2.”

## **SECTION 7**

**Section 6.1 Adult day care facility or child day care facility** is hereby revised to read as follows:

“The zoning lot on which an adult day care facility or child day care facility is located shall have access onto an arterial or collector street in R-1, ~~and R-2,~~ **and HR-L** zoning districts.”

## **SECTION 8**

**Section 6.17 Uses requiring special frontage** is hereby revised to read as follows:

“Each of the principal uses identified below shall be permitted in RT, R-LD5, R-LD1, R-1A, R-1, R-2A, ~~and R-2,~~ **and HR-L** zoning districts only if the zoning lot on which such use is located meets the specific requirements identified herewithin. The zoning lot on which the following principal uses are located shall front on either an arterial or collector street for a width equal to or exceeding the minimum lot width established in Table 3.8-1, for that particular zoning district:

- (a) Place of worship.
- (b) School, elementary or second.
- (c) Public cultural facility.”

## **SECTION 9**

**Article 6, Special Regulations for Particular Uses** is hereby revised to insert new Sections 6.24, 6.25, and 6.26 as follows:

### **"6.24. Home Occupation, Major**

**A Major Home Occupation shall adhere to the following standards:**

#### **1. Permit Required**

**A Zoning Compliance Permit shall be required in order to operate a major home occupation.**

#### **2. Business as Accessory Use**

**a. The business shall be clearly incidental and subordinate to the residential use of the property.**

**b. No more than 50% of the heated square footage of the home shall be used for business purposes. This calculation does not include accessory structures in the total square footage calculation for the home.**

#### **3. Prohibitions**

**a. The on-premises sale and delivery of goods which are not produced on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.**

#### **4. Mitigation of Impacts**

**In order to minimize impacts in the form of noise, vibration, dust, odor, light, or glare on neighboring properties, a Major Home Occupation shall adhere to the following standards:**

##### **a. General Operations**

**Major home occupations shall:**

**1. Have no more than six non-resident employees**

##### **b. Location of Business Activities**

**Major home occupations shall:**

**1. Locate all business activities a minimum of 40 feet from all lot lines**

**2. Locate all noise, dust, vibration, odor, light, and glare-producing activities, regardless of time of day, either:**

**a. A minimum of 60 feet from all lot lines; or**

**b. In a completely enclosed indoor area**

**3. Locate noise-producing activities such that the maximum root mean square steady state sound level measured at any point on the boundary plane of all lot lines does not exceed 65 dBA.**

##### **c. Screening and Buffering**

**Major home occupations shall screen any outdoor storage of materials, supplies, products, or machinery (excluding functional vehicles associated with the business) using a Type**



"C" buffer as described in the Town of Chapel Hill Public Works Engineering Design Manual or a fully opaque fence or wall of a minimum height of 6 feet;

d. Vehicles and Traffic Generation

Major home occupations shall:

1. Provide off-street parking for all business-associated vehicles, including business-owned, fleet, employee, and visitor vehicles;
2. Have no more than three business-associated vehicles, including business-owned, fleet, employee, and visitor vehicles, parked in such a location as to be visible from a roadway or adjacent lot;
3. Fully screen parking areas for any business-associated vehicles, including business-owned, fleet, employee, and visitor vehicles, beyond the three allowed in (2) above, using a Type "C" buffer as described in the Town of Chapel Hill Public Works Engineering Design Manual or a fully opaque fence or wall of a minimum height of 6 feet;
4. Be limited to vehicles allowed under a Class C license; and
5. Produce a maximum of 50 trips per day to or from the business.

e. Hours of Operation

Major home occupations shall cease any activity that results in noise, vibration, dust, odor, light, or glare between the hours of 6 PM and 8 AM.

f. Events

Events conducted in connection with the home occupation and exceed the number of permitted daily trips, vehicles, or traffic generation are limited to one per year.

## 6.25. Live-Work Dwelling Unit

1. The work space of a live-work dwelling unit shall meet the standards of the commercial building code, while the dwelling portion shall meet residential standards. Applicants interested in establishing live-work dwelling units are advised to consult with town inspections staff on properly combining the two sets of standards.
2. Live-work dwelling units may be constructed as standalone buildings, or as a series of attached units.
3. The separation between living and working space, as well as the separation between units in a multi-unit structure, shall meet Fire Code requirements.
4. A live-work dwelling is distinguished from a home occupation by the fact that a live-work building is designed, inspected, and intended

from the application phase to host two different uses, residential and employment, and is not expected to revert to a purely residential use. In a live-work dwelling unit, the residential and employment uses are equally considered principal uses of the space. A home occupation, by contrast, is often established after a residential structure is proposed, permitted, and built, and may at any time revert to a purely residential use. In the case of a home occupation, the business use is clearly incidental to, or accessory to, the residential use.

#### **6.26 Triplex Dwelling Unit**

- 1. Triplex projects in the HR-L and HR-M Subdistricts shall only be permitted from nonprofit tax exempt organizations involving permanent residential development in which annual documentation is provided that 100% of the dwelling units will be occupied by low-moderate income households (less than 80% of area median income by households size as defined by the Department of Housing and Urban Development) in perpetuity.**
- 2. The separation between units of a triplex dwelling shall meet Fire Code requirements."**

## **SECTION 10**

**Appendix A – Definitions** is hereby revised to insert the following new definitions in the appropriate alphabetical order:

**"Flex Office: A building providing use flexibility for office and light industrial uses, such as printing, design, light assembly of products, artist space, or storage/warehousing. A flex office could also host a coworking center, where many individual small business owners or freelancers work alongside one another in common space, or a business incubator, where individuals working to launch new businesses can rent affordable space in which to perform office work and access shared resources such as printers, scanners, and other tools and services such as financial counseling and management training."**

**"Home Occupation, Major: A Major Home Occupation is an accessory business use of a residentially-zoned property. Major Home Occupations (as distinguished from Home Occupations) are those that meet one or more of the following criteria:**

- 1. Employ more than one non-resident;**
- 2. Utilize outdoor storage of materials, supplies, products, or machinery;**  
**or**
- 3. Generate noise, vibration, dust, odor, light, or glare that is visible from neighboring properties or the public right-of-way.**

**Examples of Major Home Occupations include: lawncare or landscaping services, woodworking shops, small engine repair, appliance repair,**

**metalworking, and any home business with more than one non-resident employee."**

**"Live-Work Dwelling Unit: A structure or portion of a structure combining a dwelling unit with an integrated nonresidential work space typically used by one or more of the residents. The nonresidential work space is typically found on the building's ground floor."**

**"Subdistrict: A portion of a base or overlay district that has unique standards or variations in the range of allowable uses."**

**"Triplex Dwelling Unit: A single structure comprised of three dwelling units that share common vertical walls or horizontal floors/ceilings located on a single lot."**

**"Upper Story Dwelling Unit: A dwelling unit located on a floor above a nonresidential use. The residents of the building may or may not be associated with the nonresidential use, and the two portions are usually leased or sold separately from one another. Upper story dwelling units shall be limited to one floor of residential over one floor of nonresidential."**

## **SECTION 11**

This ordinance shall be effective upon enactment.

This the 22nd day of May, 2019.

**RESOLUTION B**

(Denying the Land Use Management Ordinance Text Amendment)

**A RESOLUTION DENYING A PROPOSAL TO AMEND SECTIONS 3.4, 3.5, 6.24, 6.25, 6.26, APPENDIX A AND TABLES 3.7-1 AND 3.8-1 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO ESTABLISH NEW ZONING DISTRICTS FOR THE HISTORIC ROGERS ROAD NEIGHBORHOOD (2019-05-22/R-8)**

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance to respond to the interests outlined in Rogers Road: Mapping Our Community's Future, and fails to find that the amendment:

- a) corrects a manifest error in the chapter, or
- b) is justified because of changed or changing conditions in the area of the rezoning site or the community in general, or
- c) achieves the purposes of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the Town-initiated proposal to amend the Land Use Management Ordinance to establish new zoning districts for the Historic Rogers Road Neighborhood.

This the 22nd day of May, 2019.

## PLANNING COMMISSION

*The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.*

### RECOMMENDATION ROGERS ROAD ZONING ORDINANCE April 16, 2019

#### ORDINANCE A

**Recommendation:**    **Approval** ☐                    **Approval with Condition** ☒                    **Denial** ☐

Amy Ryan moved and Whit Rummel seconded a motion to forward a positive recommendation to the Town Council for Ordinance A, with amendments as specified in the Technical Report.

**Vote:**                    **9-0**

**Ayes:**                    John Rees (Chair), Louie Rivers (Vice-Chair), Amy Ryan, Whit Rummel, Buffie Webber, Michael Everhart, Stephen Whitlow, Neal Bench, Katherine Roberts

**Nays:**                    None

#### ORDINANCE B

**Recommendation:**    **Approval** ☐                    **Approval with Condition** ☒                    **Denial** ☐

Amy Ryan moved and Michael Everhart seconded a motion to forward a positive recommendation to the Town Council for Ordinance B, with an amendment to remove Section 2 (Billabong Ln lots).

**Vote:**                    **9-0**

**Ayes:**                    John Rees (Chair), Louie Rivers (Vice-Chair), Amy Ryan, Whit Rummel, Buffie Webber, Michael Everhart, Stephen Whitlow, Neal Bench, Katherine Roberts

**Nays:**                    None

**RESOLUTION A**

**Recommendation:**    **Approval** ☒                    **Approval with Condition** ☐                    **Denial** ☐

Amy Ryan moved and Elizabeth Webber seconded a motion to forward a positive recommendation to the Town Council for Resolution A.

**Vote:**                    **9-0**

**Ayes:**                    John Rees (Chair), Louie Rivers (Vice-Chair), Amy Ryan, Whit Rummel, Buffie Webber, Michael Everhart, Stephen Whitlow, Neal Bench, Katherine Roberts

**Nays:**                    None

**RESOLUTION B**

**Recommendation:**    **Approval** ☐                    **Approval with Condition** ☒                    **Denial** ☐

Amy Ryan moved and Elizabeth Webber seconded a motion to forward a positive recommendation to the Town Council for Resolution B, with amendments.

**Vote:**                    **9-0**

**Ayes:**                    John Rees (Chair), Louie Rivers (Vice-Chair), Amy Ryan, Whit Rummel, Buffie Webber, Michael Everhart, Stephen Whitlow, Neal Bench, Katherine Roberts

**Nays:**                    None

Prepared by:    Michael Sudol, Planning and Development Services Staff



# TOWN OF CHAPEL HILL

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

## Item Overview

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**Item #:** 9., **File #:** [19-0482], **Version:** 1

**Meeting Date:** 5/22/2019

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**Consider Amending the Town Of Chapel Hill Zoning Atlas to Apply the HR-L and HR-M Subdistricts to Properties in the Historic Rogers Road Area.**

See the Staff Report on the next page.

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

PRESENTER: Corey Liles, Principal Planner  
Caroline Dwyer, Renaissance Planning Group

- 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 adjourn the Public Hearing
- g. Motion to adopt the Resolution of Consistency with the Comprehensive Plan
- h. Motion to enact an Ordinance to amend the Zoning Atlas.

**RECOMMENDATION:** That the Council 1) close the public hearing; 2) adopt the Resolution of Consistency with the Comprehensive Plan; and 3) enact Ordinance A to amend the Town of Chapel Hill Zoning Atlas.



CONSIDER AMENDING THE TOWN OF CHAPEL HILL ZONING ATLAS TO APPLY THE HR-L AND HR-M SUBDISTRICTS OF THE HISTORIC ROGERS ROAD NEIGHBORHOOD DISTRICT TO PROPERTIES IN THE HISTORIC ROGERS ROAD AREA

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

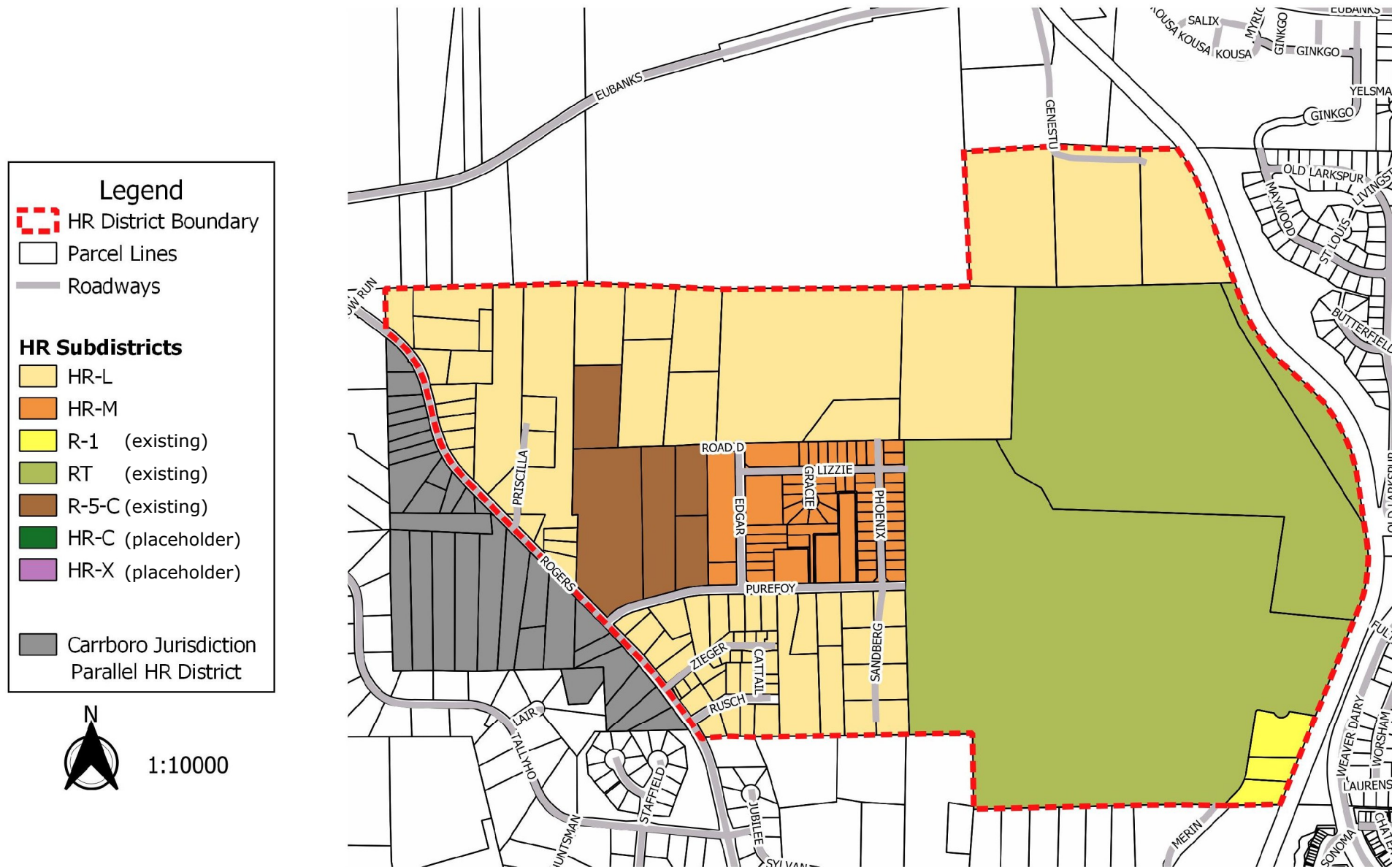
Ben Hitchings, Director

Corey Liles, Principal Planner

PROPERTY ADDRESS Historic Rogers Road Neighborhood (see Proposed Zoning Map)	BUSINESS MEETING DATE May 22, 2019	REQUESTED BY Town of Chapel Hill
STAFF RECOMMENDATION That the Council 1) close the public hearing; 2) adopt the Resolution of Consistency with the Comprehensive Plan; and 3) enact Ordinance A to amend the Town of Chapel Hill Zoning Atlas.		
UPDATES SINCE PUBLIC HEARING Staff have updated the Proposed Zoning Map to exclude all lots fronting on Billabong Lane and Merin Road from rezoning. Note that lots at the north end of Merin Rd are considered part of the Historic Neighborhood but are not contiguous with the proposed rezoning due to their location east of the Greene Tract. These lots could be considered for a future rezoning.		
ITEM OVERVIEW The Towns of Chapel Hill and Carrboro have partnered on a project to establish new zoning standards for the Historic Rogers Road Area (see preceding agenda item). This effort is designed to reflect the interests of residents and implement the recommendations of Rogers Road: Mapping Our Community's Future. The proposed amendments to the Zoning Atlas would apply the proposed Historic Rogers Road Neighborhood District, following enactment of the District as a LUMO Text Amendment.		
PROCESS <ol style="list-style-type: none"> <li>1. Consultant Background Review Sept.-Nov. 2018</li> <li>2. Community Engagement Oct. 2018- Jan. 2019</li> <li>3. Draft Zoning Strategies December 2018</li> <li>4. Council Update February 2019</li> <li>5. Draft Zoning Code February 2019</li> <li>6. Additional Community Engagement March 2019</li> <li>7. Advisory Board Review March 2019</li> <li>8. Planning Commission Recommendation April 2019</li> <li>9. Open Council Public Hearing April 2019</li> <li>10. Close Hearing and Consider Action May 2019</li> </ol> <p>The Town of Carrboro is conducting a parallel process to consider rezoning the portion of the neighborhood in their jurisdiction.</p> <p>The Land Use Management Ordinance establishes the intent of Zoning Atlas Amendments by stating that, "In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town it is intended that this chapter shall not be amended except:</p> <ul style="list-style-type: none"> <li>• to correct a manifest error in this chapter; or</li> <li>• because of changed or changing conditions in a particular area or in the jurisdiction generally; or</li> <li>• to achieve the purposes of the Comprehensive Plan." </li></ul>		
ATTACHMENTS	<ol style="list-style-type: none"> <li>1. Proposed Zoning Map</li> <li>2. Resolution of Consistency with the Comprehensive Plan</li> <li>3. Ordinance A (Enacting the Zoning Atlas Amendment)</li> <li>4. Resolution B (Denying the Zoning Atlas Amendment)</li> </ol>	



## PROPOSED ZONING MAP FOR THE HISTORIC ROGERS ROAD NEIGHBORHOOD



## RESOLUTION OF CONSISTENCY

### **A RESOLUTION FINDING THAT THE PROPOSED AMENDMENT TO THE TOWN OF CHAPEL HILL ZONING ATLAS TO APPLY THE HR-L AND HR-M SUBDISTRICTS OF THE HISTORIC ROGERS ROAD NEIGHBORHOOD DISTRICT TO PROPERTIES IN THE HISTORIC ROGERS ROAD AREA IS CONSISTENT WITH THE COMPREHENSIVE PLAN (2019-05-22/R-9)**

WHEREAS, the Council has considered a Town-initiated proposal to amend the Town of Chapel Hill Zoning Atlas to apply the HR-L and HR-M Subdistricts to certain properties in the Historic Rogers Road Area; and

WHEREAS, upon consideration the Council finds that the amendment is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)
- Foster success of local businesses (Goal Community Prosperity and Engagement.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal Good Places New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal Nurturing Our Community.8)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed zoning atlas amendment to be reasonable and consistent with the Town Comprehensive Plan.

This the 22nd day of May, 2019.

**ORDINANCE A**

(Enacting the Zoning Atlas Amendment)

**AN ORDINANCE AMENDING THE TOWN OF CHAPEL HILL ZONING ATLAS TO APPLY THE HR-L AND HR-M SUBDISTRICTS OF THE HISTORIC ROGERS ROAD NEIGHBORHOOD DISTRICT TO PROPERTIES IN THE HISTORIC ROGERS ROAD AREA (2019-05-22/O-3)**

WHEREAS, residents of the Historic Rogers Road Area in Northwest Chapel Hill and Northern Carrboro partnered with the Marian Cheek Jackson Center to author a report entitled Rogers Road: Mapping Our Community's Future, completed in May 2016; and

WHEREAS, the Town Council subsequently requested that Town staff develop new zoning standards for the Rogers Road area, based on the recommendations of the report along with additional community input; and

WHEREAS, on May 22, 2019, the Council of the Town of Chapel Hill amended the Land Use Management Ordinance to respond to the interests outlined in Rogers Road: Mapping Our Community's Future by establishing the Historic Rogers Road Neighborhood District and four associated Subdistricts; and

WHEREAS, the Council has considered a Town-initiated proposal to amend the Town of Chapel Hill Zoning Atlas to apply the HR-L and HR-M Subdistricts to certain properties in the Historic Rogers Road Area; and

WHEREAS, upon consideration the Council finds that the ordinance is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)
- Foster success of local businesses (Goal Community Prosperity and Engagement.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (Goal Good Places New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal Nurturing Our Community.8)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapel Hill Zoning Atlas is amended as follows:

### **SECTION 1**

Properties in and near the Phoenix Place neighborhood, generally fronting on Purefoy Dr, Edgar St, Phoenix Dr, Lizzie Ln, and Grace Circle, are hereby rezoned from Residential-1 (R-1) to Historic Rogers Road-Medium Density (HR-M). These properties are described by the following Orange County Parcel Identifier Numbers:

9870642676	9870642589	9870646397	9870648763
9870548312	9870642741	9870646493	9870648769
9870548703	9870642758	9870646499	9870648864
9870552467	9870642854	9870646595	9870648960
9870552889	9870642860	9870646691	9870651014
9870555241	9870643245	9870646697	9870653015
9870558009	9870643697	9870646793	9870653065
9870640249	9870644463	9870646798	9870654025
9870640346	9870644659	9870646884	9870654085
9870640432	9870644748	9870646981	9870655045
9870640487	9870644846	9870648367	9870656005
9870640573	9870644931	9870648371	9870656066
9870640579	9870644935	9870648463	9870657016
9870640767	9870645506	9870648469	9870658062
9870641245	9870645838	9870648565	9870658160
9870642478	9870645899	9870648661	
9870642572	9870646390	9870648667	

### **SECTION 2**

Properties in portions of the Rusch Hollow neighborhood, generally fronting on Zieger Ln and Cattail Ln, are hereby rezoned from Residential-Special Standards-Conditional Use (R-SS-C) to Historic Rogers Road-Low Density (HR-L). These properties are described by the following Orange County Parcel Identifier Numbers:

9870535539	9870538822	9870539913	9870631707
9870535661	9870538892	9870539983	9870631913
9870536627	9870538931	9870630953	
9870537702	9870539862	9870631602	
9870537759	9870539867	9870631608	

### **SECTION 3**

Other properties in the Historic Rogers Road Neighborhood are hereby rezoned from Residential-1 (R-1) to Historic Rogers Road-Low Density (HR-L). These properties are described by the following Orange County Parcel Identifier Numbers:

9870357767	9870447452	9870451078	9870451708
9870437814	9870447551	9870451228	9870452520
9870441955	9870450445	9870451271	9870452754
9870445604	9870450658	9870451516	9870453385

9870455071	9870538432	9870555741	9870645064
9870456115	9870538635	9870631586	9870647011
9870456572	9870539462	9870631992	9870651529
9870532934	9870541052	9870633427	9870655148
9870533844	9870544003	9870633930	9870751483
9870534725	9870545053	9870635326	9870764392
9870535511	9870546074	9870635517	9870860307
9870536335	9870547076	9870635811	9870864366
9870537339	9870548075	9870637316	
9870537649	9870549076	9870637518	
9870537672	9870550605	9870637810	

#### SECTION 4

This ordinance shall be effective upon enactment.

This the 22nd day of May, 2019.

**RESOLUTION B**

(Denying the Zoning Atlas Amendment)

**A RESOLUTION DENYING A PROPOSAL TO AMEND THE CHAPEL HILL ZONING ATLAS TO APPLY THE HR-L AND HR-M SUBDISTRICTS OF THE HISTORIC ROGERS ROAD NEIGHBORHOOD DISTRICT TO PROPERTIES IN THE HISTORIC ROGERS ROAD AREA (2019-05-22/R-10)**

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to rezone certain properties in the Historic Rogers Road Area to the HR-L and HR-M Subdistricts, and fails to find that the amendment:

- a) corrects a manifest error in the chapter, or
- b) is justified because of changed or changing conditions in the area of the rezoning site or the community in general, or
- c) achieves the purposes of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the Town-initiated proposal to amend the Chapel Hill Zoning Atlas.

This the 22nd day of May, 2019.



# TOWN OF CHAPEL HILL

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

## Item Overview

Item #: 10., File #: [19-0483], Version: 1

Meeting Date: 5/22/2019

### Approve the Traffic Calming Measures on Several Streets near the Proposed Wegmans Food Market.

#### Staff:

Lance Norris, Director  
Kumar Neppalli, Traffic Engineering Manager  
Chris Blue, Police Chief and Executive Director for Community Safety  
Jim Huegerich, Ombuds  
Ben Hitchings, Director  
Judy Johnson, Operations Manager

#### Department:

Public Works  
  
Police  
Manager's Office  
Planning

**Overview:** The purpose of this item is to provide recommendations regarding traffic calming measures on several streets near the proposed Wegmans Food Market. The developer of the Wegmans Food Market is responsible for the design and installation of the recommended traffic calming measures prior to the Town issuing the certificate of occupancy.



#### Recommendation(s):

That the Council adopt the attached resolution and enact the attached ordinances authorizing the installation of the following traffic calming measures on several streets near the proposed Wegmans Food Market (1820 Fordham Boulevard):

- **Install "No through trucks" signs** on Garden Street, Legion Road Extension, Standish Drive, and Scarlett Drive between Legion Road and Garden Street;
- **Install wayfinding signs** at the intersection of Legion Road and Scarlett Drive;
- **Install traffic diverter** on Cooper Street at Old Durham Road (no right-turns from Old Durham Road to Cooper Street and no left-turns from Old Durham Road to Cooper Street);
- **Install electronic speed display signs** on Legion Road Extension and Standish Drive;
- **Install all-way stop controls at:**
  - Garden Street and Scarlett Drive (at both ends);
  - Standish Drive at three intersections (at Elderberry Drive, at St. Thomas Drive, and at Bluefield Drive);
- **Install high visibility crosswalks** at the intersections of Legion Road/Scarlett Drive and Legion Road Extension/Cooper Street

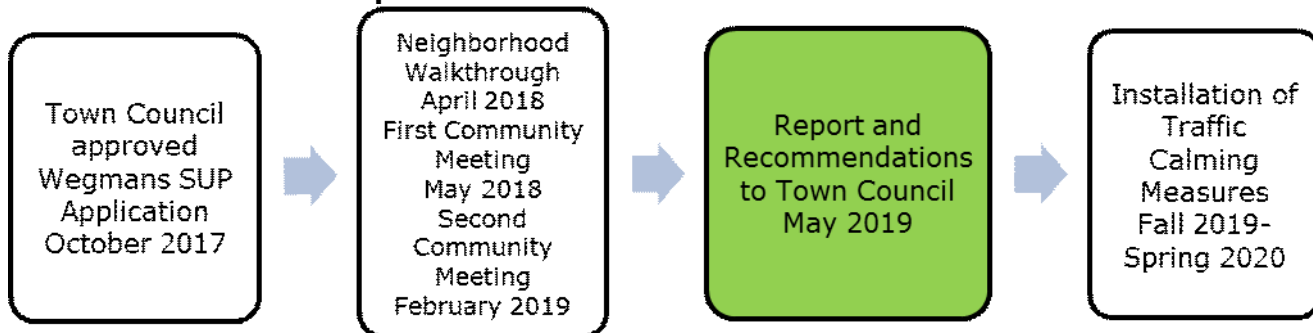
#### Key Issues:

- **Background:** In October 2017, the Council approved a Special Use Permit for Wegmans Food Market. The Special Use Permit requires that:  
*Prior to issuance of the Certificate of Occupancy, the Developer shall install traffic calming measures on adjacent Town streets. Prior to issuance of the Zoning Compliance Permit, the Developer shall meet area residents and Town staff to develop and finalize the traffic calming devices. The type, location, design, and construction standards of the traffic calming devices shall be approved by the Town Manager prior to issuance of the Zoning Compliance Permit. Measures to be considered are: all-way stop control, speed tables, on-street parking, and other devices.*







- Existing Conditions:
  - Posted speed limit on all surrounding residential streets is 25 MPH.
  - Speed tables and all-way stop control exist on several streets.
- Studies and Meetings Conducted:
  - Town staff conducted field meetings with residents to seek their input on traffic issues.
  - Town staff conducted two neighborhood meetings with residents to seek their input on traffic issues. Approximately 50 residents attended each meeting.
  - Police and Public Works staff conducted several field visits to evaluate areas of concern raised by the residents.
  - The Police Department implemented periodic speed enforcement on several streets.
- Traffic Issues: A summary of the traffic concerns from the meetings and field visits are listed below:
  - Existing cut-through traffic will be increased
  - Speeding
  - Too many existing speed tables
  - Need for more crosswalks
- Recommended Traffic Calming Measures: Staff recommend installation of traffic calming measures, including high visibility crosswalks, electronic speed display signs, no through truck signs, wayfinding signs, traffic diverter, and all-way stop control as presented in the attached map and resolution. Recommended traffic calming measures were presented to residents at a community meeting and supported by a majority of those in attendance.

**Fiscal Impact/Resources:** The developer of the Wegmans store is responsible for the design and installation of the recommended traffic calming measures prior to the Town issuing the certificate of occupancy. The Town is responsible for maintaining the traffic calming measures after installation.

#### Where is this item in its process?



#### Council Goals:

<input type="checkbox"/>		Create a Place for Everyone	<input type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



**Attachments:**

- Draft Staff Presentation
- Resolution A
- Ordinance A: Amending Chapter 21 of the Town Code of Ordinances Regarding Right-of-Way and Stop Regulations
- Ordinance B: Amending Chapter 21 of the Town Code of Ordinances Regarding Trucks
- Area Map

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

PRESENTER: Ben Hitchings, Planning Director  
Kumar Neppalli, Traffic Engineering Manager

RECOMMENDATION: That the Council adopt the attached resolution and enact the attached ordinance authorizing the installation of the following traffic calming measures on several streets near the proposed Wegmans store (1820 Fordham Boulevard) as outlined in this memo.



# **Approve the Traffic Calming Measures on Several Streets near the Proposed Wegmans Food Market**

**May 22, 2019**

DRAFT

# Recommendation

That the Council adopt the attached resolution and enact the attached ordinances authorizing the installation of the following traffic calming measures on several streets near the proposed Wegmans Food Market.

DRAFT

# Project History/Status

- Wegmans approved in October 2017
- Council required Traffic Calming Plan
- Neighborhood walkthrough in April 2018
- Community Workshop in May 2018 and February 2019

The map displays the Cooper Square neighborhood in Charlotte, NC, with three key areas highlighted:

- Wegmans:** A light blue shaded area at the top of the map, bounded by Fortham Blvd to the north and Legion Rd to the south.
- Cemetery:** A light blue shaded area on the left side of the map, adjacent to the Cemetery area.
- Main Focus Area:** A green shaded area in the center of the map, bounded by Legion Rd to the north, Garden St to the east, and Scarlett Dr to the south.

Other visible features include:

- Streets:** Fortham Blvd, Legion Rd, Garden St, Scarlett Dr, and various residential streets like Duke St, St. Thomas Dr, and St. Andrews Dr.
- Landmarks:** Cooper Square, Colony Lake, and the Charlotte-Mecklenburg Cemetery.
- Elevation:** Several elevation points are marked, such as 356 ft, 340 ft, and 347 ft.

DRAFT

-





DRAFT

# Fiscal Impact

The developer of the Wegmans store is responsible for the design and installation of the recommended traffic calming measures prior to the Town issuing the certificate of occupancy. The Town is responsible for maintaining the traffic calming measures after installation.



# Recommendation

That the Council adopt the attached resolution and enact the attached ordinances authorizing the installation of the following traffic calming measures on several streets near the proposed Wegmans Food Market.

DRAFT

## Next Steps

- Implement traffic calming plan prior to Certificate of Occupancy
- Phase 2 after 6-months of store opening

DRAFT



# Questions?

DRAFT

## RESOLUTION A

A RESOLUTION AUTHORIZING THE INSTALLATION OF TRAFFIC CALMING MEASURES ON SEVERAL TOWN STREETS NEAR THE WEGMANS FOOD MARKET, 1820 FORDHAM BOULEVARD (2019-05-22/R-~~9%~~)

WHEREAS, the Council of the Town of Chapel Hill and residents are concerned about vehicular and non-vehicular safety and mobility on Town streets near the Wegmans Food Market; and

WHEREAS, the Council-approved Special Use Permit for the Wegmans Food Market requires that:

Prior to issuance of the Certificate of Occupancy, the Developer shall install traffic calming measures on adjacent Town streets. Prior to issuance of the Zoning Compliance Permit, the Developer shall meet area residents and Town staff to develop and finalize the traffic calming devices. The type, location, design, and construction standards of the traffic calming devices shall be approved by the Town Manager prior to issuance of the Zoning Compliance Permit. Measures to be considered are: all-way stop control, speed tables, on-street parking, and other devices.

WHEREAS, the Town staff conducted field meetings and several community meetings with the area residents and received input; and

WHEREAS, the Council received recommended traffic calming measures from Staff.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes installation of the following traffic calming measures by the Wegmans Developer:

- Install no through truck signs on Garden Street, Legion Road Extension, Standish Drive, and Scarlett Drive between Legion Road and Garden Street;
- Install wayfinding signs at the intersection of Legion Road and Scarlett Drive;
- Install traffic diverter on Cooper Street at Old Durham Road (no right-turns from Old Durham Road to Cooper Street and no left-turns from Old Durham Road to Cooper Street);
- Install electronic speed display signs on Legion Road Extension and Standish Drive;
- Install all-way stop controls at:
  - Garden Street and Scarlett Drive (at both ends);
  - Standish Drive at three intersections (at Elderberry Drive, at St. Thomas Drive, and at Bluefield Drive);
- Install high visibility crosswalks at the intersections of Legion Road/Scarlett Drive and Legion Road Extension/Cooper Street.

BE IT FURTHER RESOLVED that installation of the above traffic calming measures by the Developer is required prior to the Town issuing a certificate of occupancy for the Wegmans Food Market.

This the 22<sup>nd</sup> day of May, 2019.

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES REGARDING RIGHT-OF-WAY AND STOP REGULATIONS (2019-05-22/O-( )

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Section 21-13(a) of the Town Code of Ordinances, "Right-of-way and stop regulations," is hereby amended by deleting the following intersections:

"Through Streets

Stop Streets

~~Scarlett Drive~~  
~~Standish Drive~~  
~~Standish Drive~~

~~Garden Street~~  
~~Elderberry Drive~~  
~~Bluefield Road"~~

Section 2. Section 21-13(c) of the Town Code of Ordinances, "Right-of-way and stop regulations," is hereby amended by inserting the following, in appropriate alphabetical order:

"Intersection(s)

Scarlett Drive and Garden Street (both ends)  
Standish Drive and Elderberry Drive  
Standish Drive and St. Thomas Drive  
Standish Drive and Bluefield Road"

Section 3. This ordinance shall become effective September 30, 2019.

This the 22<sup>nd</sup> day of May, 2019.

## ORDINANCE B

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES REGARDING TRUCKS (2019-05-22/O- ) )

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Section 21-6(a) of the Town Code of Ordinances, "Trucks," is hereby amended by inserting the following, in appropriate alphabetical order:

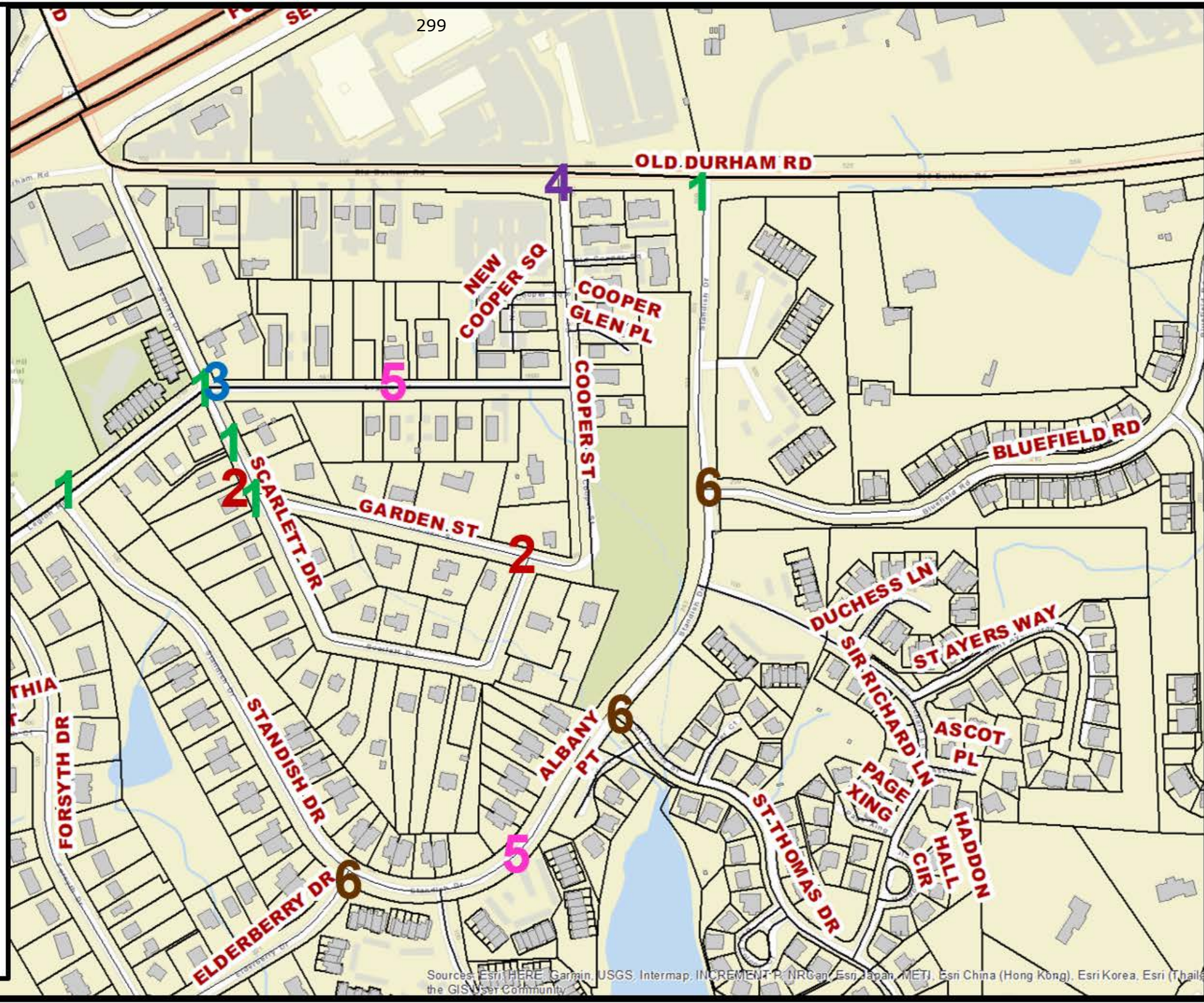
"Street	From	To
<u>Garden Street</u>	<u>Scarlett Drive</u>	<u>Cooper Street</u>
<u>Legion Road Extension</u>	<u>Scarlett Drive</u>	<u>Cooper Street</u>
<u>Scarlett Drive</u>	<u>Old Durham Road</u>	<u>Garden Street</u>
<u>Standish Drive</u>	<u>Legion Road</u>	<u>Old Durham Road"</u>

Section 2. This ordinance shall become effective September 30, 2019.

This the 22<sup>nd</sup> day of May, 2019.



- 1) **No Through Truck Signs** on Legion Rd Extension, Garden St, Scarlett Dr between Legion Rd and Garden St, and Cooper St, and Standish Dr
- 2) **All-way Stop Control** at Garden St and Scarlett Dr (at both ends)
- 3) **Wayfinding signs** at the intersection of Legion Rd and Scarlett Dr
- 4) **Install traffic diverter** on Cooper St at Old Durham Rd (no right-turn and no left-turns from Old Durham Rd to Cooper St)
- 5) **Electronic Speed Display Sign** on Legion Rd Extension and Standish Dr
- 6) **All-way Stop Control** on Standish Dr at three intersections (at Elderberry Dr, at St Thomas Dr, and Bluefield Dr)







# TOWN OF CHAPEL HILL

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

## Item Overview

Item #: 11., File #: [19-0484], Version: 1

Meeting Date: 5/22/2019

### Receive the FY19 Third Quarter Affordable Housing Quarterly Report (January-March).

#### Staff:

Loryn Clark, Executive Director  
Sarah Osmer Viñas, Assistant Director  
Nate Broman-Fulks, Affordable Housing Manager

#### Department:

Housing and Community

**Overview:** This quarterly report on affordable housing activities for Fiscal Year 2019 tracks:

- Our progress toward affordable housing targets,
- The status of projects funded with Town resources, and
- General housing conditions in Chapel Hill.



#### Recommendation(s):

That the Council receive this Fiscal Year 2019 (FY19) third quarter report.

#### Council Goals:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



#### Attachments:

- Draft Staff Presentation
- Affordable Housing Quarterly Report - FY19 Q3

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

PRESENTER: Sarah Osmer Viñas, Housing and Community Assistant Director  
Nate Broman-Fulks, Affordable Housing Manager

RECOMMENDATION: That the Council receive the Fiscal Year 2019 (FY19) third quarter report.



# AFFORDABLE HOUSING QUARTERLY REPORT (AHQR)

## THIRD QUARTER

## FISCAL YEAR 2019

DRAFT



Council Business Meeting Presentation  
May 22, 2019



# Agenda

1. Third Quarter Results

2. Project Highlights

3. Next Steps



# Key Terms



**Preservation:** activities that maintain affordability of existing housing

- Homebuyer subsidy for existing units
- Housing rehabilitation
- Rental and utility assistance



**Development:** activities that create new affordable housing units

- Construction of new rental or homeownership units
- Purchase/rehabilitation of an existing market rate unit and conversion to affordable unit

DRAFT

# FY 19 Annual Affordable Housing Projection

95

Development



125

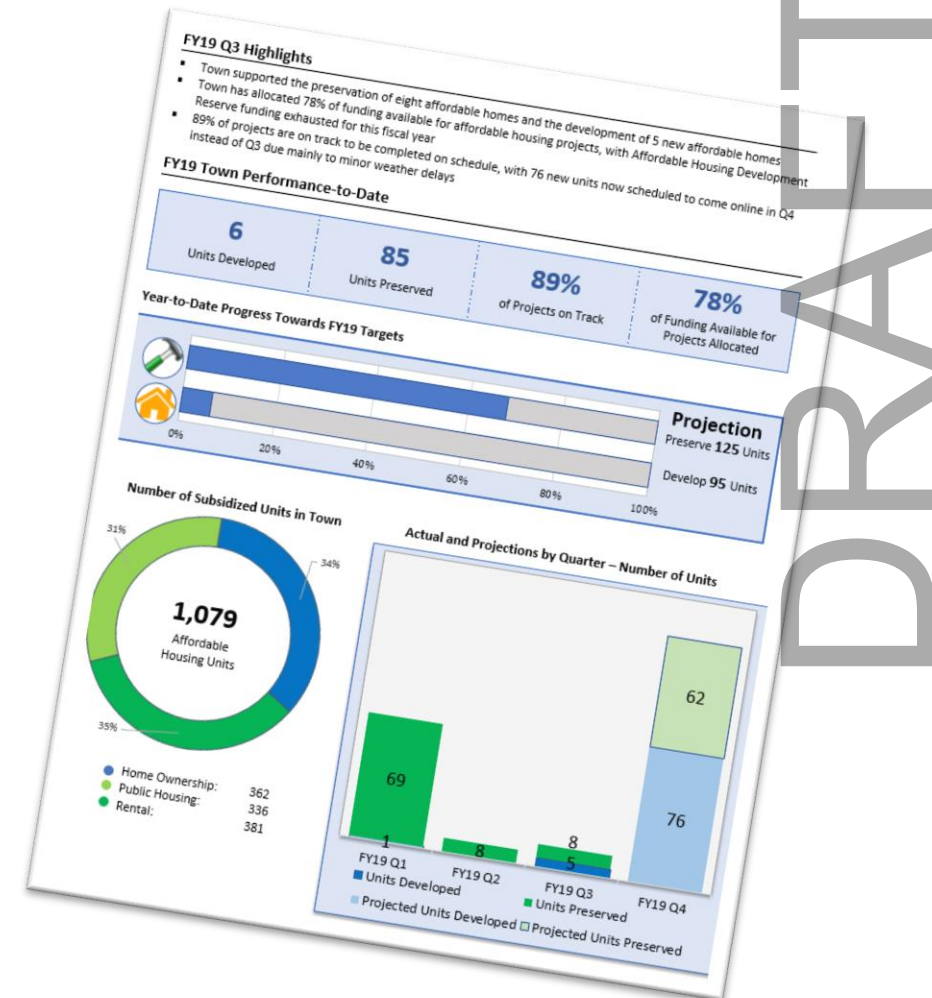
Preservation



DRAFT

# FY19 Third Quarter Key Results

- 8 units preserved
- 5 new affordable housing units developed
- 78% of funding for projects allocated
- 89% of projects on track



## FY 19 Units Developed and Preserved

6

Development



85

Preservation



DRAFT



# Habitat for Humanity Development

- Northside Neighborhood
- Single Family Home developed
- \$80,000 in Town investment



## Community Home Trust Homebuyer Subsidy

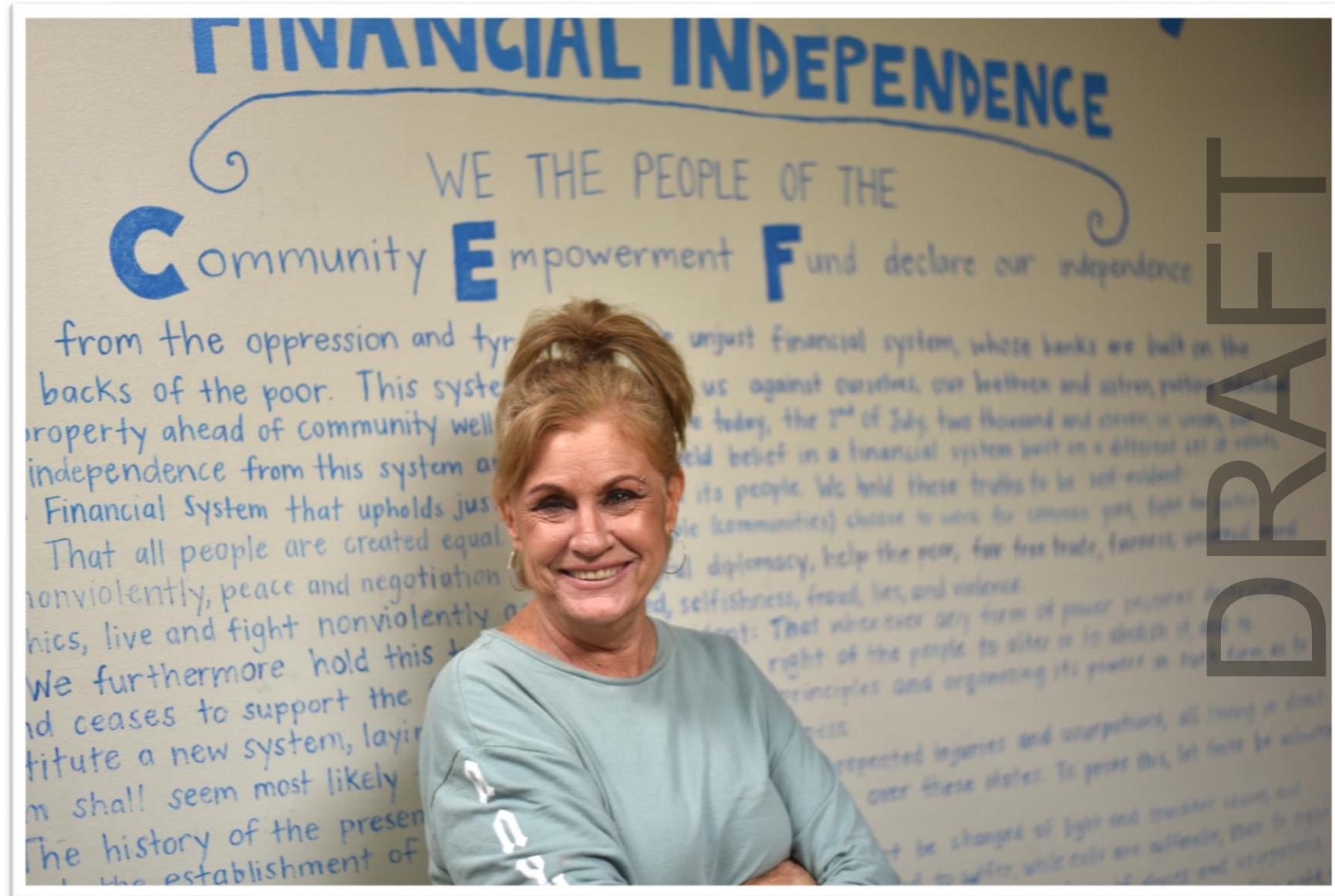
- 140 W. Franklin
- Serving household below 80% AMI
- Permanently affordable
- \$10,000 in Town investment





## Rental and Utility Deposit Assistance

- 3 households assisted
- Serving very low-income households
- \$3,400 in Town investment

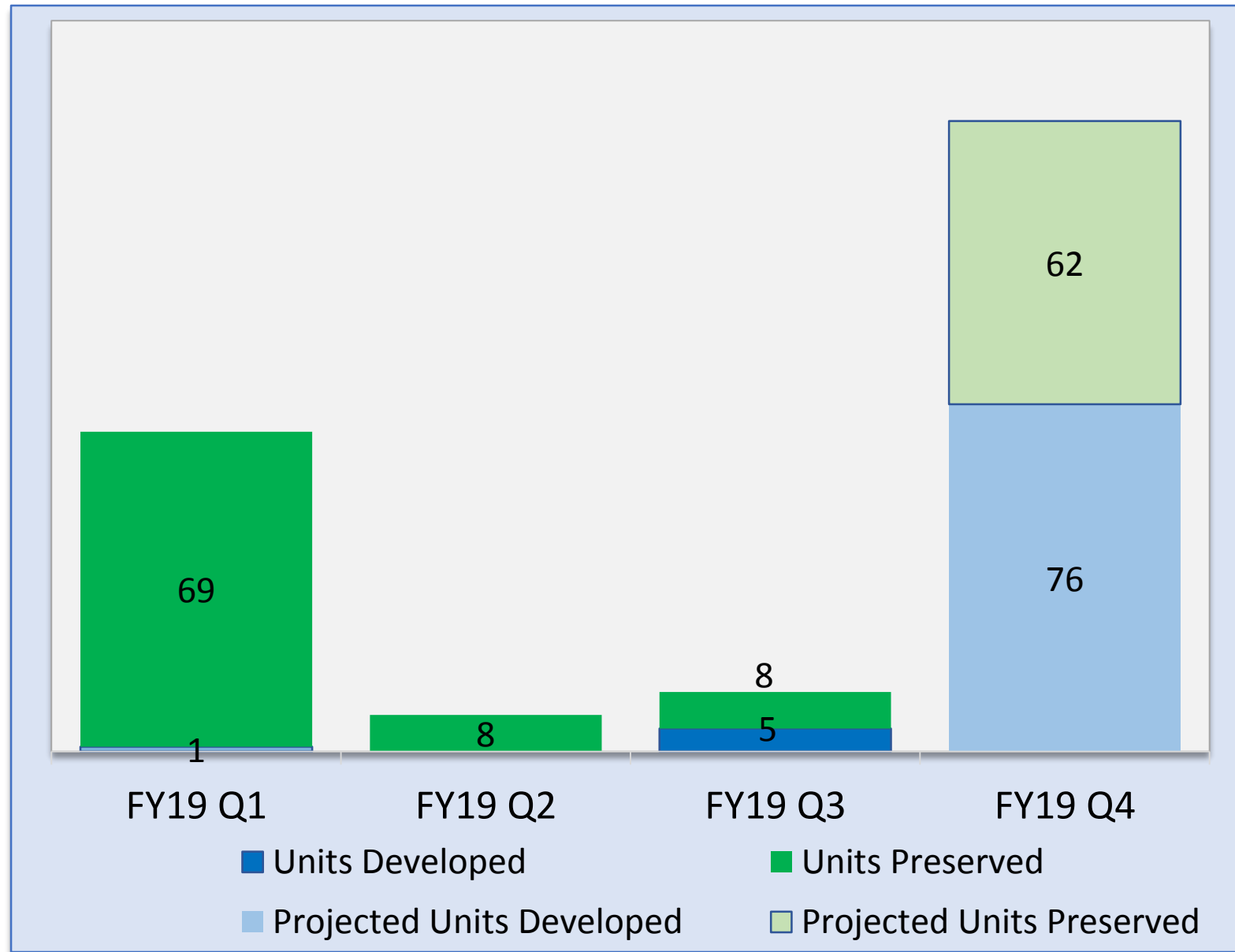


## Town of Chapel Hill Sykes Street Quadraplex

- 4 units serving households below 50% AMI
- Permanently affordable
- Transitional Housing Program
- \$430,000 in Town investment



# FY19 Units Developed and Preserved by Quarter

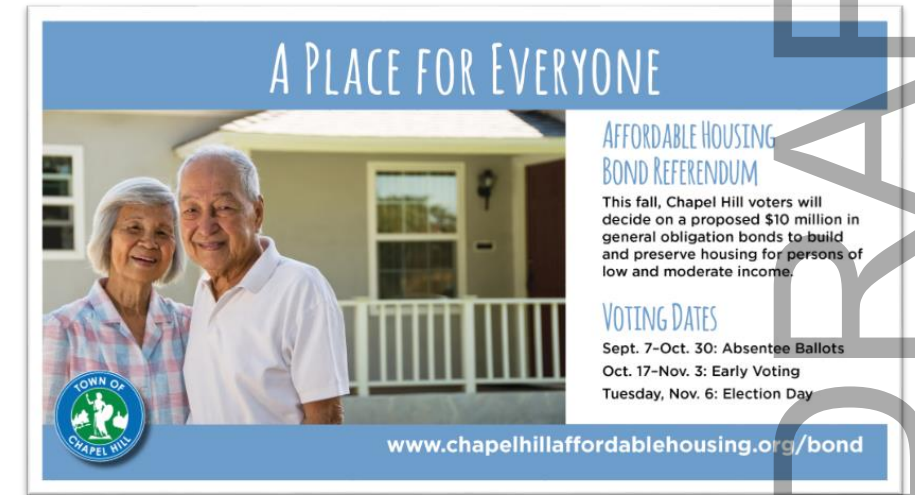


DRAFT



# Affordable Housing Bond Application Process

- Process design based on best practices and input from HAB and providers
- Proposed Process :
  - Common Funding Application
  - Sync timing with tax credit deadlines, project pipeline, and bond sale schedule
  - HAB review and evaluation
  - Final approval by Town Council
- Plan to share proposal with Council in June



# Housing Displacement Assistance Program

- Program launched in April 2019
- Assists residents facing displacement from naturally occurring affordable housing
- Program Components:
  1. Rental and Utility Deposit Assistance
  2. Housing locator services through Community Empowerment Fund (CEF)



# Employee Housing Program

- Launched in February 2019
- Held 13 employee interest meetings
- Multiple applications received
- One employee has received assistance
- Goal: 10% increase in employees living in Town over 3 years



# 2200 Homestead Development Project

- Issued RFQ for potential development partner
- Evaluating developer responses
- Expect to execute MOU in fall 2019
- Council feedback before submission of conditional zoning application in FY20





# What Else is On the Horizon

- Draft Affordable Housing Preservation Strategy
- Payment in Lieu for Rental Housing Development
- Complete Prioritized Site Analysis
- Finalize Public Housing Master Plan





# AFFORDABLE HOUSING QUARTERLY REPORT (AHQR)

## THIRD QUARTER

## FISCAL YEAR 2019

DRAFT



Council Business Meeting Presentation  
May 22, 2019



# AFFORDABLE HOUSING QUARTERLY REPORT



## FISCAL YEAR 2019 QUARTER 3 PROGRESS REPORT (JANUARY 1, 2019 – MARCH 31, 2019)



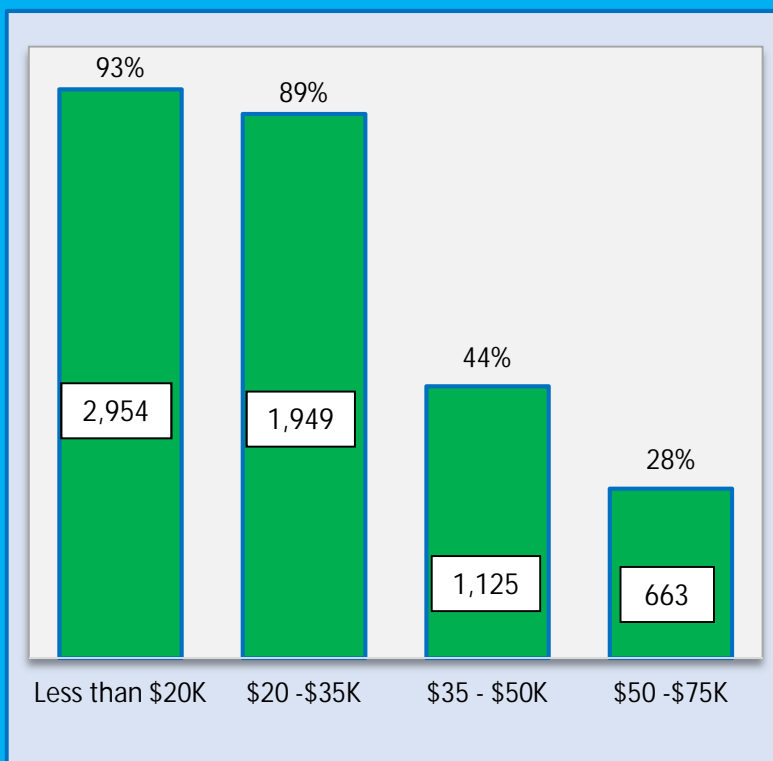
### OUR GOAL

To increase access to housing for individuals across a range of incomes, and to constantly strive for more equitable outcomes and opportunities for historically underserved populations.

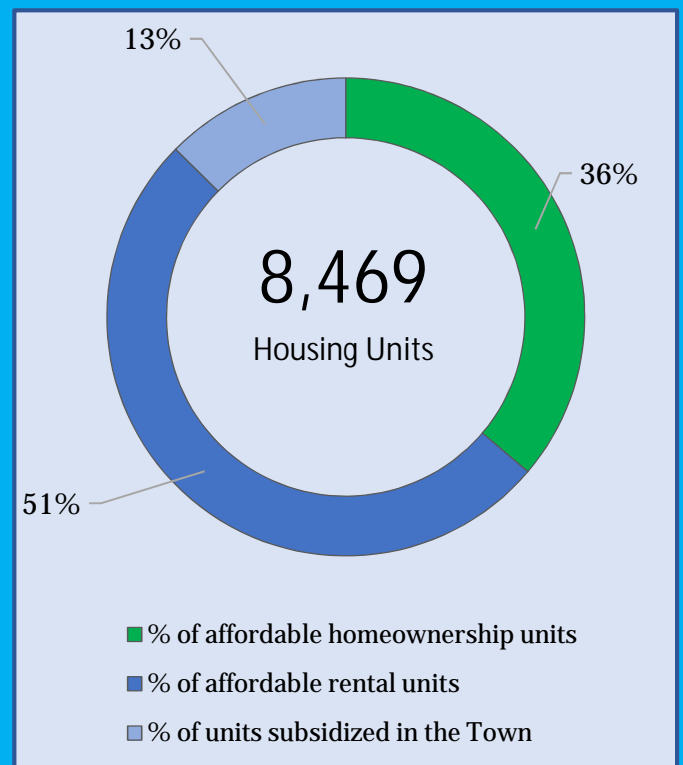
### COMMUNITY INDICATORS

<b>\$5,646,000</b> Town Budget for Affordable Housing Strategies	<b>\$80,600</b> Median Household Income	<b>54%</b> of Renters spend more than 30% of income on Housing	<b>39%</b> of Housing Units are affordable to households with income below 80% AMI
	<b>\$371,400</b> Median Home Value	<b>21%</b> of Homeowners spend more than 30% of income on Housing	<b>21,922</b> Total housing units in town

Number and Percent of Households that are Cost-burdened by Income Level



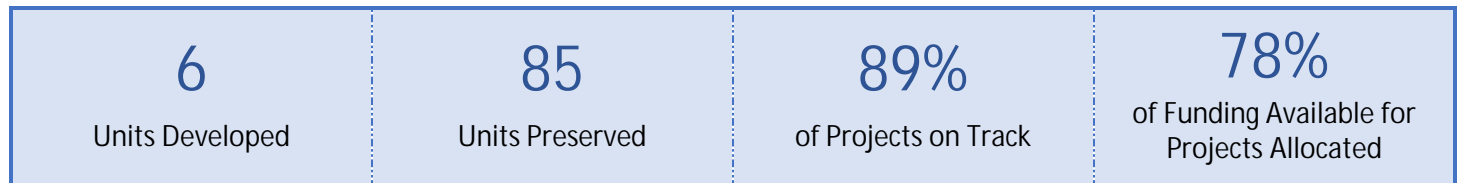
Number of Housing Units that are Affordable to Households with Income Under 80% AMI



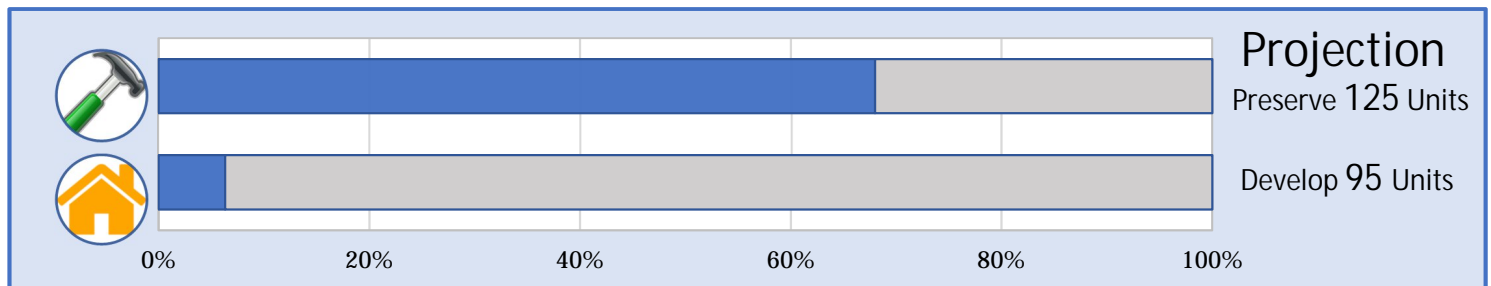
## FY19 Q3 Highlights

- Town supported the preservation of eight affordable homes and the development of five new affordable homes
- Town has allocated 78% of funding available for affordable housing projects, with Affordable Housing Development Reserve funding exhausted for this fiscal year
- 89% of projects are on track to be completed on schedule, with 76 new units now scheduled to come online in Q4 instead of Q3 due mainly to weather delays

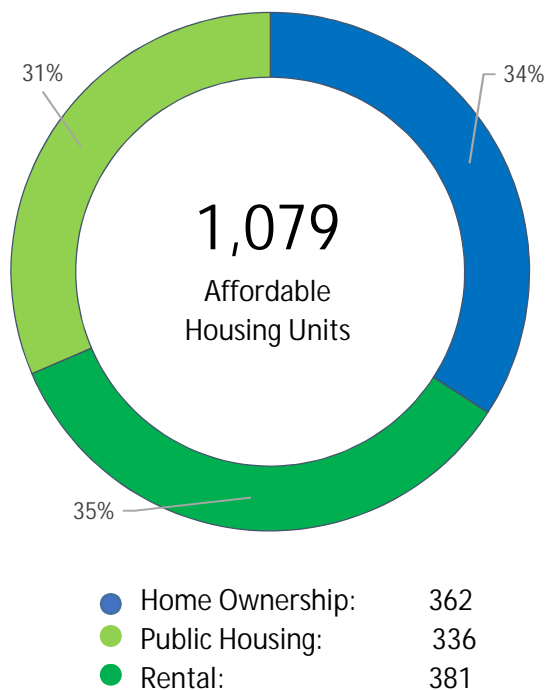
## FY19 Town Performance-to-Date



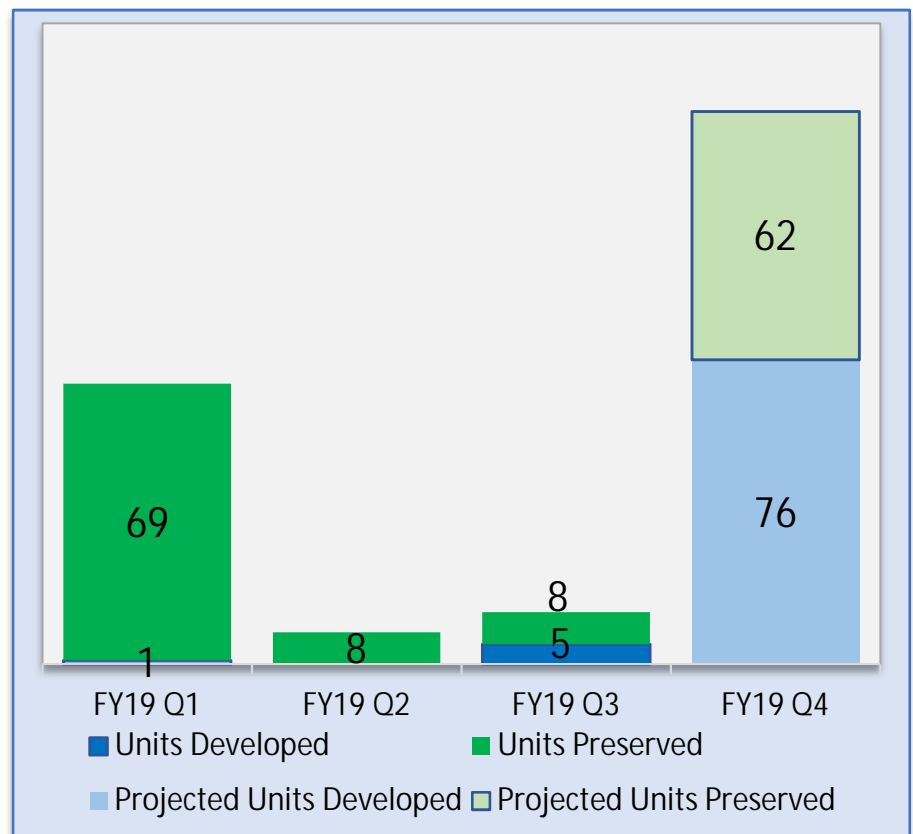
## Year-to-Date Progress Towards FY19 Projection



## Number of Subsidized Units in Town



## Actual and Projections by Quarter – Number of Units



## FY19 Q3 Update | Affordable Housing Projects Underway Supported by Town Funds

Project Type	Provider	Project Name	Number of Units	Projected Completion	Status
	Town of Chapel Hill Public Housing	Oakwood Roof Replacement	30	FY19 Q1	✓
	Town of Chapel Hill Public Housing	Rainbow Heights Roof Replacement	24	FY19 Q1	✓
	Town of Chapel Hill	Transitional Housing Acquisition from CASA	4	FY19 Q1	✓
	Community Home Trust	Courtyards Acquisition	2	FY19 Q1	✓
	Rebuilding Together	Homeowner Rehabilitation	4	FY19 Q2	✓
	Town of Chapel Hill	Sykes Street Transitional Housing Acquisition	4	FY19 Q3	✓
	Habitat for Humanity	Northside Land Acquisition and Second Mortgage Assistance Project	7	FY19 Q3	✓
	Habitat for Humanity	McMasters St Homes	1	FY19 Q3	✓
	Community Home Trust	Homebuyer Subsidy	3	FY19 Q3	✓
	Self-Help	Northside Emergency Repairs	5	FY19 Q3	✓
	Community Empowerment Fund	Rental and Utility Assistance Program	12	FY19 Q3	✓
	Church of the Advocate	Pee Wee Homes Tiny Homes	3	FY19 Q4	●
	DHIC	Greenfield Commons	69	FY19 Q4	●
	Habitat for Humanity	Homeowner Rehabilitation	11	FY19 Q4	●
	Town of Chapel Hill Public Housing	South Estes Rehabilitation	44	FY19 Q4	●
	Town of Chapel Hill Public Housing	North Columbia Rehabilitation	1	FY19 Q4	●
	Community Home Trust	Master Leasing at Glen Lennox	5	FY19 Q4	●
	Self-Help	Land Bank Properties for Affordable Housing	8	FY19 Q4	●
	Community Home Trust	Graham Street Acquisition	1	FY20 Q1	●
	Self-Help	Grisham Cottages	4	FY20 Q2	●
	Community Home Trust	Chandler Woods	9	FY20 Q2	●
	CASA	Merritt Mill Road Multi-Family Development	24	FY21 Q4	●
	Town of Chapel Hill	2200 Homestead Road	140	FY23 Q2	●
	Habitat for Humanity	Sunrise Road	95	FY28 Q2	●



## Legend:

✓: The project has been completed

● : The project is on track to meet its project scope and schedule

● : The project has been delayed in meeting its previous quarter project scope and schedule

● : The project has stalled and may not be completed

 : Development Project : Preservation Project

## FY19 Q3 Update | Town of Chapel Hill Affordable Housing Work Plan Highlights

Project	Progress Update
<b>DEVELOPMENT</b>	
2200 Homestead	<ul style="list-style-type: none"> <li>Town staff issued Request for Qualifications to identify potential development partners and is currently evaluating responses</li> </ul>
Prioritized Parcels of Town-Owned Land	<ul style="list-style-type: none"> <li>Town staff issued Request for Proposals and has contracted with a firm to explore development potential of prioritized sites, with anticipated completion by June 2019</li> </ul>
Identify Properties for Affordable Housing Development	<ul style="list-style-type: none"> <li>Town completed donation of two parcels of Town-owned land to create permanently affordable housing through relocation of cottages in the Historic District</li> <li>The cottages are in the process of being relocated</li> </ul>
Acquisition and Rehab at 624 Sykes	<ul style="list-style-type: none"> <li>Town staff managed rehabilitation of quadraplex and the homes were incorporated into the Town's Transitional Housing Inventory</li> </ul>
<b>PRESERVATION</b>	
Implement Manufactured Home Communities Strategy	<ul style="list-style-type: none"> <li>Town staff continue to implement Manufactured Home Strategy and explore additional preservation strategies</li> </ul>
Affordable Housing Preservation Strategy	<ul style="list-style-type: none"> <li>Town staff continued developing an Affordable Housing Preservation Strategy with Town Council review scheduled for fall 2019</li> </ul>
Housing Displacement Assistance Program (HDAP)	<ul style="list-style-type: none"> <li>Town Manager approved program to provide rental assistance and housing locator services to residents of naturally occurring affordable housing facing displacement</li> </ul>
<b>POLICY</b>	
Explore creation of Employee Housing Incentives	<ul style="list-style-type: none"> <li>Town staff launched the Employee Housing Program and conducted 13 employee interest meetings – one employee has already received assistance through the program</li> </ul>
Participate in LUMO Re-Write Project	<ul style="list-style-type: none"> <li>Housing and Community staff continue participation in project as member of project team</li> </ul>
Tiny Home Exploration	<ul style="list-style-type: none"> <li>Town staff provided an update to Town Council on their exploration of Tiny Homes as an affordable housing solution in town</li> </ul>
<b>FUNDING</b>	
Implement investment Plan for Affordable Housing	<ul style="list-style-type: none"> <li>Staff developed the RFP process for bond funding with input from the Housing Advisory Board and affordable housing partners</li> <li>Staff anticipate providing Council with an update on the proposed process in May 2019</li> </ul>
Manage Affordable Housing Funding Programs – Affordable Housing Fund (AHF), Affordable Housing Development Reserve (AHDR), Community Development Block Grant (CDBG), and HOME	<ul style="list-style-type: none"> <li>Town Council approved three funding applications to Affordable Housing Development Reserve, exhausting available funds in the AHDR for this year</li> <li>Staff developed draft funding plans for CDBG, which Town Council approved in April</li> </ul>
<b>MANAGING TOWN-OWNED HOUSING</b>	
Public Housing Master Plan	<ul style="list-style-type: none"> <li>Staff provided an update to Council in April 2019</li> <li>Public Housing is considering multiple strategies beyond RAD for the rehabilitation and renovation of Trinity Court. Public Housing staff plan to discuss those alternative strategies with Council in the fall.</li> </ul>
<b>MEASUREMENT AND REPORTING</b>	
Provide an Affordable Housing Quarterly Report	<ul style="list-style-type: none"> <li>Staff developed and provided Q2 report to the Council and community in February</li> </ul>
<b>COMMUNICATIONS</b>	
Implement a Communications and Marketing Strategy	<ul style="list-style-type: none"> <li>Town staff are developing a formal affordable housing communications plan</li> <li>Town staff continue to build out and update the affordable housing website, including monthly news stories</li> </ul>

## Notes & Citations

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- The percentage of renters and homeowners that pay more than 30% of their income on Housing, the number and percentage of cost-burdened housing, and total occupied housing units in town data source is U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates
- HUD defines cost-burdened families as those who pay more than 30 percent of their income for all housing related expenses and may have difficulty affording necessities such as food, clothing, transportation, and medical care.
- The median household income data source is the HUD FY2018 Median Family Income Estimates based on American Community Survey data for the Durham-Chapel Hill Metropolitan Statistical Area.
- The median home value data source is Zillow.com
- The total budget for affordable housing strategies captures all Town expenditures for affordable housing. This includes the Affordable Housing Fund, CDBG Funds, and operating funds, among others.
- The percentage of housing units that are affordable to households with income under 80% AMI includes naturally occurring affordable housing and units subsidized by the Town. The data source for this metric and corresponding chart is the commercial real-estate research firm Co-Star and the County-wide data inventory created through the Orange County Affordable Housing Coalition.
- The percent of budget allocated metric displays the percentage of the Town budget for affordable housing projects allocated as of the date of the quarterly report.
- The data source for the number of units subsidized by the Town is the County-wide Data Inventory created through the Orange County Affordable Housing Coalition.
- The data source for subsidized housing unit development projections is the County-wide data inventory created through the Orange County Affordable Housing Coalition.



# TOWN OF CHAPEL HILL

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

## Item Overview

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**Item #:** 12., **File #:** [19-0485], **Version:** 1

**Meeting Date:** 5/22/2019

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**Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.11 Regarding Affordable Housing and Stormwater Management in the Blue Hill District.**

See the Staff Report on the next page.

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

**PRESENTER:** Corey Liles, Principal Planner

- a. Introduction and preliminary 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 recess the Public Hearing to June 26, 2019
- f. Referral to the Manager and Attorney.

**RECOMMENDATION:** That the Council open the Public Hearing, receive public comment, and continue the Public Hearing to June 26, 2019.



OPEN THE PUBLIC HEARING FOR LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENTS TO SECTION 3.11 REGARDING STORMWATER MANAGEMENT AND AFFORDABLE HOUSING IN THE BLUE HILL DISTRICT

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
Ben Hitchings, Director  
Corey Liles, Principal Planner

PROPERTY ADDRESS Blue Hill Form District	PUBLIC HEARING DATE May 22, 2019	REQUESTED BY Town of Chapel Hill
STAFF'S RECOMMENDATION That the Council open the Public Hearing, receive public comment, and continue the Public Hearing to June 26, 2019.		
ITEM OVERVIEW The proposed text amendments to the Form-Based Code of the Blue Hill District (LUMO 3.11) would serve two purposes: (1) updating stormwater management standards in response to recent changes in NC General Statutes, and (2) expanding the purpose statement of the District to recognize affordable housing. Town Council received a presentation on both topics at the <a href="#">March 13, 2019 meeting</a> <sup>1</sup> .		
<p>TOPIC: AFFORDABLE HOUSING</p> <p>Staff has been designing affordable housing strategies for the Blue Hill District, in response to a Council Petition submitted by Council members on <a href="#">March 14, 2018</a><sup>2</sup>. The petition asked the Mayor and Manager to identify solutions for several community interests in the Blue Hill District, including ways to meet the goal for new affordable housing (see attached).</p> <p>Staff determined that adding affordable housing as a purpose of the District in the Form-Based Code would be a useful preliminary step while continuing to explore other options.</p>		<p>PROCESS</p> <ol style="list-style-type: none"> <li>1. Research Potential Standards</li> <li>2. Community Review</li> <li>3. Advisory Board Review</li> <li>4. Planning Commission Review</li> <li>5. Council Public Hearing</li> <li>6. Consider Action on Text Amendment</li> </ol>
<p>TOPIC: STORMWATER</p> <p>In December of 2018, the North Carolina General Assembly enacted Session Law 2018-145, which included a revision to G.S. 143-214.7(b3). The statute revision states that for redevelopment projects, stormwater controls shall only be required to treat the net increase in impervious area.</p> <p>Under the provisions of the Blue Hill District Form-Based Code, developers provide stormwater treatment for 50% post-construction impervious area for water quality standards. SL 2018-145 removes the ability to enforce this requirement.</p> <p>The proposed text amendment would modify the Form-Based Code to incentivize stormwater benefits. Two paths would be established for application review:</p> <ul style="list-style-type: none"> <li>• <u>Conventional</u> – treatment for net increase in impervious area, with entitlement for lower development potential</li> <li>• <u>Enhanced Stormwater</u> – treatment of 50% post-construction impervious area, with entitlement for current development potential in Blue Hill District</li> </ul>		<p>The Land Use Management Ordinance establishes the intent of Text Amendments by stating that, "In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town it is intended that this chapter shall not be amended except:</p> <ul style="list-style-type: none"> <li>• to correct a manifest error in this chapter; or</li> <li>• because of changed or changing conditions in a particular area or in the jurisdiction generally; or</li> <li>• to achieve the purposes of the Comprehensive Plan."</li> </ul>
ATTACHMENTS	<p>FISCAL IMPACTS &amp; RESOURCES</p> <p>There are no fiscal impacts associated with this public hearing.</p> <ul style="list-style-type: none"> <li>• Draft Staff Presentation</li> <li>• Technical Report</li> <li>• Draft Resolution of Consistency with the Comprehensive Plan</li> <li>• Draft Ordinance (Approving the Text Amendment Proposal)</li> <li>• Excerpt from Session Law 2018-145</li> <li>• March 14, 2018 Petition to Council</li> </ul>	

<sup>1</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=621445&GUID=DC1B731A-800E-4CF5-8C36-502EFC226A8C>  
(see items 8 and 9)

<sup>2</sup> <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=582679&GUID=4D52E0D3-32B1-4230-A697-C41E6616678E>





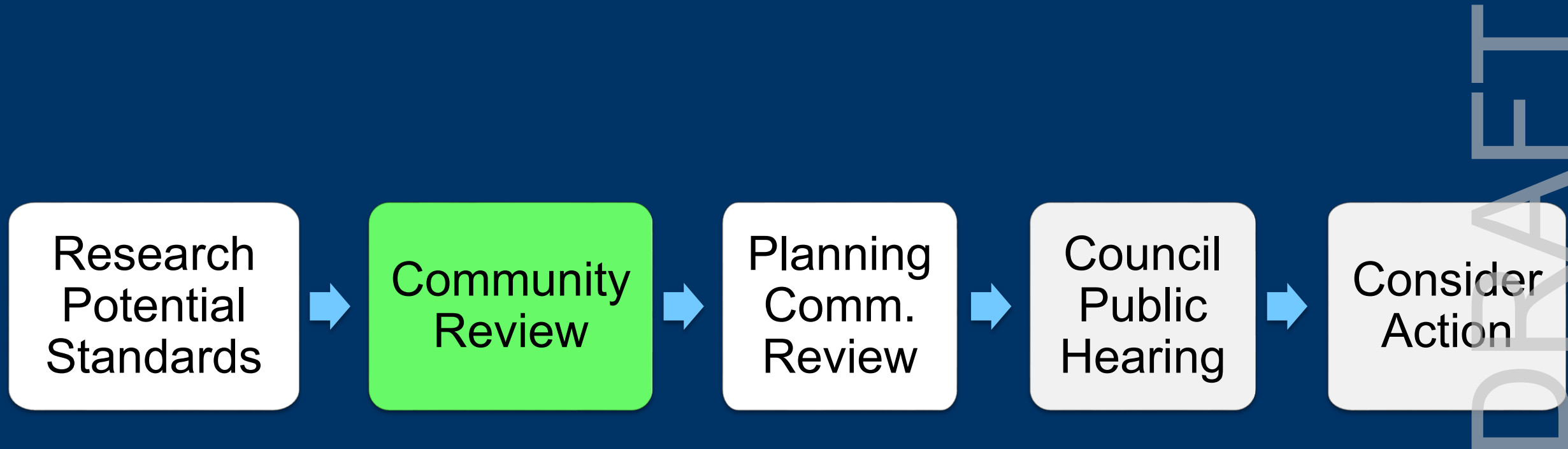
# Proposed Changes to Blue Hill Form-Based Code

**Public Info Meeting**  
**May 13, 2019**

- **Affordable Housing**
- **Stormwater**

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# Text Amendment Process

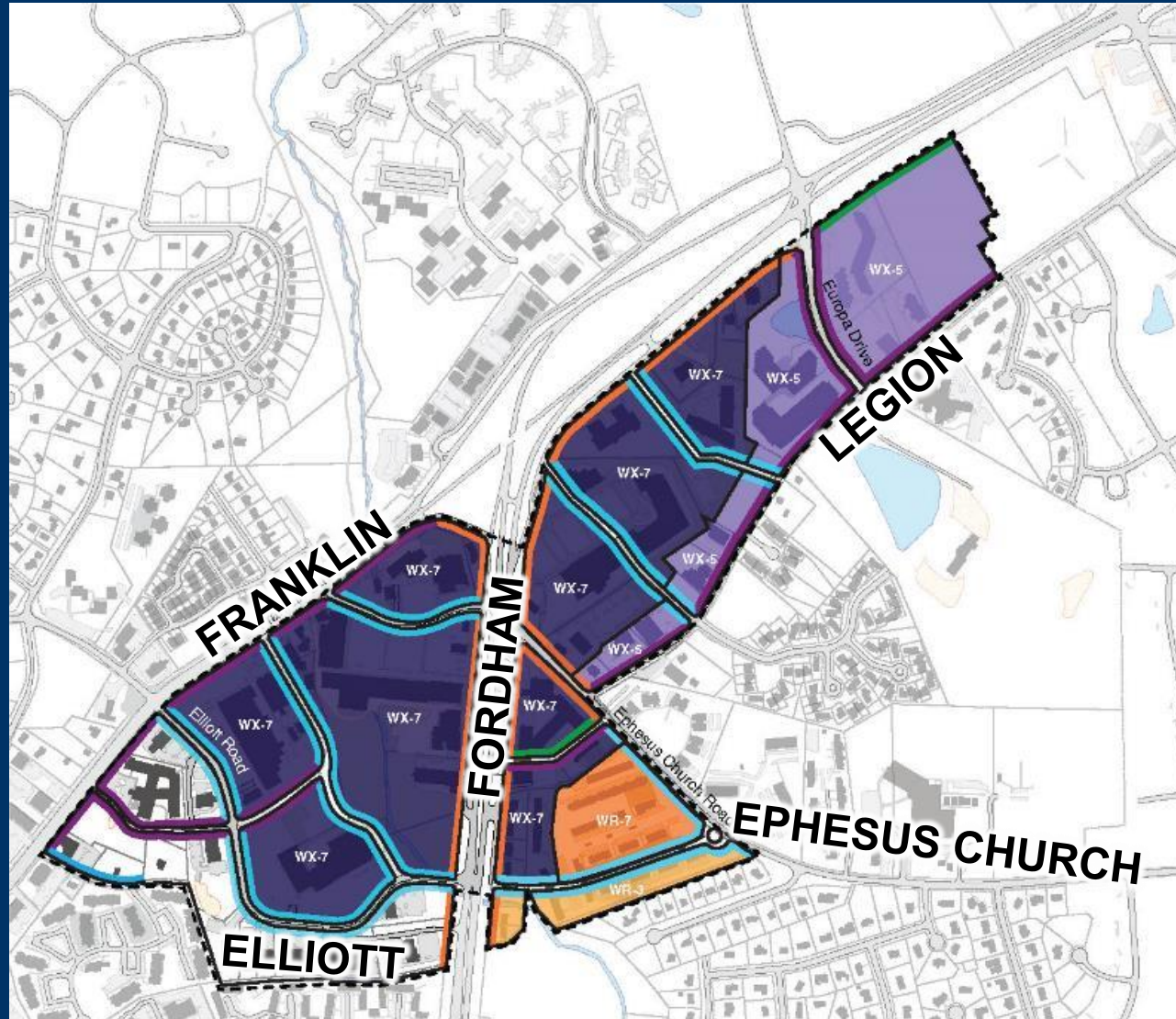


# Staff Recommendation

- Receive the presentation
- Open the public hearing and receive public comment
- Continue hearing to June 26, 2019

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# Area Map



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# Background: Affordable Housing

329

- Blue Hill (Ephesus-Fordham) District established in 2014 with a goal of creating **300** new affordable housing units
- Development of DHIC Project
- March 2018 Petition from Councilmembers: Identify additional affordable housing strategies



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# Affordable Housing - Possible Strategies

- Zoning Incentives
- Allocation of Tax Revenue
- Partnerships with Developers



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# Affordable Housing Changes

- Include Affordable Housing as part of the Purpose Statement of the Form-Based Code



“This Form District fosters a residential, mixed use and pedestrian-friendly area. The Form District is also intended to support the Town’s Goals for Creating a Place for Everyone and Nurturing Our Community, by promoting diverse and affordable housing options serving a range of income levels.”

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# Objectives for Change

- Preliminary step to support possible future strategies



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# Background: Stormwater

- **May 12, 2014: Blue Hill Code adopted**
  - **Stormwater requirement:** Treat 50% of post-construction impervious
- **December 27, 2018: Session Law 2018-145 enacted (technical corrections bill)**
  - Local governments can only require stormwater treatment for the net increase in impervious area

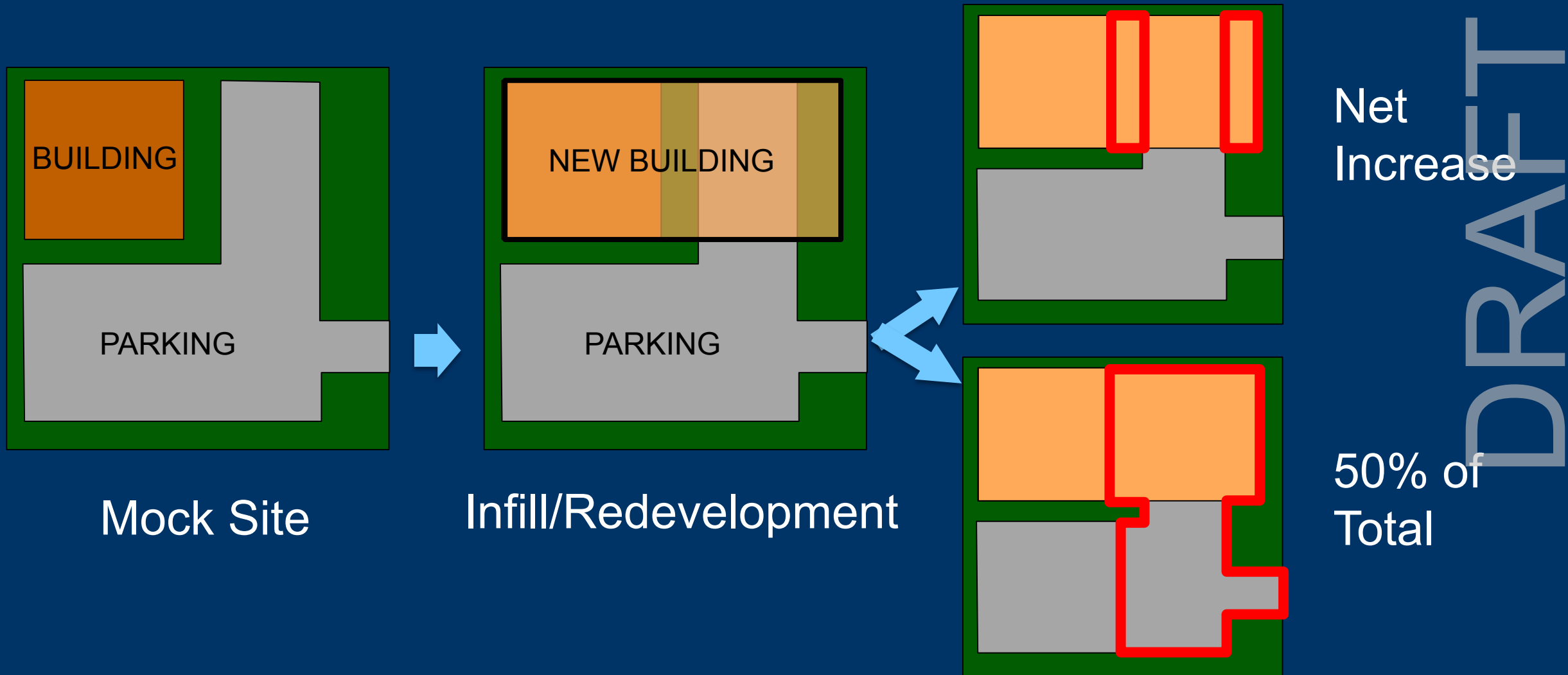


# Issue Created by New Legislation

- Stormwater treatment is a key community interest
- Blue Hill Form-Based Code structured with various tradeoffs
  - More density allowed, no Resource Conservation Districts (RCDs) required
  - Stormwater controls added to developed areas that were previously untreated



# Net Increase vs 50% of Total Post-Construction



# Summary of Stormwater Changes

Restructure Blue Hill Code to offer applicants a choice of 2 paths for project review



1. Conventional (standards similar to Community Commercial)  
Allows treatment of net increase in impervious area only, to satisfy State statute
2. Enhanced Development (maintains current Blue Hill standards)  
Increased development potential when more impervious area is treated

# Objectives for Changes

- Restore the ability to improve stormwater treatment through Blue Hill development
- Keep changes simple where possible, to allow a quicker path to adoption



# 1. Conventional Path

## STORMWATER REQUIREMENTS:

Treatment of net increase only

## DIMENSIONAL STANDARDS:

Modeled closely after the CC  
(Community Commercial) district

### Permitted Uses:

Most Commercial and Residential uses  
(no change from current Blue Hill)

### Max Density:

15.0 units/acre

### Max Floor Area

Ratio (FAR): 0.429

### Max Height:

34 ft at setback  
line, up to 60 ft  
interior to site

### RCDs:

Required



# 1. Conventional Path

## OTHER DEVELOPMENT STANDARDS:

As currently required in the Blue Hill District, where feasible

- Block Length limits, Outdoor Amenity Space, Building Form standards, etc

## REVIEW PROCESS:

Council review of Special Use Permit (for any project over 20,000 sq ft of building / 40,000 sq ft of land disturbance)

*Sample Development Footprint*



## 2. Enhanced Development Path

### Voluntary, Incentivized

#### STORMWATER REQUIREMENTS:

Treatment of 50% total post-construction impervious

#### DIMENSIONAL STANDARDS:

Current Blue Hill District standards  
(WX- and WR- Subdistricts)

#### Permitted Uses:

Most Commercial and Residential uses

#### Max Density:

indirectly limited by  
Height, Setbacks,  
Open Space

#### Max Floor Area Ratio (FAR):

indirectly limited by  
Height, Setbacks,  
Open Space

#### Max Height:

Up to 90 ft /  
7 stories

#### RCDs:

Not required



## 2. Enhanced Development Path

### OTHER DEVELOPMENT STANDARDS:

As currently required in the Blue Hill District

### REVIEW PROCESS:







Staff review of Form District Permit

CDC review for Certificate of Appropriateness

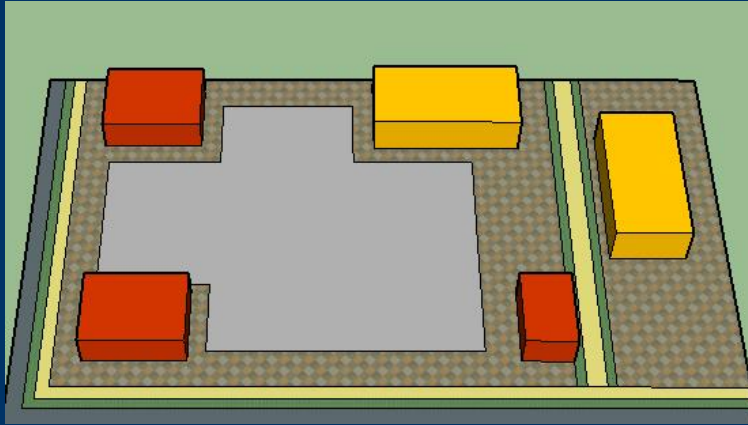
*Sample Development Footprint*



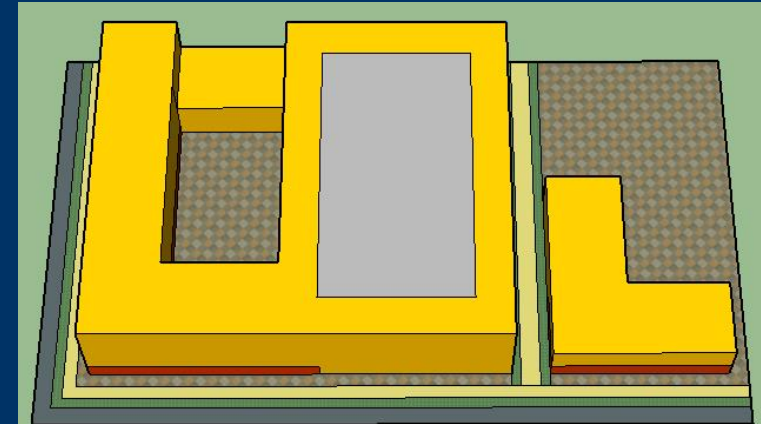
# Development Scenarios

Key	
	Residential
	Commercial
	Parking
	Protected Stream Buffer
	Streetscape / Greenway
	Other Site Functions

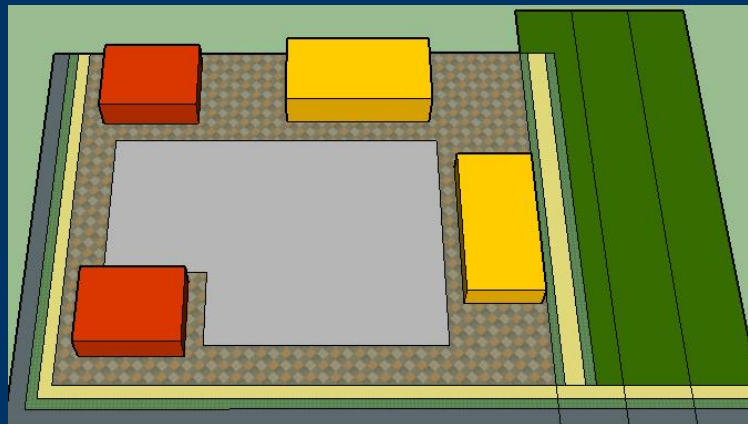
1A. Conventional Path, no stream



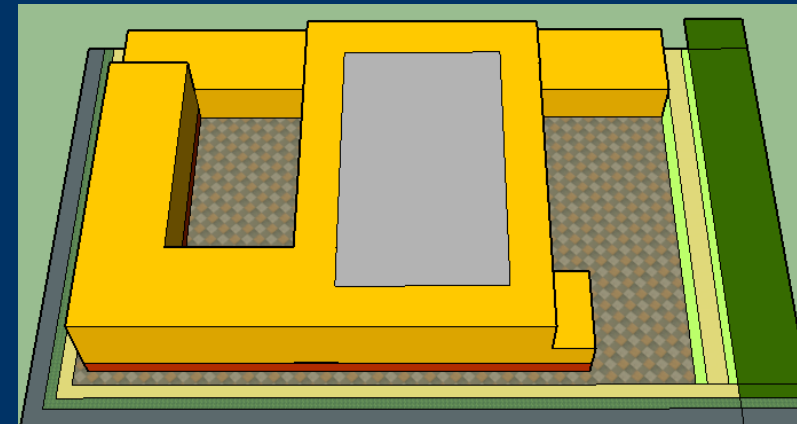
2A. Enhanced Development, no stream



1B. Conventional Path, with stream

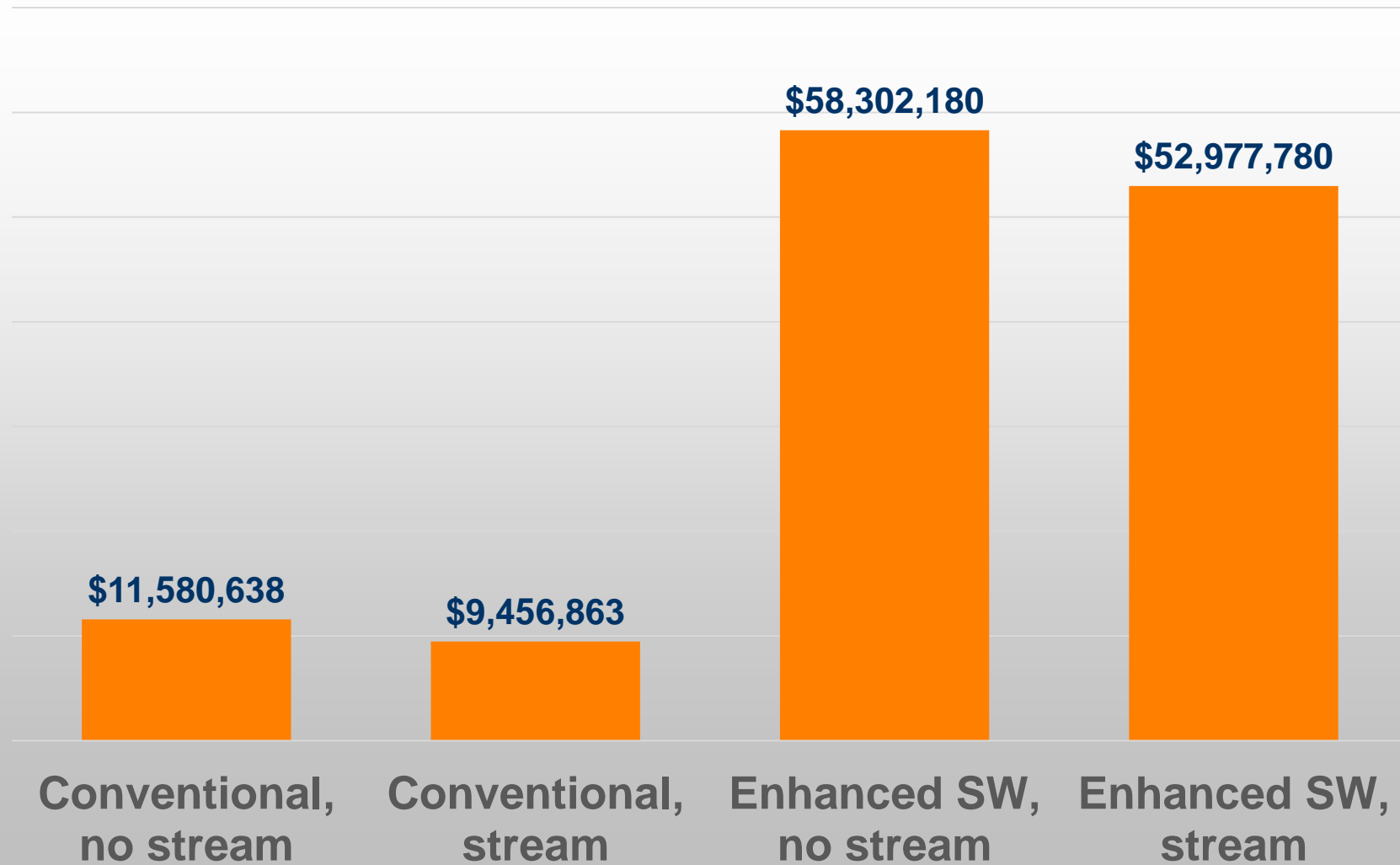


2B. Enhanced Development, with stream



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## Total Value



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# Financial Modeling

## DEVELOPMENT POTENTIAL:

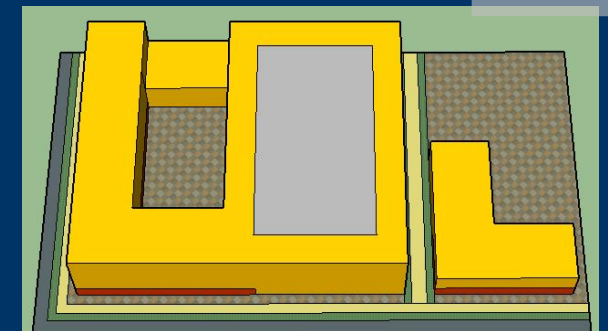
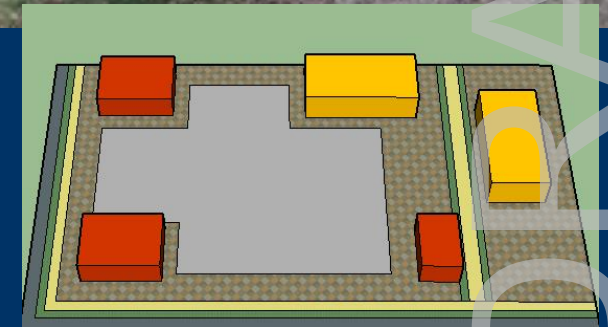
Building square footage reduced by ~80% under Conventional Path, due to FAR limits

## STORMWATER COSTS:

Higher for Enhanced Development projects, but only a small portion of total development costs

## LAND SHARE OF DEVELOPMENT COSTS:

Very high under Conventional Path (23-25%)  
Developers typically look for 10% or less



# Other Opportunities Considered

- **IMPERVIOUS SURFACE LIMITS**  
Less effective for sites already developed
- **LOW IMPACT DEVELOPMENT STRATEGIES**  
May be out of context in District
- **INCREASED OPEN SPACE / GREEN SPACE**  
Requires determination of standards
- **RAINWATER CAPTURE AND REUSE**  
Effectiveness depends on irrigation needs

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# Charlotte Experience

- Previously required development to treat any existing impervious area if it:
  - Disturbed more than one acre of land, and
  - Resulted in at least 24% impervious area for site, or at least 20,000 sq ft of impervious area for commercial development
- No change to stream buffer requirements
- In response to new State law, City is now only requiring treatment for net increase in impervious area
- No other known actions at this time



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# Stakeholder Engagement

Town Council

Environmental Stewardship Advisory Board

Stormwater Mgmt Utility Advisory Board

Housing Advisory Board

Planning Commission

Blue Hill property owners & managers

General Public



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# Stakeholder Input

- Support for this approach – given the limitations on what we can regulate
- Water Quality and Affordable Housing are important to community
- Enhanced Development an attractive option for sites constrained by RCD's

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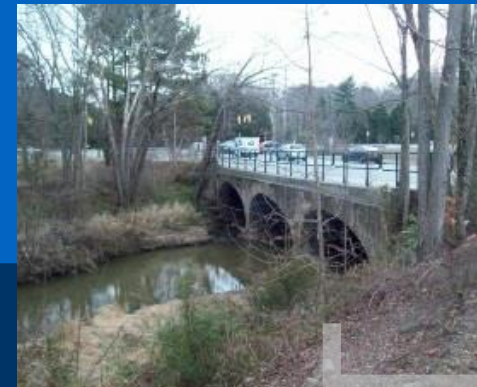


# Staff Recommendation

- Receive the presentation
- Open the public hearing and receive public comment
- Continue hearing to June 26, 2019

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# Questions and Discussion



## Proposed Changes to Blue Hill Code

1. Add affordable housing to Purpose Statement
2. Offer applicants a choice of 2 paths for project review
  - A. Conventional (standards similar to Community Commercial)  
Allows treatment of net increase in impervious area only,  
to satisfy State statute
  - B. Enhanced Development (maintains current Blue Hill standards)  
Increased development potential when more impervious area  
is treated

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# TECHNICAL REPORT

Council Public Hearing – 05/22/2019



## LUMO TEXT AMENDMENT FOR BLUE HILL STORMWATER MANAGEMENT AND AFFORDABLE HOUSING

The following Technical Report describes proposed modifications to the Form District Regulations of the Blue Hill District for purposes of promoting affordable housing and maintaining stormwater treatment benefits while remaining in accord with revised State statute.

### BACKGROUND

May 12, 2014	Ephesus-Fordham (Blue Hill) Form-Based Code adopted, with stormwater requirement to treat 50% of post-construction total impervious area for 85% Total Suspended Solid removal.
March 14, 2018	Councilmembers submitted a petition on the Blue Hill District, which included an interest in identifying strategies to meet affordable housing goals for the District
December 27, 2018	Session Law 2018-145, a technical corrections bill, enacted by the NC General Assembly with a provision that local governments may only require stormwater controls to treat the net increase in impervious area of a redeveloped site.
March 13, 2019	Town staff updates the Council on (a) possible strategies for affordable housing in the Blue Hill District, and (b) potential modifications to the Form-Based Code in response to State legislation.
April – May 2019	Outreach to potential stakeholder groups, including: Stormwater Management Utility Advisory Board, Environmental Stewardship Advisory Board, Housing Advisory Board, and the development community
May 13, 2019	Public Information Meeting
May 21, 2019	Seeking Planning Commission recommendation

### NEXT STEPS

May 22, 2019	Council opens the Public Hearing to hear the proposed amendments and receive public comments
June 26, 2019	Council considers action on the proposed amendments

# TECHNICAL REPORT

Council Public Hearing – 05/22/2019

## PROPOSED CHANGES RELATED TO AFFORDABLE HOUSING

Staff proposes the following update to Form District regulations, as a preliminary step while continuing to design affordable housing strategies:

Identifying Affordable Housing as part of the District's Purpose: A statement would be added to the introductory provisions of the Form-Based Code to identify "diverse and affordable housing options" as one of the purposes of the District, alongside a mix of uses and high-quality public realm. While this change does not set any specific requirement for affordable housing in the District, it provides a foundation for future efforts.

## PROPOSED CHANGES RELATED TO STORMWATER MANAGEMENT

Staff proposes update to Form District regulations that would incentivize enhanced stormwater treatment while satisfying the requirements of State statutes:

New Paths for Application Review: The zoning regulations for the District would be restructured to allow applicants to select between two paths for review: Conventional or Enhanced Stormwater. All properties zoned WX-5, WX-7, WR-3, or WR-7 would subsequently follow one of these paths for development as determined by the applicant. The existing requirements for development in the Blue Hill District are the same as Path 2: Enhanced Stormwater.

1. Conventional: Applications that provide stormwater treatment for only the net increase in impervious area would be subject to limitations on the size of development that are modeled closely on the CC (Community Commercial) zoning district. This includes maximum density, floor area ratio, height, and Resource Conservation Districts for stream features. Projects would be reviewed by Town Council for a Special Use Permit if they exceed the LUMO thresholds for building square footage and land disturbance, or by Planning Commission if they are below these thresholds.
2. Enhanced Stormwater: Applications that provide stormwater treatment for 50% of post-construction impervious area would be subject to all the current standards of the Blue Hill District. The existing development potential would become a 'density bonus' for projects that provide more stormwater treatment. A Special Use Permit would not typically be required and the project would start with administrative review.

Further detail on the standards applicable to each path is provided on the following page. Note that some standards vary based on the Subdistrict of the Blue Hill Form District (Walkable Residential, WR-, or Walkable Mixed Use, WX-).

# TECHNICAL REPORT

Council Public Hearing – 05/22/2019

STANDARD	PATH 1: CONVENTIONAL	PATH 2: ENHANCED STORMWATER
Stormwater Condition	Water quality treatment of the net increase in impervious area, when this is less than 50% post-construction impervious area	Water quality treatment of 50% post-construction impervious area or greater
Permitted Uses	[No change proposed] A variety of Commercial, Office, Lodging, Institutional, and Multifamily Residential uses (no Single-Family Residential)	
Maximum Density	15.0 units/acre	N/A
Maximum FAR (Floor Area Ratio)	429 sq ft of building per 1,000 sq ft of land	N/A
Maximum Height	At setback line: 34 ft Interior to site: 45 ft for WR-3; 60 ft otherwise	Up to 7 stories and 90 ft, depending on the Subdistrict
Minimum Height	[No change proposed] Minimum 2-story building height Minimum story heights for ground floor and upper floors	
(RCDs) Resource Conservation Districts	Required per LUMO 3.6.3	Not required
Street Setbacks	[No change proposed] Minimum 0 ft or 5 ft depending on Frontage type Maximum 10 ft or more depending on Frontage type No surface parking in setback areas on Type A Frontages	
Build-to Requirement	2/3 the width of each building front facade must be located between the minimum and maximum setback lines	60%-80% of the lot width must have a building facade or open space located between the minimum and maximum setback lines
Lot Considerations	5,500 sq ft minimum land area 50 ft minimum lot width	Residential: 1,700 sq ft min land area, 20 ft min lot width Nonresidential: 5,000 sq ft min land area, 50 ft min lot width
Streetscape	[No change proposed] 6 ft – 10 ft wide sidewalks and 4 ft – 8 ft wide planting zones, depending on Frontage type	
Open Space	[No change proposed] 6% of lot must be Outdoor Amenity Space Residential projects must also provide Recreation Space	
Connectivity	[No change proposed] 450 ft maximum block length; 1800 ft maximum block perimeter Longer buildings require pass-throughs spaced at 330 ft	

# TECHNICAL REPORT

Council Public Hearing – 05/22/2019

STANDARD	PATH 1: CONVENTIONAL	PATH 2: ENHANCED STORMWATER
Building Mass	[No change proposed] Varied massing required for buildings 4 stories and above Upper stories limited to 70% floor area of lower stories For buildings set back less than 20 ft, requirement for upper story step backs or defined building modules	
Building Form	[No change proposed] Minimum requirements for transparency (windows) Maximum area for blank walls Maximum spacing for building entrances List of allowable building materials	
Building Elements	[No change proposed] Subdistrict determines whether features such as balconies, arcades, awnings, etc. are permitted	
Vehicular Parking	[No change proposed] Provide parking spaces as required in the Form-Based Code	
Bicycle Parking	[No change proposed] Provide bicycle parking as required in the Form-Based Code	
Other Development Standards	[No change proposed] Meet standards for Landscaping, Site Lighting, and Outdoor Display & Storage as defined in the Form-Based Code	
Application Review	Projects exceeding 20,000 sq ft of building area or 40,000 sq ft of land disturbance subject to Special Use Permit review by Town Council, otherwise subject to Site Plan Review Final plans reviewed for Form District Permit and Certificate of Appropriateness	Final plans reviewed for Form District Permit and Certificate of Appropriateness

# TECHNICAL REPORT

Council Public Hearing – 05/22/2019

## ZONING AMENDMENT FINDINGS OF FACT

All information submitted at the public hearing will be included in the record of the hearing. Based on the comments and documentation submitted, the Council will consider whether it can make one or more of three required findings (listed below A-C) for enactment of the Land Use Management Ordinance Text Amendment.

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance shall not be amended except:

- A. To correct a manifest error in the chapter; or
- B. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- C. To achieve the purposes of the Comprehensive Plan.

Following is a staff response to the three required considerations:

- A. To correct a manifest error in the chapter

Staff Comment: We believe information in the record to date can be summarized as follows:

Argument in Support: To date no arguments in support have been submitted.

Argument in Opposition: To date no arguments in opposition have been submitted.

- B. Because of changed or changing conditions in a particular area or in the jurisdiction generally

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: This text amendment responds to recent revisions in State statute as enacted by Session Law 2018-145. The change in statute affects local government authority over stormwater treatment requirements and specifically restricts the enforceability of current stormwater standards for the Blue Hill District.

Argument in Opposition: To date no arguments in opposition have been submitted.

- C. To achieve the purposes of the Comprehensive Plan

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: Relevant goals and objectives in the Chapel Hill 2020 Comprehensive Plan include, but are not limited to:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Goal Nurturing Our Community.2)
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Goal Nurturing Our Community.5)

Argument in Opposition: To date no arguments in opposition have been submitted.

Staff will provide an evaluation of the findings of fact at future meetings where this item is presented.

## RESOLUTION OF CONSISTENCY

A RESOLUTION FINDING THAT THE PROPOSED AMENDMENTS TO SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO IMPROVE OUTCOMES FOR STORMWATER MANAGEMENT AND AFFORDABLE HOUSING IN THE BLUE HILL DISTRICT ARE CONSISTENT WITH THE COMPREHENSIVE PLAN (2019-##-##/R-#)

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance in response to a revision to G.S. 143-214.7(b3) as enacted by the North Carolina General Assembly in December 2018, along with the goal for development of new affordable housing in the Blue Hill District; and

WHEREAS, upon consideration the Council finds that the amendments, if enacted, are reasonable and in the public's interest and are warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Goal Nurturing Our Community.2)
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Goal Nurturing Our Community.5)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed zoning text amendments to be reasonable and consistent with the Town Comprehensive Plan.

This the X day of XX, 2019.



ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING SECTION 3.11 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO IMPROVE OUTCOMES FOR STORMWATER MANAGEMENT AND AFFORDABLE HOUSING IN THE BLUE HILL DISTRICT (2019-##-##/O-#)

WHEREAS, on May 12, 2014, the Town Council amended the Land Use Management Ordinance to establish Form District Regulations for the Ephesus Church Road/Fordham Boulevard area of Chapel Hill, now identified as the Blue Hill District; and

WHEREAS, in December 2018 the North Carolina General Assembly enacted Session Law 2018-145, which included a revision to G.S. 143-214.7(b3) that affects local government authority over stormwater treatment requirements for redevelopment projects; and

WHEREAS, the area of Chapel Hill that this revised statute most immediately affects is the Blue Hill District; and

WHEREAS, Town staff has worked with stakeholders including Town Council, the Stormwater Management Utility Advisory Board, the Environmental Stewardship Advisory Board, and the local business community to formulate possible modifications to the Blue Hill Form-Based Code that respond to the provisions of the revised statute; and

WHEREAS, Town Council has also established a goal for development of new affordable housing in the Blue Hill District which is not currently addressed in the purpose statement for the District; and

WHEREAS, on May 21, 2019, the Planning Commission considered Land Use Management Ordinance text amendments on the above topics and forwarded a recommendation to the Public Hearing before the Council; and

WHEREAS, the Council of the Town of Chapel Hill has considered the Town-initiated proposal to amend the Land Use Management Ordinance in response to the revised State statute and the goal for development of new affordable housing; and

WHEREAS, the Council finds that reinvestment in properties in the Blue Hill District is appropriate and especially significant based on the findings of the Ephesus Church-Fordham Small Area Plan; and

WHEREAS, upon consideration the Council finds that the ordinance is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Goal Nurturing Our Community.2)

- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Goal Nurturing Our Community.5)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that Section 3.11. – Blue Hill Form District of the Land Use Management Ordinance, Appendix A of the Town Code, is amended as follows:

## SECTION 1

Section 3.11.1.1. Purpose is hereby revised to read as follows:

“The Blue Hill Form District, previously known as the Ephesus/Fordham Form District, established in Section 3.11 is intended for the specific area of the town designated as a focus area in the Comprehensive Plan 2020. This Form District fosters a residential, mixed use and pedestrian-friendly area. The Form District is also intended to support the Town’s Goals for Creating a Place for Everyone and Nurturing Our Community, by promoting diverse and affordable housing options serving a range of income levels as well as improved stormwater treatment for water quality. Unlike conventional zoning, this Form District fosters more predictable results and a high-quality public realm. This is achieved by prescribing the physical form of buildings and other elements, by addressing the relationship between building façades and the public realm, and by specifying the form and mass of buildings and the scale and types of streets and blocks. This Form District is considered a Special Appearance District, in accordance with Town Charter Chapter 5, Article 5, Appearance of Structures.”

## SECTION 2

Section 3.11.1.2. Overall Site Design, Subsection C. is hereby revised to read as follows:

“Application of Land Use Management Ordinance Requirements. Applications for development in the Form District shall meet either subsection 1 or 2:

1. Conventional Option
  - a. Conditions. The development shall conform to the standards of Land Use Management Ordinance Section 5.4.
  - b. Standards for Lot, Placement, Mass, and Form. The development shall conform to the standards of Section 3.11.2.8.
  - c. Exemptions. Except as otherwise provided in this Code, the following sections of the Land Use Management Ordinance do not apply:
    - i. Section 3.11.4.3, Stormwater Management
2. Enhanced Stormwater Option
  - a. Conditions. The development shall conform to the standards of Land Use Management Ordinance Section 3.11.4.3.
  - b. Standards for Lot, Placement, Mass, and Form. The development shall conform to the standards of Section 3.11.2.3 or 3.11.2.4 as applicable based on the Subdistrict.

- c. Exemptions. Except as otherwise provided in this Code, the following sections of the Land Use Management Ordinance do not apply:
  - i. Section. 3.6.3, Resource Conservation District
  - ii. Section 4.7, Site plan review
  - iii. Section 5.3.2, Steep Slopes
  - iv. Section 5.4, Stormwater management
  - v. Section 5.19 , Jordan watershed stormwater management for new development
- 3. In addition to exemptions outlined above, and Except as otherwise provided in this Code, the following sections of the Land Use Management Ordinance do not apply in the Blue Hill Form District:
  - 1. ~~Article 3, Zoning Districts, Uses, and Dimensional Standards:~~
    - a. ~~Section 3.6.3, Resource Conservation District~~
    - b.a. ~~Section 3.7.2, Use Matrix~~
    - e.b. ~~Section 3.7.3, Use Groups~~
    - d.c. ~~Section 3.8, Dimensional standards~~
    - e.d. ~~Section 3.10, Inclusionary zoning~~
  - 2. ~~Article 4, Procedures:~~
    - a. ~~Section 4.7, Site plan review~~
    - b.e. ~~Section 4.8, Master land use plan~~
  - 3. ~~Article 5, Design and Development Standards;~~
    - a.f. ~~Section 5.1, Overall site design~~
    - b. ~~Section 5.3.2, Steep Slopes~~
    - c. ~~Section 5.4, Storm water management~~
    - d.g. ~~Section 5.5, Recreation~~
    - e.h. ~~Section 5.6, Landscaping, screening and buffering~~
    - f.i. ~~Section 5.11, Lighting Standards~~
    - g.j. ~~Section 5.17, Prevention of demolition by neglect~~
    - h. ~~Section 5.19, Jordan watershed stormwater management for new development~~
  - 4.k. ~~Article 6, Special Regulations for Particular Uses"~~

### SECTION 3

Section 3.11.2.3. Walkable Residential (WR-3 and WR-7) is hereby amended to insert new introductory text at the start of the section as follows:

"Development in the Walkable Residential Subdistricts that meets the Enhanced Stormwater Option conditions as specified in Section 3.11.1.2.C. shall be subject to the following standards:"

## SECTION 4

Section 3.11.2.4 Walkable Mixed Use (WX-5 and WX-7) is hereby amended to insert new introductory text at the start of the section as follows:

"Development in the Walkable Mixed Use Subdistricts that meets the Enhanced Stormwater Option conditions as specified in Section 3.11.1.2.C. shall be subject to the following standards:"

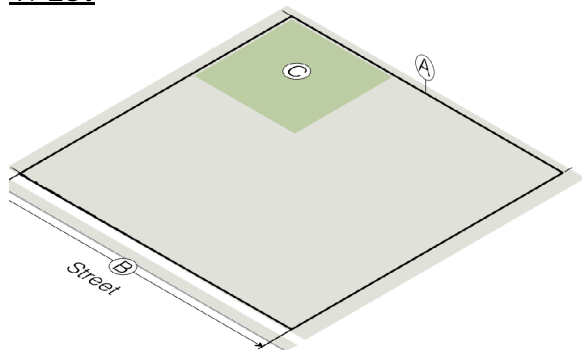
## SECTION 5

Section 3.11.2. District Character, is hereby amended to insert a new Section 3.11.2.8. Conventional Development as follows:

### "3.11.2.8 Conventional Development

Development in the Form District that meets the Conventional Option conditions as specified in Section 3.11.1.2.C. shall be subject to the following standards:

#### 1. Lot

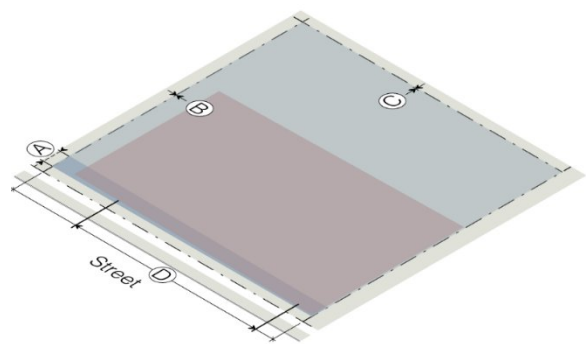


<u>Lot Dimensions</u>		
—	<u>Net land Area (min)</u>	<u>5,500 SF</u>
—	<u>Lot width (min)</u>	<u>50'</u>
	<u>Street Frontage (min) (see 3.8.2(d))</u>	<u>40'</u>
<u>Lot Parameters</u>		
—	<u>Outdoor amenity space ratio (min)</u>	<u>0.06</u>
	<u>Recreation space ratio (min), applies to residential portion of building</u>	
	<u>1—3 story building</u>	<u>0.08</u>
	<u>4+ story building</u>	<u>0.12</u>
	<u>Residential Density (units per acre max) (see 3.8.2(c))</u>	<u>15.0</u>
	<u>Floor Area Ratio (max) (see 3.8.2(l))</u>	<u>.429</u>

Outdoor amenity space is a ratio of net land area.

Recreation space, Residential density, and Floor area ratio are ratios of gross land area.

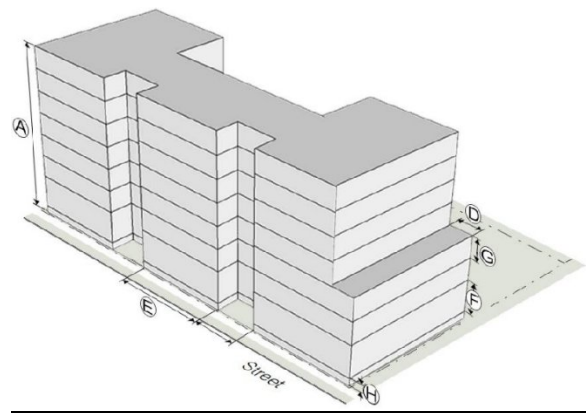
2. Placement



Building Setbacks		
—	Front	As defined by Frontage Type
—	Side interior (min)	0' or 5'
—	Rear (min)	0' or 5'
—	Rear, alley (min)	5'
Build-to-Zone (BTZ)		
—	Building façade in BTZ (min % of lot width)	Not applicable for any Frontage
Block Parameters		
	Maximum block length	450'
	Maximum block perimeter	1,800'

For additional information regarding other terms, definitions and requirements, see Section 3.11.2.7. Measurements and Exceptions.

3. Mass

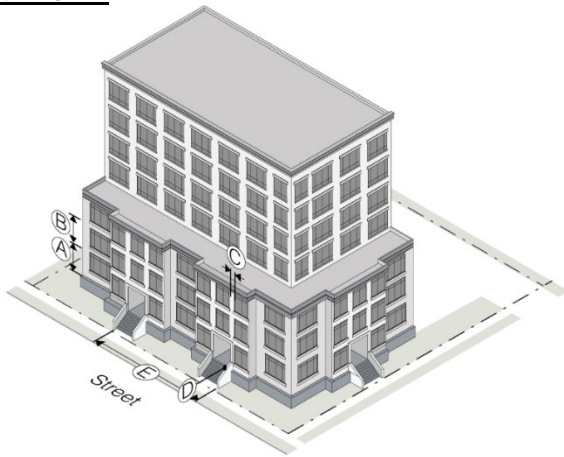


<u>Building Height</u>		
	<u>Building height, Setback (max) (see 3.8.3(f))</u>	<u>34'</u>
—	<u>Building height, Core (max) (see 3.8.2(g))</u>	
	<u>- WR-3</u>	<u>3 stories, not to exceed 45'</u>
	<u>- All Other Subdistricts</u>	<u>5 stories, not to exceed 60'</u>
—	<u>Building height for principal structures (min)</u>	<u>2 stories*</u>
<u>Mass Variation</u>		
—	<u>Average floor plate area (max) above 3<sup>rd</sup> floor</u>	
	<u>- 3 story buildings or less</u>	
	<u>- 4 story buildings or greater</u>	<u>70% of floor plate area of third floor, with no floor plate exceeding 80% of third floor area**</u>
	<u>Buildings 4 stories or greater shall meet either the step back or module offset standard below</u>	
—	<u>Building step back above 2<sup>nd</sup> or 3<sup>rd</sup> floor (min)</u>	<u>10' step back above 2<sup>nd</sup> or 3<sup>rd</sup> floor</u>
—	<u>Module offset</u>	
	<u>- Average module width (max)</u>	<u>80'</u>
	<u>- Depth of offset (min)</u>	<u>6'</u>
	<u>-Width of offset (min)</u>	<u>12'</u>
<u>Story Height</u>		
—	<u>Ground story height, floor to ceiling (min)</u>	
	<u>- Residential</u>	<u>9'</u>
	<u>- Nonresidential</u>	<u>13'</u>
—	<u>Upper story height, floor to ceiling (min)</u>	<u>9'</u>
<u>Ground Floor Elevation</u>		
	<u>- Residential (min/max)</u>	<u>2'/4'</u>
	<u>- Nonresidential (min/max)</u>	<u>0'/2'</u>

\*The second story shall be at least 2/3rds the floor area of the first story

\*\*Greater floor plate area is permitted above the 3<sup>rd</sup> floor for a building that includes non-residential uses, subject to provision of a 20' building setback, as described in 3.11.2.7.T.

#### 4. Form



<u>Transparency</u>		
—	<u>Ground story (min)</u>	
	<u>- Residential</u>	<u>20%</u>
	<u>- Nonresidential</u>	<u>60%</u>
—	<u>Upper story (min)</u>	<u>20%</u>
—	<u>Blank wall distance (max)</u>	
	<u>- Residential</u>	<u>50'</u>
	<u>- Nonresidential</u>	<u>30'</u>
<u>Pedestrian Access</u>		
—	<u>Principal entrance facing the public realm</u>	<u>required</u>
—	<u>Principal entrance spacing along street-facing facade (max)</u>	
	<u>- Residential</u>	<u>50'</u>
	<u>- Nonresidential</u>	<u>100'</u>
—	<u>Building pass-through</u>	<u>330' maximum spacing</u>
	<u>Width (min)</u>	<u>12'</u>
	<u>Height (min)</u>	<u>Equal to the height of the adjacent first floor ceiling</u>
<u>Building Elements Permitted</u>		
	<u>Front porch, stoop</u>	
	<u>Balcony</u>	
	<u>Awning/canopy (WX- Subdistricts only)</u>	
	<u>Gallery (WX- Subdistricts only)</u>	
	<u>Forecourt</u>	

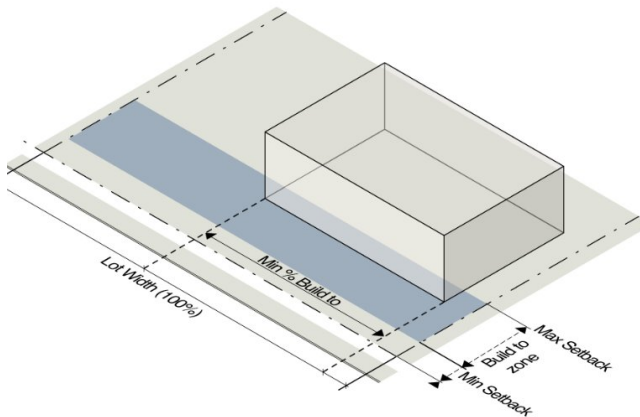
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## SECTION 6

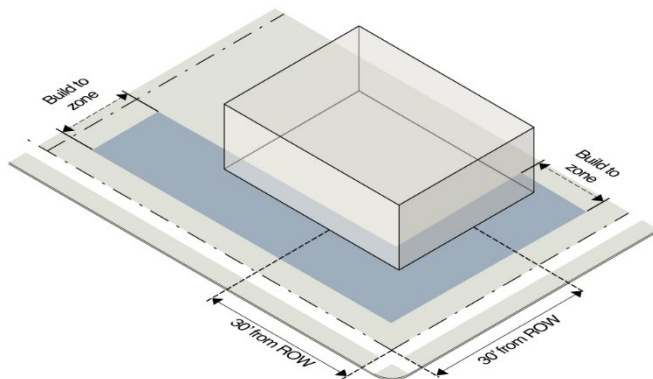
Section 3.11.2.7. Measurements and Exceptions, Subsection I. Build-to-Zone (BTZ), subsections 1-3 is hereby renamed and revised to read as follows:

### "I. Build-to zone (BTZ)- Requirements.

1. The build-to zone is the area on ~~the~~ a lot developed according to the Enhanced Stormwater Option conditions, where a certain percentage of the front building façade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.
2. Requirements by Application Type
  - a. On a lot developed according to the Conventional conditions, the required minimum percentage of lot width does not apply. However, the street-facing building façade(s) of each principal structure must meet the maximum setback requirement for at least two-thirds (2/3) of the façade width.
  - b. On a lot developed according to the Enhanced Stormwater Conditions, ~~the~~ the required percentage specifies the amount of the front building façade that must be located in the build-to zone, measured based on the width of the building divided by the buildable width of the lot.



3. On a Type A Frontage on a corner lot, a building façade, outdoor amenity space, outdoor dining area, and/or building element must be within the build-to zone to meet the maximum setback requirement within the build-to zone for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.



"



## SECTION 7

Section 3.11.2.7. Measurements and Exceptions, Subsection T. Mass Variation, subsections 2 and 3 are hereby revised to read as follows:

- "2. Building Step Back. The building step back shall be measured as the horizontal change in the building wall plane, perpendicular to the applicable frontage or property line.
  - a. In addition to applicable frontages, a 10' building step back above the second or third floor is also required for buildings four stories or greater at the boundary of the Form District.
  - b. A 20' building step back above the second or third floor is required for the primary street frontage of a building that utilizes an upper story bonus in accordance with Section 3.11.2.7.T.1.a. A building façade located outside of the build-to zone remains subject to this requirement.
  - c. A building step back is not required where a street-facing façade is located at the maximum setback line or outside of the ~~build-to zone~~ maximum setback, and is not the primary frontage of a building that utilizes an upper story bonus, or where a building façade facing the Form District boundary is located more than 20' from the boundary.
- 3. Module Offset. The module offset shall be measured as the horizontal change of a portion of the building wall plane at ground level, perpendicular to the applicable frontage. The module width shall be measured for the portion of the wall plane closer to the sidewalk, while the width of offset shall be measured for the portion further from the sidewalk. The dimensions of modules and offsets should maintain a sense of proportion to the building as a whole.
  - a. Offset areas may count towards a build-to zone requirement when the area meets the criteria for a forecourt, outdoor amenity space, or outdoor dining area.
  - b. A module offset is not required where a building façade is located at the maximum setback line or outside of the ~~build-to zone~~ maximum setback."

## SECTION 8

Section 3.11.3 Use Requirements, Section 3.11.3.4 Permitted Use Table is hereby revised in the Table Key to read as follows:

"KEY:

P = Use permitted under any of the following circumstances:

- 1. Expansion of an existing public elementary or secondary school
- 2. Enhanced Stormwater Option conditions are met as specified in Section 3.11.1.2.C
- 3. Floor area of proposed development is less than twenty thousand (20,000) square feet, and disturbed land is less than forty thousand (40,000) square feet

Otherwise, permitted following Town Council approval of Special Use Permit.

-- = Use not permitted

S = Use permitted following Town Council approval of Special Use Permit

L = Limited use (refer to section 3.11.3.5.A.4.)"

SECTION 7

This ordinance shall be effective upon enactment.

This the X day of XX, 2019.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**SESSION LAW 2018-145  
SENATE BILL 469**

AN ACT TO MAKE VARIOUS TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

The General Assembly of North Carolina enacts:

....

**AMEND THE REQUIREMENTS FOR DEVELOPMENT IN VEGETATIVE BUFFERS AND FOR STORMWATER CONTROLS FOR REDEVELOPMENT**

**SECTION 26.(a)** G.S. 143-214.7(b2) reads as rewritten:

"(b2) For purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle. The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in this subsection. For State stormwater programs and local stormwater programs approved pursuant to subsection (d) of this section, all of the following shall apply:

- (1) The volume, velocity, and discharge rates of water associated with the one-year, 24-hour storm and the difference in stormwater runoff from the predevelopment and postdevelopment conditions for the

one-year, 24-hour storm shall be calculated using any acceptable engineering hydrologic and hydraulic methods.

- (2) Development may occur within the area that would otherwise be required to be placed within a vegetative buffer required by the Commission pursuant to G.S. 143-214.1 and G.S. 143-214.7 ~~to protect classified shellfish waters, outstanding resource waters, and high quality waters~~ provided the stormwater runoff from the entire impervious area of the development is collected and treated from the entire impervious area collected, treated, and discharged so that it passes through a segment of the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements.
- (3) The requirements that apply to development activities within one-half mile of and draining to Class SA waters or within one-half mile of Class SA waters and draining to unnamed freshwater tributaries shall not apply to development activities and associated stormwater discharges that do not occur within one-half mile of and draining to Class SA waters or are not within one-half mile of Class SA waters and draining to unnamed freshwater tributaries."

**SECTION 26.(b)** G.S. 143-214.7(b3) reads as rewritten:

"(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. This subsection applies to all local governments regardless of the source of their regulatory authority. Local governments shall include the requirements of this subsection in their stormwater ordinances."

....

Full text of Session Lase 2018-145 available at:

<https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2017-2018/SL2018-145.html>

March 14, 2018

Council Colleagues:

Since February 2016, Council and staff have responded to community-wide dissatisfaction and concern regarding the Blue Hill (formerly Ephesus Fordham) District by working to improve the area's form-based code. Results of these efforts include the passage of a series of LUMO text amendments, the creation of new design guidelines and the adoption of a Mobility and Connectivity plan.

As the attached spreadsheet of benchmark data shows, residential development accounts for roughly 98% of the newly built square footage in the district and we have made little or no progress toward achieving our goals for office and retail space. Additionally, we have achieved only half of our affordable housing goals and do not have a plan for how to achieve the rest. Current, active interest in the redevelopment of several sites in the district would include at least another 966 residential units, which would surpass our residential goal and forfeit those sites and others as potential opportunities for commercial, retail or affordable housing development – which will have long-term consequences for the district and the town.

Additionally, the recent approval of the Fordham Apartments project has demonstrated that block length, setbacks and design guidelines do not adequately address community concerns about building size and the desire for increased pedestrian and visual permeability throughout the district.

Further refinements are needed to ensure that we meet stated town and district goals of building a diverse tax base, providing affordable housing throughout town, achieving good place-making and better integrating public and green spaces throughout the district. Acting quickly to strengthen the form-based code will allow us to target the remaining redevelopment opportunities in the district to ensure that we achieve our other goals.

To move us forward, we are petitioning the mayor and manager to bring back solutions to address the following community interests quickly so that proposed changes can go through the advisory board review and council public hearing process and come to council for a vote before summer break:

1. Increase the amount of non-residential commercial development in the district by using density bonuses or other mechanisms to encourage developers to include commercially contributing, non-residential square footage in their projects. For instance:

Project Height	Contributing Commercial Requirement for the project
Up to 3 stories	0%, bonus to 4 stories if retaining existing commercial
4 – 7 stories	50%

2. Propose solutions that will allow us to meet our existing goal of 300 new affordable housing units as well as to mitigate impacts of units lost when the Park Apartments property redevelops.

3. Address building size and massing concerns by having staff work with Tony Sease to develop standards around maximum linear street frontage, maximum building lot coverage, maximum building footprint or other standards to improve place-making and permeability throughout the district.

We understand that the economics of redevelopment are complicated but believe, based on our work on Economic Development and Affordable Housing strategies, that we can find creative solutions to these issues which will benefit all Blue Hill stakeholders and help the town meet its stated goals without impeding district redevelopment.

Thank you for your consideration and support.

Sincerely,

Jessica Anderson

Hongbin Gu

Rachel Schaevitz



# TOWN OF CHAPEL HILL

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

## Item Overview

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**Item #:** 13., **File #:** [19-0486], **Version:** 1

**Meeting Date:** 5/22/2019

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**Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Section 4.5.4 Special Use Permit Modifications.**

See the Staff Report on the next page.

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

**PRESENTER:** Becky McDonnell, Planner II

- a. Introduction and preliminary 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 recess the Public Hearing to June 26, 2019
- f. Referral to the Manager and Attorney.

**RECOMMENDATION:** That the Council open the public hearing on the Land Use Management Ordinance text amendment, receive public comment, and continue the public hearing to June 26, 2019.



OPEN THE PUBLIC HEARING: LAND USE MANAGEMENT ORDINANCE TEXT  
AMENDMENT – SECTION 4.5.4. SPECIAL USE PERMIT MODIFICATIONS

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING  
Ben Hitchings, Director  
Judy Johnson, Operations Manager  
Becky McDonnell, Planner II

<p>AMENDMENT REQUEST</p> <p>Amend the Special Use Permit Modifications section of the Land Use Management Ordinance to allow projects on sites encumbered by a Special Use Permit to address documented health, safety, or environmental issues through an administrative approval process.</p>	<p>DATE</p> <p>May 22, 2019</p>
<p>STAFF RECOMMENDATION</p> <p>That the Council open the public hearing on the Land Use Management Ordinance text amendment, receive public comment, and continue the public hearing to June 26, 2019.</p>	
<p>PROCESS</p> <p>The item before the Council is for approval of a Land Use Management Ordinance Text Amendment. The Council must consider whether one or more of the three findings for enactment of the Land Use Management Ordinance Text Amendment applies:</p> <ol style="list-style-type: none"> <li>1. To correct a manifest error in the chapter; or</li> <li>2. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or</li> <li>3. To achieve the purposes of the Comprehensive Plan.</li> </ol>	<p>OVERVIEW</p> <ul style="list-style-type: none"> <li>• The Oaks Condominiums proposed a project in 2018 that involved the installation of a storm drainage conveyance system to reduce existing flooding issues.</li> <li>• The project required a Special Use Permit Modification, typically a 9-12 month process requiring Council approval.</li> <li>• The proposed text amendment is in response to the Council's interest in establishing a shorter, administrative process for similar projects.</li> </ul>
<p>DECISION POINTS</p> <p>This text amendment is in response to a request from Council to develop an approval process for projects addressing a documented health, safety, or environmental issue on sites encumbered by a Special Use Permit. Currently, if such projects exceed certain criteria thresholds for land disturbance, impervious surface, and floor area, they must apply for a Special Use Permit Modification, which is typically a 9-12 month process and requires a full Advisory Board review and Council approval. The proposed text amendment would modify the Special Use Permit Modifications section of the Land Use Management Ordinance to provide an administrative approval option for certain infrastructure projects. The proposed text amendment would add a ninth type of change under subsection (b) of Section 4.5.4. Modifications of Special Use Permits:</p> <p><u>“(9) Changes to infrastructure associated with a site that would:</u></p> <p><u>A. Increase the intensity of the development, including increases to floor area or impervious surface, or</u></p> <p><u>B. would make it nonconforming or increase the nonconformity with the development’s existing Special Use Permit or other standards of this Appendix.</u></p> <p><u>Infrastructure projects exceeding any thresholds in subsections 1 – 8<sup>1</sup> of this section but not exceeding these thresholds in subsection 9 shall be considered minor changes, provided the projects demonstrate that they are proposed to address a public health, safety, or environmental issue, such as the installation of stormwater pipes to relieve a documented flooding issue or the removal of structures.</u></p> <p><u>Prior to issuance of a Zoning Compliance Permit for a minor change under this subsection 9, owners of property within 100 feet must be mailed notice of the proposed change and offered an opportunity to comment to the Town Planning Department. No Zoning Compliance Permit shall be issued for such a change until two weeks after the date of such notice is mailed.”</u></p>	
<p>ATTACHMENTS</p>	<ol style="list-style-type: none"> <li>1. Draft Staff Presentation</li> <li>2. Resolution of Consistency (For proposed Land Use Management Ordinance amendment)</li> <li>3. Ordinance A (Enactment of Land Use Management Ordinance Text Amendment Proposal)</li> <li>4. Resolution B (Deny Land Use Management Ordinance Text Amendment Proposal)</li> <li>5. Planning Commission Recommendation</li> </ol>

<sup>1</sup> [https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALASMA\\_ART4PR\\_4.5SPUSPE](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALASMA_ART4PR_4.5SPUSPE)





# Text Amendment Special Use Permit Modifications

May 22, 2019

DRAFT

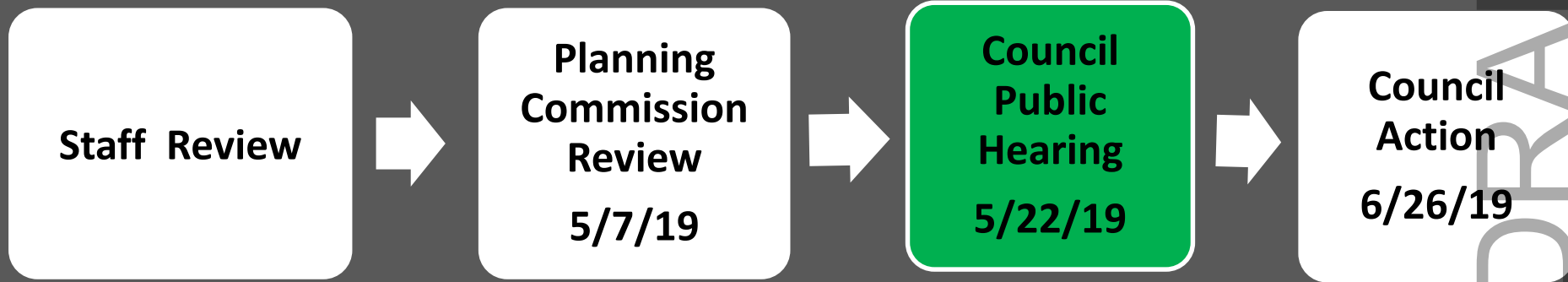
## RECOMMENDATION

Staff recommends:

- Open the public hearing, receive comments, and continue the public hearing to the June 26, 2019 meeting

DRAFT

# Text Amendment Process



## Text Amendment Background

May 2018: The Oaks Condominiums proposed a project to install a storm drainage conveyance system

September 2018: Council requested development of an alternative approval process for projects of a similar nature

May 7, 2019: Planning Commission review

May 22, 2019: Council Public Hearing

June 26, 2019: Council Business meeting

DRAFT

## What's in your packet?

- Resolution of Consistency with the Comprehensive Plan to allow a text amendment of the LUMO
- Ordinance A
- Resolution B
- Planning Commission Recommendation

DRAFT

# Special Use Permit Modifications Amendment

## Section 4.5.4. Modifications of Special Use Permits:

“(9) Changes to infrastructure associated with a site that would:

- A. Increase the intensity of the development, including increases to floor area or impervious surface, or
- B. would make it nonconforming or increase the nonconformity with the development’s existing Special Use Permit or other standards of this Appendix.

Infrastructure projects exceeding any thresholds in subsections 1 – 8 of this section but not exceeding these thresholds in subsection 9 shall be considered minor changes, provided the projects demonstrate that they are proposed to address a public health, safety, or environmental issue, such as the installation of stormwater pipes to relieve a documented flooding issue or the removal of structures.

Prior to issuance of a Zoning Compliance Permit for a minor change under this subsection 9, owners of property within 100 feet must be mailed notice of the proposed change and offered an opportunity to comment to the Town Planning Department. No Zoning Compliance Permit shall be issued for such a change until two weeks after the date of such notice is mailed.”

# Special Use Permit Modifications Amendment

## Section 4.5.4. Modifications of Special Use Permits:

### **“(9) Changes to infrastructure associated with a site that would:**

**A. Increase the intensity of the development, including increases to floor area or impervious surface, or**

**B. would make it nonconforming or increase the nonconformity with the development’s existing Special Use Permit or other standards of this Appendix.**

Infrastructure projects exceeding any thresholds in subsections 1 – 8 of this section but not exceeding these thresholds in subsection 9 shall be considered minor changes, provided the projects demonstrate that they are proposed to address a public health, safety, or environmental issue, such as the installation of stormwater pipes to relieve a documented flooding issue or the removal of structures.

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# Special Use Permit Modifications Amendment

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# Special Use Permit Modifications Amendment

## Section 4.5.4. Modifications of Special Use Permits:

### “(9) Changes to infrastructure associated with a site that would:

- A. Increase the intensity of the development, including increases to floor area or impervious surface, or
- B. would make it nonconforming or increase the nonconformity with the development’s existing Special Use Permit or other standards of this Appendix.

Infrastructure projects exceeding any thresholds in subsections 1 – 8 of this section but not exceeding these thresholds in subsection 9 shall be considered minor changes, provided the projects demonstrate that they are proposed to address a public health, safety, or environmental issue, such as the installation of stormwater pipes to relieve a documented flooding issue or the removal of structures.

**Prior to issuance of a Zoning Compliance Permit for a minor change under this subsection 9, owners of property within 100 feet must be mailed notice of the proposed change and offered an opportunity to comment to the Town Planning Department. No Zoning Compliance Permit shall be issued for such a change until two weeks after the date of such notice is mailed.”**

## RECOMMENDATION

Staff recommends:

- Open the public hearing, receive comments, and continue the public hearing to the June 26, 2019 meeting

DRAFT

RESOLUTION OF CONSISTENCY  
(Enacting the Land Use Management Ordinance Text Amendment proposal)

A RESOLUTION REGARDING AMENDING SECTION 4.5.4. OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE RELATED TO SPECIAL USE PERMIT MODIFICATIONS AND CONSISTENCY WITH THE CHAPEL HILL 2020 COMPREHENSIVE PLAN (2019-\_\_-\_\_/R-#)

WHEREAS, the Planning Commission reviewed the text amendment to Section 4.5.4. on May 7, 2019 and recommended that the Council enact the text amendment at its meeting on June 26, 2019; and

WHEREAS, the Council called a Public Hearing to amend Article 4. Procedures. Section 4.5.4. Modifications of Special Use Permits. of the Land Use Management Ordinance for the Council's May 22, 2019 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Section 4.5.4. related to the Special Use Permit Modifications, and finds that the amendment, if enacted, is reasonable and in the public's interest and is warranted, to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- Promote a safe, vibrant, and connected (physical and person) community (Community Prosperity and Engagement.3)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Nurturing Our Community.2)
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Nurturing Our Community.5)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Good Places, New Spaces.3)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed text amendment to be reasonable and consistent with the Town Comprehensive Plan.

This the \_\_ day of \_\_\_, 2019

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment proposal)

AN ORDINANCE AMENDING SECTION 4.5.4. MODIFICATIONS OF SPECIAL USE PERMITS. OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE (2019-\_\_-\_\_/\_O-#).

WHEREAS, the Council called a Public Hearing to amend Article 4. Procedures. Section 4.5.4. Modifications of Special Use Permits. of the Land Use Management Ordinance for the Council's May 22, 2019 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Section 4.5.4 related to Special Use Permit Modifications, and finds that the amendment, if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- Promote a safe, vibrant, and connected (physical and person) community (Community Prosperity and Engagement.3)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Nurturing Our Community.2)
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Nurturing Our Community.5)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Good Places, New Spaces.3)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Section 4.5.4 Modifications of Special Use Permits. is amended to add the following under subsection (b):

(9) Changes to infrastructure associated with a site that would:

A. Increase the intensity of the development, including increases to floor area or impervious surface, or

B. would make it nonconforming or increase the nonconformity with the development's existing Special Use Permit or other standards of this Appendix.

Infrastructure projects exceeding any thresholds in subsections 1 – 8 of this section but not exceeding these thresholds in subsection 9 shall be considered minor changes, provided the projects demonstrate that they are proposed to address a public health, safety, or environmental issue, such as the installation of stormwater pipes to relieve a documented flooding issue or the removal of structures.

Prior to issuance of a Zoning Compliance Permit for a minor change under this subsection 9, owners of property within 100 feet must be mailed notice of the proposed change and offered an opportunity to comment to the Town Planning Department. No Zoning Compliance Permit shall be issued for such a change until two weeks after the date of such notice is mailed.

Section 2. This ordinance shall be effective upon enactment.

This the \_\_ day of \_\_, 2019

## RESOLUTION B

## (Denying the Land Use Management Ordinance Text Amendment Proposal)

A RESOLUTION DENYING AMENDING THE LAND USE MANAGEMENT ORDINANCE  
SECTION 4.5.4. RELATED TO SPECIAL USE PERMIT MODIFICATIONS (2019-\_\_-\_\_/R-#)

WHEREAS, the Planning Commission reviewed the draft text amendment to amend Section 4.5.4. of the Land Use Management Ordinance on May 7, 2019 and recommended that the Council enact the text amendment at its meeting on June 26, 2019; and

WHEREAS, the Council called a Public Hearing to amend Article 4. Procedures. Section 4.5.4. Modifications of Special Use Permits of the Land Use Management Ordinance for the Council's May 22, 2019 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposal to amend the Land Use Management Ordinance related to Special Use Permit Modifications, and finds that the amendment, if enacted, is unreasonable, not in the public's interest, and inconsistent with the Town's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed Land Use Management Text Amendment to be unreasonable, not in the public interest, and inconsistent with the Town's Comprehensive Plan.

This the \_\_ day of \_\_\_\_, 2019

Prepared by: John Rees, Chair, Planning Commission  
Becky McDonnell, Planning Staff



# TOWN OF CHAPEL HILL

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

## Item Overview

Item #: 14., File #: [19-0487], Version: 1

Meeting Date: 5/22/2019

### Appointments to the Chapel Hill Downtown Partnership.

#### Staff:

Sabrina Oliver, Director/Town Clerk  
Amy Harvey, Deputy Town Clerk  
Alisha Cordell, Administrative Assistant

#### Department:

Communications and Public Affairs  
Technology Solutions and CaPA



#### Recommendation(s):

That the Council make appointments to the Chapel Hill Downtown Partnership for two seats.

#### Council Goals:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



#### Attachments:

- Advisory Board Recommendation(s)
- Ballot
- Applications

Note: Applications submitted prior to February 20, 2018 were completed before changes were made to the application and may appear incomplete.

**MEMORANDUM**

TO: Mayor and Town Council

FROM: Elizabeth Sasser, Chapel Hill Downtown Partnership Chair

SUBJECT: Recommendation for the vacancy(s)

DATE: May 9, 2019

**RECOMMENDATION:** The Chapel Hill Downtown Partnership met on May 9, 2019 and by a unanimous vote have made the following recommendation(s) to the Town Council for consideration:

- Len Wohadlo, Reappointment, Business Owner
- Mayor Pam Hemminger, Reappointment, Town Appointed

**SPECIAL REQUEST(S):** None

**BACKGROUND:** This is the end of a transitional period for the Chapel Hill Downtown Partnership with Matt Gladdek coming in as the new Executive Director. During this period of time it is a priority of the organization to maintain institutional knowledge on the board, and these have been two important voices on our board.

*Note:* Communications and Public Affairs notes that the Chapel Hill Downtown Partnership reviewed the following applications: Elizabeth Bakanic, Mimi Clemens, Ruby Garcia, Pam Hemminger, Jay Patel, Albert Douglas Rothwell, and Leonard Wohadlo. No additional applications have been received between May 9, 2019 and May 13, 2019 for the Chapel Hill Downtown Partnership.



## BALLOT

## CHAPEL HILL DOWNTOWN PARTNERSHIP

MAY 22, 2019

Total Membership: 9 (nine (9) board members: four (4) are appointed by the Town of Chapel Hill (2 at-large, 1 downtown property owner, 1 downtown merchant); two (2) are appointed by the University, and three (3) at large members appointed by the other six board members.)

Current Membership: 9 (3 Female, 3 Male, 3 unknown; 5 Caucasian, 1 Caucasian/South Asian, 3 unknown; [1] 25-34, [2] 35-54, [1] over 55, [5] unknown)

Upcoming Vacancies: 2 (1 Downtown Business Owner, 1 Town Resident)

Number of Applicants: 6

Chapel Hill Downtown Partnership  
Please vote for up to two (2) applicants.

\_\_\_\_\_ Elizabeth Bakanic

\_\_\_\_\_ Pam Hemminger (incumbent)

\_\_\_\_\_ Mimi Clemens

\_\_\_\_\_ Albert Douglas Rothwell

\_\_\_\_\_ Ruby Garcia

\_\_\_\_\_ Leonard Wohadlo (incumbent)

\_\_\_\_\_ Other; please list\_\_\_\_\_

---

 Council Member Signature

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**Profile**

Whenever possible, applications should be submitted 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

Elizabeth

First Name

Bakanic

Middle Initial

Last Name

bakanic@gmail.com

Email Address

106 Pine Lane

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Mobile: (336) 978-5049

Primary Phone

Home:

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 Board is your First Choice? \***

☒ Planning Commission

## Which Boards would you like to apply for?

---

Chapel Hill Downtown Partnership: Eligible  
Planning Commission: Eligible

Question applies to Chapel Hill Downtown Partnership

### Select a Seat Category for the Chapel Hill Downtown Partnership \*

---

☒ Chapel Hill Town Resident

Question applies to Planning Commission

### Select a Seat Category for the Planning Commission \*

---

☒ Chapel Hill Resident

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Internet

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

I have worked in public organizations for over 10 years in planning, strategy and financial management. While a relatively new resident to Chapel Hill, I plan to live here for the long term and am invested in its future. Moreover, I have lived in several university communities across the country (Berkeley, Princeton) and would bring a wealth of fresh experience about town/gown relationships and operations.

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

I have a masters in public affairs and have worked in government offices most of my career, so I understand well how they operate and how to get things done.

[Bakanic Resume.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.**

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## Demographics

In order to consider this application and provide some balance to the various boards, this personal information is required:

### Ethnicity

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☒ Caucasian/Non-Hispanic

### Gender

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☒ Female

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If other, please describe:

**Please select your age from the following list. \***

---

☒ 25-34

Finance and Personnel  
Manager

Occupation

**Are you a Town of Chapel Hill employee?**

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☐ Yes ☒ No

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## Ethics Statement

## ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

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Members of advisory boards and commissions shall not discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. 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 State Statute 106A-388(e)(2), 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 should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. 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.

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☒ I Agree \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*

# Elizabeth D. Bakanic<sup>394</sup>

bakanic@gmail.com | 106 Pine Lane, Chapel Hill, NC 27514 | 336-978-5049

## Work Experience

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### University of California, Office of the President

Oakland, California

Research Manager, Institutional Research & Academic Planning

June 2017 – Present

- Manages data analysis and reporting for all 10 UC campuses, 5 medical centers, and systemwide programs related to finance, capital, personnel as well as contracts and grants
- Plans projects, delegates responsibility, and reviews analyses, coding, writing and survey preparation by multiple analysts.
- Pulls data from system sources, cleans and validates it, analyzes it, then produces topic briefs, annual reports, powerpoint presentations, and interactive dashboards for the public, executive leadership, board of regents, media or legislature
- Responds to ad-hoc analytical requests from campuses, internal departments, the media, the legislature, and the public

Lead Financial Analyst, Financial Planning & Analysis

September 2016 – May 2017

- Developed financial model for system-wide resources totaling over \$30 billion by utilizing workload and performance metrics to predict income and expenses that inform high level strategic decisions and negotiations
- Lead resource analysis for system-wide enrollment planning exercise to illuminate funding gaps and future needs
- Prepared ad-hoc cost/benefit analyses for legislative bills and policy proposals for UC System CFO and Budget Director
- Assigned tasks and reviewed work of a junior colleague in support of larger team projects, models and reporting

### University of California, Berkeley

Berkeley, California

Senior Financial Analyst, Financial Planning & Analysis

August 2014 – September 2016

- Engineered dynamic financial model for \$1.2 billion central campus budget to drive leadership initiative decision-making
- Prepared presentations, memos and cost-benefit analyses for short, mid and long term strategic plans
- Analyzed FTE and headcount near 23,000 using payroll and human capital systems to price out various HR policies
- Established campus reserves policy for nearly \$1 billion reserve funds that informs investment eligibility decisions
- Formulated current-state financial model based on workload metrics using regressions; Advised on new reform model
- Surveyed cash balances in various funds and investments valued over \$1.4 billion to gauge health and identify anomalies

### State of New Jersey

Trenton, New Jersey

Senior Budget Analyst, Office of Management and Budget

July 2010 – August 2014

- Managed projects for the entire \$50 billion state budget, identifying tens of millions in savings and fund use maximization
- Presented multi-format analysis directly to State Treasurer, Governor's Chief of Staff and Counsel, and Department CFOs
- Directed production of major State publications, streamlining workflow and documentation via task planning and delegation
- Improved service and workload predictions in foster care and unemployment insurance programs worth over \$700 million
- Assessed solvency and balances by monitoring current year transactions, cash flow, revenue inflow and year-end closeout
- Consulted two entire state departments on \$2.5 billion budget development and implementation

Program Analyst, Planning and Analysis, Office of the State Comptroller

August 2008 – July 2010

- Planned, researched and composed a report on municipal tax abatements unveiling hundreds of millions in local tax losses
- Investigated potential audit topics concerning risk, feasibility, scope, target populations, previous studies, stakeholders, etc.
- Gathered and analyzed financial, organizational and performance data from large state and national databases
- Conducted targeted interviews with executives, managers, and staff for audits and investigations

### U.S. Department of Homeland Security

Washington, DC

Graduate Fellow, Inspector General - IT Audits

June 2007 – August 2007

### National College of District Attorneys

Columbia, South Carolina

Intern, National Advocacy Center

February 2005 – August 2006

### Congressional Black Caucus

Washington, DC

Intern, Office of U.S. Representative G.K. Butterfield

June 2005 – August 2005

## Education

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### Princeton University

Princeton, New Jersey

Woodrow Wilson School of Public and International Affairs

June 2008

Master of Public Affairs (MPA) – Dept. of Homeland Security Scholar

### University of South Carolina, Honors College

Columbia, South Carolina

Bachelor of Arts, Summa Cum Laude - Political Science, Business Administration and Psychology

May 2006

## Skills

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**Tech:** Tableau, SAS, SQL, Microsoft Office suite, Oracle Hyperion, SAP Business Objects, Peoplesoft, CGI software, SPSS, etc.

**Languages:** Spanish – intermediate; French – intermediate

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**Profile**

Whenever possible, applications should be submitted 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

Mimi

First Name

Clemens

Middle Initial

Last Name

mimim@live.unc.edu

Email Address

1100 West NC Highway 54 Byp

Street Address

Apt 38A

Suite or Apt

Chapel Hill

City

NC

State

27516

Postal Code

Mobile: (540) 645-8632

Primary Phone

Home:

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 Board is your First Choice? \***

☒ Chapel Hill Downtown Partnership

## Which Boards would you like to apply for?

---

Chapel Hill Downtown Partnership: Eligible

Transportation and Connectivity Advisory Board: Eligible

Question applies to Chapel Hill Downtown Partnership

### Select a Seat Category for the Chapel Hill Downtown Partnership \*

---

☒ Chapel Hill Town Resident

Question applies to Transportation and Connectivity Advisory Board

### Select a Seat Category for the Transportation and Connectivity Advisory Board \*

---

☒ UNC Chapel Hill Student

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Advisory Board or Council member

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

Currently, I am a Master of Public Administration graduate student at UNC-Chapel Hill. I can provide a UNC student perspective to the board as well as a graduate student perspective with living and working in Chapel Hill year-round. I ride the bus almost daily, which can help give perspective and knowledge of certain routes.

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

In UNC's Master of Public Administration program, the program focuses on local government and nonprofits. In my Public Institutions and Values and City and County Management courses, we discuss economic development, budgeting, local governmental systems, and intergovernmental agreements. The way local governments invest in their residents and businesses through economic development strategies and providing public transportation has always been an interest of mine. Seeing how the Town of Chapel Hill supports the interactions, commutes, and business happening in Chapel Hill daily has further ignited this interest. Having a more hands-on role in the process, would be a great opportunity!



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

In order to consider this application and provide some balance to the various boards, this personal information is required:

### Ethnicity

☒ Caucasian/Non-Hispanic

### Gender

☒ Female

If other, please describe:

Please select your age from the following list. \*

☒ 18-24

Graduate Student/Graduate  
Research Assistant

Occupation

Are you a Town of Chapel Hill employee?

☐ Yes ☒ No

---

## Ethics Statement

## ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

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Members of advisory boards and commissions shall not discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. 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 State Statute 106A-388(e)(2), 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.”

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---

☒ I Agree \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*

---

**Profile**

Whenever possible, applications should be submitted 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

Ruby

First Name

Garcia

Middle Initial

Last Name

ruby@rubygarcia coaching.com

Email Address

249 BUTLER COURT

Street Address

Suite or Apt

CHAPEL HILL

City

NC

State

27514

Postal Code

Mobile: (847) 809-0491

Primary Phone

Home:

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?**

---

None Selected

---

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 Board is your First Choice? \***

☒ Chapel Hill Downtown Partnership

## Which Boards would you like to apply for?

---

Chapel Hill Downtown Partnership: Eligible  
Justice in Action Committee: Eligible

Question applies to Chapel Hill Downtown Partnership

### Select a Seat Category for the Chapel Hill Downtown Partnership \*

---

☒ Chapel Hill Town Resident

Question applies to Justice in Action Committee

### Select a Seat Category for the Justice in Action Committee \*

---

☒ Chapel Hill or Carrboro planning jurisdiction

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Internet

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

New to the area, want to engage in the area, heart for social justice and community, diverse background

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

I bring business experience of 2 years from Fortune 500 companies, a curious and inquisitive nature as can be demonstrated from my leadership and coaching business and a desire to make positive social impact.

[RGarcia\\_Resume\\_1.10.19.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

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

Leadership Trainer & Life  
Coach

Occupation

**Are you a Town of Chapel Hill employee?**

---

☐ Yes ☒ No

---

**Ethics Statement**

## ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

---

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☒ I Agree \*

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# RUBY GARCIA

249 BUTLER COURT CHAPEL HILL, NORTH CAROLINA 27514 • MOBILE: 847-809-0491

EMAIL: RUBYGARCIA23@YAHOO.COM • WWW.LINKEDIN.COM/IN/RUBYGARCIA

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## PROFESSIONAL SUMMARY

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Lifelong, passionate leader with 20 years of corporate knowledge working in a broad-range of roles as an organizational change agent within Fortune 500 companies. Extensive involvement in all levels of face-to-face and virtual relationship building, sales and marketing, and program development. Proven ability to develop profitable and strategic programs and partnerships. Strong capacity for coaching and developing leaders and teams. Innovative, growth-oriented and driven to make positive contributions.

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## CORE PROFICIENCIES & EXPERTISE

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- |                                |                                     |                         |
|--------------------------------|-------------------------------------|-------------------------|
| ● Program & Project Management | ● Sales & Marketing                 | ● Change Management     |
| ● Client & Field Engagement    | ● Strategic Planning & Partnerships | ● Training & Education  |
| ● Sales Support & Operations   | ● Communications                    | ● Leadership & Coaching |

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## WORK EXPERIENCE

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### FOUNDER, LEADERSHIP DEVELOPMENT TRAINER & ONTOLOGICAL LIFE COACH

#### RUBY GARCIA COACHING, CHAPEL HILL, NORTH CAROLINA

2014 - Present

- Built a business and diverse client base, resulting in helping 100+ clients gain clarity, develop plans and achieve goals
- Design and deliver leadership and career management training for high-profile diversity-driven clients including the Target Corporation, Hispanic Alliance for Career Enhancement, Association for Latino Professionals of America and HOY magazine
- Selected as top 4% of candidates and awarded the 2018 Foster America Fellowship, a national program that recruits diverse leaders to transform the child welfare system through short-term reform projects
- Executed a 2-day team building event for a non-profit organization, resulting in collaboration and increased productivity
- Completed 300+ hours of leadership and coach training through Accomplishment Coaching, an accredited ICF program

### IMPLEMENTATION

### PROJECT

### MANAGER

2010 - 2015

#### W.W. GRAINGER, INC. LAKE FOREST, ILLINOIS

- Orchestrated change management for the University of California's decentralized sourcing network, standardized buying processes to maximize efficiency and reduce costs resulting in a 46% revenue increase and doubling customer interactions
- Generated \$6.8M in incremental sales, exceeding goal at 123% through deploying and implementing government contracts
- Trained and monitored 200 account managers on best practices for the client-onboarding process and selling processes
- Initiated a site level public safety program that produced 18% sales growth and scaled regionally and then nationally

# RUBY GARCIA

249 BUTLER COURT CHAPEL HILL, NORTH CAROLINA 27514 • MOBILE: 847-809-0491

EMAIL: RUBYGARCIA23@YAHOO.COM • WWW.LINKEDIN.COM/IN/RUBYGARCIA

---

- Launched risk mitigation program designed to recover at-risk contracts and secure long-term fiscal health of the organization

## ACCOUNT

## RELATIONSHIP

## MANAGER

2005 - 2010

### W.W. GRAINGER, INC. NORTHBROOK, ILLINOIS

- Conducted needs analysis for high-net worth B2B clients, driving up to 10-15% year-over-year sales growth annually
- Generated \$2.7M in revenue through multiple product lines and focusing on inventory management and value-add solutions
- Cultivated a new partnership with Seward Marina of Alaska, leading to an initial \$500k sales order and pending future orders
- Created and maintained a pipeline of at least 5 new opportunities per month over \$2k equaling a minimum of 100k
- Maintained daily talk time of 2.5 hours, including 30+ outbound calls to customers and 30 voice to voice customer contacts

## TRAINING & DEVELOPMENT SPECIALIST

1998 - 2003

### TRANSAMERICA DISTRIBUTION FINANCE, HOFFMAN ESTATES, ILLINOIS

- Produced training videos and playbooks aimed at educating 8,000 financiers within Bombay Company and Toro retail stores
- Developed an online training program to educate 300+ employees on financial products resulting in 90% completion rate
- Negotiated pricing for training video and marketing production; maintained a \$40k budget per project with no discrepancies
- Met with high-profile clients and conducted a needs analysis assessment to determine appropriate training solutions
- Promoted additional grade level and salary band within first year of role as recognition for hard work and achievements

---

## EDUCATION

---

### MASTER OF SCIENCE, PUBLIC POLICY, 2015

NATIONAL-LOUIS UNIVERSITY, CHICAGO, ILLINOIS

### BACHELOR OF ARTS, ORGANIZATIONAL LEADERSHIP, 2010

DOMINICAN UNIVERSITY, CHICAGO, ILLINOIS

---

## PROFESSIONAL DEVELOPMENT & COMMUNITY WORK

---

### FELLOW, FOSTER AMERICA/MARKETING & BUSINESS DEVELOPMENT MANAGER AT YOUTH VILLAGES, 2018

- Received cutting edge training focused on results-driven leadership, human-centered design and child welfare context as well as individualized coaching, mentoring and support from Foster America staff and the industry's most innovative leaders
- Designed and implemented a client engagement process to streamline and onboard potential new partners and jurisdictions



## RUBY GARCIA

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---

- Organized a one-day convening to build private-public partnerships with child welfare commissioners interested in implementing and scaling evidence-informed programs within their jurisdictions resulting in four new partnerships

### ***FACILITATOR & COACH, HISPANIC ALLIANCE FOR CAREER DEVELOPMENT (HACE), 2013-PRESENT***

- Women's Leadership Program focuses on developing and advancing Latina leaders and professional networking
- Graduated from program, served on alumni board for several years and provided curriculum consultation and content creation for organization. Currently lead the work-life balance sessions and several leadership webinars throughout the year

### ***VICE-PRESIDENT, CHICAGO'S WOMEN'S SUCCESS CIRCLE, 2016-2017***

- Led women entrepreneurs through a one-year long mastermind experience focused on developing and growing business
- Facilitated monthly meetings, held the group accountable, and brainstormed with the members to find solutions to thorny problems will enhance the group. Provided individual coaching as necessary.
- Curated content and guest speakers to expand knowledge and enhance professional transformation of the group members

### ***COACH & SUPPORT COACH, ACCOMPLISHMENT COACHING, 2014-2015***

- Completed one year of training and graduated from an accredited and highly-esteemed Leadership & Coaching program
- Served as a Support Coach; trained and mentored new coaches entering the field by helping them master complex concepts and tools while also organizing logistics of the program and co-leading the program

### ***CHAPTER LEAD, LATINO BUSINESS RESOURCE GROUP (BRG) AT W.W. GRAINGER, 2012-2015***

- Managed strategic communications to engage membership, promote activities and foster an inclusive work environment
- Planned and executed activities to promote the career development of the membership

### ***PUBLISHED CONTRIBUTING AUTHOR, "TODAY'S INSPIRED LATINA: LIFE STORIES OF SUCCESS IN THE FACE OF ADVERSITY" © 2015***

- Recognized as a local influencer and selected to be a contributing author in order to inspire Latinas across the nation and help fund leadership programming for young Hispanic students
- Conducted a series of workshops, panels and speaking events across the Chicagoland and Miami area

---

**Profile**

Whenever possible, applications should be submitted 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

Pam

First Name

Hemminger

Middle Initial

Last Name

phemminger@townofchapelhill.org

Email Address

108 Boxwood Place

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27517

Postal Code

Business: (919) 968-2714

Primary Phone

Home:

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 Board is your First Choice? \***

☒ Chapel Hill Downtown Partnership

## Which Boards would you like to apply for?

---

Chapel Hill Downtown Partnership: Eligible

Question applies to Chapel Hill Downtown Partnership

### Select a Seat Category for the Chapel Hill Downtown Partnership \*

---

☒ Chapel Hill Town Resident

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Advisory Board or Council member

---

If you chose "Other" from the advertising opportunity listed above, please specify 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?**

---

Current Board member.

**Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.**

---



---

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

In order to consider this application and provide some balance to the various boards, this personal information is required:

**Ethnicity**

---

☒ Caucasian/Non-Hispanic

**Gender**

---

☒ Female

---

If other, please describe:

**Please select your age from the following list. \***

---

☒ over 55

---

Occupation

**Are you a Town of Chapel Hill employee?**

---

☒ Yes ☐ No

---

**Ethics Statement**

## ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

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Members of advisory boards and commissions shall not discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. 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 State Statute 106A-388(e)(2), 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 should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. 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 \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*

---

**Profile**

Whenever possible, applications should be submitted 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

Albert

First Name

Douglas

Middle Initial

Rothwell

Last Name

adrothwell@gmail.com

Email Address

140 West Franklin Street

Street Address

711

Suite or Apt

Chapel Hill

City

NC

State

27516

Postal Code

Mobile:

Primary Phone

Home:

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?**

☒ 4-9 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 Board is your First Choice? \***

☒ Chapel Hill Downtown Partnership

## Which Boards would you like to apply for?

---

Chapel Hill Downtown Partnership: Eligible

Question applies to Chapel Hill Downtown Partnership

### Select a Seat Category for the Chapel Hill Downtown Partnership \*

---

☒ Chapel Hill Town Resident

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Advisory Board or Council member

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

A downtown resident and subject matter expert in the field of economic and community development.

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

See attached

[Bio\\_4.19.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

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

Non-Profit Executive

Occupation

**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 discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. 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 State Statute 106A-388(e)(2), 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.”

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---

☒ I Agree \*

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Doug Rothwell

---

Doug Rothwell has worked as an executive in the public, private and non-profit sectors. For the past decade, he's led Business Leaders for Michigan – a business roundtable of corporate CEO's from the state's largest companies working to grow jobs and the state's economy. He's worked for four Governors in two states, including as Delaware's chief of staff and chief executive of Michigan's Economic Development Corporation, in addition to chairing both incoming and outgoing gubernatorial transition teams. In the business world, he managed General Motors' 400 million square foot global real estate portfolio and was the CAO at Bank of America's credit card subsidiary and part of the IPO team.

Doug also serves as a director of ITC Holdings (America's largest energy transmission company), is an Executive-in-Residence for Economic Development at the University of North Carolina at Chapel Hill and serves on the national advisory boards of UNC's athletic foundation, Ackland Art Museum and Chancellor's Philanthropic Council. He previously chaired the Michigan Economic Development Corporation, Michigan's Life Sciences Corridor, the American Center for Mobility and the University of North Carolina at Chapel Hill's Board of Visitors.

Doug graduated from the University of North Carolina at Chapel Hill with a Master of Public Administration degree, the University of Delaware with a Bachelor of Arts degree and the Harvard University John F. Kennedy School's Program for Senior Executives in State and Local Government. He's a former Presidential Management Fellow and has received the most prestigious honors awarded by the National Governors Association, the Michigan Economic Developers Association and the University of Delaware for his public service.

---

**Profile**

Whenever possible, applications should be submitted 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**

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---

☒ I Agree

Leonard

First Name

R

Middle Initial

Wohadlo

Last Name

len@3birdsmarketing.com

Email Address

303 Circle Park Place

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27517

Postal Code

Home: (415) 412-0968

Primary Phone

Home: (415) 412-0568

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?**

☒ 4-9 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 Board is your First Choice? \***

☒ Chapel Hill Downtown Partnership

## Which Boards would you like to apply for?

---

Chapel Hill Downtown Partnership: Appointed

Question applies to Chapel Hill Downtown Partnership

### Select a Seat Category for the Chapel Hill Downtown Partnership \*

---

☒ Chapel Hill Downtown Business Owner

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Advisory Board or Council member

---

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

I am currently on the Chapel Hill Downtown Partnership Board and would like to continue to serve on it. I believe that the DTP does very good work and believe that my experience as a businessman and a founder of six start-ups is valuable to the DTP.

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

I have served on various boards in the past, including Fortune 500 companies, school boards, state and federal advisory committees and other community boards and committees in other cities and towns in which I have lived. I have an ethic of doing the work and preparing for board meetings and have always been a very active member.

---

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

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

Co-Founder and CFO of 3  
Birds marketing

Occupation

**Are you a Town of Chapel Hill employee?**

---

☐ Yes ☒ No

---

**Ethics Statement**

## ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

---

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---

☒ I Agree \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*



# TOWN OF CHAPEL HILL

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

## Item Overview

Item #: 15., File #: [19-0488], Version: 1

Meeting Date: 5/22/2019

### Appointments to the Grievance Hearing Board.

#### Staff:

Sabrina Oliver, Director/Town Clerk  
Amy Harvey, Deputy Town Clerk  
Alisha Cordell, Administrative Assistant

#### Department:







Communications and Public Affairs  
Technology Solutions and CaPA



#### Recommendation(s):

That the Council make appointments to the Grievance Hearing Board for three seats.

#### Council Goals:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



#### Attachments:

- Ballot
- Applications

Note: Applications submitted prior to February 20, 2018 were completed before changes were made to the application and may appear incomplete.

The Grievance Hearing Board only meets for hearings and doesn't make a recommendation for new appointees.

## BALLOT

## GRIEVANCE HEARING BOARD

MAY 22, 2019

Total Membership: 8 (Town Residents)

Current Membership: 8 (4 Female, 4 Male; 1 African American, 1 American Indian/Alaskan Native Aleutian, and 6 Caucasian; [1] 25-34, [3] 35-54, [4] over 55)

Upcoming Vacancies: 3 (3 Town Residents)

Number of Applicants: 4

Town Resident  
Please vote for up to three (3) applicants.

\_\_\_\_\_ Howard Kallem

\_\_\_\_\_ Liliane Komlos \*

\_\_\_\_\_ Steven Melamut (incumbent)

\_\_\_\_\_ Barry Nakell (incumbent)

\_\_\_\_\_ Other; please list\_\_\_\_\_

\_\_\_\_\_  
Council Member Signature

\* Applicant(s) noted above are also being considered for another standing board this evening. According to the Advisory Board Membership Policy, an individual may serve on only one standing board or commission.



---

**Profile**

Whenever possible, applications should be submitted 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

Howard

First Name

Kallem

Middle Initial

Last Name

hkalllem@aol.com

Email Address

210 Old Forest Creek Dr.

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Home: 9198697635

Primary Phone

Mobile: (703) 303-6151

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?**

☒ 4-9 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 Board is your First Choice? \***

☒ Grievance Hearing Board (former Personnel Appeals Committee)

## Which Boards would you like to apply for?

---

Grievance Hearing Board: Eligible

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Other (provide additional information below)

Through participation in People's Academy

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

Some 40 years of experience working with employment and education issues, primarily regarding equal opportunity. Three years of service with the Equal Employment Opportunity Advisory Commission in Arlington, Virginia, hearing employee grievances. Currently a hearing officer for Duke University's Dispute Resolution Process (its employee grievance procedure) and its student conduct process..

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

See attached resume.

[resume.duke.2018.doc](#)

You may upload a supporting document (e.g., CV or resume). <strong>Please be advised that any information submitted becomes a public record and may be searchable online.</strong>

---

## Demographics

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

College administrator \_\_\_\_\_

Occupation

**Are you a Town of Chapel Hill employee?**

☐ Yes ☒ No

---

## Ethics Statement

### ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

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☒ I Agree \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*

**HOWARD IAN KALLEM**[HKallem@aol.com](mailto:HKallem@aol.com)

210 Old Forest Creek Dr.  
Chapel Hill, NC 27514

Home: (919) 869-7635  
Work: (919) 684-1437

**EXPERIENCE****Duke University, Durham, NC****Office for Institutional Equity**

December 2014-present

**Assistant Vice President/Director, Title IX Compliance**

Responsible for coordinating the University's efforts to comply with Title IX of the Educational Amendments of 1972 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, as amended by Section 304 of the Violence Against Women Reauthorization Act of 2013. Monitor compliance with all applicable University policies. Coordinate the resolution of complaints of sex discrimination, sexual harassment (including sexual misconduct), interpersonal violence, and stalking to ensure prompt, thorough, objective, and confidential investigation and adjudication. Develop, conduct, and coordinate training and education for the University community. Coordinate development of programming and outreach efforts for students, faculty, and staff. Collaborate with campus partners and committees involved in Title IX and VAWA compliance, including Student Affairs, Office of Student Conduct, Women's Center, Campus Health, Counseling, Duke Police, General Counsel, and Human Resources. Work with community partners who provide support to students on Title IX and related concerns. Hearing officer with Dispute Resolution Process (employee grievance procedure) and Student Misconduct Process.

**University of North Carolina at Chapel Hill, Chapel Hill, NC****Equal Opportunity and Compliance Office**

January 2014-November

2014

**Title IX Compliance Coordinator**

Responsible for coordinating the University's efforts to comply with Title IX of the Educational Amendments of 1972 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, as amended by Section 304 of the Violence Against Women Reauthorization Act of 2013. Monitor compliance with all applicable University policies. Supervise the resolution of complaints of sex discrimination, sexual harassment (including sexual misconduct), interpersonal violence, and stalking to ensure prompt, thorough, objective, and confidential investigation and adjudication. Develop and conduct training and education for the University community. Develop and implement programming and outreach efforts for students, faculty, and staff. Collaborate with campus partners and committees involved in Title IX and VAWA compliance, including Student Affairs, Women's Center, Campus Health, Counseling, Public Safety, University Counsel, Human Resources, hearing committees, and University Ombuds. Work with community partners who provide support to students on Title IX and related concerns.

**National Center for Student Life, Magna Publications****Consultant**

2014-

2017

Provide training for higher education professionals on the development of Title IX policies and practices that are compliant with federal guidance and incorporate best practices.

**U.S. Department of Education, Washington, D.C.****Office for Civil Rights****District of Columbia Enforcement Office**

1997-2007, 2008-

2013

**Chief Regional Attorney**

Responsible for ensuring sound and vigorous civil rights compliance and enforcement program under Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Age Discrimination Act, and the Boy Scouts Act. Lead investigations of extremely complex complaints and compliance reviews. Provide expert legal and policy advice to case resolution and enforcement staff. Ensure that determinations, settlements, and corrective action agreements are factually accurate and legally sufficient. Represent Department and supervise other attorneys in dealings with schools, colleges, and universities. Train staff on statutory and regulatory standards, developments in case law, new policy decisions, investigative techniques, and negotiation skills. Provide training and technical assistance to schools, colleges, universities, other federal agencies, and staff in other OCR offices. Develop networks and partnerships with state and local educational agencies, professional organizations, and advocacy groups. Significant accomplishments include resolution of complex higher education desegregation review, several high profile sexual harassment complaints, and a number of sex discrimination compliance reviews; development of a model procedure for use by school districts for harassment complaints; development of technical assistance presentations for use by OCR-staff nationwide, particularly on disability and special education issues at elementary and secondary level; and leading the office's transition and harassment initiatives.

**George Mason University, Fairfax, VA**

2010

**Graduate School of Education**

**Adjunct Faculty**

Instructor for courses on special populations and the law, including students with disabilities, limited English proficient students, and other minority students. Particular emphasis on the Individuals with Disabilities Act and related federal and state regulations and Title VI of the Civil Rights Act of 1964.

**George Mason University, Fairfax, VA**

**Office of Equity and Diversity Services**

2007-2008

**Senior Equal Opportunity Specialist**

Conducted investigations of discrimination complaints filed by students, faculty, and staff alleging violations of federal civil rights laws and university nondiscrimination policies. Reviewed university policies and procedures to ensure consistency and compliance with federal regulatory requirements. Trained university staff on disability issues, sexual harassment, and nondiscriminatory hiring practices. Assisted with development of affirmative action plan for recruitment and hiring. Significant accomplishments included resolving complaint of peer sexual harassment raising novel issues, revising university's grievance procedure, and successfully responding to several charges filed with U.S. Equal Employment Opportunity Commission.

**U.S. Department of Education, Washington, D.C.**

**Office for Civil Rights**

**Program Legal Component**

1993-1997

**Supervisory Attorney**

Developed national policy and technical assistance materials on federal civil rights laws applicable to educational institutions. Assisted schools, colleges, universities, faculty, staff, parents and students with understanding and meeting federal civil rights requirements. Assisted regional staff with enforcement activities, including advising on policy matters and strategies for investigating and resolving complaints and compliance reviews. Represented OCR in conferences, meetings with and presentations to schools, state and federal agencies, faculty organizations, civil rights organizations, and other interest groups. Supervised 6-8 professional staff. Significant accomplishments included leading the development of the Department's guidance and educational materials on sexual harassment, participation in Department-wide management review of agency's internal equal employment practices, and development of process for the effective review of the annual equal opportunity reports of state vocational education agencies.

**Equal Employment Opportunity Commission, Washington, D.C.****Office of Program Operations**

1987-1993

**Division Director**

Reviewed investigations of employment discrimination complaints under Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act, Title I of the Americans with Disabilities Act, and Equal Pay Act. Ensured that investigations and determinations by field staff were adequate and legally sufficient. Where appropriate, directed field staff in further investigation and/or conciliation efforts. As member of Speaker's Bureau, spoke to employers, employee groups, and state and Federal agencies on developments in the law. As second-line supervisor, managed 16-18 professional staff. Significant accomplishments included development of appeals program and of quality review system and of obtaining relief in several complex cases initially determined to not have merit.

**Equal Employment Opportunity Commission, Washington, D.C.****Office of Legal Counsel**

1979-

1987

**Supervisory Attorney****Attorney Advisor**

Developed policies for recommendation to the Commission, and ensured dissemination and implementation once approved. This included guidelines, regulations, and other statements of policy intended to assist Commission staff in investigations and litigation and to inform the public of the Commission's interpretation of Federal laws prohibiting discrimination. Assisted field staff in resolving and/or litigating particular cases, developed and provided training, and represented agency before other agencies, employer groups, and civil rights organizations. Directly supervised 7-9 professionals. Significant accomplishments included responsibility for development of the bulk of Volume II of the EEOC's Compliance Manual, including sections on theories of discrimination, jurisdiction, harassment, retaliation, seniority, pregnancy, and English language policies.

**Donald M. Murtha & Associates, Washington, D.C.**

1978-

1979

**Associate**

Labor law practice: administrative hearings, investigations, drafting briefs and pleadings, settlement negotiations, arbitration, collective bargaining.

**VOLUNTEER EXPERIENCE****Superintendent's Advisory Committee on Minority Achievement, Arlington, VA**

2002-2013

**Co-Chair, Member**

Advise superintendent of school division on steps to identify and reduce the achievement gap between white and minority students.

**Special Education Parent Teacher Association, Arlington, VA**

2013-2014

**Secretary**

Executive board of county-wide special education advocacy and support group.

**Arlington County Commission on Human Rights, Arlington, VA**

1996-2001

**Vice Chair, Commissioner**

Conducted public hearings, reviewed appeals, and directed County staff in investigation/resolution of discrimination complaints in employment, housing, real estate transactions, and other services.

**Equal Employment Opportunity Advisory Commission, Arlington, VA****Commissioner**

1993-1996

Advised County Board on County's employment practices and methods to increase diversity at all levels of County government.

**Parent Teacher Association**, Arlington, VA

1987-2009

President, vice-president, and secretary of Arlington County Council of PTAs; president and other officer positions of PTAs at Tuckahoe Elementary, Swanson Middle, Yorktown High, and H-B Woodlawn Alternative.

## **EDUCATION**

**Catholic University, Columbus School of Law**, Washington, D.C.

**Juris Doctor**, January 1978

**State University of New York**, Binghamton, N.Y.

**Bachelor of Arts**, Philosophy, May 1973

## **TRAINING, PUBLICATIONS and AWARDS**

With Carey, Brandon; Turnwald, Grant; Bleyer, Kristi; Blacklock, Barbara. *Meeting the Needs of Students with Disabilities in Health-Related Education Programs*. Huntsville, NC: Association on Higher Education and Disability, 2014.

With Kirkland, Connie. "Responding to Sexually Victimized College Students." In Paludi, Michele (ed.), *Understanding and Preventing Campus Violence* (pp. 199-217). Westport, CT: Praeger Publishers, 2008.

With Herskowitz, Elaine. "The Role of the Equal Employment Opportunity Commission and the Office for Civil Rights in Dealing with Sexual Harassment." In Paludi, Michele, and Paludi, Carmen (eds.), *Academic and Workplace Sexual Harassment: A Handbook of Cultural, Social Science, Management, and Legal Perspectives* (pp. 199-2009). Westport, CT: Praeger Publishers, 2003.

**Honored Citizen**, Arlington Public Schools 2008.

**President's Award**, Association of Higher Education and Disabilities in Virginia, 2002.

**Federal Executive Institute**, Federal leadership training program, 1998.

**Management Development Program**, Department of Education leadership training program, 1995.

## **MEMBER, VIRGINIA STATE BAR**

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**Profile**

Whenever possible, applications should be submitted 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

Liliane

First Name

S

Middle Initial

Komlos

Last Name

lilianekomlos@gmail.com

Email Address

2419 Sedgefield Drive

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Home: (919) 240-4539

Primary Phone

Home:

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?**

☒ 4-9 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 Board is your First Choice? \***

☒ Human Services Advisory Board



## Which Boards would you like to apply for?

---

Grievance Hearing Board: Eligible

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Other (provide additional information below)

Chapel Hill newspaper online

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

My love for the community and my wish to be helpful

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

I was born in France, grew up in Austria, married an American citizen in 1985, who did his post doctorate at the Center for Humanity in Chapel Hill till 1987. Then, we moved to Germany, where my husband taught at the university and I worked for a Family support center and with Turkish immigrant families. We are back in Chapel Hill for our retirement since March 2010 and I would very much like to make myself useful in the community.

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

In order to consider this application and provide some balance to the various boards, this personal information is required:

**Ethnicity**

---

☒ Caucasian/Non-Hispanic

**Gender**

---

☒ Female

---

If other, please describe:

**Please select your age from the following list. \***

---

☒ over 55

Retired translator

---

Occupation

**Are you a Town of Chapel Hill employee?**

---

☐ Yes ☒ No

---

**Ethics Statement**

## ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

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Members of advisory boards and commissions shall not discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. 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 State Statute 106A-388(e)(2), 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 should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. 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 \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*

---

**Profile**

Whenever possible, applications should be submitted 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

Steven

First Name

J

Middle Initial

Melamut

Last Name

smelamut@gmail.com

Email Address

202 Westbury Drive

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27516

Postal Code

Mobile: (919) 619-6905

Primary Phone

Mobile: (919) 619-6906

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 Board is your First Choice? \***

☒ Grievance Hearing Board (former Personnel Appeals Committee)

## Which Boards would you like to apply for?

---

Chapel Hill Public Library Advisory Board: Eligible  
Grievance Hearing Board: Eligible

Question applies to Chapel Hill Public Library Advisory Board

## Select a Seat Category for the Chapel Hill Public Library Advisory Board \*

---

☒ Chapel Hill Resident

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Advisory Board or Council member

☒ Email

---

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

I recently retired and I want the opportunity to contribute to our community. I have relevant experience that I think would be beneficial to both of these boards. I will complete my first term on the Grievance Board on June 30, 2019 and I want to serve a second term. Thank you.

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

I retired from the University of North Carolina after working as Assistant Director of the Kathrine R. Everett Law Library and Clinical Assistant Professor of Law.

### [Resume\\_Melamut.pdf](#)

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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

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

retired

---

Occupation

**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 discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. 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 State Statute 106A-388(e)(2), 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 should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. 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 \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*

**Steven J. Melamut**

*Home Address:*

202 Westbury Drive  
Chapel Hill, NC 27516  
(919)-619-6905  
melamut@email.unc.edu

**Experience**

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**Assistant Director for Administration and Information Technology, Clinical Assistant Professor of Law,**

Kathrine R. Everett Law Library, University of North Carolina at Chapel Hill School of Law.  
January 2015 – June 2016 (**retired**)

Administration

Administer the Law Library in absence of the Director  
Manage the day-to-day operations of the law library in consultation with the Management Team  
Manage the Law Library budget and personnel activities in consultation with the Director  
Assist in budget report preparation and statistics reporting including working with Law School and University Libraries financial managers on required reports  
Assist with the development of and participate in training programs for library staff members  
Assist in long-range planning efforts  
Coordinate space allocation for staff and materials with Management Team  
Prepare regular reports for the Director  
Represent the Law Library in Senior Administrator meetings of the Law School  
Manage and coordinate new projects as assigned

Collection

Assist in negotiation of licenses for electronic resources  
Assist in the maintenance of collection development policy  
Assist in evaluation of the collection, gifts and stored material  
Collaborate in plans for collection arrangement

Personnel

Coordinate Law Library Human Resource (HR) responsibilities with Law School HR  
Manage the formulation of new positions descriptions and personnel reclassifications; manage the assignment of new positions for full-time and student staff  
Supervise annual performance review system implementation  
Assist in annual salary reviews for staff  
Participate in counseling sessions as necessary and coordinate with law school and campus HR offices as appropriate  
Direct supervisory responsibility for Administrative Assistant

Information Technology

Develop and deliver electronic information resources training as needed



Provide training and support to law school students in the evolving integration of technology and the legal profession  
 Coordinate with the Management Team to provide evaluation, testing, and implementation of electronic resources  
 Coordinate with the Law School Information Technology staff in the support of web services, file services, labs and classrooms as appropriate  
 Identify and communicate technological trends and developments and their possible impact on or integration into teaching, legal research, and library services  
 Manage and coordinate Law Library computer services  
 Provide technical support for library public and staff computers, including hardware and software implementation, documentation, and troubleshooting  
 Serve as Law Library's liaison with Law School, University Libraries, and UNC campus IT staff  
 Assist Law Library and Law School staff in identifying and evaluating computer needs  
 Administer Law Library listservs including lists for staff, librarians and public services staff  
 Administer Active Directory and other system permissions as needed  
 Supervise the IT Services Librarian should that position be filled

#### Integrated Library System

Serve on campus committees for integrated library system as required  
 Administer security authorizations and other systems level operations  
 Provide technical support for access  
 Coordinate problem-reporting and serve as liaison with University Libraries systems staff

#### Teaching

Teach formal and informal courses as assigned

#### Other

Coordinate with campus libraries and law school faculty and staff as needed  
 Represent the Law Library at meetings when required  
 Participate in Law School faculty activities and committees  
 Attend and participate in professional meetings and activities  
 Participate in local and national library organizations  
 Serve on Law Library, Law School, University, UNC campus libraries, and TRLN committees as appointed  
 Perform other duties as assigned by the Director

#### **Interim Assistant Director for Administration, Information Technology Services Librarian, Clinical Assistant Professor of Law,**

Kathrine R. Everett Law Library, University of North Carolina at Chapel Hill School of Law.  
 June 2014 – December 2014.

#### **Information Technology Services Librarian, Clinical Assistant Professor of Law,**

Kathrine R. Everett Law Library, University of North Carolina at Chapel Hill School of Law.  
 August, 2004 – present.

- Provide and manage electronic and Internet technology resources including providing training for faculty, librarians, and students.
- Develop and deliver electronic information resources and training through instruction, displays, demonstrations, and user guides, both online and live.
- Manage and coordinate Law Library computer services.

- Provide training and support to law school students, faculty, and librarians in the evolving integration of technology and the legal profession.
- Evaluate and recommend appropriate computer hardware and software to meet library needs; assist in purchases and communication with vendors.
- Advise and assist faculty with technology questions and with posting materials to Sakai and Web sites for classes.
- Coordinate evaluation, testing, and implementation of electronic resources.
- Identify and communicate technological trends and developments and their possible impact on, or integration into, teaching, legal research, and library services.
- Design, maintain, and assist in the use of law library websites including Internet, Intranet, LibGuides, and social media such as blogs and Twitter.
- Provide technical support for library public and staff microcomputers, including hardware and software implementation, documentation, and troubleshooting.
- Provide technical support for classroom projectors and interfaces; micrographics equipment.
- Create and administer Law Library email lists for staff, librarians and the public.
- Establish and maintain law library proxy server.
- Coordinate and assist with Law Library's digitization projects.

**Interim Assistant Dean for Information Technology,**

University of North Carolina School of Law

July, 2006 – December, 2006.

- Manage Law School Information Technology budget of over \$550,000
- Supervise 4 full time and 1 student employee (2 IT support staff, 1 instructional technologist, 1 audio-visual specialist)
- Manage and support Law School Web presence
- Manage and support all Law School technology including networking, file access, software support, hardware support
- Represent the Law School in campus wide IT endeavors and committees.

**Reference/Internet Services Librarian, Clinical Assistant Professor of Law,**

Kathrine R. Everett Law Library, University of North Carolina at Chapel Hill School of Law.

July, 2003 – August, 2004.

- Evaluate and support the law library Internet and Intranet.
- Create law school class Web pages and lists using Blackboard & Listserv software; prepare initial Web materials for these pages, and provide help and guidance to faculty in updating these resources.
- Act as Linux Web server administrator for the law library.
- Provide assistance and training to staff, faculty, and students in the use of multimedia and computer-based presentation equipment and materials.
- Assist and instruct faculty and students in use of online resources.
- Create and implement user surveys to better analyze needs and Internet use.
- Represent the library and its interests on various campus committees.
- Participate in planning, scheduling, teaching, and evaluating educational events.

**Reference/Electronic Services Librarian, Clinical Assistant Professor of Law,**

Kathrine R. Everett Law Library, University of North Carolina at Chapel Hill School of Law.

May 1999 – June 2003.

- Develop and code new Web content as needed.

- Plan and implement the new law library Web interface.
- Create a faculty handbook for new and existing faculty.

**Graduate Assistant**, Kathrine R. Everett Law Library, University of North Carolina at Chapel Hill School of Law.

August 1997 – May 1999.

- Participate in Computer Assisted Legal Research planning, instruction, and evaluation including advanced training and refresher courses for established users.
- Design and assist others in the creation of PowerPoint presentations and Web pages.
- Assist in the research and purchase of new computer equipment.
- Assist students, faculty, and the public with searching the Internet and other databases including Westlaw, Lexis, LegalTrac and Congressional Universe.
- Design, collate, and evaluate user surveys including statistical analysis.
- Research intellectual property issues regarding e-reserves.
- Train and assist users and faculty with audiovisual and instructional media.
- Install, maintain, and troubleshoot computers and related technology.

**Consultant**, Electronic Reserves Task Force, Duke University Medical Center Library.

Fall 1998 – 2004.

- Provide overview of issues and background research regarding the current legal status of electronic reserves.
- Advise library task force on copyright issues.
- Provide guidelines for the creation of policies and review proposed policies.

**Reference Assistant**, Kathrine R. Everett Law Library, University of North Carolina at Chapel Hill School of Law.

January 1996 – August 1997.

- Assist students, faculty and the public with reference questions.

Answer questions about CD-ROM materials, computers, listservs and email.

**Research Assistant**, Buckner F. Melton, Ph.D., JD, Director of Instructional Technology and Clinical Associate Professor, University of North Carolina at Chapel Hill School of Law.

November 1996 – August 1997.

- Assist in the implementation of a computer and multi-media based curriculum.
- Set up listservs for faculty and class use.
- Train faculty and students in the use of computers and new technology.
- Set up and maintain electronic classroom and portable computer projection equipment.

**Special Assistant to the Law School Webmaster**, Karen D. Haywood, Director of Records and Registration, University of North Carolina at Chapel Hill School of Law.

October 1996 - December 1996.

- Assist in redesign and production of the Law School webpage and graphics.

**Research Assistant**, Michael L. Selmi, JD, Associate Professor of Law, University of North Carolina at Chapel Hill School of Law.

September - December 1994.

- Perform computer searches for data on EEOC cases and convert the data to spreadsheet format for statistical analysis.

### **Registered Pharmacist, Store Manager, Pharmacy Manager.**

1978 – 1997.

- Manage high volume pharmacies.
- Hire and supervise pharmacists, pharmacy technicians, and clerks.
- Prepare financial and operational reports.
- Counsel customers and handle complaints.
- Interact with a variety of health professionals, vendors, and clients.
- Ensure proper implementation and use of computer systems.
- Provide troubleshooting for computer hardware and software.

### **Education**

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University of North Carolina at Chapel Hill, School of Information and Library Science  
Master of Science in Library Science, 1999.

University of North Carolina at Chapel Hill, School of Law  
Juris Doctor, 1997.

University of Rhode Island, Kingston, Rhode Island  
Bachelor of Science in Pharmacy, 1977.

Adelphi University, Garden City, New York  
Bachelor of Arts in Philosophy, 1974.  
Cum Laude.

### **Licensure**

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North Carolina State Bar, 1999 - present (inactive status)  
North Carolina Registered Pharmacist 1993-1998  
Rhode Island Registered Pharmacist 1978-1998

### **Presentations**

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- *Data Security*, Privacy Institute at the Annual Meeting of the Southeastern Chapter American Association of Law Libraries, April 16, 2015, Lexington, KY.
- *Copyright Hell: Sites to Get You Out of the Inferno*, Annual Meeting of the American Association of Law Libraries, July 2011, Philadelphia, PA.
- *We Don't Need Copyright to Put an Article on Our Network, Do We?*, Annual Meeting of the American Association of Law Libraries, July 2009, Washington, DC.
- *Give Away the Servers: Outsourcing IT*, Annual Meeting of the Center for Computer-Assisted Legal Instruction (CALI), June 9, 2005, Chicago, IL.

- *Issues in Canadian and United States Copyright Law*, Annual Meeting of the Upstate New York and Ontario Chapter of the Medical Library Association (UNYOC/MLA), October 13, 2004, Ottawa, Canada.
- *Using the Cloud: Resources, Protections, and Ethical Considerations*, Continuing Legal Education, The 24<sup>th</sup> Annual Festival of Legal Learning, UNC-LAW, February 2014
- *Using the Cloud: Resources, Protections, and Ethical Considerations*, Continuing Legal Education, The 23<sup>rd</sup> Annual Festival of Legal Learning, UNC-LAW, February 9, 2013
- *How Can I Take My Law Practice to the Clouds?*, Continuing Legal Education, The 22<sup>nd</sup> Annual Festival of Legal Learning, UNC-LAW, February 10, 2012
- *Free Medical Information: Digital Resources for Lawyers*, Continuing Legal Education, The Sixteenth Annual Festival of Legal Learning, UNC-LAW, February 2008.
- *Evidence Based Medicine: A New Trend in How Treatment Decisions are Made*, Continuing Legal Education, The Seventeenth Annual Festival of Legal Learning, UNC-LAW, February 3, 2007.
- *Spyware for the Non-Geek*, Annual meeting of the Southeastern Chapter of the American Association of Law Libraries, April 8, 2006.
- *Free Medical Information: Digital Resources for Lawyers*, Continuing Legal Education, The Sixteenth Annual Festival of Legal Learning, UNC-LAW, February 11, 2006.
- *Free Medical Resources: Digital Resources for Lawyers*, Continuing Legal Education, The Fifteenth Annual Festival of Legal Learning, UNC-LAW, February 12, 2005.
- *Introduction to Searching Medline*, Continuing Legal Education, The Fourteenth Annual Festival of Legal Learning, UNC-LAW, February 14, 2004.
- *Online Medical Research using PubMed*, Continuing Legal Education, The Thirteenth Annual Festival of Legal Learning, UNC-LAW, February 8, 2003.
- *Online Searching Tips and Techniques*, Continuing Legal Education, The Twelfth Annual Festival of Legal Learning, UNC-LAW, February 8, 2002.
- *Where to Find Free North Carolina Legal Materials on the Internet and Are They Worth Finding?* Continuing Legal Education, The Eleventh Annual Festival of Legal Learning, UNC-LAW, February 10, 2001.
- *Are Electronic Reserves an Invitation to a Lawsuit?* Annual Conference of the Medical Library Association and Canadian Health Libraries Association, May 2000, Vancouver, BC.
- *Legal Research on the Internet – General, Regional, and Topical Sites with Emphasis on Corporate and Financial Resources*, Continuing Legal Education, The Tenth Annual Festival of Legal Learning, UNC-LAW, February 4, 2000.
- *Pursuing Fair Use, Law Libraries and Electronic Reserves*, Annual Meeting of the American Association of Law Libraries, July 1999, Washington, DC.
- *Evidence Based Medicine*, Continuing Legal Education, The Ninth Annual Festival of Legal Learning, UNC-LAW, February 12, 1999.
- *Internet Medical Resources for the Attorney*, Continuing Legal Education, The Eighth Annual Festival of Legal Learning, UNC-LAW, February 13, 1998.
- *Legal Research on the Internet, A Model for Change*, Guest lecturer in a Communications class at the UNC School for Information and Library Science, Spring 1999.
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## Publications

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- Steven J. Melamut & Patricia L. Thibodeau, *Departmental (academic) reviews and program accreditation – What is the library's role in participating in these reviews?– The role of the library in department and programmatic accreditation*, in REVIEWING THE ACADEMIC LIBRARY:

A GUIDE TO SELF-STUDY AND EXTERNAL REVIEW, (Eleanor Mitchell & Peg Seiden. eds.) To be published by the Association for College and Research Libraries in January, 2015

- Steven J. Melamut, *Freeing Creativity: Understanding the Creative Commons Licenses*, 14 AALL Spectrum, 20 (April 2010).
- Editor, *The Southeastern Law Librarian*, published by the Southeastern chapter of the American Association of Law Libraries, 2004 -2008.
- *Does Deep Linking Infringe Copyright?* 4 Information Outlook 41 (September 2000).
- Steven J. Melamut & Patricia L. Thibodeau, *Medical Research for the Legal World*, 4 AALL Spectrum, 10 (June 2000).
- *Pursuing Fair Use, Law Libraries and Electronic Reserves*, 92 Law Library Journal 157 (Spring 2000).
- Steven J. Melamut et. al., *Fair Use or Not Fair Use: That is the Question*, 11 *The Journal of Interlibrary Loan*, Document Delivery and Information Supply 3 (2000).
- Patricia L. Thibodeau & Steven J. Melamut, *Ergonomics in the Electronic Library*, 83 Bulletin of the Medical Library Association 322 (1995).

## Awards

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- 2011 AALL Spectrum Article of the Year Award for the article, *Freeing Creativity: Understanding the Creative Commons Licenses*, 14 AALL Spectrum, 20 (April 2010).
- 2009 University of North Carolina Chapel Hill Information Technology Award for outstanding information technology support.
- 2006 Kathrine R. Everett Law Library Award of Merit
- 2001 Law Library Journal Article of the Year for the article, *Pursuing Fair Use, Law Libraries and Electronic Reserves*, 92 Law Library Journal 157 (Spring 2000).
- 1999 Winner in the Student Division of the American Association of Law Libraries/Matthew Bender Call for Papers for the paper entitled *Pursuing Fair Use, Law Libraries and Electronic Reserves*.
- 1997 First Prize in the Nathan Burkan Memorial competition at the University of North Carolina at Chapel Hill School of Law awarded by the American Society of Composers, Authors, and Publishers for the paper entitled *Electronic Reserves and the Copyright Law*.

## Teaching

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- *Law Practice Technologies*, UNC School of Law – Spring 2015
- *Introduction to United States Law*, UNC School of Law – Fall 2008, Fall 2009, Spring 2010, Fall 2010, Spring 2011, Fall 2011, Spring 2012, Fall 2012, Spring 2013, Fall 2013, Spring 2014, Fall 2014, Spring 2015, Fall 2015, Spring 2016.
- *Advanced Legal Research*, UNC School of Law - Spring 2000, Spring 2001, and Fall 2002.

## Webmaster

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- *Kathrine R. Everett Law Library*: <http://library.law.unc.edu/> (1999 - 2010).
- *Consortium of Southeastern Law Libraries (COSELL)*: <http://www.cosell.org/> (2000 - 2011).
- *Southeastern Chapter of the American Association of Law Libraries (SEAALL)*: <http://www.seaall.org/> (2000 - 2008).

- *Access to Electronic Legal Information Committee, American Association of Law Libraries:* <http://www.aallnet.org/committee/aelic/> (2002 - 2004).

## **Memberships**

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- American Association of Law Libraries (AALL)
- American Association of Law Schools (AALS)
- American Bar Association (ABA)
- North Carolina Bar Association (NCBA)
- Southeastern Chapter, American Association of Law Libraries (SEAALL)

## **Professional Activities**

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### University of North Carolina

- University Copyright Committee, 2011 - 2016
- Faculty Council, 2007 – 2010.
- Standing Committee on the Status of Fixed-Term Faculty, 2009 – 2010.
- Library committee regarding Copyright Clearance Center, July 2008.
- Campus-wide Enterprise Resource Planning (ERP) Systems Committee, 2006.
- TRLN/RENCI committee investigating promotion of petabyte research storage, 2006.
- Education and Learning subcommittee of the campus-wide IT Strategic Plan Coordinating Committee, 2006 – 2007.
- Information Technology Directors, 2006.
- Faculty Information Technology Advisory Committee (FITAC), standing committee of the Faculty Council, 2005 – 2007
- User Support & Communications Advisory Committee, a UNC Information Technology Services (ITS) Advisory Committee, Chair 2005 – 2006.
- Instructional Applications Interest Group, 2005 – 2010.
- ILS Systems Advisory Committee (formerly the ILS Systems Working Group), 2004 – 2006.
- MyUNC Portal Content Integration Group, 2002 – 2004.
- Campus Libraries Web Committee, 1999 – 2002.
- LAUNC-CH Conference Committee, 1999, 2001.

### University of North Carolina School of Law Faculty Committees

- Technology Committee, 2002 – 2015, (Chair 2006).
- Curriculum Committee, 2009 – 2010.
- International Programs Committee, 2000 – 2001.

### Kathrine R. Everett Law Library

- Library representative to the Legal Information Preservation Alliance (LIPA), 2006 – 2016.
- Intranet Committee, 2009 – 2010.
- Web Committee, 2008 – 2009.
- Ranking & Promotion Committee, 2007 – 2008.
- Building Committee, 2007 – 2008.
- 2006 Sunshine Week National Dialogue on Open Government & Secrecy committee.
- Long Range Planning Committee, 2006.

American Association of Law Libraries (AALL)

- Copyright Committee, 2008 – 2011.
- Access to Electronic Legal Information Committee (AELIC), 2002 – 2004.
- Computer Services Special Interest Section (CS-SIS) Bylaws Committee, 2004 – 2005.
- Computer Services Special Interest Section (CS-SIS) Technology Competencies Committee, 2004 – 2005.
- Computer Services Special Interest Section (CS-SIS) Job Description Database, 2004 – 2005.

Southeastern Association of Law Libraries

- Newsletter and Public Relations Committee, Southeastern Chapter of the American Association of Law Libraries (SEAALL), Member 2004 – 2008, Chair 2004 – 2006.
- SEAALL Education & Publication Committee, 2000 – 2002.
- Webmaster 2002 – 2008.

Consortium of Southeastern Law Libraries (COSELL)

- Webmaster, 2000 – 2011.

EBSCO Legal Studies Advisory Board

- 2012 – 2016.



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**Profile**

Whenever possible, applications should be submitted 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

Barry

First Name

Nakell

Middle Initial

Last Name

bnakell@nc.rr.com

Email Address

149 Dixie Drive

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Home: (919) 967-7325

Primary Phone

Mobile: (919) 260-7962

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 Board is your First Choice? \***

☒ Grievance Hearing Board (former Personnel Appeals Committee)

## Which Boards would you like to apply for?

---

Grievance Hearing Board: Appointed

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Email

---

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

I have experience in dealing with employment issues as an attorney, both from the perspective pf the employer and the employee. I served on this Board for one year of an interim appointment.

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

I am an attorney and I have worked on employment issues I have also served on non profit boards of directors and dealt with employment issues

---

You may upload a supporting document (e.g., CV or resume). <strong>Please be advised that any information submitted becomes a public record and may be searchable online.</strong>

---

## Demographics

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

**Attorney** \_\_\_\_\_

Occupation

**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 discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. 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 State Statute 106A-388(e)(2), 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 should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. 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 \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

OATH OF OFFICE

I, BARRY NAHELL, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as a member of the CHAPEL HILL GRIEVANCE COMMITTEE, so help me God.

Barry Nahell  
Signature

The above oaths were subscribed and sworn to before me this the 12<sup>th</sup> day of July, 20 18.

Bridget C. Kunz  
Notary Public

My Commission Expires 08/07/2021





# TOWN OF CHAPEL HILL

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

## Item Overview

Item #: 16., File #: [19-0489], Version: 1

Meeting Date: 5/22/2019

### Appointments to the Human Services Advisory Board.

#### Staff:

Sabrina Oliver, Director/Town Clerk  
Amy Harvey, Deputy Town Clerk  
Alisha Cordell, Administrative Assistant

#### Department:

Communications and Public Affairs  
Technology Solutions and CaPA



#### Recommendation(s):

That the Council make appointments to the Human Services Advisory Board for two seats.

#### Council Goals:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



#### Attachments:

- Advisory Board Recommendation(s)
- Ballot
- Applications

Note: Applications submitted prior to February 20, 2018 were completed before changes were made to the application and may appear incomplete.

**MEMORANDUM**

TO: Mayor and Town Council

FROM: Kate Henz, Human Services Advisory Board Chair

SUBJECT: Recommendation for the vacancy(s)

DATE: May 7, 2019

**RECOMMENDATION:** The Human Services Advisory Board met on Tuesday, May 7, 2019 and by a unanimous vote have made the following recommendation(s) to the Town Council for consideration:

- Amy Liu, Reappointment Town Seat
- Mychal Weinert, Appointment Town Seat

**SPECIAL REQUEST(S):** No Comment

**BACKGROUND:** The Board recommends Amy Liu based on her reliability and experience on the board.

The Board recommends Mychal Weinert based on the interest in increasing age diversity on the Board, as well as his interest in the Human Services Advisory Board.

*Note:* Communications and Public Affairs (CaPA) notes that the Human Services Advisory Board reviewed the following applications: Courtney Lewis, Amy Liu, James McCallion, and Mychal Weinert. CaPA identified Liliane S Komlos application to be valid for the board after the recommendation occurred. No additional applications were received between May 7, 2018 and May 13, 2019.

## BALLOT

## HUMAN SERVICES ADVISORY BOARD

MAY 22, 2019

Total Membership: 7 (Town Residents)

Current Membership: 7 (6 Female, 1 Male; 1 African American, 1 Asian or Pacific Islander, and 5 Caucasian; [0] 18-24, [2] 25-34, [3] 35-54, [2] over 55)

Upcoming Vacancies: 2 (2 Town Residents)

Number of Applicants: 5

Town Resident  
Please vote for up to two (2) applicants.

\_\_\_\_\_ Liliane S Komlos\*

\_\_\_\_\_ Courtney Lewis

\_\_\_\_\_ Amy Liu (incumbent)

\_\_\_\_\_ James McCallion

\_\_\_\_\_ Mychal Weinert

\_\_\_\_\_ Other; please list \_\_\_\_\_

\_\_\_\_\_  
Council Member Signature

\* Applicant(s) noted above are also being considered for another standing board this evening. According to the Advisory Board Membership Policy, an individual may serve on only one standing board or commission.

---

**Profile**

Whenever possible, applications should be submitted 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

Liliane

First Name

S

Middle Initial

Komlos

Last Name

lilianekomlos@gmail.com

Email Address

2419 Sedgefield Drive

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Home: (919) 240-4539

Primary Phone

Home:

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?**

☒ 4-9 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 Board is your First Choice? \***

☒ Human Services Advisory Board



## Which Boards would you like to apply for?

---

Human Services Advisory Board: Eligible

Grievance Hearing Board: Eligible

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Other (provide additional information below)

Chapel Hill newspaper online

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

My love for the community and my wish to be helpful

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

I was born in France, grew up in Austria, married an American citizen in 1985, who did his post doctorate at the Center for Humanity in Chapel Hill till 1987. Then, we moved to Germany, where my husband taught at the university and I worked for a Family support center and with Turkish immigrant families. We are back in Chapel Hill for our retirement since March 2010 and I would very much like to make myself useful in the community.

---

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

In order to consider this application and provide some balance to the various boards, this personal information is required:

**Ethnicity**

---

☒ Caucasian/Non-Hispanic

**Gender**

---

☒ Female

---

If other, please describe:

**Please select your age from the following list. \***

---

☒ over 55

Retired translator

---

Occupation

**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 discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. 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 State Statute 106A-388(e)(2), 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 should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. 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 \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*

---

**Profile**

Whenever possible, applications should be submitted 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**

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---

☒ I Agree

Courtney

First Name

Lewis

Middle Initial

Last Name

ca\_lewis@med.unc.edu

Email Address

113 Carolina Ave

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Mobile: (910) 465-8561

Primary Phone

Home:

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 Board is your First Choice? \***

☒ Human Services Advisory Board

## Which Boards would you like to apply for?

---

Human Services Advisory Board: Eligible

Justice in Action Committee: Eligible

Question applies to Justice in Action Committee

## Select a Seat Category for the Justice in Action Committee \*

---

☒ Chapel Hill or Carrboro planning jurisdiction

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Other (provide additional information below)

## Poster at UNC

---

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

I am a new resident of Chapel Hill but a life long resident of NC. I am a single mother with a college aged son and work for the university so I have some unique perspectives on education and social equality. I want to help out in my new community and am eager to be a part of any board.

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

I have worked for the NC public school system for over 5 years before moving to Chapel Hill and I currently work at UNC as a program coordinator with the school of medicine. I have a BA in psychology, a BSW in social work, and a MA in educational psychology. I have a great deal of experience in education and social work and would like to help my new community.

---

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

In order to consider this application and provide some balance to the various boards, this personal information is required:

**Ethnicity**

---

☒ Caucasian/Non-Hispanic

**Gender**

---

☒ Female

---

If other, please describe:

**Please select your age from the following list. \***

---

☒ 35-54

**Education**

---

Occupation

**Are you a Town of Chapel Hill employee?**

---

☐ Yes ☒ No

---

**Ethics Statement**

## ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

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---

☒ I Agree \*

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---

**Profile**

Whenever possible, applications should be submitted 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

Amy

First Name

Liu

Middle Initial

Last Name

loo1001@yahoo.com

Email Address

Booker Creek Road

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Mobile:

Primary Phone

Home:

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?**

☒ 1-3 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 Board is your First Choice? \***

☒ Human Services Advisory Board



## Which Boards would you like to apply for?

---

Human Services Advisory Board: Eligible

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Other (provide additional information below)

Currently serving a partial term  
which ends on 6/30/2019.

If you chose "Other" from the advertising opportunity  
listed above, please specify 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?

---

- Healthcare, pediatrics, public health

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

- Pediatrician in the community for the past three years - Served on the HSAB for the past two years, have enjoyed learning about the resources and programs available in the community.

You may upload a supporting document (e.g., CV or resume). <strong>Please be advised that any information submitted becomes a public record and may be searchable online.</strong>

---

## Demographics

In order to consider this application and provide some balance to the various boards, this personal information is required:

### Ethnicity

---

☒ Asian or Pacific Islander

### Gender

---

☒ Female

If other, please describe:

Please select your age from the following list. \*

☒ 35-54

Occupation

Are you a Town of Chapel Hill employee?

☐ Yes ☒ No

## Ethics Statement

### ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

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☒ I Agree \*

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---

**Profile**

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---

☒ I Agree

James

First Name

Mccallion

Middle Initial

Last Name

jmccallion71@gmail.com

Email Address

123 Westside Drive

Street Address

Suite or Apt

Chapel Hill

City

NC

State

27516

Postal Code

Mobile: (215) 370-2367

Primary Phone

Mobile: (267) 566-0197

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?**

☒ 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 Board is your First Choice? \***

☒ Cemeteries Advisory Board

## Which Boards would you like to apply for?

---

Cemeteries Advisory Board: Eligible

Human Services Advisory Board: Eligible

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Internet

---

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

I worked for a cemetery monument company for several years throughout high school and college in the Philadelphia area. A large portion of the time was spent rehabbing a cemetery on the National Historic registry.

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

I have a masters degree in Nurse Anesthesia and experience in human development and family studies.

---

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

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. \*

☒ 35-54

Certified Registered Nurse  
Anesthetist

Occupation

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 discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. 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 State Statute 106A-388(e)(2), 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 should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. 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 \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*

---

**Profile**

Whenever possible, applications should be submitted 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

Mychal

First Name

Weinert

Middle Initial

Last Name

mychalweinert@gmail.com

Email Address

428 Whitehead Circle

Street Address

Suite or Apt

Chapel Hill

City

NY

State

27514

Postal Code

Mobile: (937) 830-9042

Primary Phone

Home:

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?**

☒ 1-3 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 Board is your First Choice? \***

☒ Human Services Advisory Board

## Which Boards would you like to apply for?

---

Human Services Advisory Board: Eligible

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Internet

---

If you chose "Other" from the advertising opportunity listed above, please specify 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 a member of the Chapel Hill community, I believe my background in health services research, as well as the medical device industry, serve as important foundations for service on the Board. However, I believe the most important perspective I can bring to the table is my personal experience as an individual with Cerebral Palsy; this is what has guided my career and passion in the healthcare realm. I find it critical that all members of this community have access to services and programs that promote their well-being, regardless of socioeconomic status, and I appreciate that the Town is committed to this cause.

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

My experience with developing funding priorities, receiving and evaluating applications for funding, and managing project budgets and deliverables are all skills that could be of service to this Board.

[Weinert CV 2019.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

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. \***

---

☒ 25-34

---

Occupation

**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 discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. 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 State Statute 106A-388(e)(2), 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.”

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---

☒ I Agree \*

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# Mychal D. Weinert

428 Whitehead Circle, Chapel Hill, North Carolina 27514 • 937-830-9042 • mychalweinert@gmail.com

## Education and Certifications

<b>University of Cincinnati</b> , Cincinnati, OH	June 2012
Bachelor of Science in Neuroscience	
Magna Cum Laude, High Honors in Neuroscience	
Clinical Research Contracts Professional (CRCP) Certification	May 2017
<b>Regulatory Affairs Professional Society (RAPS)</b> Online University	April 2018
Regulatory Affairs Certificate, Medical Devices	

## Professional Experience

### **MED-EL Corporation, Durham, NC**

*Contracts Manager, Clinical Research*

*Administrator, Clinical Research*

October 2016 – Present  
July 2016 – October 2016

#### **Contract and Project Management**

- Serve as the main point of contact for both internal and external colleagues for all clinical research contracts and budgets throughout the project lifecycle, providing uniformity across sites and ensuring conformity with company policies. Studies include:
  - o Multi-center, FDA-regulated trials; Investigator- and company- sponsored trials.
- Draft, negotiate, execute, and monitor all contracts, confidentiality agreements, consulting agreements, and loaner agreements, ensuring compliance with company policy and applicable law.
- Conduct needs analyses with clinical teams and translate needs into prepared contracts and budgets.
- Head RFP process to procure new services and vendors (e.g., contract research organizations (CROs)).
- Manage relationship with vendors, including monitoring of quality, timeliness, and expenditures, and reviewing scopes of work and amending as necessary.
- Lead the development of company's first electronic data capture (EDC) system to streamline data collection, reduce staff workload, and decrease overall study expenditures.
- Perform clinical research monitoring of all Canadian study sites, ensuring compliance with SOPs, protocol, GCPs, and applicable laws and regulations.
- Developed streamlined department document repository and tracking system and created standard contract templates to reduce administrative burden and negotiation time.

#### **Budget**

- Build, monitor and reconcile \$7 million annual department budget, consulting with staff to forecast costs for upcoming clinical trials and vendor services.
- Develop and negotiate all clinical trial budgets in accordance with protocol.
- Review vendor proposals to ensure costs are appropriate for the scope of work and in line with MED-EL project budgets, and do not include unfavorable business and payment terms.
- Monitor trial and vendor budgets to ensure work is completed within agreed estimates, identify any work that is out of scope, and revise budget and execute amendments as needed.
- Process all invoices, track accruals, and reconcile against agreed upon contracts and payments terms. Compile annual report for expenditures covered under the The Physician Payments Sunshine Act.

#### **Internal Committees**

- Lead internal audits to ensure company-wide compliance with its quality system. Develop and implement corrective and preventive action (CAPA) plans to address any findings and deviations.

- Serve as chair of Medical Affairs, a cross-departmental committee that evaluates external requests for off-label information.
- Serve as chair of the Grants Committee, which reviews and approves sponsorships and charitable and educational grant requests to ensure compliance with company policy and anti-kickback legislation.

### **Patient-Centered Outcomes Research Institute (PCORI), Washington, DC**

*Program Associate, Science, Addressing Disparities*

April 2014 – July 2016

#### **Active Portfolio Management**

- Assisted in the management of over 40 patient-centered, comparative effectiveness research projects.
  - Worked with awardees to address problems and coordinate the necessary contract modifications.
  - Conducted site visits and check-in calls to ensure milestones on track.
- Designed, built, and maintained PCORI's contract management database for project monitoring and tracking.
- Managed a five-year, \$10 million pragmatic clinical study seeking to enhance the integration of mental health care in primary care for individuals living in rural communities.
- Lead and participated in internal committees to analyze and highlight investment in specific topic areas (i.e., mental health and community health workers) and identify gaps for future investment.

#### **Advisory Panels and Workgroups**

- Managed and served as the primary contact for a 21-member, multi-stakeholder advisory panel that provides guidance to the Addressing Disparities program.
  - Lead content and concept development to ensure successful execution of in-person and remote meetings.
  - Conducted review and selection of new member applications, ensuring fit with program goals.
- Developed, managed, and coordinated mental health breakout session at PCORI's first large, multi-stakeholder, annual meeting.
- Managed multi-stakeholder expert workgroups to identify key research questions that could reduce disparities.

#### **Funding Announcement Development**

- Developed funding announcements for comparative effectiveness research to advance the evidence base for health disparities research.
- Reviewed submitted letters of intent to ensure fit with program and provided written feedback to applicants.
- Monitored merit review panels of submitted research applications to ensure alignment with program goals. Provided formal feedback to inform applicants of the strengths and weaknesses of their proposals.
- Synthesized and analyzed literature to develop topic briefs to highlight research gaps, inform program development, and identify research questions with the potential to improve health outcomes.

### **Patient-Centered Outcomes Research Institute (PCORI), Washington, DC**

*Analyst, Contracts Management and Administration*

October 2012 - April 2014

#### **Research Award Administration**

- Planned and managed the implementation of a new online contracts management tool for both pre-and post-award activities.
  - Directly managed vendor to ensure company needs, timelines and deliverables were met; executed change orders to incorporate growing demands
- Revised applicant guidelines, templates and other collateral materials to ensure consistency with the online contracts management system.
- Developed contract management system training for users and internal staff; conducted and led trainings.
- Coordinated technical support, online tracking, analysis, and reporting for application reviews.
- Managed the technical and programmatic help desk to address applicant and reviewer questions within two days and coordinate necessary repairs.
- Built Microsoft Access database to track and score applications to serve on merit review panels.

#### **Budget Reviews**

- Performed budget reviews for funded projects to ensure all costs requested complied with company policies and guidelines.

- Worked with awardees to discuss and reconcile all budget issues prior to contract execution.
- Compiled final contracts to distribute to awardees.

### **Data Analysis**

- Analyzed applicant feedback through surveys and common help desk questions for process improvement purposes.
- Conducted data analysis and assisted program directors in preparing funding cycle decisions for presentation to PCORI Board of Governors.

### **University of Cincinnati, College of Medicine, Cincinnati, OH**

*Research Assistant*

March 2011 - May 2012

- Assisted with conducting a study of PTSD (Post-traumatic Stress Disorder), in partnership with the Department of Veterans Affairs (VA).
- Coordinated data management, including filing, coding, entering, reviewing, and cleaning data.
- Supported grant writing, data analysis, and manuscript development.

### **Selected Publications**

Gurgol, C., Grieser, M., **Weinert, M.**, Hasnain-Wynia, R. (2016, March). The Role of Community Health Workers in Reducing Disparities: Lessons from Patient-Centered Comparative Effectiveness Research Interventions. Poster session presented at the Annual Research Meeting of Academy Health, Boston, MA.

**Weinert, M.**, Grieser, M., Hasnain-Wynia, R. (2015). Using Community Healthcare Workers to Reduce Disparities [Web blog post]. Retrieved from <http://www.pcori.org/blog/using-community-healthcare-workers-reduce-disparities>

Schmeltzer S. N, Vollmer L. E., Rush J. E., **Weinert M.**, Dolgas C. M., & Sah R. (2015). History of chronic stress modifies acute stress-evoked fear memory and acoustic startle in male rats. *Stress*.

Vollmer, L. E., Ghosal, S., Rush, J. A., **Weinert, M.**, Sallee, F. R., Herman, J. P., & Sah, R. (2012). Attenuated stress-evoked anxiety, increased sucrose preference and delayed spatial learning in glucocorticoid-induced receptor (GIR) deficient mice. *Genes, Brain and Behavior*.

### **Professional Development**

Advanced Quality Monitoring, **Medical Research Management**, November 2016

Trial Simulation and Platform Trial Methods, **Berry Consultants/Patient-Centered Outcomes Research Institute**, June 2015

Project Management Fundamentals, **Global Knowledge**, October 2014

Qualitative Data Analysis, **Patient-Centered Outcomes Research Institute**, September 2014

Methodology Standards, **Patient-Centered Outcomes Research Institute**, July 2014

Advanced Two-Day Training, **Tableau**, February 2014

Uniform Guidance Training, **Council on Financial Assistance Reform (COFAR)**, January 2014

### **Professional Associations**

Model Agreements & Guidelines International (MAGI), Member

National Grants Management Association (NGMA), Member

Society of Clinical Research Associates (SOCRA), Member

Regulatory Affairs Professional Society (RAPS), Member

### **Proficiencies**

Microsoft Word, Excel, Access, Project, Visio; SPSS; Tableau; EasyGrants; ZenDesk; Fluxx; HTML; Salesforce; foundationConnect; EndNote; Domo; Microsoft Dynamics CRM; Medidata RAVE



# TOWN OF CHAPEL HILL

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

## Item Overview

Item #: 17., File #: [19-0490], Version: 1

Meeting Date: 5/22/2019

### Appointments to the Orange Water and Sewer Authority Board of Directors.

#### Staff:

Sabrina Oliver, Director/Town Clerk  
Amy Harvey, Deputy Town Clerk  
Alisha Cordell, Administrative Assistant

#### Department:







Communications and Public Affairs  
Technology Solutions and CaPA



#### Recommendation(s):

That the Council make appointments on the Orange Water and Sewer Authority Board of Directors for three Town seats.

#### Council Goals:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



#### Attachments:

- Advisory Board Recommendation(s)
- Ballot
- Applications

Note: Applications submitted prior to February 20, 2018 were completed before changes were made to the application and may appear incomplete.

**MEMORANDUM**

TO: Mayor and Town Council

FROM: Council Committee on OWASA Interviews  
(Mayor pro tem Jessica Anderson, Council Member Nancy Oates, and Council Member Michael Parker)

SUBJECT: Recommendation for the OWASA vacancy(s)

DATE: May 13, 2019

**RECOMMENDATION:** The Council Committee on OWASA Interviews met on Monday, May 13, 2019 and by a unanimous vote have made the following recommendation(s) to the Town Council for consideration:

- Bruce Boehm, Reappointment, Chapel Hill Town Resident Seat
- John Cooley Appointment, Chapel Hill Town Resident Seat
- Bruce Runberg Appointment, Chapel Hill Town Resident Seat

**SPECIAL REQUEST(S):** Not applicable.

**BACKGROUND:** No Comment.

*Note:* Communications and Public Affairs notes that the Council Committee on OWASA Interviews reviewed the following applications: Bruce Boehm, John Cooley, and Bruce Runberg. No additional applications have been received on May 13, 2019 for the Chapel Hill Town Resident Seat on the OWASA Board of Directors.

## BALLOT

## ORANGE WATER AND SEWER AUTHORITY BOARD OF DIRECTORS

MAY 22, 2019

Total Membership: 9 (5 appointed by the Town Council; 2 appointed by the Board of Aldermen of Carrboro; and 2 appointed by the Orange County Board of Commissioners)

Current Membership: 8 (2 Female, 6 Male; 4 Caucasian, 1 Asian or Pacific Islander, 3 Unknown; (1) 35-54, (3) over 55, (4) Unknown)

Current Vacancies: 1 (1 Chapel Hill Resident)

Vacancies effective July 1: 2 (2 Chapel Hill Residents)

Number of Applicants: 3

Chapel Hill Resident  
Please vote for up to three (3) applicants.

\_\_\_\_\_ Bruce Boehm (incumbent)  
 \_\_\_\_\_ John Cooley  
 \_\_\_\_\_ Bruce Runberg  
 \_\_\_\_\_ Other; please list \_\_\_\_\_

\_\_\_\_\_  
Council Member Signature

\*Applicants noted above are also being considered for another standing board this evening. According to the Council Procedures Manual an individual may serve on only one standing board or commission.



---

**Profile**

Whenever possible, applications should be submitted 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

Bruce

First Name

J.

Middle Initial

Boehm

Last Name

ratalish@gmail.com

Email Address

1921 South Lakeshore Drive

Street Address

1921 South Lakeshore Drive

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Mobile: (575) 652-6322

Primary Phone

Home:

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 Board is your First Choice? \***

☒ Orange Water and Sewer Authority (OWASA) Board of Directors

## Which Boards would you like to apply for?

---

Orange Water and Sewer Authority Board of Directors: Appointed

---

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

---

☒ Other (provide additional information below)

I am currently on the Owasa board

If you chose "Other" from the advertising opportunity listed above, please specify 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?

---

I believe that my experience in engineering, finance, and management would be an asset to OWASA and our broader community. I have many years of service as a director of and adviser to for-profit companies, both private and public, and believe that experience would benefit OWASA. I have an interest in infrastructure and casually follow the work of our local utilities. I am semi-retired, so have an opportunity at this time in my life to focus my expertise on the community.

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

---

See response to perspectives question.

[Bruce Boehm 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

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

investment management

Occupation

**Are you a Town of Chapel Hill employee?**

---

☐ Yes ☒ No

---

**Ethics Statement**

## ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

---

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---

☒ I Agree \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*

---

**Profile**

Whenever possible, applications should be submitted 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**

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---

☒ I Agree

John

First Name

Cooley

Middle Initial

Last Name

johncooley06@gmail.com

Email Address

140 W. Franklin Street

Street Address

Unit 418

Suite or Apt

Chapel Hill

City

NC

State

27516

Postal Code

Home: (919) 960-1906

Primary Phone

Home:

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?**

☒ 4-9 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 Board is your First Choice? \***

☒ Orange Water and Sewer Authority (OWASA) Board of Directors

## Which Boards would you like to apply for?

Orange Water and Sewer Authority Board of Directors: Eligible

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

☒ Advisory Board or Council member

If you chose "Other" from the advertising opportunity listed above, please specify 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?

Families from across the country move to Chapel Hill in droves for the beautiful university setting, strong public schools, proximity to a range of employment, diversity, eclectic food scene and reliable access to public goods and services. These competing assets all rely upon a strong infrastructure and continued access to a clean, reliable and well-managed source of water remains paramount. I am excited to combine my professional experiences and commitment to serving my community in order to ensure a successful future of our town's water supply.

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

My background in real estate, marketing and public service provides a well-rounded skill set which enables me to make decisions with various stakeholders in mind. I pride myself on bringing a level-headed and consistent voice to all leadership and community roles and I keep the mission as my driving factor. Overall, my experience serving within volunteer organizations and on community boards has prepared me to be an effective leader for the Orange County Water and Sewer Authority.

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

In order to consider this application and provide some balance to the various boards, this personal information is required:

**Ethnicity**

---

☒ African American**Gender**

---

☒ Male

---

If other, please describe:

**Please select your age from the following list. \***

---

☒ 35-54**Real Estate Broker**

---

Occupation

**Are you a Town of Chapel Hill employee?**

---

☐ Yes ☒ No

---

**Ethics Statement**

## ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

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☒ I Agree \*

*Applications will be kept on file from July 1st to June 30th of the same fiscal year. Please reapply each fiscal year if you are still interested in serving on an Advisory Board, Commission, Committee or Task Force and have not yet been appointed.*



# PLEDGE TO FOLLOW ETHICS GUIDELINES FOR ADVISORY BOARDS AND COMMISSIONS

## Ethics Guidelines for Town Advisory Boards and Commissions

Members of advisory boards and commissions shall not discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. Any member who violates this provision 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 should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. 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.

Advisory board and commission applicants shall agree to comply with the ethics guidelines as stated above.

I, John Cooley pledge to comply with the ethics guidelines for advisory boards and commissions as adopted by the Chapel Hill Town Council.

Advisory Board or Commission

Housing Board

[Signature]  
Applicant's Signature

8/4/15  
Date

The above Ethics statement was subscribed and sworn to before me this the 4<sup>th</sup> day of August, 2015.



[Signature]  
Notary Public

My Commission Expires October 9, 2017



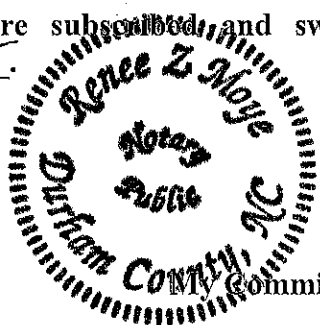
STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

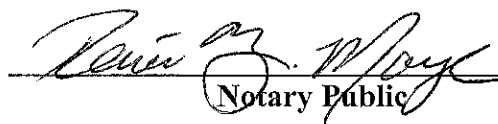
### OATH OF OFFICE

I, John Cooley, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as a member of the Housing Board, so help me God.

  
Signature

The above oaths were subscribed and sworn to before me this the 4 day of August, 2015.



  
Notary Public

Commission Expires October 9, 2017

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**Profile**

Whenever possible, applications should be submitted 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.**

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☒ I Agree

Bruce

First Name

L

Middle Initial

Runberg

Last Name

brunberg17@gmail.com

Email Address

601 MLK Jr Blvd

Street Address

Unit #1

Suite or Apt

Chapel Hill

City

NC

State

27514

Postal Code

Mobile: (919) 928-4413

Primary Phone

Home: (919) 418-0507

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 Board is your First Choice? \***

☒ Orange Water and Sewer Authority (OWASA) Board of Directors

## Which Boards would you like to apply for?

Orange Water and Sewer Authority Board of Directors: Eligible

## How did you find out about this opportunity? (select all that apply by holding down the shift key)

- ☒ Advisory Board or Council member
- ☒ Radio

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?

Hi, I would like to provide my services to the Town on the OWASA Board of Directors. I have lived in Chapel Hill for 27 years and served as the Associate Vice Chancellor of Facilities Services at UNC Chapel Hill for 24 years, having retired last October, 2015. I am familiar with water & sewer issues in our Town. I am a registered Professional Engineer in NC (#18832) and am experienced in senior engineering roles having a strong technical background. I am pragmatic, get along well with others, and work to build consensus. I have served on the Planning Board, Art Center Board, Co-Chair of Orange County Veterans Memorial, and also the Community Home Trust. I am a strong candidate for this position. Bruce Runberg

### Please provide a brief summary of any other relevant qualifications (skills, abilities, interests and/or experience) you bring.

I also served in the Civil Engineer Corps of the United States Navy for 28 years, rising to the rank of Captain. I was the Public Works Officer (PWO) of our base at RAF Edzell, Scotland, the PWO at Naval Air Station Quonset Point, RI, the PWO of the (nuclear submarine refueling base) Naval Shipyard in Charleston, SC, and many other critical facilities positions. I am familiar with utilities systems and the need of providing dependable services! I know how a water/sewer system provider should be managed and would be a solid Board member.

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

In order to consider this application and provide some balance to the various boards, this personal information is required:

**Ethnicity**

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☒ Caucasian/Non-Hispanic

**Gender**

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☒ Male

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If other, please describe:

**Please select your age from the following list. \***

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☒ over 55

Engineer/Manager/Leader

Occupation

**Are you a Town of Chapel Hill employee?**

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☐ Yes ☒ No

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**Ethics Statement**

## ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS

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Members of advisory boards and commissions shall not discuss, advocate, or 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 a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. 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 State Statute 106A-388(e)(2), 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 should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. 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.

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