



# 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 Rachel Schaevitz  
Council Member Karen Stegman

**Wednesday, September 11, 2019 7:00 PM**

**RM 110 | Council Chamber**

### 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.*

### 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.*

1. Approve all Consent Agenda Items.

[\[19-0729\]](#)

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

2. Enact the Annual Budget Ordinance Amendment to Re-appropriate Funds for Prior Year Encumbrances

[\[19-0730\]](#)

and Other Commitments.

By enacting the budget ordinance amendment, the Council appropriates funds for prior year encumbrances, previously approved grants, and capital improvement projects in various funds for the 2019-20 fiscal year.

- 3.** Award a Bid and Authorize the Town Manager to Execute a Contract for the Construction of Variable Message Sign Project. [\[19-0706\]](#)

By adopting the Resolution, the Council awards a bid in an amount of \$1,199,400 to Traffic Control Devices, Inc. for the construction of the variable message sign project.

- 4.** Authorize the Town Manager to Negotiate and Execute a Sole Source Contract to Purchase Replacement Mobile Data Terminals for EZ Rider Transit Vehicles. [\[19-0731\]](#)

By adopting the resolution, the Council authorizes the Town Manager to negotiate and execute a sole source contract to purchase mobile data terminals and related installation support and training from Trapeze Software Group, Inc.

- 5.** Award the Same Pay Increase Approved for all Employees to the Town Manager. [\[19-0732\]](#)

By adopting the resolution, the Council will award the same increase approved for all employees to the Town Manager.

- 6.** Amend Chapter 21 of the Code of Ordinances on Turn Regulations to Prohibit Right Turns on a Red Signal at Several Intersections. [\[19-0733\]](#)

By enacting the ordinance, the Council amends turn regulations to prohibit right turns on a red signal at multiple intersections.

- 7.** Amend Chapter 21 of the Town Code of Ordinances for On-Street Parking Regulations in the Burch Kove Neighborhood. [\[19-0705\]](#)

By enacting the ordinance, the Council establishes "no parking anytime" on Bella Drive (both sides), Kove Road (north side), and Lena Circle (both sides) in the Burch Kove neighborhood in response to residents' request.

- 8.** Call a Public Hearing on October 30, 2019 for Amendments to Land Use Management Ordinance Sections 3.6.2 and 8.4 Pertaining to the Historic District. [\[19-0734\]](#)

By adopting the resolution, the Council calls a public hearing on October 30, 2019 to consider amendments to the Land Use Management Ordinance Sections 3.6.2 and 8.4 pertaining to the Historic District.

- 9.** Recommend Appointment to the Chapel Hill/Orange County Visitors Bureau Board of Directors. [\[19-0735\]](#)

By adopting the resolution, the Council recommends that the Orange County Board of Commissioners appoints Mayor Hemminger to Chapel Hill Town Council seat on the Chapel Hill/Orange County Visitors Bureau Board of Directors.

- 10.** Adopt Minutes from July 10, 2018, September 5 and 19, 2018, October 10, 17, and 24, 2018 and November 7 and 14, 2018 Meetings. [\[19-0736\]](#)

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

## INFORMATION

- 11.** Receive Upcoming Public Hearing Items and Petition Status List. [\[19-0737\]](#)

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

## DISCUSSION

- 12.** Consider Endorsing a Public Engagement Process and Create a Task Force for a Text Amendment Addressing Short Term Rentals (STRs). [\[19-0738\]](#)

PRESENTER: Anya Grahm, Senior Planner

RECOMMENDATION: That the Council adopt a resolution endorsing a task force and public engagement process to develop text amendments addressing Short Term Rentals (STRs).

## 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 person 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.*

**13.** Concept Plan Review: Wegmans Food Market and [\[19-0739\]](#)  
SECU Street Connection (Project #19-089).

PRESENTER: Michael Sudol, Planner II

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

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

**14.** Concept Plan Review: 1751 Dobbins Drive Office [\[19-0740\]](#)  
Building (Project #19-023).

PRESENTER: Michael Sudol, Planner II

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

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

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





# TOWN OF CHAPEL HILL

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

## Item Overview

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**Item #:** 1., **File #:** [19-0729], **Version:** 1

**Meeting Date:** 9/11/2019

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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.

**Attachments:**

- Resolution

**A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES  
(2019-09-11/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:

2. Enact the Annual Budget Ordinance Amendment to Re-appropriate Funds for Prior Year Encumbrances and Other Commitments. (O-1)
3. Award a Bid and Authorize the Town Manager to Execute a Contract for the Construction of Variable Message Sign Project. (R-2)
4. Authorize the Town Manager to Negotiate and Execute a Sole Source Contract to Purchase Replacement Mobile Data Terminals for EZ Rider Transit Vehicles. (R-3)
5. Award the Same Pay Increase Approved for all Employees to the Town Manager. (R-4)
6. Amend Chapter 21 of the Code of Ordinances on Turn Regulations to Prohibit Right Turns on a Red Signal at Several Intersections. (O-2)
7. Amend Chapter 21 of the Town Code of Ordinances for On-Street Parking Regulations in the Burch Kove Neighborhood. (O-3)
8. Call a Public Hearing on October 30, 2019 for Amendments to Land Use Management Ordinance Sections 3.6.2 and 8.4 Pertaining to the Historic District. (R-5)
9. Recommend Appointment to the Chapel Hill/Orange County Visitors Bureau Board of Directors. (R-6)
10. Adopt Minutes from July 10, 2018, September 5 and 19, 2018, October 10, 17, and 24, 2018 and November 7 and 14, 2018 Meetings. (R-7)

This the 11<sup>th</sup> day of September, 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 #: 2., File #: [19-0730], Version: 1

Meeting Date: 9/11/2019

### Enact the Annual Budget Ordinance Amendment to Re-appropriate Funds for Prior Year Encumbrances and Other Commitments.

#### Staff:

Amy Oland, Director

#### Department:

Business Management

**Overview:** Enacting the attached budget ordinance amendment appropriates funds for prior year encumbrances, previously approved grants, and capital improvement projects in various funds for the 2019-20 fiscal year.



#### Recommendation(s):

That the Council enact the budget ordinance amendment to adjust for encumbrances and other commitments from FY 2019 to FY 2020.

#### Key Issues:

Each year, as the new fiscal year budget gets underway, we ask the Council to re-appropriate funds for activities that cross over July 1<sup>st</sup>. These activities were anticipated and planned for in our budget preparation and are for routine activities and longer-term projects.

- **Encumbrances**

Encumbrances are obligations the Town committed to before June 30, 2019 through a contract or a purchase order. Since the materials or services weren't delivered before June 30<sup>th</sup>, we need to re-appropriate those funds in the 2019-2020 budget. Staff recommends carrying forward a total of \$3,522,227 across all funds from last year to the 2019-2020 budget.

- **Other Commitments**

In addition to outstanding contracts and purchase orders, there are items that were planned for in our budget preparation but not completed before June 30, 2019. These projects include: the Elliott Road Storage Facility \$3,034,772, Wallace Deck design \$290,000, year two of the LUMO update \$100,957, the penny for housing initiative \$646,528, and stormwater subwatershed studies \$310,948. Other carryforward items include workforce development training, Council-approved planning initiatives, police federal and state drug seizure funds, street resurfacing, traffic studies, facility maintenance, technology projects, and other ongoing initiatives that were not encumbered. Staff recommends carrying forward a total of \$5,089,155 across all funds from last year to the 2019-2020 budget.

- **Grant Fund Carryovers**

The attached ordinance would re-appropriate \$99,684 for unspent grants in the Grant Fund as follows:

Grant	Grant Budget in 2018-19	Balance to Reappropriate in 2019-20
Triad Foundation Grant	50,771	45,671
FY16 Bulletproof Vest Grant	6,974	2,909
Governors Crime Commission Gr	89	89
FY18 Bulletproof Vest Grant	22,687	12,624
Orange County ABC Grant	55,849	12,421
Youth Initiative Grant	619	619
FY17 Bulletproof Vest Grant	26,030	25,351
<b>Total</b>	<b>\$ 163,019</b>	<b>\$ 99,684</b>

- Transit Grant Carryovers**

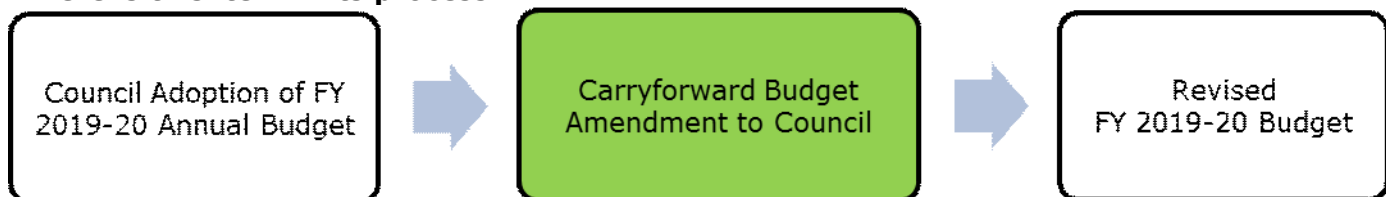
In addition to items encumbered, the Transit Fund has residual balances on grants that were awarded in FY 2019 that are not complete and will carry over to FY 2020. Grants with residual balances include the FY 2014 and FY 2015 Section 5307 grants for transit enhancements. Expenditures remaining on the grants total \$54,321, with federal funding available of \$43,457. The matching funds for the grants were established in the prior year's budget and are re-appropriated from fund balance by the amendment attached.

- CIP Project Carryovers**

Other than the amounts included for encumbrances above, the balance remaining for capital projects that are underway require re-appropriation in FY 2020. The attached amendment would re-appropriate funding for the completion of Fire Station #1 roof replacement, parks and greenways, parking lot projects, technology projects, and facility capital maintenance.

**Fiscal Impact/Resources:** The carryover budget amendment is intended to re-appropriate budget that was committed to in the prior fiscal year. Encumbered funds that were not spent were held in the fund balance of the various funds, or in additional grant funds awarded by agencies. The amount being carried over is \$3,522,227 in encumbrances and \$5,089,155 for other items that were not completed in the prior year for a total of \$8,611,382.

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



**Attachments:**

- Budget ordinance amendment
- Summary listing of items carried over

**AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2019" FOR ENCUMBRANCES AND CARRYOVERS (2019-09-11/O-1)**

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 2019" as duly adopted on June 12, 2019, is hereby amended as follows:

**ARTICLE I**

<b>APPROPRIATIONS</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Revised Budget</b>
<b>GENERAL FUND</b>				
Mayor/Council	\$ 475,446	\$ -	\$ -	\$ 475,446
Town Manager/CaPA	2,834,061	15,964	-	2,850,025
Human Resource Dev't	1,859,535	105,457	-	1,964,992
Business Management	2,310,602	1,063	-	2,311,665
Technology Solutions	2,366,219	6,359	-	2,372,578
Attorney	386,581	-	-	386,581
Planning & Sustainability	1,743,331	338,421	-	2,081,752
Building & Development Services	2,162,844	1,520	-	2,164,364
Housing & Community	837,649	4,826	-	842,475
Public Works	13,065,980	322,016	-	13,387,996
Police	13,864,910	71,341	-	13,936,251
Fire	9,653,939	16,620	-	9,670,559
Parks and Recreation	7,236,607	16,492	-	7,253,099
Library	3,822,604	33,817	-	3,856,421
Non-Departmental	<u>5,862,692</u>	<u>279,629</u>	<u>-</u>	<u>6,142,321</u>
GENERAL FUND TOTAL	\$ 68,483,000	\$ 1,213,525	\$ -	\$ 69,696,525

Item #: 2., File #: [19-0730], Version: 1

Meeting Date: 9/11/2019

**OTHER FUNDS**

Grants Fund	\$ 402,746	\$ 99,684	\$ -	\$ 502,430
Downtown Service District	456,107	-	-	456,107
Affordable Housing Development Reserve	688,395	1,058,720	-	1,747,115
Library Gift Fund	237,468	28,587	-	266,055
Debt Service Fund	9,845,432	-	-	9,845,432
Transit Capital Reserve Fund	10,000	-	-	10,000
Capital Improvement Fund	420,341	238,846	-	659,187
Vehicle Replacement Fund	859,091	290,550	-	1,149,641
Vehicle Maintenance Fund	1,532,000	-	-	1,532,000
Computer Replacement Fund	165,250	-	-	165,250
On-Street Parking Fund	707,239	-	-	707,239
Off-Street Parking Fund	2,203,622	294,246	-	2,497,868
Public Housing Fund	2,182,460	11,977	-	2,194,437
Stormwater Management Fund	2,965,115	3,779,655	-	6,744,770
Transit Fund	<u>24,792,491</u>	<u>1,595,592</u>	<u>-</u>	<u>26,388,083</u>
Total all funds	\$ 115,950,757	\$ 8,611,382	\$ -	\$ 124,562,139

**ARTICLE II**

<b>REVENUES</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Revised Budget</b>
<b>GENERAL FUND</b>				
Other Revenues	\$ 65,127,234	\$ -	\$ -	\$ 65,127,234
Fund Balance Appropriated	<u>3,355,766</u>	<u>1,213,525</u>	<u>-</u>	<u>4,569,291</u>
GENERAL FUND TOTAL	\$ 68,483,000	\$ 1,213,525	\$ -	\$ 69,696,525
<b>OTHER FUNDS</b>				
Grants Fund	\$ 402,746	\$ 99,684	\$ -	\$ 502,430
Downtown Service District	456,107	-	-	456,107
Affordable Housing Development Reserve	688,395	1,058,720	-	1,747,115
Library Gift Fund	237,468	28,587	-	266,055
Debt Service Fund	9,845,432	-	-	9,845,432
Transit Capital Reserve Fund	10,000	-	-	10,000
Capital Improvement Fund	420,341	238,846	-	659,187
Vehicle Replacement Fund	859,091	290,550	-	1,149,641
Vehicle Maintenance Fund	1,532,000	-	-	1,532,000
Computer Replacement Fund	165,250	-	-	165,250
On-Street Parking Fund	707,239	-	-	707,239
Off-Street Parking Fund	2,203,622	294,246	-	2,497,868
Public Housing Fund	2,182,460	11,977	-	2,194,437
Stormwater Management Fund	2,965,115	3,779,655	-	6,744,770
Transit Fund	<u>24,792,491</u>	<u>1,595,592</u>	<u>-</u>	<u>26,388,083</u>
Total all funds	\$ 115,950,757	\$ 8,611,382	\$ -	\$ 124,562,139

This the 11<sup>th</sup> day of September, 2019.

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

By enacting the budget ordinance amendment, the Council appropriates funds for prior year encumbrances, previously approved grants, and capital improvement projects in various funds for the 2019-20 fiscal year.

## SUMMARY LISTING OF ITEMS CARRIED OVER

Description	Amount
<u>GENERAL FUND</u>	
Training	\$ 105,457
Project facilitation	157,494
LUMO Update	159,918
Traffic studies/projects	100,000
Street resurfacing	123,750
High School Road improvements	200,000
Facility operating maintenance	24,030
Technology	22,304
Professional services	120,135
Police federal & State drug funds	16,392
Other encumbrances	184,045
Total carryforward	<u>\$ 1,213,525</u>
Other Funds:	
<u>GRANTS FUND</u>	
Residual balances from FY19	\$ 99,684
<u>AFFORDABLE HOUSING DEVELOPMENT RESERVE FUND</u>	
Penny for housing	\$ 1,058,720
<u>CIP FUND</u>	
Fire Station #1 roof replacement	\$ 22,587
Parks and greenways	43,209
Parking lot projects	53,840
Technology projects	41,916
Facility capital maintenance	19,348
Transitional housing maintenance	57,946
Total carryforward	<u>\$ 238,846</u>
<u>VEHICLE REPLACEMENT FUND</u>	
Vehicles ordered but not delivered/invoiced	\$ 290,550



Description	Amount
TRANSIT	
Grants - residual balances	\$ 54,321
North South bus rail transit project	457,253
Transit vehicles ordered but not delivered/invoiced	966,760
Other purchase orders outstanding	<u>117,258</u>
Total carryforward	\$ 1,595,592
STORMWATER	
Master Plan capital projects	\$ 602,532
Elliott Road Storage Shed project	3,158,823
Other purchase orders outstanding	<u>18,300</u>
Total carryforward	\$ 3,779,655
PARKING	
Wallace Deck design	\$ 290,000
Other purchase orders outstanding	<u>4,246</u>
Total carryforward	\$ 294,246
HOUSING	
Other purchase orders outstanding	\$ 11,977
LIBRARY GIFT FUND GRANTS	\$ 28,587
TOTAL CARRYFORWARD	\$ 8,611,382



# TOWN OF CHAPEL HILL

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

## Item Overview

Item #: 3., File #: [19-0706], Version: 1

Meeting Date: 9/11/2019

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

#### Staff:

Lance Norris, Director  
Kumar Neppalli, Traffic Engineering Manager

#### Department:

Public Works

**Overview:** At its [May 22, 2019](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3948405&GUID=38E647A6-8B2D-4E3D-86CF-033925021ADD&Options=ID|Text|&Search=variable) <<https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3948405&GUID=38E647A6-8B2D-4E3D-86CF-033925021ADD&Options=ID|Text|&Search=variable>> meeting, Council awarded a bid to Traffic Control Devices, Inc. in an amount of \$1,119,400 for construction of the variable message sign project. Staff discovered a typo in the bid amount in the resolution, and Council will need to approve a new resolution for the corrected bid amount of \$1,199,400.

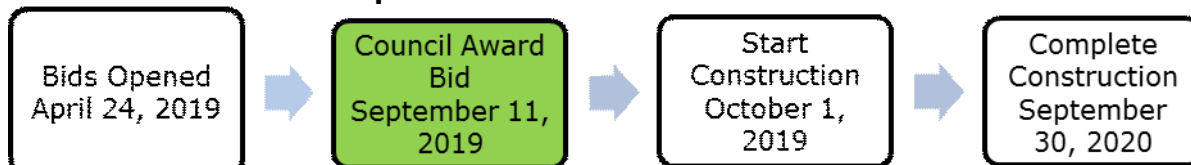


#### Recommendations:

That the Council adopt the Resolution correcting the bid award to the amount of \$1,199,400 and authorizing the Town Manager to execute a contract with the lowest responsive, responsible bidder, Traffic Control Devices, Inc..

**Fiscal Impact/Resources:** The lowest bid is \$1,199,400. Funding comes from a combination of federal funds, UNC Contribution, and Town operating funds.

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



#### Attachments:

- Resolution
- Bid Tabulation

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

By adopting the Resolution, the Council awards a bid in an amount of \$1,199,400 to Traffic Control Devices, Inc. for the construction of the variable message sign project.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH TRAFFIC CONTROL DEVICES, INC. IN AN AMOUNT OF \$1,199,400 FOR THE CONSTRUCTION OF THE VARIABLE MESSAGE SIGN PROJECT (2019-09-11/R-2)

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, there was an error in the resolution awarding the bid on May 22, 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 \$1,199,400.

This the 11<sup>th</sup> day of September, 2019.

Bid Tabulation  
Variable Message Sign Project U-5543  
Town of Chapel Hill, Bid: P19-107  
April 24, 2019, 10:00 AM

Contractor Name/Address	5% Bid Bond	Addendum Acknowledged	Total Base Bid
ALS of North Carolina, LLC 502 Klumac Rd Salisbury, NC 28144	Yes	Yes	\$1,219,239.38
Traffic Control Devices, Inc. 242 N. Westmonte Drive Altamonte Springs, FL 32714	Yes	Yes	\$1,199,400.00
World Fiber Technologies, LLC 5665 Shirlee Industrial Way Alpharetta, GA 30004	Yes	Yes	\$2,604,330.52



# TOWN OF CHAPEL HILL

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

## Item Overview

Item #: 4., File #: [19-0731], Version: 1

Meeting Date: 9/11/2019

### Authorize the Town Manager to Negotiate and Execute a Sole Source Contract to Purchase Replacement Mobile Data Terminals for EZ Rider Transit Vehicles.

#### Staff:

Brian Litchfield, Director

#### Department:

Transit

**Overview:** Transit needs to replace 21 mobile data terminals (on-board computers for its EZ Rider demand-response vehicles) that use 3G cellular technology which is scheduled to be discontinued in 2020. The new units will integrate with existing proprietary software that the Town has been using since 2008. The contract will include the equipment, installation support, on-site training, and equipment warranty.



#### Recommendation(s):

That the Council authorize the Town Manager to negotiate and execute a sole source contract to purchase replacement Mobile Data Terminals from Trapeze Software Group, Inc.

#### Decision Points:

- Sole source purchases must be approved by the governing board of a political subdivision of the State pursuant to [N.C.G.S. 143-129\(e\) \(6\)](http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=143-129) [1](http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=143-129).

#### Background

EZ Rider is a shared-ride, public transportation for individuals with a disability or health condition that prevents them from using Chapel Hill Transit's fixed-route bus services for some or all of their trips. This program was developed to comply with the federal Americans with Disabilities Act of 1990 (ADA).

To ensure program compliance, mobile data terminals were integrated into EZ Rider vehicles to improve on-time performance, streamline operations and reporting, improve customer service by eliminating paper reservation forms, and allow instant updates on pick-up and drop-off records.

#### Key Issues:

- Federal requirements stipulate that Chapel Hill Transit must accurately report its ADA service levels and performance.
- To continue meeting these requirements, the mobile data terminals must integrate with the proprietary supporting software. The software vendor (Trapeze) is the only source for these mobile data terminals. The current mobile data terminals in the fleet were installed in 2016 ( [http://chapelhill.granicus.com/MetaViewer.php?view\\_id=&clip\\_id=2654&meta\\_id=119666](http://chapelhill.granicus.com/MetaViewer.php?view_id=&clip_id=2654&meta_id=119666)) and need to be replaced since their 3G cellular technology will be discontinued by 2020.

**Fiscal Impact/Resources:** The estimated cost for this purchase is \$60,000. The purchase will be funded by the existing Transit Fund budget.



#### Attachments:

- Resolution

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE A SOLE SOURCE CONTRACT TO PURCHASE MOBILE DATA TERMINALS FROM TRAPEZE SOFTWARE GROUP, INC. TO REPLACE UNITS IN THE EZ RIDER FLEET (2019-09-11/R-3)**

WHEREAS, the Town of Chapel Hill is responsible for providing quality demand-response transportation services to meet federal requirements and local policies; and

WHEREAS, the Town of Chapel Hill is responsible for accurately reporting its American with Disabilities Act (ADA) service levels and service performance to meet federal requirements; and

WHEREAS, to continue meeting these requirements, mobile data terminals must be replaced; and

WHEREAS, the units needed must integrate with the supporting software and Trapeze Software Group, Inc. is the only source for these mobile data terminals; and

WHEREAS, sole source purchases must be approved by the governing board of a political subdivision of the State pursuant to [N.C.G.S. 143-129\(e\) \(6\)](#)

<http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=143-129>.<sup>1</sup>

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to negotiate and execute a sole source contract to purchase mobile data terminals and related installation support and training from Trapeze Software Group, Inc.

This the 11<sup>th</sup> day of September, 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 negotiate and execute a sole source contract to purchase mobile data terminals and related installation support and training from Trapeze Software Group, Inc.



# TOWN OF CHAPEL HILL

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

## Item Overview

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**Item #:** 5., **File #:** [19-0732], **Version:** 1

**Meeting Date:** 9/11/2019

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### **Award the Same Pay Increase Approved for all Employees to the Town Manager.**

**Overview:** The 2019-20 budget adopted by the Town Council includes a pay increase, designed to attract and retain excellent personnel, for all Town employees. The increase was effective July 1, 2019. The Town Council has traditionally deferred the award of a pay increase to the Town Manager until after their annual evaluation of this Council-appointed employee. That is the case in this 2019-20 budget year as well. The Town Council recently completed their evaluation of the Town Manager and are prepared to move forward with the same market increase that they approved for all employees.



#### **Recommendation:**

That the Council award the same increase approved for all employees to the Town Manager.

**Fiscal Impact/Resources:** Funding for all employees' market increase is included in the 2019-20 budget, adopted by the Council in June 2019.



#### **Attachment:**

- Resolution

**A RESOLUTION TO AWARD THE SAME PAY INCREASE APPROVED FOR ALL EMPLOYEES TO THE TOWN MANAGER (2019-09-11/R-4)**

WHEREAS, the Town Council adopted the 2019-20 Budget, including a 3% pay increase for all Town employees, effective July 1, 2019; and

WHEREAS, this increase is a market increase, designed to attract and retain excellent employees by staying consistent with market pay; and

WHEREAS, in taking this action, the Town Council consistently acknowledges that the excellent service the Town receives is a result of the good work of excellent employees; and

WHEREAS, the Town Council has traditionally deferred the award of the budget-adopted pay increase for the Town Manager until after their annual evaluation of this Council-appointed employee; and

WHEREAS, the Town Council recently completed a satisfactory evaluation of the Town Manager.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council awards the same pay increase approved for all employees to the Town Manager.

This the 11<sup>th</sup> day of September, 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 will award the same increase approved for all employees to the Town Manager.





# TOWN OF CHAPEL HILL

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

## Item Overview

**Item #:** 6., **File #:** [19-0733], **Version:** 1

**Meeting Date:** 9/11/2019

### **Amend Chapter 21 of the Code of Ordinances on Turn Regulations to Prohibit Right Turns on a Red Signal at Several Intersections.**

#### **Staff:**

Lance Norris, Director

Chris Blue, Police Chief/Executive Director for Community Safety

Kumar Neppalli, Traffic Engineering Manager

#### **Department:**

Public Works

Police

Public Works

**Overview:** This amendment responds to a Council Member petition from Fall 2016 that right turns on red be prohibited at several intersections to reduce conflicts between vehicles and pedestrians. If Council enacts the ordinance, Town staff will install signs at the intersections to indicate where right turns are prohibited on red.



#### **Recommendation(s):**

That the Council enact an ordinance that amends turn regulations, prohibiting right turns on a red signal at the following intersections:

- 1) From Caswell Road (both approaches) to Estes Drive
- 2) Franklin Street and Eastgate Shopping Center Entrance
- 3) Franklin Street and Hillsborough Street
- 4) Franklin Street and Henderson Street
- 5) Raleigh Street and Cameron Avenue/Country Club Road
- 6) South Road and Country Club Road
- 7) From South Road (westbound approach only) to Columbia Street
- 8) Columbia Street and Rosemary Street
- 9) Columbia Street and Franklin Street
- 10) Columbia Street and Cameron Avenue
- 11) Rosemary Street and Hillsborough Street
- 12) Rosemary Street and Henderson Street
- 13) Rosemary Street and Church Street
- 14) Manning Drive and Ridge Road
- 15) Manning Drive and Paul Hardin Drive
- 16) Raleigh Road (NC 54) and Hamilton Road

\*Unless otherwise noted, the above list indicates a "no right turn on red" regulation at all approaches to the intersection.

#### **Key Issues:**

- Town and NCDOT staff reviewed the request. For signalized intersections that met at least one of the following criteria from the Manual on Uniform Traffic Control Devices (MUTCD), the staffs recommend a "No Right Turn on Red":
  - An exclusive pedestrian phase

- An unacceptable number of pedestrian conflicts with right-on-red vehicles
  - Geometric or operational characteristics of the intersection that might result in unexpected conflicts
- In [March 2017 <https://chapelhill.granicus.com/MetaViewer.php?view\\_id=21&clip\\_id=3059&meta\\_id=155248>](https://chapelhill.granicus.com/MetaViewer.php?view_id=21&clip_id=3059&meta_id=155248), staff provided this report and recommendation to the Council. The Council deferred the item and referred the report to the Transportation and Connectivity Advisory Board for further review of time of day restrictions and Level of Service Criteria (LOS) at the subject intersections.
- At its [February 26, 2019 meeting <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3865544&GUID=8BF3A8C7-61C0-488C-9593-AE4E65EE708C>](https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3865544&GUID=8BF3A8C7-61C0-488C-9593-AE4E65EE708C), the Transportation and Connectivity Advisory Board unanimously recommended Council approval with the modification that right turns on red be prohibited at all hours of the day.

**Fiscal Impact/Resources:** No fiscal impact is identified at this time. Signs are available in stock.



**Attachments:**

- Ordinance
- Location Map

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

By enacting the ordinance, the Council amends turn regulations to prohibit right turns on a red signal at multiple intersections.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES ON  
TURN REGULATIONS (2019-09-11/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Chapter 21, Article III, Section 21-12. –Turn regulations, is hereby amended by adding a new subsection Section 21-12(n) to read as follows:

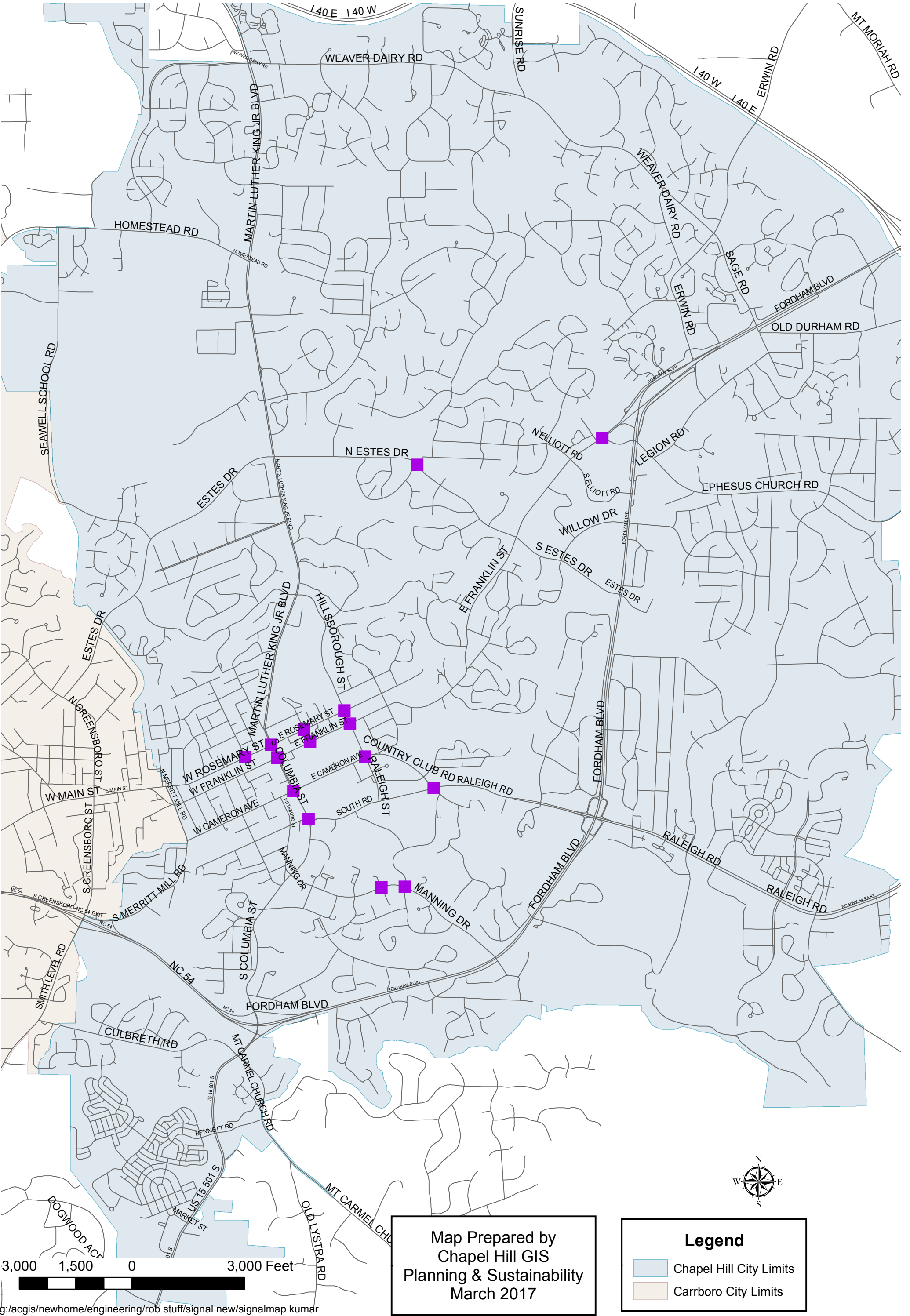
“(n) It shall be unlawful for the driver of a vehicle of any kind to make a right turn on a red signal at the following intersections:

- 1) From Caswell Road (both approaches) to Estes Drive
- 2) Franklin Street and Eastgate Shopping Center Entrance
- 3) Franklin Street and Hillsborough Street
- 4) Franklin Street and Henderson Street
- 5) Raleigh Street and Cameron Avenue/Country Club Road
- 6) South Road and Country Club Road
- 7) From South Road (westbound approach only) to Columbia Street
- 8) Columbia Street and Rosemary Street
- 9) Columbia Street and Franklin Street
- 10) Columbia Street and Cameron Avenue
- 11) Rosemary Street and Hillsborough Street
- 12) Rosemary Street and Henderson Street
- 13) Rosemary Street and Church Street
- 14) Manning Drive and Ridge Road
- 15) Manning Drive and Paul Hardin Drive
- 16) Raleigh Road (NC 54) and Hamilton Road”

Section 2. This Ordinance shall become effective October 1, 2019.

This the 11<sup>th</sup> day of September, 2019.

# Recommended "No Right Turn on Red" Locations





# TOWN OF CHAPEL HILL

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

## Item Overview

**Item #:** 7., **File #:** [19-0705], **Version:** 1

**Meeting Date:** 9/11/2019

### **Amend Chapter 21 of the Town Code of Ordinances for On-Street Parking Regulations in the Burch Kove Neighborhood.**

#### **Staff:**

Chris Blue, Chief/Executive Director of Community Safety  
Matt Sullivan, Chief  
Lance Norris, Director  
Kumar Neppalli, Traffic Engineering Manager

#### **Department:**

Police  
Fire  
Public Works

**Overview:** Enacting the ordinance will establish "no parking anytime" on several streets in the Burch Kove neighborhood. The neighborhood requested "no parking anytime" because parked cars can block the way for school buses and emergency vehicles in certain locations.



#### **Recommendation(s):**

That the Council enact the attached ordinance, which establishes no parking anytime on Bella Drive (both sides), Kove Road (north side), and Lena Circle (both sides) in the Burch Kove neighborhood.

#### **Key Issues**

- The Town maintains all streets in the Burch Kove neighborhood.
- Parking is currently permitted on both sides of the streets.
- To respond to the neighborhood's request, Town Fire and Police staff met with the residents and recommended "no parking anytime" as presented in the attached ordinance.

**Fiscal Impact/Resources:** Cost for the purchase and installation of the new signs is minimal.



#### **Attachments:**

- Ordinance
- Area Map

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

By enacting the ordinance, the Council establishes "no parking anytime" on Bella Drive (both sides), Kove Road (north side), and Lena Circle (both sides) in the Burch Kove neighborhood in response to residents' request.

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES REGARDING PARKING REGULATIONS (2019-09-11/O-3)

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Section 21-27 of the Town Code of Ordinances, "No parking as to particular streets" is hereby amended by adding the following:

Street	Side	From	To
<u>Bella Drive</u>	<u>Both</u>	<u>Full Length</u>	
<u>Kove Road</u>	<u>North</u>	<u>Full Length</u>	
<u>Lena Circle</u>	<u>Both</u>	<u>Full Length</u>	

Section 2. This Ordinance shall become effective on October 1, 2019.

This the 11<sup>th</sup> day of September, 2019.





- No Parking
- ▮ Tentative Future Parking



Seawell School Rd

Seawell School Rd





# TOWN OF CHAPEL HILL

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

## Item Overview

**Item #:** 8., **File #:** [19-0734], **Version:** 1

**Meeting Date:** 9/11/2019

### **Call a Public Hearing on October 30, 2019 for Amendments to Land Use Management Ordinance Sections 3.6.2 and 8.4 Pertaining to the Historic District.**

**Staff:**

Judy Johnson, Operations Manager  
Anya Grahn, Senior Planner  
Jake Lowman, Senior Planner  
Becky McDonnell, Planner II

**Department:**

Planning

**Overview:** Staff requests the following items to be called for a public hearing in response to issues raised by the Historic District Commission and the Council Committee on Boards and Commissions:

1. Amend Section 3.6.2 of the Land Use Management Ordinance to:
  - a. Require the findings of fact to reference the evidence supporting the findings in order to assist an applicant and any potential reviewing body;
  - b. Clarify the congruity standard as an approval or denial standard;
  - c. Reduce the amount of time for action to be taken on an application for a Certificate of Appropriateness;
  - d. Clarify the language on submittal of a new application as opposed to reconsideration of an application that has been denied;
  - e. Provide for a time for performance (or expiration) for Certificate of Appropriateness;
  - f. Clarify the legal basis for application of Design Guidelines, as being critical and binding upon the Commission's review of Certificate of Appropriateness applications.
2. Amend Section 8.4.9 of the Land Use Management Ordinance to ensure current voting procedures are consistent with State law.
3. Amend Section 8.4.10 of the Land Use Management Ordinance to require the creation, maintenance, and regular updating of information describing the inventory of historic properties in the Districts.



**Recommendation(s):**

That the Council adopt the resolution calling a public hearing on October 30, 2019 for amendments to the Land Use Management Ordinance Sections 3.6.2 and 8.4 pertaining to the Historic District.



**Attachments:**

- Resolution



**A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT TO SECTIONS 3.6.2 AND 8.4 PERTAINING TO THE HISTORIC DISTRICT (2019-09-11/R-5)**

WHEREAS, in June 2018, the Council adopted amendments to the voting procedures for the Historic District Commission, Planning Commission, and Community Design Commission; and

WHEREAS, the Historic District Commission and Town staff determined that current voting procedures set forth in Section 8.4.9 of the Land Use Management Ordinance are in conflict with North Carolina General Statutes for voting requirements related to quasi-judicial hearings; and

WHEREAS, along with the changes to voting requirement changes, additional changes to Section 3.6.2 and Section 8.4.10 of the Land Use Management Ordinance are proposed in response to input from the Council Committee on Boards and Commissions and the Historic District Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Public Hearing for October 30, 2019 at 7:00 p.m. to consider possible Land Use Management Ordinance text amendments regarding changes to Sections 3.6.2 and 8.4 regarding the Historic District Commission.

This the 11<sup>th</sup> day of September, 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 calls a public hearing on October 30, 2019 to consider amendments to the Land Use Management Ordinance Sections 3.6.2 and 8.4 pertaining to the Historic District.



# 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 #:** [19-0735], **Version:** 1

**Meeting Date:** 9/11/2019

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### **Recommend Appointment to the Chapel Hill/Orange County Visitors Bureau Board of Directors.**

**Staff:**

Sabrina Oliver, Director and Town Clerk

**Department:**

Communications and Public Affairs

**Overview:** The Council needs to recommend a replacement for the vacancy created by Council Member Rachel Schaevitz. She has served since December 2017 and can no longer serve on the Board of Directors for the Bureau.



**Recommendation(s):**

That the Council recommend that the Orange County Board of Commissioners appoint Mayor Pam Hemminger to the Chapel Hill seat on the Chapel Hill/Orange County Visitors Bureau Board of Directors.



**Attachments:**

- Resolution

**A RESOLUTION TO RECOMMEND A CHAPEL HILL REPRESENTATIVE TO THE CHAPEL HILL/ORANGE COUNTY VISITORS BUREAU BOARD OF DIRECTORS TO THE ORANGE COUNTY BOARD OF COMMISSIONERS (2019-09-11/R-6)**

WHEREAS, the Chapel Hill/Orange County Visitors Bureau is charged with developing and coordinating visitor services in Orange County and implementing marketing programs that will enhance the economic activity and quality of life in the community; and

WHEREAS, all members are appointed by the Orange County Board of Commissioners; and

WHEREAS, Council Member Rachel Schaevitz has served since December 2017 and can no longer serve on the Board of Directors for the Bureau.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council recommends that the Orange County Board of Commissioners appoint Mayor Pam Hemminger to the Chapel Hill Town Council seat on the Chapel Hill/Orange County Visitors Bureau Board of Directors.

This the 11<sup>th</sup> day of September, 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 recommends that the Orange County Board of Commissioners appoints Mayor Hemminger to Chapel Hill Town Council seat on the Chapel Hill/Orange County Visitors Bureau Board of Directors.



# TOWN OF CHAPEL HILL

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

## Item Overview

**Item #:** 10., **File #:** [19-0736], **Version:** 1

**Meeting Date:** 9/11/2019

**Adopt Minutes from July 10, 2018, September 5 and 19, 2018, October 10, 17, and 24, 2018 and November 7 and 14, 2018 Meetings.**

**Staff:**

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

**Department:**

Communications and Public Affairs

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



**Recommendation(s):**

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



**Attachments:**

- Resolution
- July 10, 2018 Special Meeting
- September 5, 2018 Business Meeting
- September 19, 2018 Business Meeting
- October 10, 2018 Business Meeting
- October 17, 2018 Public Hearing
- October 24, 2018 Business Meeting
- November 7, 2018 Business Meeting
- November 14, 2018 Public Hearing

**A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2019-09-11/R-7)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts summary minutes for meetings held on July 10, 2018, September 5 and 19, 2018, October 10, 17, And 24, 2018 and November 7 and 14, 2018.

This the 11th day of September, 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 Schaevitz  
Council Member Karen Stegman

**Tuesday, July 10, 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 Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, and Council Member Rachel Schaevitz

**Absent:** 2 - Council Member Allen Buansi, and Council Member Karen Stegman

### Other Attendees

Town Attorney Ralph Karpinos; Deputy Town Manager Flo Miller; Communications and Public Affairs Director Sabrina Oliver; Communications Manager Catherine Lazorko; Public Works Director Lance Norris; Parks and Recreation Director Jim Orr; Fire Chief Matt Sullivan; Executive Director of Cultural Arts/Library Director Susan Brown; Assistant Business Management Director Amy Oland; Executive Director for Technology Scott Clark; Fire Marshal Greg Peeler; Police Officer Rick Fahrer; Director of Organizational and Strategic Initiatives Rae Buckley; Assistant to the Town Manager for Administrative and Program Management Ross Tompkins; Program Coordinator Laura Selmer; Mayoral Aide Jeanne Brown; Deputy Town Clerk Amy Harvey

### OPENING

Mayor Hemminger opened the Special Meeting at 7:00 pm. She pointed out that there was only one item on the agenda.

### DISCUSSION

1. Consider a Resolution to Appoint a New Town Manager for the Town of Chapel Hill. (no attachment)

[\[18-0640\]](#)

Council Member Parker read Resolution 1 approving Maurice T. Jones as the new Chapel Hill Town Manager, effective August 20, 2018, and authorizing Mayor Hemminger to execute the contract on behalf of the

Town. The Council voted unanimously in favor of the resolution.

Maurice Jones, the current manager of Charlottesville, VA, thanked Mayor Hemminger and the Council for having confidence in him and said that he felt honored. He characterized Chapel Hill as a wonderful community and said that he looked forward to continuing to make a difference in residents' lives. Mr. Jones said that he felt fortunate to have been in Charlottesville for 25 years and to be starting work with another great college town. He looked forward to getting to know the community and to working with staff to address Town issues and challenges and move the organization forward, he said.

Mayor Hemminger welcomed Mr. Jones and said that the Town was looking forward to his getting started in August. There would be a two-week overlap with current Town Manager Roger Stancil, she pointed out, to facilitate a smooth transition.

Mayor Hemminger expressed appreciation to the Historic District Commission for moving its meeting to allow the Council to use the space. She also thanked Stephen Straus, of Developmental Associates, for helping the Town with its six-month manager recruitment and assessment process. Mayor Hemminger noted that Council Member Stegman and Buansi were absent. Council Member Stegman was on vacation and Council Member Buansi was on his honeymoon, she said.

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

## **ADJOURNMENT**

The meeting was adjourned at 7:08 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, September 5, 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 Maurice Jones, Deputy Town Manager Florentine Miller, Assistant Town Manager Mary Jane Nirdlinger, Town Attorney Ralph Karpinos, Communications Specialist Mark Losey, Housing and Community Assistant Director Sarah Vinas, Housing and Community Executive Director Loryn Clark, Affordable Housing Manager Nate Broman-Fulks, Public Housing Director Faith M. Thompson, Planning and Development Services Director Ben Hitchings, Development Manager Judy Johnson, Fire Chief Matt Sullivan, Police Chief and Executive Director for Community Safety Chris Blue, Public Housing Operations Manager Lisa Edwards, Communications and Public Affairs Director and Town Clerk Sabrina Oliver

### OPENING

Introduction of New Town Manager Maurice Jones.

[\[18-0709\]](#)

Mayor Hemminger opened the meeting at 7:00 pm and introduced the new Town Manager, Maurice Jones.

Mr. Jones expressed gratitude to all for making him feel welcome and to former Manager Roger Stancil for working hard to ensure a positive transition. Mr. Jones commented on the Town's commitment to community involvement and pledged to provide the high quality services that the Chapel Hill community deserved.

Mayor Hemminger said that Mr. Jones would be at upcoming community events, including a Meet and Greet at the Public Library on Wednesday at 5:15 pm.



**Celebrating Successes Video.**[\[18-0710\]](#)

Staff played a "Celebrating Successes" video about Town efforts to provide affordable housing.

**Proclamation: National Suicide Prevention Week.**[\[18-0711\]](#)

Mayor pro tem Anderson read a proclamation designating the week of September 9-15 as Suicide Prevention Week in Chapel Hill. The proclamation urged citizens to become aware of ways to prevent suicide and advocate for increased access to quality mental health, substance abuse, and suicide prevention services. Mayor pro tem Anderson read that suicide was the 10th leading cause of death in the US, with more than 44,000 deaths and 1.1 million attempted suicides each year. There had been 1,406 deaths by suicide in North Carolina in 2017, she said.

A volunteer with the American Foundation for Suicide Prevention explained that she had joined the Foundation after losing her college roommate to suicide. She thanked the Town and provided additional information on the current suicide crisis in the state and nation.

**Recognition of Public Safety Team for their Work and Police Chief and Executive Director for Community Safety Comments Regarding Demonstrations.**[\[18-0712\]](#)

Mayor Hemminger thanked Police Chief Chris Blue and Fire Chief Matt Sullivan for all they and their teams had done during recent weeks of protest in Town. Their teams had supported people's right to protest peacefully and had worked closely with the University of North Carolina at Chapel Hill (UNC) Police Department, she said.

Chief Blue stated the Chapel Hill PD was still in the process of debriefing recent events and that he would return with information at a later date. He felt thankful that no one had been seriously injured as demonstrations regarding the "Silent Sam" statue had increased in intensity, he said. Chief Blue noted the careful planning and close coordination of Town and UNC forces and described some of the dangers they had needed to consider. He said that recent events had significantly impacted local resources and expressed concern about being able to sustain that into the fall semester.

**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.

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

- a. Calvin Deutschbein of Community Policing Advisory Board  
Regarding Community Comments from Recent Events.

[\[18-0713\]](#)

Calvin Deutschbein, a Community Policing Advisory Board member, said that the most frequent comments regarding the Silent Sam demonstrations pertained to anti-government militia members on the Chapel Hill PD. He proposed that the Town upgrade to the Community Policing Advisory Board to become a citizen review board. Mr. Deutschbein also requested that the Town examine its agreement with the Greensboro Police Department.

- b. Darren Hunicutt Regarding Recent Demonstrations.

[\[18-0714\]](#)

Darren Hunicutt, a UNC alumnus and Town resident, expressed concern about police actions on August 30, 2018. He said that a Greensboro Police Department officer had deployed a pepper fogger into a crowd even though no violence had occurred. Mr. Hunicutt asked the Council to share information with the public about the Town's agreement with Greensboro and whether there would be an investigation over abuse of authority and unnecessary deployment of a chemical weapon into a peacefully assembled crowd.

- c. Devin Ceartas Regarding Recent Demonstrations.

[\[18-0715\]](#)

Devin Ceartas said he agreed with the scenario that previous speakers had described and he thanked the Chapel Hill PD for its relative restraint. The multi-jurisdictional police force had felt overwhelming and he did not want to pay taxes to support that, he said. Mr. Ceartas also asked for information on the Town's policy regarding drones, stating that one had been flying above the crowd during the confrontation.

- d. Jamie Paulen Regarding Recent Demonstrations.

[\[18-0716\]](#)

Jamie Paulen, an Orange County resident, said that there had been a strong police presence on Thursday evening trying to keep people safe. However, a friend of hers, who was a member of the media, had suffered an injury to her leg when she was rammed by a police officer on a bike,

she said. Ms. Paulen said that she thought that police officer had been with the Greensboro PD. She wondered if anyone was evaluating whether the Greensboro PD was the right fit for such a situation, she said.

Mayor Hemminger said that citizens' comments and questions would be taken into account during a debriefing that would be taking place over the following weeks.

## **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Mayor Hemminger Regarding Change in Agenda Order.

[\[18-0717\]](#)

Mayor Hemminger noted that Item 11 had been moved forward on the agenda.

b. Mayor Hemminger Regarding Good Neighbor Initiative Night Out and Block Party.

[\[18-0718\]](#)

Mayor Hemminger said that the Town would be co-hosting the Night Out and Block Party at the Hargraves Center on Thursday from 5:00 to 8:30 pm.

c. Mayor Hemminger Regarding Council Committee on Economic Sustainability Meeting.

[\[18-0719\]](#)

Mayor Hemminger noted that the Committee on Economic Sustainability meeting would be held on Friday at 8:00 am at the Chapel Hill Public Library. It would include updates on current development projects and the future Land Use Map project, she said.

d. Mayor Hemminger Regarding Charting Our Future Online Survey.

[\[18-0720\]](#)

Mayor Hemminger encouraged everyone, including Council members, to take the online survey at [chartingourfuture.info](http://chartingourfuture.info).

e. Council Member Donna Bell Regarding Event at CURRENT.

[\[18-0721\]](#)

Council Member Bell mentioned a September 8th event at a new space called CURRENT that would include stories on citizenship. The event would be held at 6:00 pm, she said, adding that more information was available at [CURRENTUNC.org](http://CURRENTUNC.org).

f. Mayor Hemminger Regarding Sancar Turkish Community Cultural Center Groundbreaking.

[\[18-0722\]](#)

Mayor Hemminger said that the Town was excited about the Sancar Center finally coming to fruition at 1609 Franklin Street. The Center would host visiting Turkish scholars and would be a community gathering place, she said.

g. Mayor Hemminger Regarding Meeting with School Board.

[\[18-0723\]](#)

Mayor Hemminger said that a meeting with the School Board would be held on Monday at Lincoln Center at 6:30 pm.

## 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.

[\[18-0693\]](#)

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

2. Adopt the Recommended 2018-2019 Capital Fund Program for Public Housing Renovations.

[\[18-0694\]](#)

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

3. Continue the Public Hearing for the Conditioned Self-Storage Facility and Office/Institutional-2 (OI-2) Floor Area Ratio Adjustment Land Use Management Ordinance Text Amendment Application to October 10, 2018.

[\[18-0695\]](#)

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

4. Call a Public Hearing for October 10, 2018 to Receive Comments and Consider Enacting Amendments to Section 5-56 of the Town Code to Incorporate the Revised Flood Insurance Study and Flood Insurance Rate Maps.

[\[18-0696\]](#)

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

5. Adopt Minutes from April 17, 24, and May 8, 15, 22 and June 12, 19, 2017 Meetings.

[\[18-0697\]](#)

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

## INFORMATION

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

[\[18-0698\]](#)

This item was received as presented.

## DISCUSSION

7. Consider a Resolution Recommending the Names of Mildred Council and Harold Foster for Placement on the Peace and Justice Plaza Marker.

[\[18-0699\]](#)

Council Member Buansi read a resolution that recommended adding "Mama Dip" Mildred Council's name to the Peace and Justice marker. He said that the resolution was a response to his earlier request to the Historic Civil Rights Task Force. There had been a request to add Harold Foster's name as well, and the Council Naming Committee was proceeding with having both names engraved on the marker, Council Member Buansi said.

Reginald Hildebrand, Civil Rights Task Force chair, thanked the Town and pointed out that Esther Foster, Harold Foster's sister, was seated in the audience. Mr. Hildebrand also recognized James Merritt, who had been a Town Council member and one of the "Chapel Hill Nine" civil rights activists.

David Mason, one of the original Chapel Hill Nine, provided biographical information about Harold Foster's intellectual, athletic, and musical talents. Mr. Foster had devoted his life to helping others and to finding social justice, he said, and he described some of those endeavors.

The Council unanimously approved Resolution 6 and Mayor Hemminger said that the Town would hold an unveiling ceremony when the marker was ready.

A motion was made by Council Member Buansi, seconded by Council Member Bell, that R-6.1 be adopted. The motion carried by a unanimous vote.

## SPECIAL USE PERMIT

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

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

8. Open the Public Hearing: Application for Special Use Permit  
-The Oaks Condominiums Stormwater Drainage Improvements,  
101 Oak Tree Drive.

[\[18-0700\]](#)

Judy Johnson, operations manager with Planning and Development Services, gave a PowerPoint presentation on a Special Use Permit (SUP) to address drainage issues at The Oaks, located at NC 54 and Burning Tree Drive. She explained that an SUP modification was required because the area had been designated as an undisturbed landscape buffer. Town staff

and advisory boards had recommended approval, she said. She pointed out that the project would require removal of 30 trees, 15 of which would be replaced. Ms. Johnson recommended that the Council opening the hearing and then recess it to September 19, 2018.

Mayor Hemminger mentioned that former Town Manager Roger Stancil had waived the SUP application fees for the project because it was being constructed in coordination with nearby stormwater improvements that the Town was making.

Daniel Perry, a project manager with McAdams Company, reviewed the project's history, the existing conditions, and the proposed solutions to flooding issues. He discussed the landscape plan and showed photos of flooding that had been impacting 16 units in four buildings. Mr. Perry described an effort to preserve a 36-inch oak and discussed the screening and canopy layout plan.

Mayor Hemminger noted that she had previously requested a determination on whether adding stormwater enhancements to SUPs could be an administrative action when no buildings or rezoning were involved. She asked that request be formally logged in as a petition.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Buansi, that this Public Hearing be continued to September 19, 2018. The motion carried by a unanimous vote.

**11. Presentation: University of North Carolina at Chapel Hill  
Semi-Annual Main Campus Development Report.**

**[\[18-0703\]](#)**

Evan Yassky, executive director for Facilities Planning and Design at UNC, gave a PowerPoint presentation on UNC's Main Campus Master Plan. He noted that the draft plan included small-scale, targeted changes as well as larger, more transforming ones. He said that the three big ideas that had emerged through the workshops had been categorized as: Welcome, Connections, and Hubs.

Mr. Yassky explained that Welcome meant that the campus should be open to all. The future UNC would welcome partners and innovators, and the arts would permeate the campus experience, he said. He said that making the campus more welcoming would also include having better signage, easier parking, and spaces for visitors. The Plan was to develop outlying parcels in a manner consistent in quality and character with the main campus, he said.

Mr. Yassky said that Connections pertained to the physical implications of connecting research to innovation. It meant connecting disciplines in order to encourage collaboration. It also meant connecting students to services, using arts to connect people across campus, and connecting

campus to the community and region, he said.

Mr. Yassky explained that the Hubs would be a rich network of cross-campus connections. It would mean co-locating disciplines and uses to promote innovation and entrepreneurship and create a more dynamic atmosphere, he said.

Mayor pro tem Anderson confirmed with Mr. Yassky that Town staff had not been involved in the draft plan. She stressed that there were mutual interests and goals and pointed out the importance of having a Town staff member participate in UNC planning.

Mr. Yassky pointed out that there would be upcoming workshops and a public session. He said that the draft was a framework of UNC's strategic goals, not an implementation plan. There would be many opportunities to work with the Town and the broader community to flesh out details, he said.

Council Member Oates verified with Mr. Yassky that UNC viewed recreation and employee housing -- not student housing -- as a good use of the land at Carolina North, but was not yet at the level of detail to discuss affordable housing. Council Member Oates also confirmed with him that UNC's thinking had changed over the last 10 years with regard to building research infrastructure at Carolina North.

Mr. Yassky explained that it made more sense for UNC to grow in place, organically, than to create a new operation at Carolina North. He said that demolition of Odum Village in the southern part of campus would open an opportunity for continued growth in research facilities on the main campus.

Council Member Oates verified with Mr. Yassky that no part of Carolina North was being designated as a depository for Odum Village's demolition materials.

Council Member Buansi confirmed with Mr. Yassky that buildings along North Columbia Street that had been set for demolition included Abernathy Hall, Evergreen, and an ROTC building. He also confirmed that UNC's goal to be greenhouse gas neutral by 2050 was still on target.

Council Member Parker asked about the process for implementation, and Mr. Yassky explained that, depending on how the workshops and open houses proceeded, the framework might go to UNC's Board of Trustees for approval in fall 2018. Implementation of projects from the plan would happen when funding materialized, Mr. Yassky said.

Council Member Gu and Mayor Hemminger expressed strong agreement with Mayor pro tem Anderson's comments about the importance of UNC and the Town working together.

Mr. Yassky said that UNC looked forward to getting to know the new Town Manager and building a strong relationship. There had been ongoing monthly meetings with Town Planning staff and that would be a springboard for closer collaboration moving forward, he said.

Town Manager Jones said that he would reach out to UNC and discuss how to collaborate and strengthen the relationship. He would also designate a Town liaison to work with the University, he said.

Mayor Hemminger instructed staff to post all of the meetings that the community was being invited to. She said that there was much interest in Town about UNC's plans --especially with regard to Carolina North. More information than what was being presented was required because people wanted to know what was going on, she said.

Council Member Schaevitz confirmed that there would be open sessions on campus on September 24th and 25th, as well as an October 1st presentation at the Chapel Hill Public Library. She asked for highlights of current capital improvement projects.

Mr. Yassky provided brief information on recently completed projects, which included Porthole Alley Phase 1, Findley Fields North, Field Hockey Stadium, Cheek Clark Building, and smaller utility projects. He discussed projects under construction, which included demolition of a new median communications studio, utility work in The Pit area, video boards at the Smith Center, the Mary Ellen Jones renovation project, the Surgical Tower, and other athletics projects to be completed soon. Projects in design included the Medical Education Building, and an addition to Chase Dining Hall, Mr. Yassky said.

Council Member Schaevitz verified with Mr. Yassky that a pilot project for a solar array at the Horace Williams Airport would begin soon. The airport was closed to all aviation with the exception of hospital helicopter refueling, Mr. Yassky said.

This item was received as presented.

9. Receive the FY18 Annual Affordable Housing Report and the FY19 Affordable Housing Development and Preservation Projection and 5-Year Targets.

[\[18-0701\]](#)

Sarah Vinas, assistant director of Housing and Community, gave a PowerPoint presentation on the 4th quarter of the Housing and Community FY 2018 report. She noted that the Council had established 4th quarter targets for affordable housing (80 units) development and preservation (55 units) projects.

Ms. Vinas said that the Town had supported 3 development units and 14 preservation projects in the 4th quarter, which brought the total to 99



development and 23 preservation projects through the end of FY 2018. She explained the circumstances that had caused the Town to fall short of its 2018 preservation target goal.

Ms. Vinas showed photos of new development projects the Town had supported over the year and noted the amount of Town investment. These included Greenfield, 17 homes in Northside, two single-family homes at The Courtyards, and conversion of a police station at Northside to a transitional unit.

With respect to preservation, Ms. Vinas said that the Town had assisted 13 individuals who were transitioning out of homelessness/unstable housing with rental and utility assistance in partnership with the Community Empowerment Fund. The Town had also supported close to a dozen home renovation projects in partnership with Habitat for Humanity and Rebuilding Together, she said.

Ms. Vinas said, in summary, that the Town had surpassed 1,000 units of subsidized affordable housing (AH) throughout the Town in FY 2018, thereby exceeding its development target. By year end, 99 percent of available funding for AH projects had been allocated, she said. She pointed out that the Town had also supported a variety of innovative and large-scale projects and that it continued to provide support for the Northside Neighborhood Initiative.

Nate Broman-Fulks, AH manager, presented FY 2019 projections and five-year targets, and he explained the methodology used to arrive at those. He showed the Town's progress over the past five years and noted a significant increase in the number of development units that had come online in FY 2018.

Mr. Broman-Fulks said that the number of preservation units had not achieved 2018 targets but more than 125 units were expected to be completed in FY 2019. He said that staff viewed that as the beginning of a trend and was projecting a couple of significant years moving forward.

Council Member Parker confirmed with Mr. Broman-Fulks that significant projects included 69 units in Greenfield Phase II and some units in Northside. Ninety-eight of the 126 preservation projects were Town projects, as were 60 percent of the units being projected, said Mr. Broman-Fulks. Council Member Parker also verified that approximately 140 of the projected 175 units in FY 2021 were the Town-owned units at 2200 Homestead Road.

Mr. Broman-Fulks said that the Town's five-year target was 400 development units and 300 preservation units, with 95 and 125, respectively, being projected to come on line in FY 2019. He said that staff anticipated needing between \$14 million and \$18 million to support those projects. He showed a breakdown of needs and potential funding

sources, which included an AH bond of \$10 million. If that bond referendum were not to pass in November 2018, then staff would have to reevaluate the targets, he said.

Council Member Schaevitz determined from staff that the average Town subsidy had been about \$25,000 per unit.

Council Member Parker confirmed with Mr. Broman-Fulks that a \$3 million item was a mixed ownership/rental project at the Town's 2200 Homestead Road project. Mr. Broman-Fulks pointed out that the Town had prioritized three parcels of land there for potential AH development for displaced manufactured home residents. Some of those could be ownership units, he said.

Mayor pro tem Anderson asked about maximum and minimum subsidies, and Mr. Broman-Fulks agreed to return with that information. She verified with him that losses of units through redevelopment, if any, would be monitored and accounted for in the five-year projections.

Council Member Buansi asked why the Town had fallen short of its preservation target.

Ms. Vinas explained that it was primarily due to the extended timeline of several rehabilitation projects, which had since been completed or would be completed in the 1st quarter of FY 2019.

Council Member Buansi ascertained from Ms. Vinas that the 1 percent of AH funding that the Town had not used in FY 2018 would roll over and be available in the 2019 AH Development Reserve.

Council Member Bell confirmed with Ms. Vinas that the total number of subsidized units in Town was 1,000. Approximately 300 of those were Town public housing with the balance being AH partners' inventory, Ms. Vinas said, adding that the vast majority were permanently affordable. Council Member Bell also confirmed that additional subsidies for getting a property ready for the market when values increase had been included in projections on the preservation side.

Mayor pro tem Anderson asked about the status of the Town's transitional housing program, and Ms. Vinas described several properties that had been completed. She offered to return with information about total units added in the current year.

Mayor pro tem Anderson confirmed with Ms. Vinas that the maximum transitional time was five years and that transitional housing residents had been receiving support and services. She recommended that the entire issue be discussed in more depth at a later time.

Council Member Schaevitz inquired about the current strategy for a CASA

project on Merritt Mill Road that had not received low income tax credits.

Ms. Vinas replied that CASA principals were planning to meet with the Housing Finance Agency to learn what they could have done differently and perhaps resubmit their application. CASA was committed to the project and was looking for other possible funding sources as well, she said.

Council Member Oates confirmed with Ms. Vinas that information from staff about AH within a 1/4-mile from bus stops had been provided only as a point of interest. She verified that people in four of nine households had transitioned from homelessness and that the Town had assisted four residents with funding for their Deferred Action for Childhood Arrivals renewals. The Town still had \$3,000 and could assist up to six more DACA recipients, Ms. Vinas said.

Mayor Hemminger praised staff's creation of an online dashboard and said she appreciated their hard work and their effort to tell the story of what the Town was trying to do.

This item was received as presented.

- 10. Consider Authorization to Submit a Rental Assistance Demonstration (RAD) Application to the U.S. Department of Housing and Urban Development for the Redevelopment of Public Housing.**

**[18-0702]**

Faith Thompson, director for Public Housing (PH), requested authorization to submit an application to the HUD Rental Assistance Demonstration (RAD) Program for the redevelopment of Town PH. She gave a PowerPoint presentation regarding two sites (Trinity Court and Craig Gomains) that included background on Town discussions since the start of the PH master planning process in 2016.

Ms. Thompson reminded the Council that on November 1, 2017 it sought authorization to submit a non-binding letter of interest in RAD to HUD. That letter had been sent and the Town had been put on HUD's waiting list in May. HUD then asked the Town in July to submit an application "for further consideration" before September 4, 2018, she said. Ms. Thompson explained that the Town had been given a two-day extension because the Council was on summer recess.

Ms. Thompson proposed that renovations and redevelopments of two public housing properties occur in two phases: Phase 1 would address Trinity Court in 2019-2021, and Phase II would address Craig Gomains in 2020-2023. Staff would return to Council in 2019 with a schedule for pursuing low income housing tax credits for both phases, she said.

Ms. Thompson explained that the next step was to submit the formal

application to HUD. She recommended that the Council adopt Resolution 7, authorizing the Town Manager to submit an application to HUD's RAD division for financing the renovation of Trinity Court and the redevelopment of Craig Gomains. Staff was optimistically hoping for a decision from HUD by January 2019, Ms. Thompson said.

Council Member Stegman confirmed that the request was for permission to seek funding, which would be based on the number of occupied units, and that the Council would have an opportunity to provide input on more detailed plans at the next step. She pointed out that the operating subsidy for Trinity Court had been reduced because the building was vacant.

Council Member Gu confirmed with Ms. Thompson that the Town would have to wait for a response from HUD and that there was no way to for the Town to accelerate the process.

Council Member Oates wondered if demolishing Trinity Court earlier would boost funding because it would mean not having empty units. She asked if the level of funding from RAD made tearing down and rebuilding worthwhile.

Ms. Thompson replied that the Town would make a cost-effective decision. The Town would receive financing for the amount needed for what she said the Town wanted to put there. That would be determined in the next phase when the Town began to seek development partnerships, she said. Ms. Thompson noted that Trinity Court had been appraised at almost \$2 million.

Council Member Oates asked what had caused Trinity Court to fall into a state where demolishing it was viewed as the best solution. Would the Town know how to address those problems if it were rebuilt, she asked.

Ms. Thompson replied that several physical needs assessments had been conducted and that staff had suggestions for how to make the property stronger and more sustainable.

Mayor Hemminger said that the Council had asked staff in November 2018 to come back with a recommendation regarding whether to renovate, demolish and rebuild, or sell Trinity Court. She asked if the application to RAD would preclude the Town from making that decision once it had that information.

Ms. Thompson replied that it would not. Staff had learned that there might be options for Trinity Court other than demolishing it, she said.

Mayor Hemminger noted that Trinity Court had problems with access and topography and said that she wanted to know about a possible alternative of selling it and using the proceeds to redevelop Craig Gomains. The Council had asked staff to bring back such options and she wanted to

understand what they were before proceeding down the path with RAD, she said.

Ms. Thompson replied that moving forward with the RAD process would not preclude the Town from making such a decision. It would merely mean asking HUD for permission to explore other options, she said.

Mayor Hemminger stressed that she wanted to see all three options. The Town would choose getting more units for the same amount of money if that could be done, she said. Rehabilitating Trinity Court might improve its appearance, but it might not change it holistically, she said. Mayor Hemminger pointed out that the site had physical limitations and was surrounded by homes.

Louise Mitchell, a former Trinity Court resident, spoke favorably about Trinity Court and said that she would prefer to see it upgraded than demolished. She spoke in support of the RAD application.

Council Member Stegman thanked Ms. Thompson for her work on RAD. She pointed out that HUD had not left many options for PH and that Town units had not been kept up the way they should have been due to lack of funding. She proposed setting up a formal committee of residents, housing providers, and other stakeholders to be an advisory group during the process.

The Council unanimously adopted Resolution 7 and Mayor Hemminger expressed appreciation to Ms. Thompson for all she was doing to build community.

Mayor Hemminger asked Council members to participate in a letter to UNC officials regarding the Silent Sam statue. She had begun writing it and would bring it back for a vote, she said.

A motion was made by Council Member Stegman, seconded by Council Member Schaevitz, that R-7 be adopted. The motion carried by a unanimous vote.

## **APPOINTMENTS**

### **12. Appointment(s) to the Community Design Commission.**

**[\[18-0704\]](#)**

The council appointed Susan L. Lyons and Megan Patnaik.

## **ADJOURNMENT**

The meeting was adjourned at 9:53 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, September 19, 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 Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Specialist Mark Losey, Planner II Michael Sudol, Planning and Development Services Director Ben Hitchings, Operations Manager Judy Johnson, Community Resilience Officer John Richardson, Public Works Director Lance Norris, Emergency Management Coordinator Vencelin Harris, Fire Chief Matt Sullivan, Police Chief and Executive Director for Community Safety Chris Blue, Fire Inspector Greg Peeler, Community Outreach Coordinator Len Cone, Deputy Town Clerk Amy Harvey

### OPENING

**0.1** Chapel Hill Response to Hurricane Florence. (no attachment) (\* added 9/18/18)

[\[18-0751\]](#)

Mayor Hemminger opened the meeting at 7:00 pm, and apologized for inadvertently scheduling it on Yom Kippur. She said that the Erwin Road concept plan had been moved to October 17th because of the holy day.

**0.0** Successes Video.

[\[18-0759\]](#)

Mayor Hemminger introduced a video that documented how the Town Manager and staff had addressed recent Hurricane Florence. She pointed out that the hurricane had dumped nine inches of rain in Town over a four-day period. The video showed the Town's emergency efforts before, during, and after the storm. Mayor Hemminger thanked staff and the many volunteers who had participated in preparations and recovery.

Town Manager Maurice Jones made preliminary remarks about the Town's response to the hurricane and introduced other staff members to provide details. Police Chief Chris Blue praised residents for staying off the roads during and after the storm. Public Works Director Lance Norris discussed preparations for the storm, the emergency response, and the clean-up efforts. EMS Coordinator Vence Harris reported on flooding issues and evacuations. Fire Chief Matt Sullivan talked about the Town's efforts to help other communities across the state.

Mayor Hemminger thanked staff for the time, effort, and dedication that they had expended, and then she and the Council gave them a standing ovation. Mayor Hemminger also thanked the University of North Carolina at Chapel Hill (UNC) and UNC Hospitals for support, materials, and other resources. Community support had been amazing and well-coordinated, she said. Mayor Hemminger pointed out that local businesses had suffered as well and she encouraged citizens to go out and show support.

## 0.2 Proclamation: Diaper Need Awareness Week

[\[18-0760\]](#)

Mayor pro tem Anderson read a proclamation declaring September 24-30, 2018 as Diaper Awareness Week in Chapel Hill. She explained that the high cost of diapers was an economic hardship for some families, which were generally required to provide a supply of diapers if they wanted their infants and toddlers to be accepted in childcare and early education programs. Mayor pro tem Anderson encouraged citizens to donate to diaper banks, diaper drives, and organizations that distribute diapers to families in need.

Michelle Old, founder and executive director of the North Carolina Diaper Bank, said that three branches of the Diaper Bank had distributed millions of diapers statewide. Diapers cost up to \$100 a month, she pointed out. Ms. Old said that most of the families the Diaper Bank helped were working but received no assistance with that cost.

## 0.3 Proclamation: Constitution Week.

[\[18-0761\]](#)

Council Member Schaevitz said that September 17, 2018 would mark the 231st anniversary of the US Constitution's adoption. She read a proclamation declaring the week of September 16-22, 2018 as Constitution Week in the Town of Chapel Hill. The proclamation encouraged citizens to reaffirm the ideals of liberty, equality and justice by reflecting and vigilantly protecting the freedoms guaranteed by the Constitution. Council Member Schaevitz recommended that residents also reflect on what being an active and contributing citizen means.

Jane Hogan and Cynthia Hukey accepted the proclamation on behalf of the the Davie Poplar chapter of the Daughters of the American Revolution, a 185,000-member women's volunteer service organization founded in 1890 and dedicated to historic preservation, education and patriotism. The

Davie Poplar chapter was organized in 1928 and had 133 members, Ms. Jane Hogan said, and she mentioned several projects in which they were involved.

#### 0.4 Proclamation: International Walk to School Day.

[\[18-0762\]](#)

Council Member Stegman read a proclamation that addressed the environmental and personal health benefits of biking and other forms of physical activity for children. She noted that driving children to school contributed to traffic congestion and air pollution. Council Member Stegman proclaimed October 10, 2018 as International Walk to School Day in the Town of Chapel Hill and encouraged all students and parents to walk to school on that and every day.

Director of Community Outreach Lynn Cone said that the number of students and parents who walk to school in Town had been growing each year. She encouraged all to continue those healthy habits throughout the year.

### **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. Hank Elkins of Orange County Justice United Affordable Housing Team Regarding Master Leasing Proposal.

[\[18-0763\]](#)

Hank Elkins, an Orange County Justice United Housing Action Team member, asked the Town to evaluate a master leasing plan that his team had developed with the Chamber of Commerce, affordable housing providers, and county residents. The plan was a strategy to move residents with extremely low incomes, and other barriers, into commercial housing quickly and cost-effectively, he said. Mr. Elkins reported that his team had met with the Town's and Orange County's housing advisory boards and with Mayor Hemminger and Council members.

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

- b. Calvin Deutschbein Regarding Recent Community Policing Advisory Committee Meeting.

[\[18-0764\]](#)



Calvin Deutschbein, a Community Policing Advisory Committee (CPAC) member, reported on a recent meeting at the Chapel Hill Public Library that was focused on creating a positive vision for what policing could look like in the broader community, including UNC. He listed some of the topics that had been discussed and requested that Mayor Hemminger clarify whether or not the Town could guarantee that sheriff's deputies not be present at McCorkle Place. Mr. Deutschbein praised the Town for having a CPAC and he recommended moving toward a citizen review board.

c. Julie McClintock of CHALT Regarding Land Use Intensification.

[\[18-0765\]](#)

Julie McClintock, representing CHALT (Chapel Hill Alliance for a Livable Town), submitted written comments asking the Council to reevaluate its current emphasis on land use intensification. She recommended that the Town examine its financial and ecological constraints and the amount of new construction that had been approved or was in the pipeline. She stressed the importance of taking the significant impacts of climate change into account. Ms. McClintock outlined specific steps that CHALT believed the Town should take.

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.

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

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Mayor Hemminger Regarding the Ackland Art Museum's Red Ball Celebration.

[\[18-0766\]](#)

Mayor Hemminger announced that the Red Ball project would begin the next day as part of a mobile public arts exhibit associated with the Ackland Museum. She read a description of that exhibit, which would spend three weeks in Town and then move to seven different locations.

b. Mayor Hemminger Regarding Justice in Action Committee's Community Forum Regarding Criminal Justice Debt in Orange County.

[\[18-0767\]](#)

She said that the a Justice in Action community forum on the impact of criminal justice debt in Orange County would be held in Council Chambers the following evening at 6:00 pm.

c. Mayor Hemminger Regarding IFC Community House Shelter Community Meeting.

[\[18-0768\]](#)

The Inter-Faith Council's Community House shelter community would hold a public meeting on Monday, September 24th, at 6 pm at the United

Church of Chapel Hill, she said.

d. Mayor Hemminger Regarding Community Workshops on UNC Draft Master Plan.

[\[18-0769\]](#)

Mayor Hemminger said that community workshops regarding UNC's draft master plan would occur on September 24th and 25th at the Frank Porter Graham School's student union.

e. Mayor Hemminger Regarding Upcoming Inter-City Visit to Lawrence, Kansas.

[\[18-0770\]](#)

On Sunday, Town Council members and staff would participate in an intercity visit to Lawrence, Kansas to learn and to bring back new ideas from a similar university town, 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.

1. Approve all Consent Agenda Items.

[\[18-0742\]](#)

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

2. Enact Annual Budget Ordinance to Re-appropriate Funds for Prior Year Encumbrances and Other Obligations.

[\[18-0743\]](#)

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

3. Adopt Minutes from June 26, and July 10, and September 13, 27, and October 11, 18, 2017 Meetings.

[\[18-0744\]](#)

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

3.1 Amend the 2018 Council Calendar. (\*Item added 9/18/18)

[\[18-0750\]](#)

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

## INFORMATION

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

[\[18-0745\]](#)

This item was received as presented.

## DISCUSSION

5. Consider an Application for Special Use Permit Modification- [\[18-0746\]](#)  
The Oaks Condominiums Stormwater Drainage Improvements,  
101 Oak Tree Dr.

Planner Michael Sudol pointed out that a presentation on a Special Use Permit (SUP) modification for drainage improvements at The Oaks had been given at a previous public hearing. There had been no public comment, so he was recommending that the Council close the public hearing and adopt Resolution A for approval, he said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Buansi, to close the Public Hearing and adopt R-3. The motion carried by a unanimous vote.

### *ZONING ATLAS AMENDMENT(S) and SPECIAL USE PERMIT(S)*

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

### *ZONING ATLAS AMENDMENT(S)*

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

6. Consider an Application for Zoning Atlas Amendment - [\[18-0747\]](#)  
Eastowne Redevelopment Medical Office Building - 1, 100  
Eastowne Drive.

Mayor Hemminger reviewed the history of public hearings on this item. She said that the approval process had been delayed since June, but there had been public meetings and offline conversations during that time. According to SUP rules, such conversations were considered ex-parte communications and should be disclosed, she said.

Mayor Hemminger stated that she had had several meetings over the summer with the applicant, staff, Community Design Commission (CDC), Planning Commission (PC) members and other Council members. She had not formed a fixed opinion on the matter, she said, and she asked other Council members if they had done so.

One by one, each Council member explained that they had received emails from concerned citizens and had conversed with the Mayor, Town Manager, and other Council members. None had formed fixed opinions and all were coming into the discussion with open minds, they said.

Mayor Hemminger commented that there had been more conversations than was typical for an SUP process because the proposed UNC Healthcare project represented a change in a gateway to Town. There had been concerns about scale and traffic, and the Town was trying to make sure that all questions, concerns, and viewpoints had been considered. The Council had therefore asked for more time to work together to come to a better place, she said.

Town Manager Maurice Jones introduced the rezoning (ZAA) proposal. He said that the project would include demolishing four buildings and constructing one six-story medical office and clinic building at the corner of Eastowne Drive and Highway 15-501. In addition, UNC Healthcare was proposing to build a utility building and a 1,100-space parking garage, he said.

Mr. Jones noted that UNC Healthcare had been working with the Town to develop solutions to concerns raised after the initial public hearing. He said that recent changes included a reduction in height to 90 feet, inclusion of a traffic impact analysis (TIA), and a commitment by the applicant to revisit that TIA in one year to address any traffic issues that the project might cause. UNC Healthcare had made a commitment to including a Town representative in its master planning process for future phases of the project and had agreed to a series of stipulations, Mr. Jones said.

Judy Johnson, operations manager of Planning and Development Services, pointed out that both a ZAA and SUP were before the Council and that each would be addressed separately. She reviewed the rules for those processes, but said that staff recommended varying slightly and not voting on the ZAA until after hearing information on the SUP modification as well.

Mayor Hemminger agreed that the recommended change in the process made sense in the current context.

Ms. Johnson said that the ZAA had been reviewed by staff and the PC and had been presented at a public hearing in May, 2018. She showed the site location on a map and indicated nearby buildings, including the Pinegate Apartments. Ms. Johnson said that the Town's Future Land Use Map designated the area for mixed use/office/commercial use. The existing zoning was Office/Institutional 2 and the applicant was requesting a change to Office/Institutional 3, she said. Ms. Johnson recommended that the Council receive the staff's report, close the public hearing, adopt Resolution 5, and enact Ordinance 2.

Simon George, vice president for Real Estate at UNC Healthcare, began the applicant's PowerPoint presentation with a broad overview of the development area and the proposal to develop one site.

Bill Derks, commercial director at McAdams Company, explained that the rezoning would allow a greater building height and floor/area ratio. He argued that two of the Town's required findings of fact were applicable and pointed out that only one of the three was required.

Alan Rimer, a Chapel Hill resident with experience in city and regional planning, said that he had sent an email to the Town that day regarding the SUP request. He had been involved in many areas of Town development, including early discussions regarding the gateway in question, he said. Mr. Rimer encouraged the Council to consider stipulations that he had suggested in his email.

Sue Hunter, a Chapel Hill resident representing a community-based group known as Next, said that UNC's plan aligned with Next's hopes and visions for the community. She said that the project would bring health clinics together in one place, provide more opportunities for collaboration, be located near light rail station, and include multi-modal access. Anything that would make life easier for patients would be wonderful, Ms. Hunter said, adding that Next strongly urged the Council to approve the request.

Elizabeth Brucker, a Chapel Hill resident and board member of the Chapel Hill-Carrboro Chamber of Commerce, noted the importance of keeping UNC Healthcare in Town and said that the requested rezoning was essential to that.

Regina Jones, a UNC Healthcare patient and Family Advisory Council member, spoke on behalf of patients and their families. She noted the turmoil that a serious diagnose can cause and said that the project would benefit patients by allowing them to receive care in one easily-accessible location.

Tina Colucci, a cardiology nurse practitioner with UNC Healthcare at Meadowmont, expressed support for the Eastowne project. She pointed out that it would be similar to the Meadowmont facility, where patients can receive care from a multitude of providers under one roof.

Sarah Binkowski, a Chapel Hill resident and a patient of UNC Internal Medicine, expressed enthusiasm for Eastowne's convenient location and easy parking. She said that the project would make interaction between UNC Healthcare and the community stronger. However, she worried about traffic in the Ephesus Fordham area and the amount of impermeable surface being added, she said. Ms. Binkowski expressed concern about more stormwater flowing into the Booker Creek basin.

Aaron Nelson, Chapel Hill-Carrboro Chamber of Commerce president, said that current zoning no longer met the needs of the Eastowne property and that two- to three-story buildings were obsolete in that area. He expressed gratitude to UNC Healthcare for choosing to reinvest in the community. Mr. Nelson stated that the proposed development was

consistent with Town maps, goals and priorities.

Lana Amend, a nurse manager at UNC Healthcare, mentioned problems that could result from lack of physical space in a clinic or its location. She said that the proposed building would provide the examination rooms, services, and parking needed to provide professional, timely and seamless patient care.

Council Member Bell said that she would support the ZAA because the density being requested would fit the use. She stressed the importance of UNC Healthcare and the Town creating the gateway in partnership. Signaling at the gateway that Chapel Hill was a place that heals as well as educates would be a good thing, she said.

Mayor pro tem Anderson agreed with Council Member Bell's comments, and said that the project was worth rezoning. She said that issues regarding the TIA versus the number of parking spaces, and the road widening, needed to be worked out, however.

Council Member Oates confirmed with Mr. George that the proposal was for one, 150,000 square-foot building, structured parking, and a clearing for a second building after the master planning process had been completed.

Mr. Derks explained that the applicant would not be able to build more than the 150,000 square-foot building without coming back to the Council for approval.

Mayor Hemminger said she agreed with the rezoning request and felt proud about having UNC Healthcare in the community. By rezoning, the Town was setting a pace and a plan for the area to become one of the second largest job centers in Town, she said. She pointed out that getting the first building correct was important because it would set the tone for that gateway location.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, to close the Public Hearing. The motion carried by a unanimous vote.

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

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

### ***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.

7. Consider a Special Use Permit Modification - Eastowne  
Redevelopment Medical Office Building - 1, 100 Eastowne  
Drive.

[\[18-0748\]](#)

Ms. Johnson gave a PowerPoint presentation on the SUP modification request. She reviewed the process since the concept plan phase in December 2017 and noted that UNC Healthcare's application for a 150,000 square-foot, six-story medical office building/clinic and 1,100-space parking deck had been through many public meetings. The SUP modification would mean rezoning the property from Residential 2 to Residential 3, she said.

Ms. Johnson explained that the requested modifications pertained to building height and buffers in the Resource Conservation District (RCD) and along Highway 15-501. In a PowerPoint presentation, she showed the location of nearby Pinegate Apartments and the proposed parking deck. She said that the most frequently asked questions pertained to building height, parking deck appearance, environmental concerns, UNC Healthcare's master plan, signage, and the second (fire lane) point of access. Nineteen stipulations reflecting those concerns had been added, Ms. Johnson said, and she recommended that the Council close the public hearing and adopt Resolution 7 as amended.

Craig Scheffler, a traffic consultant with HNTB, explained what could be derived from a traffic impact analysis (TIA) and how that applied to the Eastowne development. TIAs predict future traffic in an area and address trip-generation characteristics of a site, he said, pointing out that HNTB's analysis of trips to the Eastowne site had been as conservative as possible.

Mr. Scheffler said that a TIA had concluded that the proposed medical office building would be able to handle the amount of estimated traffic in 2021 (the year after build-out), with proposed improvements that he described. He said that a follow-up TIA would be done once the building was occupied and that the applicant had agreed to make additional improvements then, if warranted. Mr. Scheffler discussed the improvements that the project would require, noting that nearby Wegmans would be making most of them in conjunction with its own development project.

Council Member Schaevitz asked how HNTB had determined the scope of

the study area and Mr. Scheffler explained that it had been a mathematical process based on Town guidelines.

Council Member Schaevitz asked how different site uses (i.e. office building versus medical clinic) had been addressed in those calculations.

Mr. Scheffler replied that the space as it currently stood would be considered general office space, for trip-generating purposes. The variable used for trip-generation at the proposed medical building/clinic was its number of employees, he said.

Council Member Gu asked the applicant to bring back more specific information and easier-to-understand explanations of the current level of traffic and the increase in traffic after Wegmans and the medical building had both been built. She then asked why UNC Healthcare was planning a 1,100-space parking deck for an estimated 560 trips.

Mr. George explained that the applicant was planning a larger parking deck than was currently needed in order to accommodate future development on that site after the master plan was completed. UNC Healthcare wanted full capacity so it would not have to expand the deck when constructing the second building, he said.

Council Member Gu asked why there was no plan to "future-proof" traffic as well.

Mr. George replied that UNC had made a commitment to re-run trip generation after one year of operation and to make additional modifications then, if needed. He pointed out, however, that it was not the applicant's responsibility to mitigate impacts beyond its project.

Mayor Hemminger commented that many people shared the concern about traffic. She stressed the importance of making sure that the building would not preclude making changes when future plans become viable.

Mayor pro tem Anderson verified with Mr. George that UNC Healthcare would spend about \$15,000 for each of approximately 500 parking stalls when it increased the parking lot density.

Mr. George pointed out that it was also in UNC's interest to make sure that it had more than ample space for any traffic remediation in the future. Basing the TIA on 1,100 trips per month gave a hint of what UNC might need to do in the future and where it should place the garage, he said.

Mayor pro tem Anderson asked why not include numbers for future capacity.

Mr. Scheffler replied that trip generation for almost any type of



commercial/residential development was based on square footage or activity type. Unless a parking deck was a specific kind of parking garage -- or a park and ride lot -- capacity was not used as the basis because decks can be under- or over-utilized, he said.

Mayor pro tem Anderson pointed out that 1,100 people would never be parked in the deck at the same time, and she asked about creating a model that would include an estimate of the second building's need as well. That would help determine if the parking deck would be in the right place and if it included space for possible remediation in the future, she said.

Andy King, of MHAworks, Inc., pointed out that UNC owned the property and that there was space to dedicate the right-of-way and install another lane on its site if needed.

Mayor Hemminger said that planning to build a parking deck for future capacity was confusing. She noted the importance of being sure that the deck would not preclude widening the road if that became necessary.

Mr. King pointed out that the applicant would have to run a new TIA before building anything else at that location. If the TIA were to say that the applicant needed to add two lanes on its site, that was a risk UNC Healthcare was willing to take, he said.

Council Member Oates confirmed with Mr. King that the applicant would tie its future development to only what it could actually build. Mr. King said that UNC would obviously have to limit its project if it could not conform with what the TIA specified.

He showed a slide to help clarify where the area between the parking deck and U.S. 15 501 was. That area had space for road improvements, he said.

Mayor pro tem Anderson confirmed with Mr. King that a new lane, if necessary, would reduce the buffer to about 40 feet -- 30 feet, at the least.

Mr. Derks explained how everything would essentially be moved back about 12 feet from the right-of-way to the closest corner of the deck, as currently conceived. That would move the sidewalk into the buffer by about 8 feet, he said.

Mayor pro tem Anderson confirmed with Mr. Derks that widening the lane would mean that the tightest buffer, at the corner, would be reduced from 22 to 14 feet.

Mr. George began the applicant's PowerPoint presentation, which he said would address concerns about changes in the process and the complaints that had been based on not clearly understanding the proposed plan.

Dr. William Roper, UNC Healthcare's chief executive officer, provided background on the project since the property was purchased seven years prior. He explained that there had been approximately 850 UNC Healthcare employees working at five buildings on Eastowne Drive, but that some of them had recently been moved offsite so that four of those buildings could be demolished to make way for the first new construction project.

Dr. Roper reviewed the site plan and discussed UNC Healthcare's master planning process and timeline. He said that they would not return with a request for a second building until the master plan had been completed. UNC Healthcare was committed to holding workshops and working with the Council and advisory boards, he said, and he proposed that a Town's planner sit on the master planning committee.

Dr. Roper asked the Town to trust UNC Healthcare to do what it says it will do, noting that most who worked there were Town residents as well. He pointed out that UNC Healthcare was a safety-net institution and required to serve the needs of the state. It wanted to do that in a state-of-the-art facility, said Dr. Roper, adding that current clinics did not meet patient needs.

Mr. George discussed aspects of the construction plan, such as blasting, amenities, relocation of some parking, possible future retail, and the bus stop/shelter. With regard to the TIA, he stressed that the community's traffic issues were UNC Healthcare's traffic issues as well. UNC did not want a building that patients and employees could not get to, and would mitigate the traffic appropriately, he said.

Mr. George emphasized that trip mitigation studies had shown that the same level of surface would be maintained with UNC Healthcare's and Wegmans's traffic mitigation efforts. Moreover, UNC Healthcare had committed to coming back when the building was operational to do another TIA, he pointed out. Moreover, approval included a stipulation that UNC Healthcare would make changes if further mitigation was needed, he pointed out.

Mr. George showed renderings of how the building's height would look from Highway 15-501 with a proposed partial buffer. He noted that the applicant had committed to cladding 80 percent of the parking deck facade along Eastowne Drive. He showed how traffic would flow into the site and said that the buffer would still be 12 feet even if the NC Department of Transportation needed to add a lane to Highway 15-501. Mr. George said that the closest apartment facing the parking structure would be 260 feet away and that the others would be 190 feet away and not facing the structure.

Mr. Derks explained about the various widths of the unpaved fire lane and

said that bollards, or some other removable devices, would prevent other traffic from driving into that area.

Council Member Oates confirmed with Mr. Derks that pervious material under the grass would support the weight of a fire truck.

Mr. Derks explained how the proposed underground stormwater facility would work. In response to a question from Mayor Hemminger, he said that a stormwater pond was not an option due to the site's topography.

Mr. George summarized how the project would meet the Town's required findings of fact. UNC Healthcare was committed to working with a Town-chosen urban designer throughout the planning process, he said. He reviewed modifications regarding buffer improvements, the parking deck facade, and RCD impacts. Mr. George noted that UNC Healthcare had made a commitment to come back for a new TIA once the first building was operational.

Council Member Oates asked what concern had led UNC Healthcare to request that people be required to ask permission to use the public amenity space.

Mr. George replied that the intent was to avoid having people come in and set up a public barbecue or hold a party there on a Saturday night. UNC Healthcare did not want it to become a public park that it would have to manage, he said.

Council Member Parker confirmed that the parking deck would be free of charge for those who go to the site for medical care. Mr. George said that there was not yet a procedure in place for monitoring that, but there would obviously have to be one if problems arose.

Council Member Buansi confirmed with Mr. George that the open parking deck would be included in the overall property management program but that no one person would be stationed in the deck.

Council Member Gu verified that the purpose of having a 50-foot open space with a view of the building from Highway 15-501 was to show the UNC Healthcare brand and make the facility easier for people to find. She asked if having it five feet higher would mean less need for that open space, and Mr. George replied that it potentially would.

Elizabeth Brucker read the four findings of fact required for SUP modification approval and said that the proposed project met them.

Cristin Colfera, a physician and faculty member at UNC's School of Medicine, expressed enthusiasm about the opportunities that the Eastowne project would provide for patients, especially those who must travel long distances for medical services. She discussed the advantages

for physicians and patients of being able to give and receive care in one location.

Aaron Nelson pointed out that UNC Healthcare had been and would continue to be in Chapel Hill for generations. He trusted those associated with that institution and hoped the Council would approve the building, he said. Mr. Nelson proposed having less buffer, arguing that a canyon of trees could be seen anywhere in the country but its buildings expressed a town's character.

Gordon Merklein, representing UNC's Division of Finance and Operations, said that UNC's leadership fully supported the project and hoped the Council would approve the ZAA and SUP. He said that UNC had worked with UNC Healthcare and scrutinized the project as it had taken shape. The Eastowne Medical Clinic would meet the same standards as any building would on UNC's main campus and the plan exceeded many of those standards, he said.

Jay Patel, a Chapel Hill business owner and resident, characterized the project as a rare opportunity in which many of the Town's interests lined up. He said that the Council should jump on the opportunity to provide better accessibility to world class healthcare. He pointed out that a stipulation required UNC Healthcare to mitigate future problems.

Council Member Buansi asked that a stipulation in revised Resolution A specify that the process for public engagement follow that for Conditional Zoning and Development Agreements.

Council Member Bell said she supported clearing trees to expose the building, but only if the building is an attractive one. She confirmed with Mr. George that the applicant had been communicating with Pinegate's property managers about parking deck concerns. He said that Pinegate generally supports the project and noted that UNC Healthcare had made a commitment that ingress and egress would not be impacted.

Council Member Bell expressed enthusiasm for the master plan and discussed the value of patients being able to see multiple providers in one day at one location. That was a social equity issue for the state, she pointed out.

Council Member Stegman said that UNC Healthcare was a great partner and that she had gained trust in their ability to get the project right. She spoke about the need for an attractive building at the location and the desire for the applicant to help mitigate traffic problems. She listed reasons why it was the right location for dense redevelopment and asked that the master plan include commitment to a multi-modal development plan. Council Member Stegman asked that an existing memo of understanding be part of the discussion as well.

Mayor pro tem Anderson expressed general support for the project, which she said would make the Town's gateway something to be proud of. Clearing trees for a visible logo was okay with her, she said. She argued that a 14-foot buffer still seemed too small and said she would like any future traffic plan to include what could potentially happen on the side. Mayor pro tem Anderson clarified with Mr. George that UNC Healthcare had agreed that an urban designer and a member of the Town's planning staff would have seats at the table throughout the process.

Council Member Oates expressed concern about being asked to approve a project with so little green space.

Mr. George replied that things such as green space would be addressed and incorporated during the master planning process. He said that there had been green spaces in some of the concept plans and that there would be some in the future development.

Council Member Schaevitz agreed with what other Council members had said. She appreciated the inclusion of an urban designer because she wanted to see an activated, walkable, pedestrian-focused place at that location, she said. She stated that the SUP process seemed inappropriate for the particular application. She hoped there would be a better strategy in the master planning process that would allow Council members to engage with the public and be responsive to residents' wants and needs, she said.

Council Member Gu said that the proposed project aligned perfectly with Town goals. She said that she, too, was glad about the inclusion of an urban designer, and she recommended that the applicant check out the International Academy for Design and Healthcare for best practices. She asked that green space be part of the full-scale project and that more consideration be given to using the right-of-way in relation to future traffic expansion. Council Member Gu said she supported what others had said about traffic, stormwater, and deck improvements. She wondered if a large scale parking deck was absolutely necessary and said she hoped the applicant would address that in phases, if possible.

Mr. George pointed out that there was much current debate about self-driving cars but that the technology was not likely to be available within the next 10 years. However, if UNC Healthcare determined during the planning process that it needed less parking elsewhere on the site, it would not build those spaces and would continue to utilize the structure being proposed, he said.

Council Member Parker pointed out that the first project would set the tone and become the de facto standard for other development in the area. So it was important to build it to the highest standards, he said. He said that UNC was good at creating a unified whole through the use of both buildings and landscaping. He asked the applicant to take its

responsibility seriously and give the Town a building that all could be proud of.

Mayor Hemminger expressed gratitude for the applicant's willingness to work with the Town over the summer to arrive at a better understanding. She acknowledged the value of the project to UNC Healthcare and pointed out that the Council was charged with ensuring that it benefited the community as well. She said that the development could be something spectacular and that the RCD could be an amenity to the entire property.

Mayor Hemminger said that the changes the applicant had agreed to would add value to the project. She strongly recommended Conditional Zoning because it would allow more communication, she said. She encouraged the applicant to figure out how to have a right-turn lane exiting the property and to consider embracing a leadership role in environmental technology with the project.

Mayor Hemminger pointed out that there was enthusiasm for being able to see the building from Highway 15-501, as long as it was attractive. She expressed appreciation for the cladding on the parking deck, for the commitment to working with the Town, and for the inclusion of an urban designer.

A motion was made by Council Member Bell, seconded by Council Member Parker, to Close the Public Hearing. The motion carried by a unanimous vote.

Mayor pro tem Anderson reported that the Amity Station subcommittee had met to discuss potentially moving forward. The applicant would include a 22+ age restriction, but that would involve a financial commitment, or some sort of concession, from the Town, she said. The Committee had asked for clarification from staff about what the pro forma and so forth should look like, Mayor pro tem Anderson said. She said that the committee would meet again in about three weeks to review that information and decide what to do next.

A motion was made by Council Member Bell, seconded by Council Member Stegman, that R-7 be adopted as amended. The motion carried by a unanimous vote.

## **ADJOURNMENT**

The meeting was adjourned at 11:34 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 Karen Stegman  
Council Member Rachel Schaevitz

**Wednesday, October 10, 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 Maurice Jones, Deputy Town Manager Florentine Miller, Assistant Town Manager Mary Jane Nirdlinger, Town Attorney Ralph Karpinos, Communications Specialist Catherine Lazorko, Senior Engineer Sue Burke, Housing and Community Assistant Director Sarah Vinas, Housing and Community Executive Director Loryn Clark, Affordable Housing Manager Nate Broman-Fulks, Principal Planner Corey Liles, Planning and Development Services Director Ben Hitchings, Operations Manager Judy Johnson, Community Resilience Officer John Richardson, Interim Business Management Director/Finance Officer Amy Oland, Assistant Chief of Police Jabe Hunter, Emergency Management Coordinator Vencelin Harris, Senior Ombuds Jim Huegerich, Dwight Bassett, Laura Selmer, Communications and Public Affairs Director and Town Clerk Sabrina Oliver

### OPENING

Video: Celebrating Successes.

[\[18-0827\]](#)

Mayor Hemminger opened the meeting at 7:00 pm and introduced a "Celebrating Successes" video on how the Town had been building its greenways to withstand damage from heavy flooding. The video showed historic flooding at Bolin Creek and addressed the advantages of building trails with material other than asphalt.

Mayor Hemminger said that the Town would be dedicating new bridge art at the Tanyard Branch at 9:30 am on October 20, 2018. She also pointed out that schools would be cancelled the next day because Hurricane Michael was heading toward North Carolina.



**Proclamation: American Pharmacists Month.****[18-0828]**

Council Member Gu read a proclamation that stressed the responsibility of users and physicians to be knowledgeable about drug therapy and pointed out that pharmacists were ideally suited to work with patients and others to improve medication use and outcomes. The Council was proclaiming October 2018 as American Pharmacists Month in Chapel Hill, she said, and she urged all to show appreciation for pharmacists in the community.

UNC School of Pharmacy students Karen Abernathy, Jennifer Sato, and Jennifer Schwager accepted the proclamation on behalf of the American Pharmacists Association's Academy of Student Pharmacists. Ms. Abernathy said that UNC pharmacy students were helping the community during American Pharmacy Month by providing blood pressure and blood glucose screenings, and immunizations, and by holding fund-raising events and medication take-back days.

**Proclamation: Breastfeeding Family Friendly Community.****[18-0829]**

Council Member Bell read a proclamation on Breastfeeding Friendly Month that pointed out that breast milk was considered to be the optimal food for infants. Breast milk was associated with lower rates of illness for both infants and mothers and promoted mother-infant bonding as well as lifelong health and development, she said. Council Member Bell proclaimed the Town to be a "Breastfeeding Family Friendly Community" and urged all to provide a supportive and welcoming environment for mothers.

Kathleen Anderson, a Breastfeeding Family Friendly Community team member thanked the Town for its continued commitment and support. She said that many people did not realize that breastfeeding is good for communities and families as well as mothers and infants.

**Proclamation: Domestic Violence Awareness Month.****[18-0830]**

Council Member Oates read a proclamation for Domestic Violence Awareness Month, which described domestic abuse and provided statistics from the National Coalition Against Domestic Violence. At least 82 people had been murdered by domestic violence in North Carolina in 2017, she said.

Council Member Oates said that the Compass Center for Women and Families served approximately 6,000 people from Orange, Durham and Wake Counties each year. She declared October 2018 to be Domestic Violence Awareness Month in Chapel Hill and urged citizens to become familiar with the signs of domestic violence and to support the Compass Center and other organizations that work to prevent domestic violence.

Cordelia Heaney, Compass Center executive director, thanked the Town for its longstanding support and described the Center's services. She

mentioned some of the events and activities that the Compass Center would hold during the month of October to raise awareness of domestic violence and support survivors.

Proclamation: Ombuds Day.

[\[18-0831\]](#)

Council Member Parker read a proclamation about how disagreements, conflicts, and confusion were inevitable in organizations and the importance of reaching equitable solutions. He explained that the Town and the University of North Carolina at Chapel Hill (UNC) had been offering confidential and impartial ombuds assistance for finding constructive paths forward. The Town and UNC were proclaiming November 11, 2018 to be Ombuds Day and were encouraging everyone in Town to become familiar with those essential services, Council Member Parker said.

Jim Huegerich, representing the Town's Ombuds office, replied that it had been a privilege and an honor to live, work and learn in a community that strives to be inclusive and build bridges rather than walls.

Don Osborn Adams, the new director of UNC's Ombuds Office, gave credit to others at his office who had been on the team from the start.

Mayor Hemminger expressed pride in the Town's Ombuds Office and said that its collaboration with the UNC office had worked out well.

## **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Mayor Hemminger Regarding Festifall.

[\[18-0832\]](#)

Mayor Hemminger said that Festifall had been a very successful event this year and thanked everyone for all the effort they had put into it. It seemed to have run seamlessly and smoothly and was one of the best Festifalls she had ever experienced, she said.

b. Mayor Hemminger Regarding Walk to School Day.

[\[18-0833\]](#)

Mayor Hemminger noted that it was Walk to School Day in Chapel Hill and said that she had participated in the fun event. She encouraged all to walk to school and work on that day and every day.

c. Mayor Hemminger Regarding 30th Anniversary of Rural Buffer and Joint Planning Agreement.

[\[18-0834\]](#)

Mayor Hemminger pointed out that it was the 30th anniversary of the formation of the Rural Buffer and the Joint Planning Agreement (JPA), which Chapel Hill, Carrboro and Orange County had created in 1987. The JPA reflected a joint commitment to environmental stewardship, sustainability, and to one another, she said. Mayor Hemminger noted that a celebration would be held from 5:00-6:15 pm on October 16th at Blackwood Farm.

d. Council Member Schaevitz Regarding the First Film Fest 919.

[\[18-0835\]](#)

Council Member Schaevitz said that the first "Film Fest 919" had been completed the prior week. It had been spectacular, she said, noting that many creative people had visited UNC and experienced the Town during that time.

e. Mayor Hemminger Regarding Pickleball Tournament.

[\[18-0836\]](#)

Mayor Hemminger said that the Town had held a successful Pickle Ball tournament the prior weekend, with 155 people from more than five states participating and visiting Chapel Hill.

### **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. Jeff Charles Regarding Creating Citizen Advisory Board for Seniors.

[\[18-0837\]](#)

Jeff Charles, former chair of the Transportation Board, petitioned the Council to create a citizens advisory board for seniors with age-related disabilities. It could be called Quality Senior Living in Chapel Hill, he said. He noted that he was a stroke survivor and said that it was time for seniors with disabilities to be involved in the development process.

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

b. Whit Rummel Regarding Rezoning Property on Estes Drive.

[\[18-0838\]](#)

Whitt Rummel, a Chapel Hill resident, petitioned the Town to consider rezoning the property at the Martin Luther King Jr. Boulevard/Estes Road intersection, an area where he and his wife owned a 7.5-acre tract. He said that the Town had not responded to his year-old request that the corridor be rezoned in order to make it consistent with the 2020 Comprehensive Plan. Mr. Rummel mentioned recent proposals for that area and said that his request was even more urgent as a result of those.

A motion was made by Mayor pro tem Anderson, 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**

- a. Sara Gear of the Chapel Hill Historical Society Celebration on October 21st. [\[18-0839\]](#)

Sara Gear, Chapel Hill Historical Society president, announced an annual celebration of Town leaders to be held at the Chapel Hill Public Library on October 21st at 3:00 pm. She said that all were invited all to join the celebration where Mayor Hemminger would present proclamations to the following "community treasures": Molly and Bob Broad, Martha Brunstein, Katherine Cheek, Bob Epting, Nerys Levy, David Mason Jr., and Edith Wiggins. Ms. Gear provided information about each recipient's contribution to the community.

### **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.

1. Approve all Consent Agenda Items. [\[18-0804\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
2. Approve Miscellaneous Budget Ordinance Amendments to Adjust Various Fund Budgets for FY 2018-19. [\[18-0805\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Approve the Housing Advisory Board's Recommended Funding Plan for the Affordable Housing Development Reserve. [\[18-0806\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Amend the 2018 Council Calendar. [\[18-0807\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Adopt Minutes from October 11, 2017 and February 7, 28, and April 25, 2018 Meetings. [\[18-0808\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

### **INFORMATION**

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6. Receive Upcoming Public Hearing Items and Petition Status List. [\[18-0809\]](#)

This item was received as presented.

7. Receive Annual Compliance Reports for July 1, 2017-June 30, 2018 for the Carolina North, Glen Lennox, Obey Creek, and Fire Station #2 Development Agreements. [\[18-0810\]](#)

This item was received as presented.

## DISCUSSION

8. Open the Public Hearing and Consider Enacting Amendments to Section 5-56 of the Town Code to Incorporate the Revised Flood Insurance Studies and Flood Insurance Rate Maps. [\[18-0811\]](#)

Senior Engineer Sue Burke presented the proposed amendments to the Town's Flood Damage Prevention Ordinance. She gave a PowerPoint overview of the issue and explained that revised FEMA maps covered five areas that overlap with Durham and Orange Counties and two that were solely within Durham County. The Town was required to adopt those maps, and accompanying studies, in order to remain in the National Flood Insurance Program, she said.

Ms. Burke explained that the consequences for not participating could include residents not being able to purchase flood insurance and lending institutions not extending federally-backed financing for properties located within special flood hazard areas. It could affect the Town's ability to receive federal disaster assistance, she said. Ms. Burke recommended that the Council enact the proposed amendments.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Bell, to close the Public Hearing. The motion carried by a unanimous vote.

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

9. Building Integrated Communities Project Update. [\[18-0812\]](#)

Sarah Vinas, assistant director of Housing and Community, provided a PowerPoint overview and update on the Building Integrated Communities (BIC) project. She explained that BIC was a statewide, community planning initiative based at the Institute for the Study of the Americas and the Center for Global Initiatives at UNC. BIC helped local governments engage with foreign-born residents in order to enhance communication, improve relationships, and increase leadership and civic engagement opportunities, she said.

Ms. Vinas said that a community assessment -- which was Phase I of a three-phase project -- had included public meetings that more than 160 immigrants and refugees had attended. Meetings had been held in seven different languages, she said. Ms. Vinas pointed out that UNC had prepared a report and executive summary that was available in Spanish, Karen, Burmese and Mandarin Chinese.

Principal BIC investigator Hannah Gill, associate director at the Institute for the Study of the Americas, gave a PowerPoint update on some of the study's findings and the recommendations that those who had participated in the community assessment had made. Based on data from the U.S. Census and U.S. Department of State, nearly 17 percent of the Town's residents were foreign born and more than 1,000 refugees had arrived in Orange County since 2005, she said.

Dr. Gill explained that 24 percent of those residents were living in households with limited English. The full report contained information about education, income, and home ownership, she said. She discussed recommendations that researchers had heard during public meetings and interviews with residents. Some of the topics discussed included transportation, language outreach, employment, transportation, housing, and legal resources, she said, and she provided details on each of those topics.

Jorge Gutierrez, BIC coordinator at UNC, continued the PowerPoint presentation. He outlined participants' responses and suggestions regarding public safety and law enforcement. He said that participants highly valued local leaders' efforts to engage their perspectives and he noted additional recommendations that residents had made. He pointed out that the Town and other key community organizations did not offer adequate language access.

Mr. Gutierrez said that residents had recommended making Town communications language-accessible, and he noted specific topics for which multi-lingual translation was needed but lacking. He explained that the committee was in the process of developing strategies to respond to residents' recommendations and would return to the Council at a later date with an update and request for action. The BIC program would then enter the implementation phase, Mr. Gutierrez said.

Council Member Gu confirmed with Dr. Gill that the data showed extremes regarding income levels, with foreign-born residents with US citizenship having higher incomes and home ownership than those who did not. There were great disparities, Dr. Gill explained, noting that the recommendations had been based on some of the neediest members of the community.

Council Member Gu pointed out the low number of foreign-born people involved in Town leadership. She asked that BIC's final recommendation

give a more complete picture of the needs of high income/high education members of that population and how those residents could contribute toward making the Town more vibrant.

Ms. Vinas acknowledged that the diversity of the Town's immigrant and refugee population created challenges. There had been extensive engagement with various populations, she said. The Chinese residents whom staff had met with that day, for example, had reiterated their interest in transportation and bus service, she said. Ms. Vinas pointed out that some issues cut across nationalities and said that developing specific action plans that respond to a diverse community would be the challenge in the action phase.

Dr. Gill offered to meet with Council Member Gu and hear her recommendations.

Council Member Buansi confirmed that public meetings in Phase II would include interpreter services and would meet at a central location.

Council Member Schaevitz pointed out that UNC's housekeeping staff worked at night when there was no bus service. She confirmed that data from the report would be presented to the University as well, and asked what would be different about Phase II.

Ms. Vinas replied that items with a budgetary requirement, or with specific policy or programmatic recommendations, would be accompanied by a staff recommendation and brought before the Council during the action phase.

Council Member Oates ascertained from Dr. Gill that the committee was exploring what aforementioned employer-provided transportation might involve. It could be vans, or other forms of publicly-funded transit, Dr. Gill replied. She stated that UNC was funding half of Chapel Hill Transit and said that BIC was exploring options that would engage all of the stakeholders who were already involved in public transit.

Council Member Oates confirmed with Ms. Vinas that the head of a household needed to have a social security number in order to apply for the Town's public housing.

Council Member Parker recommended including UNC and UNC Healthcare in the plan. He said that the solution to problems of such magnitude would require their cooperation as well.

Ms. Vinas replied that there had been strong participation from UNC and that the connection with UNC Healthcare could be strengthened through the BIC project

This item was received as presented.

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**10. Consider Authorizing the Transfer of Ownership of Town-Owned**

**[\[18-0813\]](#)**

Land at 320 Lindsay Street and 506 Mitchell Lane in Support of the Northside Neighborhood Initiative and for the Creation of New Permanently Affordable Housing.

Affordable Housing Manager Nate Broman-Fulks gave a PowerPoint presentation on transferring ownership of two parcels of Town-owned land to the Northside Land Bank for creation of three permanently-affordable homes. He provided background on the Town's work in the Northside Community, which had led to the 2015 Northside Neighborhood Initiative (NNI), a collaborative effort that maintains and strengthens that neighborhood and honors its history.

Mr. Broman-Fulks said that the NNI's structure included collaboration among Self-Help Credit Union, the Marion Cheeks Jackson Center, the NNI steering group, and others. He explained that an owner had donated four cottages from the Town's Historic District to Self-Help, which had then worked with the Jackson Center and Town staff to identify sites to which they could be relocated. That had led to a request that the Town donate two sites -- on Lindsay Street and Mitchell Lane -- for permanent affordable housing, said Mr. Broman-Fulks.

Operations Manager for Planning Judy Johnson explained that the Lindsay Street site had been proposed as a donation to Habitat for Humanity in 2014, but Habitat had been unable to use it because of its configuration. However, Self-Help had found a solution to the awkward site and that included an adjacent property owner donating a portion of land, she explained.

Ms. Johnson said that the vacant lot on Mitchell Lane had fairly significant site constraints, which she described. She said that the proposal to locate one cottage on that lot would require a variance from the Board of Adjustment and that a back-up plan would be to put a smaller home on that property.

Ms. Johnson explained that the Historic District Commission (HDC) had approved the relocation of four cottages, but had imposed a one-year waiting period on their removal. the Planning Commission had approved all three site plans and staff believed the transfer would be consistent with Town goals and recommended the transfer of ownership to Self-Help, she said. Ms. Johnson pointed out that Council approval of Resolution 9 would create four affordable units, including one on Craig Street.

Mayor Hemminger asked about a piece of property for which Town ownership could not be determined. Probably no one was paying property taxes on that, she said, and she asked if staff could obtain more information about it.

Town Attorney Ralph Karpinos replied that staff could try, and Ms. Johnson said that staff had done quite a bit of research on it.



Mayor Hemminger proposed involving the Jackson Center in that project.

Bob Epting, HDC chair, stated that the HDC had not approved removal of the cottages, which it viewed as precious resources and an important part of the Town's historic fabric. He explained that a Town ordinance and statute had not allowed the HDC to deny the request to move the properties but that the HDC had unanimously voted to oppose moving them. The HDC's only option had been to delay removal for 365 days, he said.

Mr. Epting provided background on the process and said that the Town's proposition would have been strengthened by a conversation with the HDC, whose mission was to protect the district. He asked that it be made clear, for the record, that the cottages were very valuable and important, where they were located, and that removing them would be a detriment to the historic district's special character.

Hudson Vaughan, representing the Jackson Center, provided information about ongoing attempts to trace titles on the properties. He said that the Jackson Center was extremely excited about the plans to maximize those lots while also leaving open space. He pointed out that the structures would be preserved and would have quality uses rather than just being demolished or removed from the community. Mr. Vaughan said that plans had been sent to the HDC, but they had apparently not been received.

Mayor pro tem Anderson praised the plan, but recommended clarifying for the public that the Town did not typically give property away -- except in the case of such a wonderful use. She praised the partnership and lauded the fact that the houses would remain in Town even though they would not be in the historic district.

Mayor Hemminger noted that the transaction would put the parcels back on the Town's tax roles. She also said that she loved the collaboration.

Council Member Oates emphasized the importance of all parties being represented and said that the HDC, which included many knowledgeable resources, should have been included in the conversation. She said that the owner would get about a \$900,000 tax write-off, \$300,000 of which would go "into his pocket". There might have been a way to leverage even greater resources for affordable housing, Council Member Oates said. Council Member Stegman agreed with Mayor pro tem Anderson's comments and thanked all who had worked for a year to figure out how to create new homes for families.

Council Member Schaevitz asked Mr. Vaughan to convey the Council's gratitude to the property owner who donated the extra piece of property that had made the Lindsay Street parcel viable. The Council was grateful for that generosity, she said.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that R-9 be adopted. The motion carried by a unanimous vote.

**11. Blue Hill Biannual Report #8.**

**[18-0814]**

Principal Planner Cory Liles provided a PowerPoint biannual report on the Blue Hill District (BHD), which included updates on the Elliott Road Extension and Elliott Road Flood Storage and a March 2018 petition by Council to encourage non-residential development and address other goals and concerns. He noted that staff had explored a package of text amendments, new requirements, and possible strategies in response to the Council's petition.

Mr. Liles discussed the status of projects under construction, such as Hillstone, Fordham Boulevard Apartments, and Greenfield Commons/Phase II. He said that new applications included Tarheel Lodging (which was under review) and Park Apartments, which was tied to the Elliott Road Extension project. Smaller scale projects dealt with facade and site improvements and included the Cava Restaurant, the Village Plaza, and the Haw River Grill, he said. Mr. Liles provided statistical information on the number of newly completed residential and commercial units and compared that with Town projections.

Council Member Parker asked if staff was expecting zero commercial development after current projects were completed.

Mr. Liles replied that there certainly could be additional projects over that 10-year period that the Town did not yet know about. He pointed out that there already had been some that had not been projected in 2014.

Council Member Oates confirmed with Mr. Liles that Tarheel Lodging was a mixed use project that included a hotel, office building, and apartment project.

Mr. Liles continued his presentation, with a breakdown of square footage and tax value for completed projects and those that were under construction. He said that the total square footage of projects completed was 421,960, with a property tax value of approximately \$73 million. The total under construction was 745,783 square feet with an estimated \$109.34 million tax value, he said.

Mr. Liles pointed out that projections through 2018 had been for 1,150,000 square feet with \$193 million in total tax value. Therefore, the Town was on track with a total of 1,167,703 square feet and \$182.33 million in tax value, he said. He acknowledged, however, that there had been a shift toward residential development.

Mr. Liles said that the Debt Scorecard for the fiscal year that had concluded in June showed that property tax revenues exceeded debt

service payments. By June 2020, the Town will have collected enough property tax revenue to exceed cumulative debt payments and will be in the black, he said. In response to a prior Council request for information on the cost of providing public services to BHD properties, Mr. Liles said that an analysis of completed projects in FY2019 showed estimated revenues of \$821,000 and estimated costs of \$389,000, with a resulting difference of \$432,000.

Council Member Parker replied that was just allocating existing average costs per capita.

Mr. Liles agreed, and acknowledged that the estimates included caveats and that per capita was a best guess.

Mayor Hemminger confirmed with Mr. Liles that Transit was not on the list because it and stormwater were considered "revenue offset."

Mr. Liles provided updates on connectivity, displaying maps showing areas where multi-use paths, greenways, sidewalks, crosswalks and bike lanes had been added in the BHD. He pointed out that a Story Map that provided online interactive tracking of many such projects could be found at [townofchapelhill.org/bluehillldistrict](http://townofchapelhill.org/bluehillldistrict). Mr. Liles said that next steps would include an update on massing standards and a Housing Department presentation on strategies for affordable housing, with the next BHD update occurring in the spring.

Mayor pro tem Anderson asked if staff thought the Town would be able to achieve its targets for a non-residential mix and if a change the Council had enacted would help achieve that.

Mr. Liles replied that projections assumed market forces that would make it more commercial.

Mayor pro tem Anderson said that having a cost of service estimate that included factors other than just per capita would be valuable for making data-informed decisions about development in Town. However, she did appreciate the per capita estimate as a placeholder because zero did not make sense, she said.

Council Member Schaevitz asked staff to meet with the Cultural Arts Commission regarding its budget related to the Elliot Road Flood Storage Project. She also proposed that staff develop strategies for reaching out to those who were considering redeveloping their properties in the BHD because they might have questions regarding the new 10 percent requirement.

Council Member Parker pointed out that there was a finite amount of land in the BHD. He said that he would like to know whether properties that had been projected to be commercial had become occupied by things that

were residential. How much footprint is actually left for commercial development and what is a realistic projection, he asked.

Mr. Liles replied that the Hillstone site had originally been projected for retail. He did not think there were other sites that had developed as only residential that had been expected to be non-residential, he said.

Council Member Gu remarked that presuming the 10 percent of commercial space that had been put in the Design Guidelines would mean needing about six million square feet to achieve the projection. The Town probably needed a special committee to promote the BHD as a commercial site through initiatives, she said. She asked if the next staff presentation on the BHD could include information about traffic conditions, including data on pedestrians and cyclists in that area.

Mr. Liles replied that staff did have traffic counts dating back about a year and that he would look at what else they might be able to provide.

Lib Hutchby, a Chapel Hill resident, pointed out that the Environmental Impact Statement had not been mentioned. It was disturbing not hearing from developers about how they planned to use renewable energy, she said.

Mr. Liles replied that the Town was limited by the state on how much environmental regulation it could require. Solar panels, for example, were voluntary, he pointed out.

Mayor Hemminger noted that the Town was required itself to meet certain guidelines, and Mr. Liles added that there was an incentive to defray some costs with green building practices.

Council Member Buansi asked for more demographic information on those living in the apartments that had already been developed in the BHD. That might help the Council better understand the kinds of amenities that would be desired there, he said.

Mayor Hemminger asked staff to keep striving to meet the target for more commercial space in the BHD.

This item was received as presented.

**12. Update on Coal Ash Remediation at Police Station Property.**

**[\[18-0815\]](#)**

Emergency Management Coordinator Vencelin Harris gave a PowerPoint presentation that outlined a Brownfields option for remediation and removal of coal ash from the Chapel Hill Police Department headquarters. He showed the contamination site on a map and provided background on the problem. The Town had been working with the NC Department of Environmental Quality (DEQ) and was committed to following all environmental laws and standards to ensure the health and safety of the community, he said.

Mr. Harris asked the Council to consider authorizing staff to proceed with the Brownfields eligibility process. Once eligibility had been determined, staff would return to Council regarding moving forward with Brownfield negotiations or with an alternate path, he said. He recommended that the Council adopt Resolution 10, authorizing the Town Manager to apply for Brownfields eligibility through the DEQ, and hold up to three additional public meetings, and return to the Council once eligibility had been determined, Mr. Harris said.

Economic Development Officer Dwight Basset provided additional information on options for remediation, which included the Brownfields process. He explained that such a Brownfields agreement would potentially reduce the cost of remediation, and he reviewed the steps through which the Town had arrived at the current decision point.

Mr. Bassett explained that the Council would eventually need to decide whether it wanted to proceed with a Brownfields program or go into a voluntary remediation agreement with the state. He would return to the Council for a decision on whether to proceed with a Brownfields program once the DEQ had determined the Town's eligibility, he said. Then, in 2019, the Town would consider selecting a redevelopment partner and decide whether to enter into Conditional Zoning or Development Agreement process, he said.

Steve Hart, an environment engineer with Hart and Hickman, provided a brief summary of the environmental conditions at the site and gave a PowerPoint presentation on where the coal combustion products (CCPs) were located. He described several remediation options, noting that the two that were available through the DEQ were the Brownfields Program and Voluntary Clean Up. Mr. Hart noted that the latter option was primarily used by parties that had caused the contamination and it did not include liability protection.

Mr. Hart discussed steps and fees associated with each process. The estimated cost to remove all CCPs and contaminated soil and replace the soil was \$13 million to \$16 million, he said. He described an alternative that would involve capping the contamination, adding a retaining wall, and removing the contamination materials. That would cost between \$1.6 million and \$3.5 million, Mr. Hart said.

Community Resilience Officer John Richardson provided additional details on how the Brownfields agreement would work. He said that it would be transferable and that it would include opportunities for partnerships. He explained that the Council was being asked to authorize the Town Manager to explore whether the Town was eligible for the Brownfields Program and said that staff would hold additional public meetings and return to the Council once there was a letter of eligibility from DEQ regarding Brownfields eligibility. Staff would then ask the Council to

consider options for moving forward, Mr. Richardson said.

Dan Douglas, of Benchmark Planning, provided an update on the engagement and reuse scenarios that had been presented to the public. He explained that it was based on a "reverse pro forma" -- i.e. what would have to be developed in order to be able to afford to pay \$5 million for the land. He had met with Town boards and commissions and its technical review team, and had held two public information meetings and one meeting focused specifically on the immediate neighborhood, he said.

Mr. Douglas reported that the main comments he had heard at those meetings included a strong preference for mixed-use and objections to how large the structure would have to be to support a \$5 million remediation cost. He showed a concept plan for a 98,000 square-foot, 6-story office building with a 6-story parking deck that included approximately 560 spaces. The development would also include 150 residential units in another 6-story building, adjacent amenities, and access road plus a fire road connection, Mr. Douglas said.

Council Member Schaevitz requested that future public meetings be held with the Town's environmental and stormwater boards first so that other boards would have the benefit of their comments. She confirmed with Mr. Hart that a Brownfields agreement, including any restrictions or requirements, would run with the land/title if the property were sold.

Mayor pro tem Anderson agreed with Council Member Schaevitz's recommendation regarding advisory boards. She confirmed with Mr. Hart that the Brownfields option would not necessarily mean doing the lowest cost remediation and that the Town could do as much as it wanted through that or the Voluntary Cleanup option.

Council Member Gu asked about the rationale for the Brownfields Program and the logic behind having it in conjunction with new development.

Mr. Hart reviewed the background of the Brownfields Program, which the DEQ had begun in 1997 to allow towns to develop sites that had contamination and were abandoned and underutilized because of that. The purpose was to enable sites to be redeveloped, and the agreement with the state provided liability protection in exchange for the Town making the site safe for its intended reuse, he said.

Council Member Gu verified with Mr. Hart that it was a program to encourage development and the state provides certainty regarding liability and helps developers obtain loans in return. In that case, why would the Town, rather than the developer, apply for the Brownfields Program, she asked.

Mr. Bassett reviewed the history of the Town's discussions and negotiations regarding the site and explained how that had led to a

former Council's conclusion that it needed to own the Brownfields application for its own protection and future benefit.

Council Member Gu said she was not sure she agreed with that idea because the Brownfield Program was not a standard for cleaning up. It was a program to provide incentive and liability certainty for the developer to obtain loans that it would otherwise be unlikely to obtain, she said.

Mr. Bassett expanded on his previous explanation and said that the benefit to the Town was that it would decide whether to do full or partial remediation. The Town would negotiate directly with the state, rather than with the developer, he said. The Council had decided that it would be better for the Town to make the application and pay the fee so that it could set the standard for remediation and what the site might be in the future, Mr. Bassett explained.

Council Member Gu confirmed with Mr. Bassett that the standards for cleanup were different depending on the type of development. For example, standards for a daycare center would be more rigid than for a factory. She expressed concern about the Brownfields Program not reaching any state standard and said she did not understand why the Town was discussing that program without first agreeing on what kind of clean-up it wanted.

Mr. Hart explained that the redevelopment would drive the level of cleanup, which might be different from what the community would want. Therefore, the state would look at that and include prohibitions in the Brownfields agreement on such projects, he said.

Council Member Gu pointed out that the safety of the surrounding environment -- such as the creek, trail and underground water -- was of concern as well.

Mr. Hart replied that all such "receptors" would be fully considered in the Brownfields agreement and were often monitored afterward as part of the agreement process.

Council Member Gu asked who would be responsible for the cleanup in that case, and Mr. Hart replied that the Town and developer would negotiate those issues in the agreement. She confirmed with him that "exempt from liability" meant exempt from full clean up. The developer would be responsible for making sure that the site was considered "safe" but would not be required to restore it to pristine levels, Mr. Hart explained.

Council Member Stegman clarified with Mr. Bassett that clean up costs were assumed to be about \$3.5 million and that the Town had invested between \$.5 million and \$.75 million over recent years in meeting DEQ requests. The Brownfields Program would give the Town a chance to

recoup that money and clean the site up to the minimum standard, she said. Council Member Stegman noted the importance of considering the impacts on whatever community the coal ash would be sent to and she requested additional information on that.

Mr. Bassett replied that staff would work to make sure that the Town was not creating environmental injustices with whatever path the Council chose.

Council Member Bell pointed out that the Council was not being asked to make a Brownfields agreement but was only considering applying to find out if the state would permit it to have one.

Mr. Bassett agreed, noting that the Town had already budgeted for a Brownfield agreement and would merely be finding out if the site would be eligible for that. Staff would then return with that and other information for a Council decision on the Brownfields Program versus voluntary remediation, he said.

Michael King, Winding Ridge Homeowners Association president, expressed objection to what he viewed as a rush to development. The Town would be taking property that had been used for the public good and giving it to a developer to build three, 6-story buildings, a parking deck, and egress onto a street that was currently mediated by speed bumps due to families living there, he said. Mr. King said that he would almost call that "tantamount to negligence" and he asked the Council to reconsider the issue.

Evelyne Huber, a Bolingwood Drive resident, agreed with Mr. King's comments and spoke in favor of re-purposing the existing building. She recommended leaving the cap and remove only the area close to Bolin Creek. Ms. Huber urged the Council to slow down and consider the property from a public use and environmental quality point of view.

Nick Torrey, representing the Southern Environmental Law Center and speaking on behalf of Friends of Bolin Creek, offered several arguments for waiting to get more information. He acknowledged that applying for eligibility would not commit the Town to a final Brownfields agreement, but said that proceeding would build momentum for an approach that would leave the coal ash in place and do the bare minimum that the DEQ required.

Mr. Torrey noted that a letter from citizens asking the Council to hold off and first look at other options had been submitted to the Town. He said that creating a remediation plan that would look at multiple alternatives and include public comment would be the right approach. Mr. Torrey asked the Council to require a full evaluation of remediation options before starting the Brownfields process.

Jeff Charles, a toxicologist and Chapel Hill resident, asked why public



safety in removing contamination had not been addressed along with liability. The Council should consider long term public safety, he said, and he asked why the Town had not consulted with UNC's School of Public Health and other sources about the health effects and long-term safety of redeveloping the site.

Sonia Dasai, a Chapel Hill resident, agreed with others that expertise had not been sought and asked that the opinion of those who had done ground water and soil sampling and testing be included. She also asked that those results be made available to the public.

Mayor Hemminger pointed out such information was available on the Town's website.

Ms. Dasai also asked to see an analysis by health professionals and people who have done health surveys in towns where data on long-term health impacts was available. She said that she would like to hear a brief explanation about what coal ash is and what it does to the body, and she listed several illnesses that coal ash can cause. This was a case where moral law should take precedence where legal law fails, said Ms. Dasai.

Ms. Hutchby stated that not enough complicated questions had been answered for the Council to make a proper decision. She stressed the importance of putting citizens' health and safety ahead of development and recommended that the Council vote against the resolution or postpone its decision.

Council Member Oates confirmed with Mr. Bassett that an option to restore and reuse the police station had been dropped because the cost of making it fully usable would be equal to constructing a new building. Mr. Bassett explained that going forward with Brownfields consideration would not commit the Town to anything and seemed like a logical next step.

Council Member Oates proposed waiting until after UNC students had made a presentation to Council in three weeks.

Town Manager Maurice Jones said that it would be useful for staff to see the students' report before it was presented to Council.

Council Member Oates wondered if there was any particular reason why the Council needed to pass the resolution tonight. She mentioned several costs related to the application.

Mr. Bassett replied that the \$7,500 for the initial determination had already been budgeted and that the Council would decide whether to spend more money later on. He said that the Town had been working with DEQ for a number of years to arrive at the current point and that staff and consultant teams had agreed that applying for consideration for the Brownfields Program would be the next logical step in the process. Once

DEQ responded to that, then the Council would determine whether to pursue Brownfields and whether to do a full clean up or partial remediation, he said.

Council Member Oates said there seemed to be a disconnect in saying that building on coal ash is safe but there cannot be a park or first floor housing there.

Mr. Hart replied that the DEQ would ensure that the site was safe for its intended use, as part of the Brownfields process.

Council Member Oates confirmed with Mr. Hart that a park could be built at the site without removing all of the contamination and that there should not be any restriction on first-floor residential.

Mr. Bassett interjected that DEQ officials had told him not to request a park or first floor residential. He acknowledged, however, that view could have changed since that time.

Council Member Oates pointed out that some had said that having any remaining toxicity was a health hazard and others had said it was safe to just cap it off.

Mr. Hart replied that the NC toxicologist who had looked at the data had determined that there was no unacceptable risk to people using the Bolin Creek Trail. The upland areas were primarily paved with asphalt and a cap, he said. No one was using groundwater in the immediate area, so there was no risk of someone being in contact with that, said Mr. Hart.

Council Member Oates replied that it would be worth having an information meeting with experts, so the Council could have a full idea of what it was dealing with. She pointed out that there was no deadline for the decision.

Mr. Richardson replied that staff intended to include such expert testimony in the additional public meetings that he had mentioned.

Council Member Parker said that the Brownfields regulatory path offered the Town a level of protection that the voluntary path would not. And it would relieve the Town of any potential liability, he said.

Mayor pro tem Anderson said that she had no objection to applying for eligibility. She recommended listing a broad array of uses, since the Town did not yet know what it wanted to do there. The community needed to figure out what remediation it needed and not let a developer lead the way on that, she said. The clean up would have to be something between the state minimum and total remediation, said Mayor pro tem Anderson.

Council Member Buansi asked if there was a time in which the Council

needed to act, if it learned it was eligible for the Brownfields Program.

Mr. Hart clarified that the Town would not have to pay to apply for eligibility and that the \$7,500 fee would only be for proceeding after that point. If the Town received eligibility, it could wait, but it would typically be taken off the list of eligible sites after a year, he said. Mr. Hart pointed out that the Town could pick the application up again as long as the uses were still the same.

Council Member Buansi said that he had worked as an advocate for environmental justice and was sensitive to citizens' concerns. He had worked with communities that had been intentionally misled, but he did not think that was what was going on in Chapel Hill, he said. Council Member Buansi emphasized that applying for a letter of eligibility did not mean committing to the Brownfields program. He wanted to know what the options were and wanted to get more public input and more information, he said.

Council Member Bell said that the Town had been discussing the site for five years and had done more testing, discussing, and information-gathering than was necessary. There was one developer who wanted to work with the Town, and the goal of Brownfields would be to provide more options and not be tied down to one developer, she pointed out. If the Town were to send the eligibility request to the DEQ, it would still take years to address the complicated issue on that site, said Council Member Bell. She noted that the Town had an ethical responsibility for its citizens. The council had only discussed costs, but was trying to create an environment where citizens would be safe, she said.

Mayor Hemminger pointed out that there would be many opportunities for more dialogue. The specific item before the Council was whether it wanted to find out if it was eligible for the Brownfields Program, she said. She added that she did want that information and she pointed out that the Town would not be making a commitment to the rest of the process.

Council Member Parker moved Resolution 10 for "mixed use" and Mayor pro tem Anderson suggested a friendly amendment to add more than one use on the application. Mayor Hemminger confirmed with Mr. Hart that the use could change at any point in the application process.

Council Member Gu verified with Mr. Hart that the criteria for eligibility was a state determination that the site had actual or perceived contamination and had been abandoned or underutilized.

Mayor pro tem Anderson confirmed with Mr. Hart that the Town could check many of the boxes regarding use on the application for eligibility.

Council Member Gu asked what remediation was available for Bolin Creek and Bolin Creek Trail.

Mr. Bassett replied that applying for eligibility with all of the boxes checked would mean applying for the entire site, not parceling it off.

Mr. Hart added that the Town could subdivide the site after it receives a Brownfields agreement and the agreement would still apply to both property owners.

Council Member Oates emphasized that the Council would be voting only on applying for eligibility, not for developing anything. The goal was simply to find out what the options were and it would not cost anything, she said.

Mayor Hemminger noted that the Council had requested that the Environmental Sustainability Advisory Board and the Stormwater Advisory Board hold their meetings first so that information from those could be passed on to the other boards and commissions. In addition, staff had been asked to come back with information about possible options between capping and complete contamination removal, she said.

A motion was made by Council Member Parker, seconded by Council Member Bell, that R-10 be adopted as amended. The motion carried by the following vote:

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

**Nay:** 1 - Council Member Gu

13. Open the Public Hearing: Application for Land Use Management Ordinance Text Amendment -Self-Storage Facility, Conditioned, and Floor Area Ratio Adjustment for Office/Institutional-2 (OI-2) Zoning District.

[\[18-0816\]](#)

Item 13 moved to October 17 due to lateness of the hour.

## **APPOINTMENTS**

14. Appointments to the Chapel Hill Cultural Arts Commission.

[\[18-0817\]](#)

The Council appointed Janice A. Farringer, Jennifer Lawson, Dianne Pledger, and Megan A. Winget to the Chapel Hill Cultural Arts Commission.

15. Appointment to the Housing Advisory Board.

[\[18-0818\]](#)

The Council appointed Dawna Jones to the Housing Advisory Board.

**ADJOURNMENT**

The meeting was adjourned at 11:21 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 Karen Stegman  
Council Member Rachel Schaevitz

**Wednesday, October 17, 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 Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Planning and Development Services Director Ben Hitchings, Operations Manager Judy Johnson, Fire Inspector Donnie Morrissey, Deputy Town Clerk Amy Harvey

### OPENING

Proclamation: Reduce Single Use Plastics Month.

[\[18-0851\]](#)

Mayor Hemminger opened the meeting at 7:00 pm and read a proclamation that encouraged Orange County citizens to use better environmental practices. She pointed out that single-use plastics were not recyclable and that even plastic bags remained in the environment indefinitely. She said that October 2018 was Reduce Single Use Plastics Month and that March 2019 would be Skip the Straw Month in Chapel Hill. Several local restaurants had already switched to paper straws and many citizens were using their own recyclable grocery bags, Mayor Hemminger pointed out.

Muriel Williman, representing Orange County Solid Waste Management (SWM), expressed delight that the Council was taking the "proud and bold" step that she had been teaching about and hoping for for 20 years, she said. Ms. Williman stressed the importance of addressing the proliferation of plastics in the environment and said that SWM would support individuals and community groups in that effort.

## 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.

## PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA

- a. Corey Williams of US Small Business Administration Office of Disaster Assistance.

[\[18-0852\]](#)

Corey Williams, a public information officer with the U.S. Small Business Administration's Office of Disaster Assistance presented information on what was being done to help businesses in Town recover from recent hurricane damage. He said that the Federal Emergency Management Administration (FEMA) had added Orange County to a declaration that allowed businesses, homeowners, renters and non-profits to be eligible for disaster assistance.

Mr. Williams outlined the steps for citizens to register for assistance by contacting [disasterassistance.gov](http://disasterassistance.gov) or calling FEMA at 1-800-621-3362 and discussed deadlines. He said that businesses and homeowners could borrow up to \$2 million and \$200,000, respectively, and provided additional details about those loans. Mr. Williams said that homeowners and renters could also borrow up to \$40,000 for personal property losses and that non-profits could apply for up to \$2 million.

Mayor Hemminger said she was grateful that Orange County had been included and pointed out that information would be available on the Town's website.

## ANNOUNCEMENTS BY COUNCIL MEMBERS

- a. Mayor Hemminger Regarding Tanyard Branch Trail New Bridge Art Ribbon Cutting.

[\[18-0853\]](#)

Mayor Hemminger said that a ribbon-cutting ceremony for a new art installation along the pedestrian bridge at Tanyard Branch Trail would occur at 9:30 am on Saturday at Umstead Park.

- b. Mayor Hemminger Regarding North-South Bus Rapid Transit Open Houses.

[\[18-0854\]](#)

Mayor Hemminger announced that the Bus Rapid Transit open houses would be held on Monday, from 5:00 to 7:00 pm, and Tuesday from 11:00 am to 1:00 pm. She encouraged citizens to check the website for other times and locations.

c. Mayor Hemminger Regarding Dunkin Donuts Drive-thru Public Information Meeting.

[\[18-0855\]](#)

Mayor Hemminger said that a public information meeting regarding the addition of a Dunkin Donuts drive-through on Franklin Street would be held on October 25, 2018 at 5:15 pm at Town Hall.

d. Council Member Anderson Regarding Early Voting.

[\[18-0856\]](#)

Mayor pro tem Anderson reminded citizens that early, mid-term voting had begun and urged citizens to bring family, friends and neighbors to voting places and drive others who need a ride to the polls.

Mayor Hemminger mentioned that the Town had an affordable housing bond referendum on the ballot. She pointed out that it was at the end, following six statewide amendments.

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

1. Approve all Consent Agenda Items.

[\[18-0820\]](#)

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

2. Award a Bid and Authorize the Town Manager to Execute a Contract for the Hillsborough Street Reconstruction Project.

[\[18-0821\]](#)

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

2.1 Amend the 2018 Council Calendar.

[\[18-0840\]](#)

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

## DISCUSSION

3. Open the Public Hearing: Application for Land Use Management Ordinance Text Amendment -Self-Storage Facility, Conditioned, and Floor Area Ratio Adjustment for Office/Institutional-2 (OI-2)

[\[18-0822\]](#)



**Zoning District. \*\* Reissued from 10/10/18 \*\***

Judy Johnson, operations manager with the Planning Department, gave a PowerPoint overview of the proposed text amendment. She discussed allowing conditioned self-storage as a special use in the Office Institutional (OI-2) zoning district and showed where those districts were sprinkled throughout Town. She explained that making the proposed change in floor area ratio for the Vilcom Property on Weaver Dairy Road would create a new standard in the Land Use Management Ordinance (LUMO) that would allow the change in all OI-2 districts.

Ms. Johnson explained the applicant's proposal to increase the floor area ratio from 0.264 to 0.290 would allow some progression in intensity. Staff was in the process of researching what the Town's floor area ratio had originally been based on in 1991 and hoped to present more complete information when the item returned in November, 2018, she said.

Ms. Johnson explained that enacting the change would require a public process and would increase the development potential of OI-2 properties. She recommended that the Council open the public hearing, hear public comments, and then recess the hearing to November 28, 2018 for Council action.

Council Member Parker confirmed with Ms. Johnson that any application would require a special use permit (SUP), regardless of its square footage, and could be addressed through a Special Use Permit (SUP), Conditional Zoning (CZ), or Development Agreement (DA) process.

Council Member Oates asked about the "negative activities" mentioned in the staff memo.

Ms. Johnson explained that some members of the public had expressed concern about noise, aesthetics, lighting and the fact that a storage facility might be less engaged with the street than other properties would be.

Dixon Pitt, the applicant, explained the objective of turning a third building at the Vilcom Center on Weaver Dairy Road into a storage facility that would look from the outside like the other two office buildings on that site. He described existing conditions, showed views from the road, discussed proposed elevations, and displayed renderings to show how the finished building would look.

Council Member Oates asked how the concept addressed a Planning Commission (PC) request that the applicant consider making changes that would allow the building to be converted to other uses in the future.

Mr. Pitt replied that it was difficult to envision what the building could be turned into. He pointed out that the interior would not be built like a

residential or office building and would be difficult to retrofit for such uses later.

Council Member Oates asked about installing glass in the glass-less areas that would be designed to look like windows.

Mr. Pitt replied that having real windows could harm the storage units. It would not make sense to do that at the current time, but he could not answer with regard to 20 years into the future, he said.

Ms. Gu expressed concern about having a blank wall facing multi-family townhouses to the north. She asked if there was a way to make the window insets on that side of the building look more like real windows.

Mr. Pitt replied that the goal of having a required "Type D" buffer at that location was to prevent those residents from seeing the building at all.

Council Member Gu advocated for having the surface of the building look more like an office or institution, since that was the zone in which the storage was being proposed.

Mr. Pitt replied said that he would look at the possibility of putting actual glass windows at the rear of the building.

Council Member Anderson confirmed with Ms. Johnson that the text amendment would apply to all properties zoned OI-2, not just the specific project being shown. She questioned the wisdom of changing the floor area ratio for all of those parcels if Vilcom was the only one that wanted additional floor area. Couldn't the Council just make the change as part of Vilcon's SUP process, she asked.

Ms. Johnson replied that the floor area ratio was not something the Town had allowed as a modification to regulations. She agreed to bring back a response to Mayor pro tem Anderson's thoughts and concerns on November 28, 2018.

Council Member Gu verified that the additional floor area ratio would not only apply to storage space and could be used to expand buildings zoned OI-2 for other uses as well.

Council Member Parker said that he did not object to the change but would like to hear a better rationale for the number, which was not necessarily a good solution for the entire Town. He also asked staff to re-look at whether the 200-foot setback could be an intervening piece of property. Otherwise, it would imply a very large lot, which might not be the case elsewhere, he said.

Council Member Stegman also requested more information on how the floor area numbers had been determined and she recommended finding a

balance regarding setback restrictions.

Mayor pro tem Anderson argued that changing the LUMO based on one project was not the right approach. She wondered how the LUMO rewrite would come into play as the Council looked at comprehensive uses across Town, she said.

Council Member Oates pointed out that citizens often complain about light intrusion and said that not having windows on the back side seemed fine with her. She shared others' concerns about changing the floor area ratio for all of OI-2 across town. However, she said that it seemed like a good use for the Vilcom parcel.

Council Member Buansi asked staff to bring back more information on the history of floor area ratio changes and the rationale for the current ratio.

Mayor Hemminger pointed out that the Council had had in depth discussions about self-storage and having the first floors activated when close to the street. She asked for more information about the 200-foot buffer and regulations regarding ground floor self-storage that is not close to the street. She suggested finding out what other communities were doing with regard to floor area ratio in OI-2 districts. Mayor Hemminger said that she was fine with the proposed project but not with making the change in OI-2 districts throughout Town.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that the Public Hearing be continued to November 28, 2018. The motion carried by a unanimous vote.

4. Consider Authorizing the Town Manager to Act on the Council Committee on Boards and Commissions Recommendations and Call a Public Hearing to Amend Subsections of Articles 8.3 and 8.4 in the Land Use Management Ordinance.

[\[18-0823\]](#)

Town Manager Maurice Jones said that the Council had considered changing aspects of the Town's advisory board process during a September 2018 meeting. Those changes would include alignment, length of term, attendance, and the Historic District Commission's (HDC) resident seat on the Community Design Commission (CDC), he said. Mr. Jones explained that Resolution 3, which would authorize staff to call a public hearing for November 14, 2018, conduct the advisory board review process required for LUMO text amendments, and return with a proposed amendment to the policy and relevant sections of the Town Code.

Council Member Oates confirmed with Mr. Jones that there would be a chance to notify the Cemeteries Board that it was being terminated and to encourage those members to participate in the public hearing, if they chose. She asked if boards with fewer than nine members would have problems reaching a quorum if those who left were not replaced, and Mr.

Jones agreed to look into that.

Council Member Buansi said that he would like members of the Cemetery Advisory Board to have a chance to comment during the public hearing process.

Mayor Hemminger pointed out that the Cemetery Board had only two current members and that the Town traditionally had trouble filling those seats. She also mentioned a letter from HDC members that asked for their membership to be changed from ten to nine because of tie situations. That change would go into effect in June, Mayor Hemminger said, and the Council agreed to amend the resolution accordingly.

Mayor pro tem Anderson confirmed with Mayor Hemminger that removing a member with poor attendance was automatic and no longer needed Council approval. With regard to CDC changes, she confirmed with Mr. Jones that place-making would be included in green design.

Council Member Stegman verified that extenuating circumstances would be considered and a process would be followed before any board member would be asked to leave.

Mayor Hemminger pointed out that the Council was not voting to make any changes, but only to clarify the amendment's language before taking it to Town boards.

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

### **CONCEPT PLAN REVIEWS**

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

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

As a courtesy to others, 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.

5. Concept Plan Review: Obey Meadows Subdivision, 1609 US 15-501 S.

[\[18-0824\]](#)

Director of Planning and Development Services Ben Hitchings gave a brief PowerPoint description of a proposal to subdivide four lots into 11 new ones for 12 single-family homes, with one lot having two smaller affordable homes on it. In a PowerPoint presentation, he showed the location on Highway 15-501 and noted that the land was located outside the Town's jurisdictional boundary but within its extraterritorial jurisdiction.

Mr. Hitchings showed the proposed boundaries for Obey Meadows, discussed its topography, and described the applicant's proposal to create a road and a cul de sac. He said that existing zoning was Residential/Low Density 1.

Mr. Hitchings said that the CDC had expressed concern about stormwater runoff, had recommended that the applicant provide a walking trail, and had suggested clustering the homes on one portion of the site. The CDC had also recommended limiting tree clearing, and adjusting the road's location to line up with a driveway on the other side of Highway 15-501, he said.

Mr. Hitchings noted that the Housing Advisory Board (HAB) had suggested that the applicant check with Community Home Trust regarding affordable housing (AH) needs and had proposed using three- or four-bedroom units rather than two-bedrooms. Mr. Hitchings recommended that the Council adopt Resolution A, transmitting comments to applicant.

Council Member Parker confirmed with Mr. Hitchings that clustering would depend on the soil's ability to perk and on how small the lots could be.

Mayor Hemminger asked how far the site was from where the Town's Mobility and Connectivity Plan ended.

Mr. Hitchings showed a multi-use trail on both sides of Highway 15-501 that extended almost to the area in question. He said that the Town envisioned completely extending it to that area.

Mayor Hemminger pointed out that a parcel the Town hoped to be considering for AH was across the street from the proposed Obey Meadows subdivision. She asked staff to bring back more information about bus service to that area.

Wendi Ramsden, a landscape architect with Coulter Jewell Thames, provided details about the project and pointed out that the land included three highland areas and two valleys, with no flat land. She said that 14 of Obey Meadows's nearly 34 acres were in a Resource Conservation District (RCD) zone and could not be developed.

Ms. Ramsden showed pictures of the frontage, which included a concrete median, and said she had been told that access would need to be right-in/right-out. However, the applicant intended to work with the NC Department of Transportation (DOT) to reach an agreement on a left-in entry drive, she said. Ms. Ramsden noted that a proposed road might cross a small creek. She said that septic fields could handle three- and four-bedroom homes, but it was not yet known what size the houses would be.

Ms. Ramsden showed a proposed layout. Based on the zoning, 16-17 homes could be built there, but having to use septic fields would limit that number, she said. The Community Home Trust had said that each AH home would need its lot and had proposed having one larger home, she said.

Ms. Ramsden pointed out two modification requests, pertaining to lot width/frontage and to the active recreation space requirement, and explained the reasons for those requests. Regarding Council Member Parker's question about septic systems, she described problems with the terrain and explained why having a cul de sac with five or six homes on it and the other homes spread out was the best plan.

Council Member Oates asked about price-points for homes, but Ms. Ramsden said that the applicant, who was not a builder, planned to subdivide and sell the lots to individual builders for each home. Eight of the 11 lots would accommodate four-bedroom homes, and three would accommodate three-bedrooms, she said.

Council Member Buansi ascertained from Ms. Ramsden that the Community Home Trust had recommended that the affordable homes be single-family, detached houses like the others. However, they probably would not be as large as the other homes, Ms. Ramsden said.

Council Member Stegman verified with Ms. Ramsden that the possibility of an AH duplex had not been ruled out after feedback from the Community Home Trust.

Council Member Gu confirmed with Ms. Ramsden that the applicant had not yet worked out how many trees would be cut down but had done a tree survey, which was included under "existing conditions" in a packet that the applicant had submitted to the Planning Department.

Council Member Gu asked about stormwater considerations, and Ms. Ramsden replied that an analysis had not yet begun. However, the applicant did understand his responsibility to mitigate any disturbance, she said.

Council Member Parker confirmed that, without a cut in the median, access

to the site would require driving past it on Highway 15-501 and making a U-turn to come back, as others in the neighborhood were currently doing.

Council Member Schaevitz asked if the plan was to mimic the South Grove neighborhood in some way, but Ms. Ramsden replied that it was too early in the process to know how the houses would look. Council Member Schaevitz confirmed with her that being able to have the active recreation component waived would enable the applicant to leave more trees and maintain more pervious surface.

Mayor pro tem Anderson verified that the applicant's current request was for feedback on waiving the recreation requirement and that the applicant was not suggesting a payment in lieu.

Jacques EL Chayeb, a Wave Road property owner, said that his neighborhood of about 20 homes was approximately 200 feet from the property line of the proposed project. He explained that those from his neighborhood as well must make the U-turn on Highway 15-501 when driving to their homes. That is a major safety problem, he said, adding that he had seen many cars stuck in the mud at that location and that the area was too narrow for a fire truck to make the turn. Mr. El Chayeb stressed the importance of having the DOT build a "junction crossover lane," which would alleviate the problem, he said.

Mayor Hemminger asked Mr. El Chayeb to leave his contact information so the Council could pass his comments on to staff and the DOT.

Council Member Schaevitz expressed concern about having one house so close to Highway 15-501 and asked for more information about that distance and what the buffer might be like.

Council Member Buansi agreed with the Community Home Trust's view of the importance of AH residence feeling integrated into their neighborhood. Having two smaller houses on one lot might cause them to feel unequal, he said, and he strongly recommended putting the AH house on its own lot.

Council Member Parker asked staff to bring back information on how the Town could ensure that the AH building standards would be similar to the other homes and integrated into the community.

Council Member Oates said that she was less concerned than other Council members about the AH homes looking like the other houses. Two townhomes might meet the requirements for safe, affordable homes, she said. She expressed concern about the potential house near Highway 15-501, however, and predicted that it would be difficult to sell. She would not want that to be the affordable unit, and it might be better to have a different use for that area, she said.

Mayor pro tem Anderson expressed strong interest in seeing price points.

Mayor Hemminger said she agreed with many of the CDC's comments. She understood the active recreation request and thought that a greenway might be considered a Parks and Recreation amenity, she said. She spoke in favor of some kind of mobility connection, such as multi-modal path, and pointed out that adding one would cause the area in the front of Obey Meadows to be looked at differently.

Mayor Hemminger recommended yielding to the Community Home Trust's opinion regarding AH. She pointed out that the lots were different shapes and sizes and would have different builders, so the look and feel of every house would likely be different anyway. The site's slopes and streams posed challenges but were also great amenities, she pointed out. Mayor Hemminger said, in summary, that the Council was concerned about the one house being too close to Highway 15-501, wanted to know what the buffering would look like, and wanted the developer to be careful about clear-cutting trees, especially on steep slopes

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

**6. Concept Plan Review: 101-111 Erwin Road Mixed-Use Development.**

**[18-0825]**

Mr. Hitchings gave a brief PowerPoint overview of a concept plan for a multi-family residential development with 140 dwelling units and a 5-story, 50-room expansion of a nearby hotel. The area was currently zoned Residential 3C and Residential 2, he said, noting other zoning near the area ranged from Residential 2 to Residential 4. Mr. Hitchings showed the site on a map and listed comments, concerns, and requests from the CDC and the HAB. The proposed project would necessitate a rezoning, he said, and he recommended that the Council adopt Resolution A, transmitting comments to applicant.

Mayor pro tem Anderson confirmed with Mr. Hitchings that previous agreements that the CDC had referenced pertained to a situation in 2009 in which the Town and applicant had negotiated to provide an \$85,000 payment in lieu for AH. She confirmed with him that a concept plan the Council had seen about a year prior had planned for the multi-family units to be more toward the edge of the northern parcel.

Mayor Hemminger asked if the concept plan the Council had seen had been 48 or 54 townhomes, and Mr. Hitchings proposed that the applicant address such specifics.

Land Development Consultant Scott Radway provided background information on the concept plan. He said that it had previously made it



through to a development application but that the applicant had then become frustrated with the process and removed the application. That concept had been for a combination of townhomes and single-family units, split about evenly along the 5.5 acres near the pond and did not include the hotel property, he said.

Mayor Hemminger confirmed that the applicant had volunteered an AH unit even though the Town had not required it at that time. However, five years later, when the hotel was under construction, the Town had decided that it was not a good place for AH and accepted a payment in lieu instead, she explained.

Mr. Radway described the current concept plan for multi-family home ownership and a hotel expansion. He said that the project's primary goals were to expand the hotel, assure high-quality development, and build multi-family next to the hotel. After several failed proposals from others, the applicants had decided to do it themselves, he said. He described a development that would provide AH, be the same scale as its neighbors, solve drainage and flooding problems, and complete the Erwin Road infrastructure with bike lanes and sidewalks.

Mr. Radway discussed development plans for surrounding properties and described the area as a reasonably complex corridor with a good mix of uses. He said that the developer would try to resolve the area's flooding issues in the design. He reviewed the concept plan review process and displayed pictures showing how the plan had changed three times. It had become greener around the edges and more compact in the center, and the trade-off had been a four-story building rather than three stories, he said. Mr. Radway said that parking would be the maximum allowable and that some would be underneath a third of the dwelling units.

Council Member Parker confirmed with Mr. Radway that the applicant probably would ask for 0.8 parking spaces per hotel unit when the Town required a minimum of 0.9 spaces.

Council Member Oates asked where additional cars would go when the hotel filled up and where hotel staff would park.

Mr. Radway replied that staff had only been required to park elsewhere twice in 10 years of operation. He pointed out that a traffic study would be done in conjunction with a formal application.

Council Member Oates confirmed with Mr. Radway that the hotel had provided employees with a shuttle to and from University Place the couple of times that parking had filled up.

Council Member Buansi verified with Mr. Radway that the hotel's height would be about 46 feet, including a six-foot parapet wall at the top, and that the two residential buildings would be about 55 feet tall. Mr. Radway

added, however, that one building would be about 42 feet relative to the existing road surface and the other would be about 42 feet from grade up, with parking below.

Council Member Stegman confirmed with Mr. Radway that the total amount of impervious surface for the entire 17 acres would be below 35 percent. She also confirmed that the applicant could reduce surface parking if another level were added to the parking deck.

Council Member Gu asked for clarification of the the difference between the first and second concept plans, and Mr. Radway explained that the second plan was the one that the CDC had seen in August and had proposed changing. He reviewed several of the CDC's recommended changes and showed how the design had become more compact in the center as a result. He believed that the current concept had been squeezed about as much as possible while still having comfortable open space within the design, he said.

Mr. Radway commented that a DA or CZ process would be preferable because it would allow more discussion about design and trade-offs.

Harvey Krasny, an area resident, said that 578 residual units with an estimated 1,200 vehicles already existed in that small area on Erwin Road. He pointed out that the neighborhood was exclusively residential, with the exception of the hotel, which had several restrictions on it that were not intended to be altered.

Mr. Krasny submitted a handout that included a Town-authorized traffic study by a previous developer. That study had found that the level of service in the main connector would fail with more development, he said. He stated that the hotel had been a good neighbor but that it was now asking to change the zoning and combine properties in order to eliminate stipulations in its existing SUP. He provided background on the Town's interactions with the developer since 2003 and asked the Council to not rezone the land.

Linda Brown, a Summerfield Crossing resident, spoke about inappropriate scale and density and said that the proposed project would be seven times the density of the surrounding communities. Traffic at intersections already was at D and F levels, she said. Ms. Brown noted Summerfield Crossing's severe stormwater problem and said that the impact of more impervious surface could not be known without appropriate studies.

Rebecca Smith, Windhover HOA president, agreed with the previous speakers and said that everyone she had spoken with at Windhover Drive opposed the density, traffic, runoff, and demolition of trees. She expressed concern about reduced property values and said that a four- or five-story building would not be in character with the neighborhood.

Emily Johnson, a Windhover Drive resident, described traffic problems on Erwin Road and Highway 15-501 and said that cutting trees would add stormwater runoff to areas that were already failing.

Xiao Y Yang, discussed how the beautiful natural area and wildlife behind his house would disappear if the project were approved. It would all be replaced by a five-story building facing his home, he said.

Pamela Tekumalla, a manager at Booker Creek Townhomes, talked about the potential for worsening flooding and traffic issues and mentioned light pollution from the proposed development. A four-story building would decrease the value of homes and reduce the quality of life, she said.

Michael H. Hoppe, Windhover Drive resident, read from a letter that he had sent to the Town regarding current traffic problems and said that the onslaught of new development would make the situation worse. Mr. Hoppe asked to see any traffic impact analyses (TIAs) that had been done for that part of Town.

Mayor Hemminger explained that the Town did not do TIAs at the concept plan stage, but did do them at application time. She was not sure when the last study had been done on Highway 15-501, but did have the data sheet from Mr. Kransy, she said.

J.P. Shen, a Windhover Drive resident, discussed traffic problems and the potential impact on the environment and ecosystem if the project were developed. He said that the applicant's proposal was inconsistent with the Marriot's promise to the Council and neighborhood in 2003 that the building would not be taller than 45 feet. The Council had voted (9-1) against small changes in 2006 and now the applicant was proposing many more, he said.

Anne McGrath, a Summerfield Crossing resident, read a statement that described the homes and streets in the area and said the property proposed development would have a profound impact on the surrounding community with towering buildings that were not respectful to the area. In addition to height, density stormwater, and traffic concerns, Ms. McGrath said that trash collection and disposal was planned to be located in back near the neighboring community even though Marriott had been required in 2003 to put it near the front. Ms. McGrath said that neighbors wanted the property to be developed in harmony with its surrounding communities.

Jaden Mu, an Oxford road resident and sixth-grader at Smith Middle School, said that his family had moved to Chapel Hill a couple of years prior because they wanted to be close to trees and wildlife. He described all of the animals that he had only previously seen on TV and expressed fear about losing them. It would be cruel to take away their natural habitat, said Mr. Mu.

Yunjun Mu, speaking as well for Mark and Elizabeth Evans of Old Oxford Road, said that the concept had been improved but that neighbors did not think the proposed development belonged at that location. Mr. Jun said that no one was looking at the cumulative effect of approving projects. He also pointed out that the busy intersections also affected communities that were not within the notification boundary. A five-story complex sitting next to one- and two-story homes was an anomaly and the Town needed to plan for systematic, organic growth, he said.

John Figueirido, a Chapel Hill resident, explained that he was not in the notification zone but was speaking for himself and a number of families who were concerned about the development. The core issues were scale and density, traffic problems, impervious surface and flooding, environmental harm, and the visual impact, he said. Mr. Figueirido said that density had increased with each iteration of a concept that was fundamentally too dense, and he suggested that Concept 4 have 24 units and conform to its neighborhood.

Julie McClintock, representing CHALT (Chapel Hill Alliance for a Livable Town), said that it would set a bad precedent if this proposal were to upend the conditional use zoning permit process. She addressed traffic concerns and said that the Council had a moral responsibility to figure out what to do about Highway 15-501 before approving any more development.

Ms. McClintock said that the concept plan review process was deeply flawed and needed to be fixed. She discussed potential flooding issues and asked how many times developers have promised solutions that had not worked. A Booker Creek Study had recommended \$30 million worth of improvements and the Town had only been able to afford \$5 million of them, she pointed out, and she asked the Council to consider stormwater issues up front.

Lindsay Garrison, a Kirkwood resident, said that the proposed concept was so far out of scale that it was misleading regarding the density that would be there. The project would dwarf nearby neighborhoods and change the quality of those residents' lives, she said.

Xilong Zhao, a Windhover resident, agreed with points that others had made and said that the proposed concept plan ignored impacts on local environment, air pollution, noise, traffic, school capacity, and more. He said that having actual numbers to look at would be very important.

Martha Hauptman, a Kirkwood resident, said that she had moved to the "The Southern Part of Heaven" 10 years prior because of the Town's forest and open spaces and woods, but was now only seeing more and more buildings and traffic in the area. Having 198 parking spaces for residents, plus hotel parking, would mean many more cars, she said.

Council Member Bell said she wondered what the Council had said that had led the applicant to take the project in its current direction. She had been on the previous Council and could not recall any comments that would have supported the proposal, she said.

Council Member Bell said she was having a hard time seeing how the current concept fit in at that location and was concerned about traffic. She was not sure what the redevelopment of the Marriott and development of the property behind it had to do with each other and wanted to know if the hotel addition would happen without additional housing, she said. Council Member Bell said that the prior concept had been more tolerable regarding scale and that the proposed project was not a good fit for Highway 15-501.

Mr. Parker agreed that the project was not a bad project but was out of scale and did not fit at the location. Having two entrances with people trying to make left turns into the property, particularly when traffic is busy, would create a nightmare, he said.

Mayor pro tem Anderson agreed with Council Members Bell and Parker, and noted the Council's obligation to respect people and places that already exist. There would be a place for increased density over time that is realistic vis a vis existing infrastructure, but the proposed concept plan did not represent what that would look like, she said. Ms. Anderson also noted her confusion on the connection between the hotel and residential structure stating that it seemed like a "bait and switch."

Council Member Oates expressed concern about rezoning families out of the Town and said she wanted to see projects that attract families. Even though the proposal was for condos, it was an apartment style building and too dense for the area, she said. She advocated for finding out what type of housing the Town needed, especially AH. Council Member Oates asked for more information about the pond, pointing out that building over a spring-fed pond could lead to mold problems. She also mentioned traffic issues and wondered if two-bedroom AH units were what the Town really needed for families.

Council Member Schaevitz agreed with others regarding scale and said she did not see value in adding more multifamily housing at that site. However, she was not opposed to other types of development in that area, she said. She pointed out that the Town was addressing flooding at Eastgate by being very careful and thoughtful about development it could control.

Council Member Buansi agreed with what others had said about scale and traffic. He said that he liked the neighborhood's diversity and was concerned that the proposed project would upset its harmonious nature.

Council Member Stegman said that the Town needed a mix of housing types for different people at different stages of life and that there was a great mix in the neighborhood being discussed. Density did have a place in Town but the degree being proposed was not appropriate for the property, she said. She mentioned traffic and stormwater issues and said she would like to see a project that was more in scale with Kirkwood and Summerfield Crossing.

Council Member Gu agreed with others Council members' comments and said she did not see a need for the project, from a marketing standpoint. She pointed out that density needed to be in the right place and maintain a community's characteristics. The Council needed to have a more holistic understanding of the cumulative impacts of development and a comprehensive evaluation of how much traffic Highway 15-501 could handle, she said.

Mayor Hemminger agreed with what Council members had said and talked about "the missing middle" of townhomes and condos that the Town needed. She had recently learned that Chapel Hill was over capacity for hotels, she said. Mayor Hemminger expressed reluctance to open up an already approved SUP to add more density. She encouraged the applicant to think differently and said that the previous proposal had a lot of merit. Mayor Hemminger proposed that the Town look at possibilities for mitigating stormwater on the property prior to any development there.

Mr. Radway thanked the Mayor and Council for their comments, observations, and direction. He asked if the applicant would have to wait another nine months before it could return with a better concept plan.

Mayor Hemminger replied that the Council was hearing what he was saying but was also hearing about wearing out a neighborhood that was constantly having to come back too soon. The Town hoped to find a balance that would make the process work better for all, she said.

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

## **APPOINTMENTS**

### **7. Appointments to the Historic District Commission.**

[\[18-0826\]](#)

The council appointed David Schwartz to the Historic District Commission.

## **ADJOURNMENT**

The meeting adjourned at 10:44 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 Karen Stegman  
Council Member Rachel Schaevitz

**Wednesday, October 24, 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 Maurice Jones, Deputy Town Manager Florentine Miller, Assistant Town Manager Mary Jane Nirdlinger, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Planning and Development Services Director Ben Hitchings, Operations Manager Judy Johnson, Library Director and Executive Director for Community Arts & Culture Susan Brown, Assistant Director of Housing and Community Sarah Vinas, Affordable Housing Director Nate Broman-Fulks, Transportation Planning Manager Bergen Watterson, Captain Donnie Rhoads, Budget Analyst David Finley, Housing and Community Executive Director Loryn Clark, Legal Service Administrator Carolyn Worsley, Fire Inspector Greg Peeler, Deputy Town Clerk Amy Harvey

### OPENING

Videos: Celebrating Successes.

[\[18-0871\]](#)

a. Festifall Video.

[\[18-0872\]](#)

Mayor Hemminger opened the meeting at 7:00 pm and introduced two Celebrating Successes videos.

Council Member Schaevitz explained that Cultural Arts Commission Member Andrew Kornylak had made the first video regarding Festifall in collaboration with three media production students from the University of North Carolina at Chapel Hill (UNC). The video showed interviews with vendors, artists and others who had participated in that annual street fair.

b. Tiny Homes Video.

[\[18-0873\]](#)

Mayor Hemminger then introduced a Tiny Homes video and explained that Town staff and community members had built homes that were less than 400 square feet for residents transitioning from homelessness. The Town had provided a grant for the project, she said, and she named community members who had been supporters.

The Tiny Homes video, narrated by Reverend Lisa Fishbeck, showed the collaboration of volunteers to provide a model for affordable housing in the community. In the video, Rev. Fishbeck expressed hope that three small houses on Church of the Advocate land would provide a model for others in Town.

## 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.

[\[18-0857\]](#)

a. Justice in Action Committee Request Regarding a New Location for the Teen Center of Chapel Hill.

Tim Longest, representing Justice in Action Committee, spoke about a proposal from the Chapel Hill Youth Council regarding changing the Teen Center's location due to troubling conditions at its site. The petition asked the Council to work with Justice in Action and the Youth Council to explore other space options.

Mayor Hemminger said that the Council had already received a related petition and that she had recently met with the Teen Council regarding the situation. A meeting to explore options and opportunities had been scheduled for November and she would add Justice in Action to the list of participants, she said.

A motion was made by Council Member Oates, seconded by Council Member Parker, that this Petition be added to the petition regarding this topic submitted by the Teen Council. The motion carried by a unanimous vote.

b. Jeff Charles Regarding Extended Speaking Time for Individuals with Disabilities.

[\[18-0874\]](#)



Jeff Charles, a Chapel Hill resident who suffered from aphasia resulting from a stroke, asked the Council to add one minute to his and other disabled speakers' time when they addressed the Council at meetings.

Mayor Hemminger replied that she always allowed extra time when people call beforehand and ask for it and was happy to continue doing so.

A motion was made by Mayor pro tem Anderson, 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.

c. Jeff Charles Regarding Request for Traffic Impact Study on Homestead Road.

[\[18-0875\]](#)

Mr. Charles asked to revise a petition that he had previously submitted regarding a Homestead Road study. He asked to add a request that a traffic impact analysis be done from Martin Luther King Jr. Boulevard to Chapel Hill High School and that the Town not approve any more development until that study had been completed.

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

d. Elizabeth O'Nan Request for Extending Comment Period Regarding Proposed Permit for UNC Coal Power Plant.

[\[18-0876\]](#)

Elizabeth O'Nan requested that the Council consider an emergency resolution to hold a public hearing to discuss a proposed permit for a coal-powered plant at UNC. She said that such a plant would permit more pollution into the air and she asked the Council to extend the comment period for 60 days.

Mayor Hemminger read a statement from UNC regarding its process of renewing its permit for all of the emission that it controls with UNC's Environmental Health and Safety Group leading that effort. She said that the Town had been unaware of the situation and had not had time to arrange for UNC to attend the current Council meeting. However, the Town could ask UNC to come and explain, she said.

Mayor pro tem Anderson confirmed with Mayor Hemminger that she would send a letter to the Department of Environmental Quality asking for the comment period to be extended.

Ms. O'Nan noted that she had requested a public hearing as well.

Mayor Hemminger proposed a friendly amendment to have staff inquire about UNC's plans and ask UNC representatives to come and explain. She thanked Ms. O'Nan for bringing the information forward, since the Town had not been aware of the situation.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that the Council send a letter to North Carolina Department of Environmental Quality. The motion carried by a unanimous vote.

e. Susanna Dancy Regarding Town-Owned Properties in Southern Area.

[\[18-0877\]](#)

Mayor Hemminger said that a Susanna Dancy, a Chapel Hill resident, had petitioned the Council to review the Obey Creek Compass Committee's recommendations and the work product from Dover Cole and Associates regarding the Southern Village park and ride lot. Ms. Dancy asked that this be done prior to beginning negotiations over Town properties and that the Council evaluate the merits of creating a small area plan to guide its decisions, Mayor Hemminger said.

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

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

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Council Member Anderson Regarding Early Voting.

[\[18-0878\]](#)

Mayor pro tem Anderson reminded citizens that early voting had begun and would run through November 3rd. She pointed out that people could register on the same day that they vote and said that the Town's two voting sites were at the Chapel of the Cross and the Seymour Center.

b. Council Member Parker Regarding Orange County Artist Guild.

[\[18-0879\]](#)

Council Member Parker urged citizens to attend the Orange County Artists Guild's studio tour and holiday sale, which would be held on November 3-4 and November 10-11, 2018.

c. Council Member Buansi 14th Amendment Event.

[\[18-0880\]](#)

Council Member Buansi said that an event regarding the relevance of the 14th Amendment would be held on Friday at the Southern Human Services Center on Homestead Road from 4:00-6:30 pm, and he encouraged all to attend.

d. Mayor Hemminger Regarding Local Employers' Commitment to Using Alternative Modes of Transportation.

[\[18-0881\]](#)

Mayor Hemminger praised local organizations and employees for committing to using alternative modes of transportation.

- e. Mayor Hemminger Regarding Mildred Council Awards of Excellence.

[\[18-0882\]](#)

Mayor Hemminger pointed out that Go Chapel Hill had introduced the Mildred Council Awards of Excellence awards on that day.

- f. Mayor Hemminger Regarding Public Information Meeting for Dunkin' Donuts Drive-Thru.

[\[18-0883\]](#)

Mayor Hemminger said that a public information meeting regarding a Dunkin' Donuts drive-through would be held the following day at 5:15 pm in the first floor conference room at Town Hall.

- g. Mayor Hemminger Regarding Rogers Road Neighborhood Community Meeting.

[\[18-0884\]](#)

Mayor Hemminger announced that a Rogers Road Neighborhood Community Meeting regarding a zoning initiative would be held on October 30th from 6:30-8:00 pm in the RENA Community Center.

- h. Mayor Hemminger Regarding Halloween.

[\[18-0885\]](#)

Mayor Hemminger encourage citizens to ride Chapel Hill Transit to and from the upcoming Halloween festivities in the downtown. The celebration would be family-friendly event where everyone should feel safe and welcome -- so leave alcohol, weapons, or anything that looks like a weapon at home, she said.

- i. Mayor Hemminger Regarding Rashkis Field Trip at Town Hall.

[\[18-0886\]](#)

Mayor Hemminger said that 110 third-graders from Rashkis Elementary School would be visiting Town Hall the following day.

## 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.

[\[18-0858\]](#)

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

3. Approve Town Participation in the 2019 Wyland National Mayor's Challenge for Water Conservation.

[\[18-0859\]](#)

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

## **INFORMATION**

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

[\[18-0860\]](#)

This item was received as presented.

## **DISCUSSION**

5. Consider Inter Faith Council (IFC) Funding Request for the Food First Project.

[\[18-0861\]](#)

Executive Director for Housing and Community Loryn Clark explained that Items 5 and 6 would include a presentation regarding a request for funding for a Food First project, and an update on the future use of Historic Town Hall. Those two items were being presented together because their timing was connected, she said.

The two Food First Capital Campaign co-chairs then spoke. Robert Dowling, executive director of Community Home Trust, and former Chapel Hill Mayor Kevin Foy presented information on the Food First project. Mr. Foy outlined the long partnership between the Town and the Interfaith Council (IFC) and the efforts that IFC had made over the years to provide shelter and food to those in need. He outlined plans to build a new Food First building, which would include a kitchen and dining facilities.

Mr. Dowling provided more background on the \$5.3 million Food First campaign, which had begun in spring 2017. He said that \$4.3 million had been raised thus far and that \$500,000 of that needed to be matched in order to be viable. He pointed out that a request to the Town for \$300,000 had not been granted the previous year. Mr. Dowling asked if the Town could find \$75,000 in the current budget and for each of the next five years.

Council Member Oates confirmed with IFC Executive Director Jackie Jenks that the proposed building would have an emergency assistance program and showers and restroom facilities in addition to the kitchen, dining room and pantry.

Mr. Foy noted that a floor plan in the Council's packet showed a large community room. That would be a place for staff and clients to meet and share life experiences, and the IFC would open it up to the community as well, he said.

Council Member Stegman pointed out that a Town contribution to Food First could mean having less funds for other Town projects.

Town Manager Maurice Jones asked for time to look at the budget and

return with more information, if the Council was interested in responding to the funding request in the current year. There were several options, but the Council might need to discuss its priorities since Food First had not been budgeted, he pointed out.

Council Member Bell asked if a partnership with the food pantry at St. Joe's would end, and Mr. Foy replied that the plan was to expand, not eliminate, services, and that St. Joe's had been an excellent partner. Council Member Bell voiced strong support for the proposal and suggested thinking about it as prepaying into something that would have a multi-decade lifespan.

Council Member Gu said she supported the worthy cause but wondered if there was a standard way to process such requests.

Mr. Jones replied that the IFC had previously gone through the budgeting process but the project had not ultimately been approved for funding for that fiscal year.

Council Member Gu asked if there was an open period for collecting requests, and Mr. Jones and Mayor Hemminger explained the steps of the annual application process. Because the Food First's request was for a very large capital request and a multi-year commitment, it had not made it through that process, said Mayor Hemminger.

Council Member Parker characterized the project as hugely important and one that met a clear need. However, the Town had many worthy, non-profit projects, he said, and he wanted to understand what would differentiate this one from others. He did not think the Town had made cash contributions to capital campaigns in the past, said Council Member Parker, adding that he wondered about setting a new policy.

Mayor Hemminger replied that the Town had made a cash payment to the DHIC project, and Mr. Dowling said that the Town had also provided a significant amount of Community Development Block Grant (CDBG) funds plus \$40,000 from its own funds for building the IFC's Community House shelter.

Mr. Foy pointed out that the Town had also been supporting IFC through in kind contributions for almost 30 years. He noted that the IFC received no federal funding and did not sell anything to finance its operations in the way that other organizations did. The IFC deserved unique treatment because it was completely dependent on the community of people who believe, said Mr. Foy.

Council Member Buansi asked if there was an anticipated need for adjustments in the bus line or its frequency.

Mr. Foy replied that they had not yet thought about that, but it was a

good point.

Council Member Oates suggested getting a list of others who wanted contributions to capital campaigns so the Council could make a more informed and fair decision on who would get funded. She believed in a level playing field and would like to see it all moved to next year, she said.

Mayor Hemminger pointed out that the Town had already approved \$75,000 of CDBG money that had not been able to be transacted. So, the Town had already said that it wanted to find the money, she said. She proposed having the Manager bring back options for how to fund the project in current and in future years. The word would then be out, so the Town would get additional requests from others, she pointed out.

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

**6. Update: Historic Town Hall's Future Use as Community History Center.**

[\[18-0862\]](#)

Library Director Susan Brown, speaking as the Town's Arts and Culture director, provided an update on potential future use of Historic Town Hall as a history and culture center. She gave a brief PowerPoint review of the process, from a June 2016 petition to the Council's decision in November 2017 to use the building as such a center.

Ms. Brown provided an update on her efforts to review best practices, innovative approaches, and professional trends. She talked about visiting other communities, where she had built relationships, strengthened partnerships, and sought funding. Ms. Brown described some of the projects that might be included in the Community History Center, which would include past, present, and future projects working together. Next steps included applying for grants, engaging the community, and exploring capital and operational needs, she said.

Council Member Buansi confirmed that Town partnerships and projects would include the Town of Carrboro, Orange County, and UNC.

Jean Ranc, a Chapel Hill resident, said that she had previously requested putting a grocery store at Historic Town Hall site and still thought that would be wonderful to have such an enterprise downtown.

Council Member Gu praised the plan and said she hoped it would show the Town's current diversity as well. She asked how residents could become involved in the project.

Ms. Brown replied that including diversity was precisely the goal. She was

waiting to hear about a large Institute of Museum and Library Services (IMLS) grant and would do a broad formal process involving everyone if/when that came through, she said. In the meantime, citizens with ideas could contact her, said Ms. Brown.

Council Member Stegman expressed enthusiasm for the project and urged Ms. Brown to keep going and let her know how she could help.

Council Member Schaevitz confirmed with Ms. Brown that an invitation to apply for the IMLS grant was expected in December or January.

This item was received as presented.

**7. Update on Kidzu Letter of Intent.**

[\[18-0863\]](#)

Assistant Town Manager Mary Jane Nirdlinger gave a PowerPoint presentation, providing background on a June 2018 Council letter of intent to consider leasing a Southern Village site to Kidzu for a potential children's museum. The goal had been for both parties to work on a timetable and present a formal agreement in or before spring 2019, she said.

Ms. Nirdlinger pointed out that only feedback and direction was currently required. She said that questions included whether the Council was interested in staff soliciting interest from other parties and if the Town was interested in programming on this site.

Ms. Nirdlinger said that staff had provided answers to questions raised in a letter from the Obey Creek Compass Committee and wondered if the Council wanted Kidzu to incorporate ideas from existing studies while doing its site design. She noted that the letter of intent requested that the Town decide in May whether to move forward on a lease and entitlements.

Lisa Van Deman, executive director of Kidzu, described the proposed new museum and noted that the Mayor and Council had voted unanimously in June 2018 to sign the letter of intent and good faith agreement to negotiate a land lease for construction of a museum on Town-owned property. The agreement also included working toward presenting a formal agreement for approval in or prior to spring 2019.

Ms. Van Deman gave a PowerPoint update on Kidzu's efforts over the prior few months. She discussed the need for more museum space, the advantages of the proposed location, and the positive reaction from neighbors at Southern Village. She pointed out that Kidzu has collaborated extensively with partners and certainly envisions having many opportunities to do so with the new museum.

Steve Hess, a Kidzu board member and its Building Committee chair, continued the Powerpoint presentation. He showed a conceptual design

plan and said that Kidzu could easily put a 45,000-50,000 square-foot building with about 80 parking spaces (which could be expanded with an additional 75 spaces) on the site. Kidzu was having a feasibility study done to determine the highest and best use for the community at large, he said.

Council Member Parker confirmed with Ms. Van Deman that the current site plan did preserve space for a bridge connection to Obey Creek.

Council Member Bell asked if staff had formally solicited interest from other parties, and Ms. Nirdlinger replied that she recalled discussions about how the Town would have to go through a formal process if it wanted to develop on the park and ride lot because federal funding was involved. She agreed to return with more information about that.

Council Member Gu confirmed with Ms. Nirdlinger that the lease agreement being considered would be for 2.3 acres of land for 99 years but that a formal proposal for a lease on the property would come back in spring 2019. Council Member Gu also verified that the Town was not currently considering any financial aspect of the agreement. She asked what type of lease agreement staff was envisioning.

Ms. Van Deman provided background on Kidzu's negotiations with the Town over recent years and said that a 99-year lease was the typical language used in public/private partnerships.

Council Member Schaevitz asked about Kidzu's capital campaign, particularly with regard to construction.

Ms. Van Deman replied that current design work would provide initial cost estimates and parameters to build the campaign around.

Mayor pro tem Anderson asked Ms. Nirdlinger to bring back information on what the federal government process would involve if the Town wanted to redevelop the nearby park and ride.

Council Member Parker wondered if the Town and Kidzu should be thinking about building more on the site, if it could hold the level of density indicated in development scenarios in the Council's packets.

Ms. Nirdlinger suggested asking Kidzu to look at that and come back with a reply. She pointed out that those scenarios were for initial buildings with others to follow.

Mayor Hemminger confirmed with the applicant that Sumac Street was wide enough for alternative parking on both sides.

LeeAnn Swanekamp, a Chapel Hill resident, said she hoped the Kidzu team would find a way to include children who did not have a way to get



to the area or the money to attend regularly.

Ms. Van Deman replied that Kidzu was committed to serving all children throughout the community and that there were multiple ways to do that. Kidzu had already reached out to rural areas and would be launching two museum "pop-ups" in northern Orange County and potentially at the Hargraves Center and in Chatham County, she said.

Council Member Oates said she was pleased that the Town had been getting other ideas as well. Some people had expressed concern about not knowing that the Town was pursuing public/private partnerships, she said. She stated that 99 years was a long time and said she wondered how the Town would extricate itself from such a long lease if the use turned out to not be the best for the site. Council Member Oates stressed the importance of paying attention to where people would park if the park and ride lot were redeveloped.

Mayor pro tem Anderson said she was interested in learning if other parties wanted to be part of the project but was not interested in knowing if they want to do something totally different. She pointed out that Kidzu provided access for people who could not afford memberships. Kidzu was an important part of the community's identity and values, she said.

Mayor pro tem Anderson said she would like to see options other than the particular plan being shown, such as figuring out if Parks and Recreation might be involved. She proposed moving the building back so it would be more connected with the woods, noting that a "destination place" did not need to be seen from the highway. Mayor pro tem Anderson said that staff needed to be involved in determining the level of density and that she would like an urban designer to be involved as well.

Council Member Bell agreed with Mayor pro tem Anderson's comments and said that having a formal process for going out and finding others who might be interested would not be the best use of staff time. She was not crazy about the low level of density on the property and location, she said, and she asked staff if it would make sense to subdivide the property.

Council Member Gu agreed with what others had said and stated that she, too, would like to see a fuller utilization of the site -- not just with more programming, but with several buildings addressing different needs.

Council Member Buansi expressed support for incorporating information from the Obey Creek Compass Committee's report, within the context of the future land use map. If the Council ultimately approved the lease agreement, then he would suggest considering space for a teen center, he said, noting that two buses served the site and that the nearby park drew teens.

Council Member Schaevitz said that Kidzu was critical for Chapel Hill and that it needed more space. She believed that the new museum absolutely would be a draw and that the best thing the Town could do was plan for that by making sure visitors could get there and keep coming back, she remarked. She said that she would like to hear ideas for better incorporating existing commercial and allowing space for future businesses along Highway 15-501. If people were interested in a teen center or other collaboration, they should let Kidzu know, said Council Member Schaevitz.

Council Member Stegman agreed with the others' suggestions for a denser building and said that Kidzu would be an import draw for people from outside Town as well. She recommended moving ahead with plans as quickly as possible.

Mayor Hemminger proposed that Kidzu pull a working group together that would include developer D.R. Bryan and others in the Southern Village area to discuss a bigger plan. The Council wanted the building to be closer to Market Street, she said, and she questioned having a big cafe. The Council also wanted Kidzu to be closer to the park, if possible, she said.

Mayor Hemminger expressed hesitancy regarding a lease that would bind future councils for 99 years and said that 30-50 years would be more comfortable. She was not crazy about the current layout -- with its sea of parking close to the road -- and thought something better could be done, she said. She expressed support for a better integration into the park and said that parking on the street could alleviate the need for so much excess parking. Mayor Hemminger recommended looking at the project holistically and said that Kidzu did not have to wait until January to come back with more ideas.

Mr. Jones asked the Mayor to clarify whether the Council wanted staff to work only with Kidzu or continue soliciting other potential uses for the site.

Mayor Hemminger replied that the Council would like staff to work with Kidzu on finding a better fit, and possible partners. She said that there were partners right in the immediate area, however, such as D.R. Bryan's group and the Church group. If someone were to come forward on their own, then staff should listen, but there was no need for a formal process, Mayor Hemminger said.

Council Member Bell asked about possibly having an agreement similar to one that the Town had been negotiating with UNC.

Ms. Nirdlinger replied that it sounded like an option, based on current feedback.

This item was received as presented.

### *ZONING ATLAS AMENDMENT and SPECIAL USE PERMIT*

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

#### *ZONING ATLAS AMENDMENT*

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

8. Open the Public Hearing: Application for Zoning Atlas Amendment - Homestead Road Active Adult Housing, 2217 Homestead Road (Project #17-107).

[\[18-0864\]](#)

Operations Manager for Planning and Development Judy Johnson described the rezoning (ZAA) and special use permit (SUP) processes. She then gave a PowerPoint presentation on a proposed Active Adult Housing project at 2217 Homestead Road. The property was shown as medium residential (four-eight units per acre) and was currently zoned R-2, and the applicant was requesting that it be rezoned to R-5, Ms. Johnson said. She recommended that the Council open the public hearing, receive comments, and continue the public hearing to November 28, 2018.

Richard Gurlitz, the applicant, provided details on the proposal for a 190-unit, active adult retirement community that would be an age-restricted, moderately-priced rental project targeted to people in their 60s and 70s. The project would have specific amenities for that age group, he said. He pointed out that it would not be health-related and said there was no current rental community in Town for the proposed demographic.

Mr. Gurlitz described the mostly hardwood site and said that rezoning it to R-5 would make it like its neighbors to the north and east. He showed a site layout, discussed an HNTB traffic impact analysis (TIA), and listed economic advantages of having such a project in Town.

Mayor pro tem Anderson and Council Member Gu asked how the model was different from another retirement community on Estes Drive, and Mr. Gurlitz said that the other project provided meals and health related services and was for people who were less mobile.

Council Member Stegman confirmed with Mr. Gurlitz that the one-bedroom apartments would start at \$1,300 and the two-bedroom units would start at \$1,900 to \$2,400.

Council Member Parker confirmed that the apartments would be designed

to meet universal standards and would be ADA compliant.

Ms. Swanekamp, a Homestead Village resident, expressed concern about traffic on Homestead Road and said that the developer had underestimating the number of parking spaces that would be needed. She said that the building would be too tall and not be in harmony with the surrounding area. Putting it next to R-2 areas would look unaesthetic and disjointed, she said.

Ryan Brummond, a Homestead Village resident, echoed Ms. Swanekamp's concerns about traffic and said he did not understand how 190 parking spots would yield less traffic than 60 single-family homes.

Scott Windham said that it seemed the Town was taking the request to move from R-2 to R-5 lightly. Changing zoning at the request of a builder seemed like a breach of public trust, he argued.

Mayor Hemminger confirm that HNTB's TIA for the area was on page 147 of the Council's packet had been done for the portion of Homestead Road from Sewell School Road intersection to Martin Luther King Jr. Boulevard. That TIA had taken four projects that had been approved into consideration, she said.

Council Member Parker asked about different kinds of senior housing, and Ms. Johnson agreed to obtain the definition of senior adult active from the traffic consultant.

Council Member Schaevitz verified that R-2 allowed four units per acre and that the applicant was asking for R-5 in order to build 11 units per acre. She noted that R-5 would allow up to 15 units and confirmed with Ms. Johnson that R-3 allow seven and R-4 allowed 10.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that the Public Hearing be continued to November 28, 2018. The motion carried by a unanimous vote.

### **SPECIAL USE PERMIT**

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

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

9. Open the Public Hearing: Application for Special Use Permit - Planned Development-Housing Homestead Road Active Adults Housing, 2217 Homestead Road (Project #17-096).

[\[18-0865\]](#)

Ms. Johnson provided general information about the application and reviewed the four findings that were required for SUP approval. She gave a brief PowerPoint presentation on the proposed project and explained that an SUP was being requested because the ordinance contained a threshold for projects with greater than 20,000 square feet of floor area or 40,000 square feet of land disturbance. She said that no modifications to regulations were being requested.

Ms. Johnson noted that key issues pertained to traffic and the amount of other new area development in the area. The suggested improvements would include a vehicle connection to The Courtyards at Homestead (Courtyards) and bicycle and pedestrian improvements and connections, she said.

Ms. Johnson pointed out that the applicant was voluntarily complying with the Town's Inclusionary Zoning Ordinance (IZO), which would give him a density bonus of 15 percent (equivalent to about 38 units) and a floor area bonus of approximately 123,000 square feet. However, the applicant was proposing about only 5,700 additional square feet, she said. Ms. Johnson said that the applicant was also proposing a \$315,000 payment in lieu for affordable housing. She reviewed advisory board recommendations and recommended that the Council receive evidence and reconvene the public hearing to November 28, 2018.

Council Member Parker verified with Ms. Johnson that the TIA had assumed a full vehicular connection between the proposed development and Courtyards. Ms. Johnson said that the Town's traffic engineer had estimated that about 60 vehicles per day would travel across that connection.

Council Member Oates confirmed that the entrance would not be a Town-maintained street.

Council Member Schaevitz asked for more information about some conflicting information from the Planning Commission (PC) and Transportation and Connectivity Board (TCB) regarding a connection to Courtyards.

Ms. Johnson replied that the Town's fire marshal strongly affirmed the need for a full connection there, not just an emergency one.

Mr. Gurlitz provided details on design and noted the changes that had reduced scale. He said that the building would be set 430 feet back from Homestead Road, with a lawn in front, and would maintain 415 feet of woods in the back. The PC had proposed moving the building forward but the CDC liked it moved back, he said. Mr. Gurlitz described 140 and 150 feet buffers on the sides, and possible pathway connections, and said that the parking layout was as close to the building as possible.

Adam Pike, of Stewart Engineering, talked about the rationale behind the driveway's location and how the site would capture runoff and pipe it to a pond along Homestead Road. Stormwater would also be redirected to a roadside ditch and diverted from neighboring properties, he said.

Mr. Gurlitz spoke about the mostly rocky conditions on the almost totally impervious site. He said that discussions with the Housing Advisory Board (HAB) had led to the proposed \$315,000 payment in lieu. Because the project would be age-restricted, the HAB had taken half of the 28 units that would be required for an AH project and arrived at \$22,500 of subsidy per unit, he said. Mr. Gurlitz clarified that he was not asking for any additional units even though R-5 would allow him 15. The additional 5,700 square feet would be used in the recreation area, he said.

Council Member Stegman asked why the applicant was offering a payment in lieu when the Town strongly preferred actual units.

Mr. Gurlitz explained that those who would construct and maintain the building had expressed difficulty with an age group that might have assets but no known income.

Mayor Hemminger said that \$325,000 could yield 10 affordable units for five years or five for 10 years.

Council Member Parker asked why the payment in lieu was based on 14 units rather than 28.

Mr. Gurlitz replied that he thought the HAB had come up with that formula because the project satisfied the Town's goal of cultural diversity. The IZO included age as well as income, he pointed out.

Mayor Hemminger announced that Items 10 and 11 on the agenda were being moved to another meeting due to the late hour.

Courtyard residents Annis Arthur, Betsy Crittenden, Jean Beacham, Christy Beacham, Linda Charles and Carol Gerber stressed the importance of quality of life and asked the Town to restrict the proposed emergency access with bollards so that residents, many of whom were disabled, could move around freely without concern.

Jeff Charles, past Transportation Board chair, requested that a more extensive TIA be done. He said that the proposed design centered around cars and that he had not heard anything about the applicant providing access to buses. He raised safety concerns regarding those who would be cycling and walking and noted that Homestead Road was a major connector for cyclists. Public safety was the Council's most important responsibility, Mr. Charles stressed.

Bill Crittenden, a Courtyards resident and former owner/manager of a

geriatric care business, encouraged the Town to form a senior advisory board to specifically address the needs of seniors living in housing communities such as The Courtyards at Homestead.

Tamim Kasrawi, a Courtyards resident, said it was hard to believe that the Mayor and Council, already having problems with flooding in low-lying locations, would allow a multi-story building of 190 units in one of the highest elevations in Town. Surface parking would generate a huge amount of runoff to low-lying parts of Town, he said. Mr. Kasrawi urged the Council to require a significant reduction in the number of units and parking under the building.

Sujan Gulati, a Courtyards resident, showed pictures of flooding outside and inside his house. He expressed concern about ongoing repairs and possible long-term effects of having had water inside his house. Mr. Gulati said that his home was the closest to the property in question and that any increase in runoff would be traumatic for him and his family.

Dianne Martin, a Courtyards resident, said she was not opposed to having a facility serving seniors adjacent to her neighborhood but that the development, as currently proposed, would clear a majority of trees and have outside parking that would cause runoff. She said that the Town's 2020 Comprehensive Plan had set goals for sustaining the present community, preserving the natural environment, and protecting neighborhoods from the impact of development.

Mary Kint, a Courtyards resident, described traffic problems on Homestead Road and asked the Council to not make that a thoroughfare that would put community members' safety at risk.

Peter Lee, a Courtyards resident, talked about senior citizens' needs that require special accommodation and showed the results of a survey he had done that had found that more than half of those in his neighborhood had some type of impairment that put them at risk for crossing a street. Mr. Lee asked the Council to make the connection between the properties for emergency vehicles only and to ignore the PC's recommendation for only a speed bump.

Martin Molloy, a Courtyards resident, said that a 190-unit project was being proposed with only one direct point for access to Homestead Road. Acres of trees would be cut down for impervious parking spaces that would be inadequate for a project that size. It would lead to a traffic and drainage nightmare for senior neighbors who live on narrow streets that were approved by the Town, said Mr. Molloy. He asked the Council to amend the PC's recommendation or decline the zoning change.

Jaleh Hagish, a Homestead Village resident, characterized the project as a standard apartment building masquerading as an adult housing project. He did not support rezoning to R-5 because that would not be compatible

with surrounding neighborhoods and would be too dense for such a small parcel of land, he said. In addition, rental housing would produce transient populations on that land, he said. Mr. Hagish added that neighbors were still waiting for the sidewalk to be connected on Homestead Road.

Bruce Buley, a Courtyards resident, said that there was no way that an emergency vehicle could turn at an area near his home and that he objected to any plan to divert traffic from the proposed project through his neighborhood. Mr. Buley asked that the connection, if constructed, have break-away bollards and be only for emergencies.

Mayor pro tem Anderson asked Ms. Johnson to have the fire marshal contact the Council about having bollards only, and Mayor Hemminger pointed out that it was something that had been done in Town in the past.

Mayor pro tem Anderson said that she had some concerns about proposed density but thought that rental was a great market and liked having it near a senior center. She described the proposal as a bit of an extreme jump in density, and said they would like to see a way to make residents of existing neighborhoods feel safer.

Council Member Parker agreed that the Council needed to hear from the fire marshal about whether the issue was driven solely by fire needs. He wondered if there might be a way to utilize the greenspace in front to the building, perhaps with picnic tables that Courtyard residents might share, for example. Dumping stormwater into a roadside ditch seemed like a recipe for having it go across the road, said Council Member Parker, adding that he would like to hear more about why that was a good idea. He said that the applicant had done a good job of compressing the project but recommended that they be more creative about opportunities for activity.

Council Member Gu asked why the project could not have two access points rather than going through another property. She stressed the importance of pedestrian and bicycle access to the nearby Seymour Center and said it would be reasonable to at least consider underground parking in order to conserve trees and not create impervious surface. Council Member Gu agreed with residents' concerns about the need for more comprehensive traffic planning townwide, she said.

Council Member Oates pointed out that the Chapel Hill 2020 Comprehensive Plan called for the parcel to be medium-density residential. She could not think of another apartment building that had a connector road cutting into an adjacent single-family neighborhood, she said, noting that it had been considered for Timber Hollow but bollards had been used instead.

Council Member Oates raised the possibility of putting the apartments on



top of parking, or as close to the UNC property as possible. She asked for clarification from staff regarding IZO requirements. With regard to the CDC's comments about making trails to the Community Center, she recommended considering the limitations of age when creating a neighborhood for aging in place.

Council Member Buansi asked for more information on what the applicant had described as administrative burdens associated with determining eligible affordable housing renters. He would like to know if those specific burdens might be alleviated through partnering with an affordable housing provider, he said. In addition, he wanted to hear more of the reasoning behind not following TCB's recommendation for underground parking and about traffic and stormwater runoff issues, he said.

Council Member Stegman agreed with others that the rental market was an appropriate use and asked for more information about parking and impervious surface. She noted that density was the answer to sprawl and said that the density being requested was appropriate for that transit corridor. Council Member Stegman agreed with issues raised regarding connectivity and said that the Council needed to hear more about why bollards could not be installed.

Council Member Bell said that staff understood connectivity issues and probably would have provided information about bollards if there was a way to use them at the location. She understood that a multi-use path across the property's frontage would connect with existing plans, she said. She asked for clarity regarding the stormwater plan, and said she appreciated the connection to Pumpkin Trail.

Mayor Hemminger recommended that the applicant have the Stormwater Utility Advisory Board take a look at the plan. She said that Conditional Zoning would have made the discussion easier and she hoped staff would continue to recommend that in the future. She agreed that the Town needed some rental market for seniors, she said.

Mayor Hemminger pointed out that the Town had been working hard on sidewalks in the Homestead area but that negotiations over easements and working with UNC and a railroad had made progress slower. Sidewalk projects were on line and would come through shortly, she said. She said she liked having senior housing near a senior center and that the Town would need to talk about bus stops and transit.

Mayor Hemminger expressed some concern about the proposed density and said she was confused about UNC's refusal to allow a pedestrian access because they had seemed amenable when she talked with them. She liked Council Member Parker's suggestion about having a purpose for the lawn and the CDC's recommendation that the stormwater pond be an amenity, she said. Mayor Hemminger added that she wished there was a way to make the parking tighter. There must be a way to use bollards at

the connection to the Courtyards, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Oates, that the Public Hearing be continued to November 28, 2018. The motion carried by a unanimous vote.

### *Continued Discussion*

- 10.** Receive the Affordable Housing Quarterly Report for Fiscal Year 2019, Quarter 1. [\[18-0866\]](#)

This item was referred to a future meeting date.

- 11.** Prototype Review: Connected Community Strategic Goal Prototype. (\*Reissued from 10/24/18) [\[18-0867\]](#)

This item was referred to a future meeting date.

- 12.** Establish a Task Force to Consider the Possible Future Use of the Varsity Theater as a Performing Arts Center. [\[18-0868\]](#)

Mayor Hemminger pointed out that other towns had turned their low-use movie theaters into performing arts centers and proposed forming a taskforce to explore the possibility of doing something similar with the historic Varsity Theater on East Franklin Street. She said that the Sorrell Building's owner was amenable to that, and the Council would have time to explore and decide whether or not to pursue the idea. The taskforce would collect information and bring it back to the full Council, and Council Members Parker and Schaevitz had already volunteered to lead the effort, she said.

Council Member Gu asked if the Town was planning to purchase the property, and Mayor Hemminger replied that the word was "acquire" and she did not know if that meant purchase.

Council Member Gu pointed out that some citizens had mentioned wanting a market downtown that would include food and other things.

Council Member Stegman asked if younger people were represented on the taskforce, and Mayor Hemminger replied that one goal was to include a diversity of ages, races and perspectives.

Matt Leroy, pastor at Love Chapel Hill, said that his congregation had been meeting on Sunday mornings at the Varsity Theater for nine years. He expressed a desire to be part of the process and said that Love Chapel Hill wanted to continue serving from that location and help dream about what could be next for that important, historical place.

Mayor Hemminger said that the Varsity's owner had expressed hope that it would remain a theater style facility, since that was how it was originally

designed.

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

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

**ADJOURNMENT**

The meeting was recessed at 11:53 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 Karen Stegman  
Council Member Rachel Schaevitz

**Wednesday, November 7, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

### Roll Call

**Present:** 8 - 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, and Council Member Rachel Schaevitz

**Absent:** 1 - Council Member Karen Stegman

### Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Specialist Mark Losey, Assistant Director of Office for Housing and Community Sarah Vinas, Affordable Housing Director Nate Broman-Fulks, Transportation Planning Manager Bergen Watterson, Captain Donnie Rhoads, Special Projects Coordinator Molly Luby, Community Development Program Manager Renee Moye, Housing and Community Executive Director Loryn Clark, Economic Development Officer Dwight Bassett, Senior Ombuds Jim Huegerich, Police Chief and Executive Director for Community Safety Chris Blue, Budget Analyst, David Finley, Housing Director Faith Thompson, Planning and Development Services Director Ben Hitchings, Communications and Public Affairs Director and Town Clerk Sabrina Oliver

### OPENING

#### 0. Veterans Day Ceremony. (no attachment)

[\[18-0903\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. with a Veterans Day Ceremony which included a presentation of colors, the Pledge of Allegiance and a moment of silence to honor all who had served in the U.S. armed forces. She read a proclamation thanking veterans and their families for their sacrifices and noted that many of the Town employees who have served were in attendance.

Mayor Hemminger presented the proclamation to Chapel Hill Police Officer

Juan Vega and listed the many honors that he had received between 2009 and when he was honorably discharged as a sergeant in 2017.

Mr. Vega thanked the Town and said veterans felt honored to serve and their service did not end when they retired. After he spoke, others came forward and explained how they had served. Those included Jim Heugerich, Air Force 1969- 73; Faith Thompson, Military Police Corps, Army 1989-1995; Donny Rhodes, Marine Corps 1990-1994; Rick Fahrer, Navy 1964-1967; Jim Merritt, Army 1967-1969; Nate Chambers, Army 1989-2000.

#### 0.1 Proclamation: Small Business Saturday.

[\[18-0909\]](#)

Council Member Parker read a proclamation for Small Business Saturday that listed the contributions that local small businesses had made to the community and noted that they represent 99.7 percent of all businesses with employees in the United States. He urged everyone to support local businesses and merchants on November 24th and every day throughout the year. He then presented the Small Business Award to Keith Dupree, proprietor at Blue Door; Katie Loovis, of the Chapel Hill-Carrboro Chamber of Commerce; and the Downtown Partnership.

Mr. Dupree thanked the Town for its consideration of small local businesses and for being focused on supporting economic development.

Ms. Loovis named some of the small businesses in Town and thanked the the Council for encouraging people to #shoplocal and #shop small. She mentioned the Downtown Partnership and Carrboro Small Business Alliance's joint plans for Small Business Saturday.

### **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. Elizabeth O'Nan Regarding CDBG Funding.

[\[18-0910\]](#)

Elizabeth O'Nan, a Chapel Hill resident who suffers from a chemical-induced loss of tolerance, said that she had sent the Town articles regarding the legal requirements for accommodations for those with that disability. She told of people sleeping in cars throughout the country because they could not find suitable, safe housing. Ms. O'Nan

asked the Council to earmark some of the Community Design Block Grant (CDBG) funds for accommodations for chemically disabled people.

This item was received as presented.

b. Jeff Charles Request Regarding Offering Toxicology and Public Safety Expertise.

[\[18-0911\]](#)

Jeff Charles, a Chapel Hill resident and toxicologist, offered the Council his assistance in understanding information regarding a coal ash site in Town. He had provided much testimony on the subject and had been told that he made the issue understandable, he said.

A motion was made by Mayor pro tem Anderson, 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.

c. Laurie Paolicelli Regarding Impacts of Hurricanes on Tourism Industry.

[\[18-0912\]](#)

Laurie Paolicelli, Orange County Visitors Bureau director, reported on the Town's current tourism economy. She said that rooms had been cancelled during a recent hurricane and that hospitals had made space available for evacuees and relief workers from other parts of North Carolina. With regard to visitor interests, a recent report had identified a desire for more mural tours on bicycles, more music on the streets, and more ethnic diversity, she said. The Visitors Bureau had allocated half a million dollars for a national campaign that would emphasize ethnic diversity, age diversity, and LGBT life, she said.

This item was received as presented.

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

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Human Services Advisory Board Video.

[\[18-0913\]](#)

Mayor Hemminger noted that Council Member Stegman, liaison to the Human Services Advisory Board, was absent due to a work commitment.

The Council viewed a video about the Town's Human Services Program, which explained that the program had been established in the 1970s to achieve economic and societal well-being for all residents, particularly those with low income or who were otherwise disenfranchised. The video outlined the needs that the program served and stated that the Town would be accepting applications from community organizations through January 22, 2019.

Mayor Hemminger expressed gratitude for the dedication of non-profit partners. She encouraged applicants to meet the January deadline and to

contact staff if they wanted help with the application process.

b. Mayor Hemminger Regarding Affordable Housing Bond Referendum

[\[18-0914\]](#)

Mayor Hemminger pointed out that Chapel Hill voters had recently overwhelmingly approved a \$10 million affordable housing bond referendum. Those funds would help develop 400 new housing units and preserve 300 existing units over the next five years, she said.

c. Mayor Hemminger Regarding Water Main Break.

[\[18-0915\]](#)

Mayor Hemminger expressed appreciation for the citizens' compliance with the emergency measures during a recent water main break on Jones Ferry Road. The Town would continue discussions with the Orange Water and Sewer Association (OWASA) to determine what had happened and how to prevent such an occurrence in the future, she said. She noted that more information could be found at OWASA.org.

d. Mayor Hemminger Regarding Rescheduling Transportation Meetings.

[\[18-0916\]](#)

Mayor Hemminger pointed out that two NC Department of Transportation (DOT) hearings had been rescheduled due to the water main crisis. One regarding the widening of Interstate 40 would be held in January 2019 at a date yet to be determined, and an open house regarding Durham-Orange Light Rail had been rescheduled for November 19 from 5:00 to 7:00 pm at Extraordinary Ventures, she said.

e. Mayor Hemminger Regarding Veterans Day Celebration.

[\[18-0917\]](#)

Mayor Hemminger reminded everyone that the annual Veterans Day Celebration would be held at 11:00 a.m. on November 12, 2018 at the Seymour Center.

f. Mayor Hemminger Regarding Community Meeting for Rogers Road Market Study Discussion.

[\[18-0918\]](#)

Mayor Hemminger said that the Rogers Road community would meet on November 15, 2018 from 6:30-8:00 p.m. at the RENA Community Center to discuss its market study.

## CONSENT

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

### *Approval of the Consent Agenda*

A motion was made by Council Member Parker, seconded by Council Member

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

1. Approve all Consent Agenda Items. [\[18-0892\]](#)

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

2. Award the Same Pay Increase Approved for all Employees to the Town Attorney. [\[18-0893\]](#)

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

3. Call for a Public Hearing for December 5, 2018 to Consider a Request to Close a Portion of the Public Right-of-Way on Aberdeen Drive for the Expansion of the Lumina Theater. [\[18-0894\]](#)

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

## INFORMATION

4. Receive Upcoming Public Hearing Items and Petition Status List. [\[18-0895\]](#)

This item was received as presented.

## DISCUSSION

5. Accept the Chapel Hill Nine Subcommittee Commemorative Marker Recommendation. [\[18-0896\]](#)

Molly Luby, special projects coordinator at Chapel Hill Public Library and chair of the Chapel Hill Nine Subcommittee, provided an update on the subcommittee's recommendation for a marker to commemorate the first sit-in at Colonial Drug on West Franklin Street on February 28, 1960. That protest had launched a year-long struggle for civil rights in Chapel Hill, she explained.

Ms. Luby said that the Chapel Hill Nine, who had been arrested, charged and found guilty of criminal trespass were: Clarence Merritt Jr., Douglas Clyde Perry, James Merritt, Harold Foster, Dave Mason Jr., William Curetin, Albert Williams, Earl Geer and John Farrington. The subcommittee wholeheartedly recommended the Town install a marker at 450 West Franklin Street to commemorate that first sit-in, she said. Ms. Luby asked the Council to refer the recommendation to the Town Manager and staff for implementation.

Ken Broun, Historic Civil Rights Task Force chair, gave credit to several people who had helped with the project, including Council Member Oates and Historian Reginald Hildebrand. He read the marker's proposed text: "On this site, Sunday, February 28, 1960, nine young men from Lincoln High School entered what was then the Colonial Drug Store, sat at a



booth, and sought the same service that was given to white customers. They remained seated after they were refused service and were told to leave. In time, they left voluntarily and were confronted by police who took down their names as they stood on this sidewalk. Their courageous step sparked a decade of civil rights demonstrations in Chapel Hill."

Mr. Broun showed related photos and discussed marker materials. He quoted Harold Foster on how he and the other young men had followed their consciences but had been seen as troublemakers for challenging authority head on. Mr. Broun recommended that the Council accept the recommendation, refer implementation to the Manager and staff, and dissolve the task force.

The Council recognized Jim Merritt, who was in the audience. Mr. Merritt noted that family members of Dave Mason and William Curetin were present as well.

Dave Mason's daughter Danita Mason-Hogans said recognition of the Chapel Hill Nine's bravery had been long overdue and that telling the entire story was a gift to the community. She said that she had been told in high school that there was not enough Black History for a semester class because Black people had not done enough. This set her on course to document the Town's Black history, she said, as she thanked all who had participated for their support.

Council Member Buansi thanked the subcommittee and task force for forming a complete narrative. He suggested that the marker be placed in a spot away from the ground where it could be easily seen and read.

Council Member Oates said it had been a privilege to be part of the process and edifying to learn about how the Town's growth had not been without pain and struggle.

Mayor pro tem Anderson characterized the process as empowering and thanked all who had been involved.

Council Member Gu said she hoped the inspiring story would become part of a walking tour about the Town's history.

Ms. Luby replied that a PhD fellowship student from the University of North Carolina at Chapel Hill (UNC) would be working on a walking tour of civil rights landmarks in Town.

Council Member Schaevitz stressed the value of incorporating the work into school lesson plans and making it easily accessible online.

Ms. Luby replied that an online version of the timeline would be up by the end of the month. Lesson plans and curriculum for area schools was being planned as well, she said.

Mayor Hemminger praised all who had been involved in the project for their passion and commitment and for having courageous conversations that had moved the Town forward in a way that would be commemorated forever. She said that UNC members were excited about being able to celebrate the timeline as well.

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

**6. Initial Public Forum: Housing and Community Development Needs and Use of 2019-2020 Community Development Block Grant Funds. [\[18-0897\]](#)**

Community Development Program Manager Renee Moyer gave a PowerPoint presentation on the first step in the 2019-20 Community Development Block Grant (CDBG) allocation process. She provided background on the program and explained the qualification requirements. The Town had been designated as an entitlement community since 1975, and the current year's allocation had been approximately \$418,000, a 9 percent increase over the previous year, she said.

Ms. Moyer said that the Town would be notified in the spring about its 2019-2020 allocation, but staff was projecting funds to develop four and preserve 15 units. Applications for funding were available and would be due at the Town on January 22, 2019, she said. Ms. Moyer explained that the purpose of the current meeting was to receive comments prior to committee evaluation and a second public forum. She said that the Council would be asked to take action in April, prior to the Housing and Urban Development (HUD) submission deadline of May 15, 2019.

Mayor Hemminger opened the public hearing. She noted that one person had spoken earlier and said that the Council had forwarded those comments to staff.

Marisa Martini, Community Development Manager at Habitat for Humanity of Orange County, described Habitat's Home Preservation Program which repairs 30 homes throughout the county every year using CDBG funding. She discussed the types and cost of projects and the need to preserve affordable housing stock. She asked the Council to consider approving allocations for those repairs.

This item was received as presented.

**7. Consider Approving an Employee Housing Incentive Pilot Program Proposal. [\[18-0898\]](#)**

Affordable Housing Manager Nate Broman-Fulks provided background on the Town's exploration of an incentive program to help Town employees live in Chapel Hill. He provided background on the Council's 2017 request

to explore an incentive program and reviewed the research, analysis and strategies that staff had undertaken since then. Mr. Broman-Fulks discussed the benefits to employees that such an incentive program would provide.

Assistant Director for Housing and Community Sara Vinas gave a PowerPoint presentation on a proposed Employee Housing Incentive Pilot Program that would include both rental and home-ownership components. She described possible financial incentives for both and outlined conditions for repayment and said that financial and home-ownership counseling would be included.

Ms. Vinas showed a list of potential community partners. She said that an estimated maximum budget of \$49,050 would allow the Town to assist five employees with purchasing a home and seven with rental assistance. Staff had identified funding for the program in the Town's Affordable Housing Fund, she said. Ms. Vinas said that the proposed pilot program could begin in winter 2019. She recommended that the Council adopt Resolution 5, approving the proposal.

Mayor pro tem Anderson confirmed with Ms. Vinas that the program had been designed to serve on a first come/first served basis. If staff were to receive more than five applications, preference would be given to employees with the most years of service, Ms. Vinas said.

Mayor pro tem Anderson confirmed that staff would follow the standard income verification processes used for CDBG and other affordable housing funding sources. In addition, there would be annual monitoring of the home-ownership component to ensure that the home was the employee's primary residence, Ms. Vinas said.

Mayor pro tem Anderson asked if the program would be a reoccurring \$50,000 affordable housing budget item, if successful.

Ms. Vinas replied that the Town would need to identify funding sources for the long term. The Affordable Housing Reserve would be another option and staff could look into grant possibilities, she said.

Mayor pro tem Anderson ascertained from Ms. Vinas's explanation that such incentives were very common in the private sector, academic institutions, and municipalities with expensive housing markets.

Council Member Parker raised questions about funding if the program were to expand, criteria for evaluating the pilot program, and how Real Estate taxes would be handled. He commented that telling people how much they could spend on housing seemed a bit paternalistic to him.

Ms. Vinas replied that staff could look into longer-term funding through the Town's existing affordable housing sources. Staff had begun

developing evaluation criteria and planned to do follow-up interviews with employees who take advantage of the program, she said, adding that the program might be amended based on needs. She said that staff would develop additional evaluation criteria if Council approved the program.

Ms. Vinas said that the best practice was to look at the 30 percent AMI threshold, but the Town could adjust that. Staff did not intend to dictate how employees spend their money but was trying to be thoughtful about not putting people in a position where they might purchase a home that they could not afford. She explained that a check for tax payment would not be made out directly to the employee.

Council Member Bell asked about making the program more equitable by having it support renters as much as homeowners.

Ms. Vinas replied that some in follow-up focus groups had raised that question as well. Staff's recommended rental incentive had been based on what employees said they wanted and needed, she explained. However, employees also said that they struggled with monthly rent, so staff was recommending leveraging relationships with apartment complexes and perhaps negotiating reduced rents, she said.

Council Member Gu verified with Ms. Vinas's reply that the staff's overarching goal had been to respond to Council's expressed interest in providing more opportunities for employees to live in Town and provide incentives that would serve as a recruitment and retention tool. Ms. Vinas pointed out that Mr. Broman-Fulks had mentioned research regarding the benefits to employees at organizations that had adopted such incentives.

Council Member Gu questioned whether a one-time payment would serve the goal and asked if nearby cities or UNC had similar programs.

Ms. Vinas replied that she was not aware of any similar programs near Chapel Hill. She said that incentives were more common in larger communities.

Council Member Oates confirmed with Ms. Vinas that utility deposits usually cost a few hundred dollars but ranged based on credit and other factors. She asked about the status of six apartments at Grove Park, and Ms. Vinas replied that those would be available in about a year and were being considered for Town employees. Council Member Oates verified that an employee probably could roll their deposit over to a different house if they remained within Town limits.

Council Member Buansi ascertained from Mr. Broman-Fulks that a mix of single-family homes, townhomes, and condos were in the 100 AMI and below range. He verified the Town's definition of "primary residence" and ascertained that staff had not made any distinctions regarding repayment between those who leave Town employment voluntarily and

those who are discharged.

Council Member Parker recommended considering three to five year targets with regard to how much the program would cost and where the funding would come from. To have a real effect, the program would cost substantially more than \$50,000 per year, he said.

Council Member Buansi pointed out that some recipients might not want their names revealed, and Ms. Vinas replied that the Town would protect identities as much as possible.

Council Member Schaevitz said she was eager to receive feedback on the program's success. She hoped the pilot would provide information about demand that would help the Town to decide whether to scale the program up or not, she said.

Mayor pro tem Anderson said that she felt conflicted about the program. She saw many reasons why employees would want to live in Town, and believed in that overarching goal, but she had not seen evidence that the Town could not hire or retain people without an incentive, she said.

Mayor pro tem Anderson spoke in support of offering financial counseling, regardless, but said she was not sure if the full program was sustainable.

Council Member Oates pointed out that a small pilot program would reveal any glitches and show what expanding it would require. She would like more of the money to go toward people who want to buy rather than rent because home-ownership builds wealth, she said.

Council Member Bell said there were many reasons why the program could be good for recruitment and retention and that she was interested in knowing how the Town would prioritize longer-term employees.

Council Member Gu recommended having outcome measurements to show the program's impact, especially regarding Town services and operations. That would be helpful when deciding whether to expand the program in the future, she pointed out.

Mayor Hemminger recommended changing "housing costs below 30 percent of household monthly income" to "near or below 30 percent" in order to provide more flexibility. She praised the staff's work and proposed that the classes be open to any employee who wished to attend. Mayor Hemminger said she was okay with the balance of home-ownership and rental because the balance would be figured out once requests were received.

Mayor pro tem Anderson asked if those needing mortgage assistance would be required to go through counseling beforehand.

Ms. Vinas replied that lending institutions could provide that preliminary screening. She and Mayor pro tem Anderson discussed whether some sort of counseling should be mandatory.

After a brief general discussion, the Council agreed to remove 30 percent and add mandatory financial counseling.

A motion was made by Council Member Bell, seconded by Council Member Parker, that R-5 be adopted as amended. The motion carried by a unanimous vote.

**8. Prototype Review: Connected Community Strategic Goal  
Prototype. (\*Reissued from 10/24/18)**

**[18-0867]**

Transportation Planning Manager Bergen Waterson explained that staff was seeking Council feedback regarding improvements. She said that staff would then take the report to the Transportation and Connectivity Advisory Board and any other groups that the Council might suggest. Staff would continue to update the report and return in spring 2019 with a final version and the first quarterly update, she said.

In a PowerPoint presentation, Ms. Waterson pointed out that one of the Town's strategic goals was to create a highly connected community where bicycling, walking and transit were convenient, everyday choices. She said that residents in a 2018 Town survey had identified traffic flow management and quality of public parking as investments that the Town should make. Ms. Waterson discussed the goals of the Town's Mobility and Connectivity Plan and said that residents' top priorities during the Town's Charting Our Future effort included mobility improvement and traffic management.

Police Captain Donnie Rhodes reviewed the report, page by page, and noted that it had been designed to be user friendly while providing community indicators and performance measures to help track progress. He said that a staff working group was currently building a "proof of concept dashboard" that would collect and convey data. Data being considered included traffic volumes, crash data, and levels of service at some intersections, Captain Rhodes explained.

Council Member Parker commented on a disconnect between initiatives and performance measures and described how he thought the process should be approached. He noted a need to also have solutions for the majority of residents who would still be driving cars. The Town should think more about ways to measure congestion and delays as well as the number of daily commuters, he said.

Council Member Bell recommended not using an LOS system, which gives a false sense of what is actually happening in traffic. It would be helpful to know which parts of the plan had been started and what the timeline

was, she said. The plan seemed broad, but she expected to see some refinement, said Council Member Bell, adding that she had not seen much information about greenways.

Mayor pro tem Anderson praised the layout and cover page but stressed the need to make people understand that the report was only setting context and not tied to a target. She emphasized the need for targets in addition to trend lines and agreed with Council Member Parker's comments regarding the importance of including traffic conditions related to traditional vehicular use.

Council Member Schaevitz expressed support for the idea of tracking the greenways completion to date. She did not understand why people hated the LOS system, she said, and she confirmed with Ms. Waterson that LOS measured length of delay. Staff could talk with the Town traffic engineer and Department of Transportation about other measures, Ms. Waterson said.

Council Member Schaevitz noted that weather-related service requests skewed the numbers and she suggested having two categories instead when talking about upgrading and so forth. She praised the overall format for its easy-to-access goals, benchmarks and progress, and said that the project was on the right track.

Mayor Hemminger and Council Members Parker and Schaevitz proposed calling the LOS levels something other than A through F, since people tended to equate those with letter grades in school. Council Member Bell said that she hated LOS because there were other ways to measure traffic at intersections.

Council Member Gu proposed including a column indicating key performance indicators (KPI) for the project. She said that a mobile app that had a "Connect the Citizens" program might be a tool for arriving at KPI.

Ms. Waterson replied that the Town's GIS and Analytics team had been working on the traffic issue and that she believed they were including that type of data.

Council Member Gu said she thought there were similar apps for bikes and pedestrians and that she hoped the Town would use them.

This item was received as presented.

- 9. Consider a Resolution to Support the NCDOT Improvement Project at the W. Franklin St./E. Main St./Merritt Mill Rd./Brewer Ln. Intersection.**

**[\[18-0899\]](#)**

Ms. Waterson opened the item regarding improvements at the intersection of Franklin Street, Main Street, Merritt Mill Road and Brewer Lane. She

asked the Council to provide feedback and consider adopting Resolution 6, supporting the project. Ms. Waterson pointed out that Council approval was required for any DOT project that cost more than \$250,000.

Mayor Hemminger noted that the Town of Carrboro would be affected by the improvement project as well and that it had already passed a similar resolution.

Pat Wilson, division engineer with NC DOT, explained that the project had begun with the goal of improving capacity at the intersection. However, an analysis had found that the area was constrained by existing properties and that the impacts would be substantial, he said. Therefore, the plan had changed and had resulted in an alternative that would assist bicyclists and pedestrians but would not improve conditions for motor vehicles, he said.

Mr. Wilson reviewed plans for several improvements and explained that DOT was still working with property owners to identify minimal impacts, temporary easements, and rights-of-way. The project was scheduled to start in May 2019 and would be completed by August 2019, he said. Mr. Wilson acknowledged that improvements would not address vehicle capacity or congestion. He said that DOT Board Member Mike Cox had obtained funding for the project which would be no cost to the Town.

Mayor Hemminger thanked DOT for listening to the Town's concerns. She said that the intersection was a little confusing for cars, as well, but that bike and pedestrian safety had been the primary concern. She pointed out that the intersection had not qualified as a highway project. Mayor Hemminger said she was pleased that DOT had been willing to work with the Town on a time schedule that coordinated with the academic year.

Council Member Bell confirmed with Mr. Wilson that the traffic light cycle at Brewer Lane was part of a design to provide the least amount of congestion through the intersection. It was a longer wait, but there were not as many vehicles on Brewer Lane, Mr. Wilson said.

Council Member Bell agreed that there was not normally much traffic on Brewer Lane but pointed out that parents going to and from a childcare center at end of that road already tended to dash through the yellow light. She asked if there was any way to make that area safer, and Mr. Wilson agreed to convey her comments back to DOT. He pointed out that the Town maintained that traffic signal for DOT and would certainly have a say in how the timing worked.

Council Member Oates confirmed with Mr. Wilson that the crosswalk traversing Main Street would be a decorative brick pattern and signalized. Mr. Wilson added that all five crossing areas would be signalized and white along their edges.



Elizabeth Fixlar, an area resident, asked that the center area be composed of a temporary material rather than concrete until all could see how well it worked. Mayor Hemminger explained that the center would be a green strip of grass, not concrete, but Ms. Fixlar pointed out that the grass would be surrounded by a concrete curb.

Ms. Paolicelli commented that bike, vehicle and pedestrian use had grown greatly due to recent development in the area and that the Visitor Center had implemented a bike repair stop as a result. She thanked the Town for addressing the crosswalk and asked that the Visitors Bureau be included on any way-finding signage.

Council Member Parker recommended addressing the change from Franklin Street to Main Street when developing new signage.

Council Member Oates proposed getting rid of turn lanes at the end, before putting the curb around the grassy area, in order to first see how the intersection functions.

Mayor Hemminger replied that the entire project needed to be done at once. She said that the traffic counts for turning were not high enough to even warrant a turn lane, except at one peak time a day. If any issues developed, the Town could always reverse it, she pointed out.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Bell, that R-6 be adopted. The motion carried by a unanimous vote.

**10. Consider Approving Launch Accelerator and Co-Working Support Renewal and Increased Funding.**

**[\[18-0900\]](#)**

Economic Development Officer Dwight Bassett presented the request to continue funding LAUNCH for three years by investing \$5,000 from the Town's current budget and \$10,000 annually after that and to develop a related interlocal agreement with Orange County. He said that LAUNCH, a partnership between Orange County; the Town; and UNC, had produced great results but that one of its primary occupants would be leaving and Town funding would need to replace that loss.

Amy Linnane, interim director at LAUNCH, Inc., gave a PowerPoint presentation on what LAUNCH offered and discussed its entrepreneurial successes while based in Town.

Mayor pro tem Anderson confirmed with Mr. Bassett that the Town's Department of Business Management had identified \$5,000 that could be used for LAUNCH without having to reallocate any funds.

Mayor Hemminger said that Council approval would mean that the Town Manager would have to find a source and ensure that there would be money in the budget for the following year.

Council Member Gu verified with Mr. Bassett that 46 of LAUNCH's 75 alumni were still in business and 25 were still in Orange County.

Mayor Hemminger and Mr. Bassett mentioned several other start-ups in Town and the Mayor pointed out that such businesses needed flexible space and flexible options. Having space for them when they grow was imperative for retention, she pointed out.

Council Member Oates confirmed with Mr. Bassett that the full price that 3 Birds would pay for parking after December 31, 2018, would go to Parking Services, not Economic Development.

Council Member Parker said he was pleased with LAUNCH's success and noted that the company had helped create a nucleus of entrepreneurs.

Mayor Hemminger agreed that LAUNCH had been a great community investment. She said that UNC and Orange County would be raising their commitment as well and that the Town's business community was standing up to its part of the agreement. All were getting a great return on their investment, she said, noting that two of every five current jobs in America were start-ups. It was being said that towns that were ready to capture and grow such businesses would have more successful job markets, Mayor Hemminger pointed out.

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

## **ADJOURNMENT**

The meeting was adjourned at 10:25 p.m



# TOWN OF CHAPEL HILL

## Town Council

### Meeting Minutes - Draft

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

Mayor Pam Hemminger  
Mayor pro tem Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

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

**Wednesday, November 14, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

### Roll Call

**Present:** 8 - 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, and Council Member Rachel Schaevitz

**Absent:** 1 - Council Member Karen Stegman

### Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Planner II Jake Lowman, Planner I Becky McDonnell, Planner II Michael Sudol, Operations Manager Judy Johnson, Director of Planning and Development Services Ben Hitchings, Police Chief and Executive Director for Community Safety Chris Blue, Assistant Chief of Police Celisa Lehew, Assistant Chief of Police Jabe Hunter, Public Works Director Lance Norris, Fire Chief Matt Sullivan, Police Officer Rick Fahrer, Fire Inspector Greg Peeler, Deputy Town Clerk Amy Harvey

### OPENING

Successes Video: Hurricane Florence Mutual Aide.

[\[18-0944\]](#)

Mayor Hemminger opened the meeting at 7:00 pm, and then introduced a "Celebrating Successes" video that highlighted the Town's recent efforts to help NC communities that had been ravaged by Hurricane Florence. She explained that staff members had rescued people from flooded residences, transported them to safety, and collected hurricane debris afterward. Mayor Hemminger noted that some evacuees had been relocated from temporary shelters to facilities in Chapel Hill.

Recognition of Staff Deployed to Other Communities During Recent Storms.

[\[18-0945\]](#)

Mayor Hemminger expressed pride, gratitude and awe regarding those

from the Town who had helped with the hurricane rescue effort. She said that many were working and not able to attend the Council meeting but she invited the 15 or so who were present to describe their experiences. One by one, members of the Town's Fire, Public Works and Transit Departments explained what they had done to help during Hurricane Florence and its aftermath.

Proclamation: Susan Levy Day.

[\[18-0946\]](#)

Mayor Hemminger read a proclamation that celebrated Susan Levy, who was retiring from directing Habitat for Humanity after 26 years. Ms. Levy, a community organizer, had been an advocate for local families since 1978 and director of Habitat since 1992, Mayor Hemminger read. She said that Ms. Levy had led the construction of more than 300 new homes in Orange County and more than 200 homes overseas. Ms. Levy had also started a home repair program and had helped create the Orange County Affordable Housing Coalition, she said, and she listed many of Ms. Levy's other successful advocacy efforts as well. The Council was proclaiming Saturday, November 17, 2018, to be Susan Levy Day, Mayor Hemminger said.

Ms. Levy thanked all and pointed out that the Town had been a consistent partner in everything Habitat had done during her directorship. She commented on the Town's strong commitment to affordable housing and said she could not think of a better place to have spent 26 years.

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

a. Comments Regarding Peace and Justice Plaza Vigil.

[\[18-0948\]](#)

Calvin Deutschbein, a Chapel Hill resident, said that extremists had come to a November 10, 2018 Jewish Anti-fascist Alliance of the Triangle prayer vigil at the Town's Peace and Justice Plaza in order to disrupt it. One of the Jewish mourners had been arrested after a confrontation, he said. Mr. Deutschbein said that he wanted to bring a disturbing pattern of such behavior to the Council's awareness. Antisemitism required especially strong repudiation from those in power, he said, adding that he and other activists could use more support in trying to keep that at bay.

Chapel Hill Police Chief Chris Blue reported that the vigil had been disrupted by an unaffiliated person and said that police had chosen to monitor the situation because it appeared that the crowd had policed itself effectively. However, the individual became agitated and was then stiff-armed grabbed and dragged across the plaza, said Chief Blue. He explained that the disruptive man had insisted on pressing charges and that officers did not make a physical arrest but did write a citation for the crime of assault.

Chief Blue agreed that antisemitism and other hate crimes were on the rise nationally. He said that he had been talking with members of the

Jewish community about how to provide better support and would be co-hosting a community listening session. The situation at Peace and Justice Plaza had been a difficult one and he was proud of the compassion that officers had expressed, said Chief Blue.

Mayor Hemminger commented on the difficulties that arise when freedom of speech extends to freedom of negative speech as well. Such incidents had escalated across the country and the Council looked forward to having the Chapel Hill Police Department help sort out how to ensure people's right to feel safe while having a vigil while still recognizing the right of free speech, she said.

## **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Mayor Hemminger Regarding Rogers Road Market Study Community Meeting.

[\[18-0950\]](#)

Mayor Hemminger announced a community meeting to discuss the Rogers Road market study. The meeting would be held on November 15th, from 6:30 to 8:00 pm at the RENA Center, she said.

b. Mayor Hemminger Regarding Arbor Day Celebration.

[\[18-0951\]](#)

Mayor Hemminger said that Mayor pro tem Anderson would be joining the Sewell Elementary School Eagles outside the Chapel Hill Public Library on Friday, November 15th, in order to plant a tree for Arbor Day.

c. Mayor Hemminger Regarding Rescheduled Light Rail Open House.

[\[18-0952\]](#)

Mayor Hemminger said that the Light Rail Open House had been rescheduled to Monday, November 19th, from 5:00 to 7:00 pm at Extraordinarily Ventures. The public was invited to come and learn about changes and provide input regarding the project, she said.

d. Mayor Hemminger Regarding Metro Mayors Winter Meeting.

[\[18-0953\]](#)

Mayor Hemminger said that she and the Town Manager would be attending a Metro Mayors meeting in Asheville, NC over the next two days.

e. Mayor Hemminger Regarding Town Offices Closed Next Thursday and Friday.

[\[18-0954\]](#)

Mayor Hemminger said that Town offices would be closed for Thanksgiving on Thursday and Friday.

She also mentioned that Council Member Stegman was absent from the council meeting due to a work obligation.

## **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.

1. Approve all Consent Agenda Items. [\[18-0925\]](#)

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

2. Designate Town Agents for FEMA Assistance Application Process. [\[18-0926\]](#)

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

## **DISCUSSION**

### *SPECIAL USE PERMIT*

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

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

3. Open the Public Hearing: Application for Special Use Permit Modification-Tri-City Medical Building, 5002 Barbee Chapel Road. [\[18-0927\]](#)

Planner Jake Lowman gave a brief PowerPoint presentation on a request to modify the construction start date for a 60,000 square-foot, medical office building zoned Residential-5-Conditional and located on Barbee Chapel Road. He explained that the applicant was asking for a 24-month extension of a former 12-month SUP, and that the Planning Commission had recommended approval. Mr. Lowman recommended that the Council open the public hearing, receive comments, and recess the public hearing to December 5, 2018.

Dan Jewell, of Coulter Jewell Thames, explained that the applicant, Tri-City, had already spent more than \$3 million on the project, but needed an extension. The project was more expensive than a normal building and would require high end market rents, which meant that 40-50 percent of the building needed to be pre-leased before the applicant could get financing, he said. Mr. Jewell said that Tri-City had not quite hit that threshold but hoped to be able to secure those tenants with a little more

time.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Schaevitz, that this item be continued to December 5, 2018. The motion carried by a unanimous vote.

**4. Consider an Application for Application for Amendments to  
Advisory Board Membership Policy, Code of Ordinances, and  
Land Use Management Ordinance**

**[18-0928]**

Planner Becky McDonnell Anderson gave a PowerPoint presentation on Land Use Management Ordinance (LUMO) text amendment changes regarding advisory board membership policy. She explained the technical report, resolution, and ordinances that were before the Council. These included proposed changes that would reduce the Historic District Commission membership from 10 to 9 members, she said.

Ms. McDonnell Anderson said that the Planning Commission had recommended approval, with the condition that the Board of Adjustment (BOA) provide feedback. Staff was recommending that the Council open the hearing, receive comments, and continue the public hearing to December 5, 2018, Ms. McDonnell Anderson said.

Mayor pro tem Anderson confirmed that four people had attended a recent joint advisory boards meeting but that others had provided feedback via email and other means. She confirmed with Ms. McDonnell Anderson that other items on the list would not require a second public hearing.

Council Member Parker verified that the BOA had proposed offering board members incentives, such as refreshments, stipends for childcare, or free parking.

Council Member Buansi asked how the attendance policy would apply to the Grievance Hearing Board, and Ms. McDonnell Anderson said she would report back on that.

Council Member Oates confirmed that the Historic District Commission (HDC) was down to eight members. In the normal process, the HDC would recommend a qualified replacement and the Council would make that appointment at any time, Ms. McDonnell Anderson said.

Council Member Schaevitz pointed out that the Council had a pilot program with funding for childcare planned, so that incentive was already approved.

Joseph Parrish, a BOA member speaking as an individual, said that incentives that would encourage members to remain on boards and come to meetings should be part of the plan as well. Providing some compensation would create obligation and motivation and might be a

better way of achieving a more engaged and active board system, he said.

Mayor pro tem Anderson mentioned the pilot program in which board members could be reimbursement for childcare and transportation costs. The Council really did want younger people, and those who had not traditionally served on boards, to be able to participate, she said.

Mayor Hemminger expressed appreciation for the more than 180 people who were currently serving on Town advisory boards.

Council Member Buansi commented that some towns and counties did offer compensation and said he appreciated the point that Mr. Parrish had raised.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that this item be continued to December 5, 2018. The motion carried by a unanimous vote.

### **CONCEPT PLAN REVIEW**

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.

- 5.** Concept Plan Review: Habitat/Carol Woods Community, 7516 Sunrise Road.

**[18-0929]**

Planner Michael Sudol gave a PowerPoint overview of a concept plan for 223 multi-family dwelling units, which included 95 affordable housing (AH) units. He described a mix of assisted living, duplexes, and apartments on a 33.8-acre site zoned Residential-2 in an area that was zoned Residential-1 through Residential-5. The Town's corporate limits ran along the south end of the property and the Rural Buffer ran along I-40 to the north, he said. He said that the site was comprised of six lots and included two Resource Conservation District (RCD) areas.



Mr. Sudol pointed out that the Council had approved a subdivision for 63 units at the same location in 2008. He showed a proposed point of access and pointed out that traffic and stormwater management plans would accompany any formal application. He said that the Community Design Commission (CDC) generally supported the concept plan but had suggested better connectivity and a reduction in parking and impervious surfaces.

Mr. Sudol said that the Housing Advisory Board (HAB) had expressed concern about being able to meet the needs of all while increasing density, but had viewed targeting a mix of incomes positively. Both the CDC and HAB had recommended that the applicant engage the surrounding neighborhoods, Mr. Sudol said. He recommended that the Council adopt Resolution-A, which would transmit comments to the applicant.

Susan Levy, executive director for Habitat for Humanity, provided additional details on the concept plan and explained that Habitat and Carol Woods had owned the properties for many years and had explored different options for developing them. That exploration had included a subdivision that the Town had approved in 2008, she pointed out. She discussed how creating homes for families and seniors would address gaps in the housing market and aligned with Town goals. Ms. Levy outlined a plan to create 95 homes for those earning less than 80 percent of area median income (AMI).

Jennifer Player, associated director at Habitat for Humanity, described Habitat's vision of providing a decent home for everyone in Orange County. She explained Habitat's operating model, programs, and homeowners selection process. Ms. Player discussed how Habitat was intentionally designing a diverse and mixed-income neighborhood where people driving through would not be able to tell which homes were Habitat's and which belonged to Carol Woods.

Pat Sprigg, CEO and president at Carol Woods, explained how the financial model made Carol Woods affordable to only a small margin. She said that the board was aware of the Town's greater overall need and that the Sunrise Road location was one of the few last pieces available to offer AH. Two, reputable, long-existing, not-for-profit, good neighbors were asking for Council support, she said.

Scott Murray, a landscape architect and land planner, presented the site plan and an overview of the project. He showed an aerial view of the 34-acre property and described its features, such as roads, parking areas, slopes, streams, streetscape, playgrounds, dog park, and buffers. Mr. Murray indicated a community green, pavilion, possible splash park, community building, and possible coffee shop. He described how the area would be landscaped and said that the plan included stormwater ponds, and a trail system that could be open to the public.

Bruce Ballentine, the project manager, addressed issues regarding traffic and transportation that neighbors had raised. He said that the site already had two means of access and that the applicant was not proposing a connection to its adjacent neighborhood. He noted that a traffic impact analysis (TIA) was not required during the concept review process but would take place over the next couple of months. He predicted that the total number of trips per day would be about 4,400, with the proposed development, and said that two-lane Sunrise Road should be able to carry about 10,000 trips per day.

Ms. Player provided a summary of the applicants' communications with neighbors at Chandlers Green since February 2018, and said that she had just received a list of questions from a Chandlers Green HOA subcommittee. She discussed a plan to distribute a printout of the concept plan, with responses to the survey, and to launch a website in January for updates and direct communication with neighbors.

Council Member Oates confirmed with Ms. Player that Carol Woods had owned 1.96 acres of the property since the 1990s. She also confirmed that Carol Woods would be looking at developing a new financial model that would have housing for a lower income with some wraparound services provided by the community. In addition, Habitat's affordability would be built in around it, Ms. Player said.

Council Member Gu confirmed with Mr. Murray that the overall density was 6.6 (223 units/34 acres). That was a blended average, with the affordable units being a little denser, he explained. Mr. Murray said that the tallest apartment buildings would be three stories.

Mr. Sudol responded to an earlier question from Council Member Oates. The RCD included eight acres, six acres in the northwest corner and two in the southeast area of the site, he said.

Danny Benjamin, speaking on behalf of the Chandlers Green (CG) HOA's 81 homes, stressed that CG had a proven track record of supporting AH and had publicly supported the 2008 proposal, which had been under R-2 zoning. He said that 96 percent of respondents in a recent CG survey had wanted the Board to oppose the current proposal, as designed. Moreover, a petition had garnered 150 signatures in five days from those in the Sunrise Road area, he said.

Mr. Benjamin expressed concern about stormwater and potential flooding of 20 homes. He said that neighbors felt strongly that the area's low density zoning should remain. He referred to 2008 discussions and mentioned several aspects of the concept plan to which neighbors were opposed. In summary, he said, the HOA and neighbors had a track record of supporting AH on the property. Mr. Benjamin said that they were asking for fairness and that he looked forward to meeting with the developer to

address the shortcomings of the current plan.

Lola M. Reid, a Chandlers Green resident since 1993, said that she supported AH but wanted more interaction during planning. She cautioned about the potential for car accidents in an area where a road dips down at the entrance to Sweeten Creek from Sunrise Road, and said that more traffic would lead to more accidents.

Ann Schaal, a Sunrise area resident, raised concerns regarding the proposed density and traffic issues. She said that seniors and children were most likely to be accident victims. She described Sunrise Road and questioned how seniors would safely cross it to Carol Woods.

Marshall Robers, a Sweeten Creek Road resident, also commented on the proposed density and provided calculations to support his opinion that it was too high for the area. Neighbors wanted to keep the current zoning, he said.

Dian Rousset, a Carol Woods board volunteer but speaking as a citizen, said that the project would help ensure diversity and keep the overall community open to everyone. She said that the process would allow time for the neighbors' concerns to be addressed.

James Lewis, a Habitat volunteer who lives on the other side of Interstate 40, said that he would love to provide input and that others on the other side of the highway would like to be included as well.

Michael Murphy, whose property adjoins the proposed development, described the streams and current stormwater track that sometimes exceeds capacity and ends up with water underneath houses. He said that some houses have pumps that run continuously to keep water out of their crawl spaces. Mr. Murphy cautioned the Town to be very careful about stormwater planning.

Karen Lissy, a Sunrise Coalition member, said that the Town's stated goal of building community meant reconciling the concerns of those whose quality of life it was trying to improve with those who already lived in the area. The current long-time residents along Sunrise deserved to be treated as collaborators and partners as much as Habitat and Carol Woods did, she said. Ms. Lissy expressed confidence that a collective solution was attainable.

Rick Tugwell, a Habitat board member, noted that neighbors had been opposed to Carol Woods as well when it was first proposed. He described the long and difficult process of becoming a Habitat homeowner and said that he would be proud to have Habitat residents as neighbors. In fact, he would be grateful to have such a project on the land behind his house, he said.

Taylor Ludlam, a Chapel Hill native and Habitat executive committee member, said that she had been a longtime Habitat supporter and believed strongly in its mission, which supported overall community goals. She was grateful for the partnership with Carol Woods and for the passion with which the Chandlers Green neighbors were expressing their concerns and helping to make the project the best it could be, she said. Ms. Lundlam said that the Habitat board was working hard to address concerns in a way that would still allow its mission to be fulfilled. There could be no affordability without some measure of density, she said.

Elam Hall, a Habitat board member, said that the average home resale in Town being more than \$400,000 and apartment rents continuing to rise was not sustainable or healthy for the community as a whole. A solid, well-thought-out concept plan could be highly successful, he said, noting that residents had expressed overwhelming support for AH in a recent referendum. Safe, decent housing was something that everyone deserved, he said, and he urged the Council to enthusiastically support the plan.

Nancy Smythe, a Chandlers Green resident whose home was adjacent to the proposed development, told of significant drainage issues due to runoff from the easement that slopes toward her house. The problem flooding in her crawl space had created mold and mildew and had increased in the past five years, she said. Ms. Smythe said that her husband, who was disabled, was on oxygen almost constantly and used a respirator at night. Clear cutting thousands of trees behind and above her home and replacing them primarily with impervious surface would significantly affect those problems, she said. She asked the Council to give serious consideration to the environmental impact of the development, as proposed.

Tom Stark, an attorney representing Sunrise Coalition, said that the proposed concept plan was fundamentally flawed with respect to traffic, hydrology and the proposed density. Such density was appropriate for a walkable community with nearby grocery stores and restaurant, but not for the proposed location, he said. Mr. Stark said that the impervious surface would dramatically increase the flow of water coming off this site.

Judith Alvaiedo, a Habitat resident and board member, told her personal history, which began with poor living conditions and ended with her and her family finding finding safety, security, and academic success. Habitat had given them a hand-up and a home, she said.

Katie Solivie, a Chapel Hill resident, raised questions about changes in the rural buffer coinciding with weather changes. She pointed out that the widening of Interstate 40 had not been mentioned, and she asked about the proposed development's impact on services such as fire and police protection and ambulances, and said that hospital use and increased student enrollment should be considered as well.

Mayor pro tem Anderson said that stormwater and traffic concerns would need to be analyzed. A development could not impact the property next to it, she pointed out. She said that she understood the neighbors' concerns about density but that density was needed to make the economics work. She thanked Carol Woods for becoming involved and said she was very supportive of the concept and wanted to work with the neighbors to create an amazing community.

Council Member Parker agreed Mayor pro tem Anderson's remarks regarding the benefits of AH, the need for density to achieve AH, and the desire for more integration between Carol Woods and the Habitat homes. He encouraged the applicant to have ongoing, face-to-face community meetings in addition to posting information online. Council Member Parker pointed out that the Town had some of the strictest stormwater regulations in the state and that a rigorous traffic analysis would be performed.

Council Member Gu agreed with others regarding the importance and need for AH and said she liked the mix of ages, income levels. However, she had heard serious community concerns and hoped the development team would closely engage with the community regarding stormwater and traffic, she said. Council Member Gu said she was hoping for a positive collaboration such as that between the Town and neighbors during the recent Municipal Services Center process.

Council Members Bell and Parker left the meeting 9:39 p.m. because she was not feeling well and he was driving.

Council Member Schaevitz agreed with other Council members' comments and said that the Town had learned a lot about the benefits of engaging regularly and meaningfully with those whose properties abut potential developments. She recommended that the next step in the process include the broader community, not just the Council. She pointed out that Municipal Services Center discussions had led to a stormwater plan that would dramatically benefit the neighborhood.

Council Member Buansi agreed with what others' comments and said that an inter-generational, mixed-income community would lead to a vibrant neighborhood. He asked to see whether stormwater mitigation efforts could ease the burden on nearby neighborhoods, noting that such a positive outcome had been part of the Municipal Service Center process. Council Member Buansi pointed out that the Municipal Service Center process had been a Development Agreement (DA) and said he would encourage that or whatever process allowed the most community input.

Mayor Hemminger said she had heard that the applicant planned to ask for a Special User Permit (SUP) process. She confirmed with Planner Judy Johnson that a DA would be possible and pointed out that a DA would allow continuing conversations with the community.

Ms. Johnson agreed to return with information and a description of required steps for the Town's three process options.

Council Member Gu confirmed with Mayor Hemminger that the Council could state which process it preferred but that it was the applicant's choice.

Council Member Oates said that she still had a lot of questions that she would like answered before the applicant filed an SUP. She expressed concern about seniors crossing the street after dark. She wanted to know if the applicant had done a market study, or focus groups, regarding the type of housing that those at the target income level wanted. She wanted to understand why it had to be so dense, she said. She asked for more information regarding Habitat's 1 percent foreclosure rate and said she would like to know if Habitat would be able to sell a house to people who do not have traditional documentation. And, what kind of financial contribution did the applicant expect from the Town, Council Member Oates asked.

Mayor Hemminger proposed sitting down with stormwater professionals and making sure that everyone understood that, even though having such a conversation was not typically part of a concept plan review. She was interested in feedback regarding the applicability of the Towns' three processes (CZ, DA, and SUP), she said. She noted that much could be gained by talking through concerns as was allowed in CZ or DA.

Mayor Hemminger pointed out that the Town was in desperate need of AH. She said that the Town needed a balance of home-ownership and rental, for seniors and for families. The gathering places were a strength of the project, she said, and she characterized three-story buildings as "gentle density". Mayor Hemminger said she did have concerns about safety when walking and she confirmed with the applicant that sidewalks were planned for both sides of the street.

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

## **ADJOURNMENT**

The meeting was adjourned at 10:03 p.m.



# TOWN OF CHAPEL HILL

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

## Item Overview

**Item #:** 11., **File #:** [19-0737], **Version:** 1

**Meeting Date:** 9/11/2019

### 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.



**Attachments:**

- Scheduled Public Hearings <<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>>

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**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

155

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.

September 11

- Concept Plan Review: Wegmans Food Market and SECU Street Connection (Project #19 089).
- Concept Plan Review: 1751 Dobbins Drive Office Building. (Project #19-023)



## 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
06/26/2019	Orange-Chatham Group of the Sierra Club	<a href="#">Request for a "Ready for 100 Resolution."</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.
06/26/2019	Julie McClintock	<a href="#">Request Regarding the Blue Hill Form Based Code.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Staff is preparing information to respond to this request.
06/26/2019	Stormwater Management Utility Advisory Board	<a href="#">Regarding Greene Tract.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	At their 07/15/19 meeting, the Council adopted two resolutions regarding the Greene Tract, for a process for further assessing the possible future uses of the jointly-owned land and approving the goals and target dates for next steps of that process.
06/26/2019	Community Design Commission	<a href="#">Request for Modifications to the Concept 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.
06/26/2019	Burwell Ware	<a href="#">Request to Place a Moratorium on the Construction of New Fast-Food Drive-Throughs Until Future Town Councils Decide to Repeal the Moratorium.</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
06/26/2019	Community Design Commission	<a href="#">Request to Authorize the CDC to Create and Facilitate a Chapel Hill Design Award Program.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	Staff is preparing information to respond to this request.
06/26/2019	Various Speakers	<a href="#">Regarding Greene Tract</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	At their 07/15/19 meeting, the Council adopted two resolutions regarding the Greene Tract, for a process for further assessing the possible future uses of the jointly-owned land and approving the goals and target dates for next steps of that process.
06/19/2019	Rogers Road Neighbors	<a href="#">Request Regarding Greene Tract Resolution.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	At their 07/15/19 meeting, the Council adopted two resolutions regarding the Greene Tract, for a process for further assessing the possible future uses of the jointly-owned land and approving the goals and target dates for next steps of that process.
06/12/2019	Aaron Nelson	<a href="#">Request Regarding Short Term Rentals.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	At the 06/19/19 meeting, the Council adopted a resolution authorizing the Town Manager to develop updated standards for short term rentals. This process will include public engagement and staff expects to return to the Council in late Fall 2019.
06/12/2019	West Saint Mark Church of Christ (Disciples of Christ)	<a href="#">Request for the Town Council to Waive any Final Application Fees Associated with Construction of a Church Sanctuary at 7708 Rogers Road.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731	This project is not eligible for fee waiver. The Town only waives fees for non-profits building permanent affordable housing projects or conducting service projects.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
05/22/2019	Joe Patterson	<a href="#">Request Modifications to the Town's Noise Control Code.</a>	Police <a href="#">Chris Blue</a> , Police Chief Phone: 919-968-2766 Town Attorney <a href="#">Ralph Karpinos</a> , Attorney Phone: 919-968-2746	Staff is preparing information to respond to this request.
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	Staff is preparing information to respond to this request.
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 shared some preliminary information with the Council at the 06/07/19 Council Committee on Economic Sustainability meeting.
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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
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	The public comment period for the FY20 Work Plan closed 05/30/19. The Town also submitted a funding request for North South BRT project from the Orange County Transit Plan, all of the governing bodies (Orange County, GoTriangle, and DCHC MPO) approved it.
03/06/2019	Environtmental 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	As discussed at the 04/24/19 Council meeting, staff will develop options aimed at achieving the Council's energy efficiency goals for new development.
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	The Town plans to fund interim remedial measures based on recommendations from the human health and ecological risk assessment performed at the coal ash site. The Town continues to monitor NC Division of Air Quality's review of the power plant permit.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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	The Town's request for an additional \$8 million from the Orange County Transit Plan for the North South Bus Rapid Transit Project has been approved by the OC Board of Commissioners and the GoTriangle Board. The MPO will hear the request in August 2019.
01/30/2019	Jeff Charles	<a href="#">Request Regarding Police Participation in Review Process of New Developments.</a>	Planning & Development Services <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	John Morris	<a href="#">Regarding GoTriangle Meetings and Materials.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731 Transit <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>	Parks & Recreation <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.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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 Dunklee and Dunham, P.C. to perform human health and ecological risk assessment services.
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 Community Arts and Culture	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.
10/10/2018	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.
09/19/2018	Julie McClintock of CHALT	<a href="#">Regarding Land Use Intensification.</a>	<b>Planning &amp; Development Services</b> <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731 <b>Public Works</b> <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	The Town's Resiliency Map is part of the map series for the Future Land Use Map. On 06/12/19, the Council received a presentation on the Town's Stormwater program. Staff is preparing information to respond to the additional requests in this petition.

Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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	Referred to the Future Land Use Map and Land Use Management Ordinance rewrite process, which began in Fall 2017 and is expected to be completed in 2020.
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	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 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	A Town web page with TIA exemption requests is available. Staff continues to look for ways to apply the LUMO clearly and consistently for all stakeholders in the development process.
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	The Council enacted ordinance amendments to improve outcomes for stormwater management and affordable housing, to encourage non-residential development, and to address building size. Staff will return to Council in Fall 2019 to discuss building massing.
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.



Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
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.
11/07/2016	Mayor Hemminger	<a href="#">Regarding Parking and Transit Needs in Downtown Area.</a>	Planning & Development Services <a href="#">Ben Hitchings</a> , Director Phone: 919-968-2731 Police <a href="#">Chris Blue</a> , Police Chief Phone: 919-968-2766 Public Works <a href="#">Lance Norris</a> , Public Works Director Phone: 919-969-5100	Recent actions include replacing parking pay stations, implementing Downtown Ambassadors program, and including additional parking with required Wallace Parking Deck repairs. Next steps include parking payments-in-lieu and public/private partnerships.
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>	Public Works <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 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.



Meeting Date	Petitioner	Petition Request	Departments Responsible	Petition Status
04/11/2016	Transportation and Connectivity Advisory Board	<a href="#">Request for Senior Citizen Pedestrian Mobility and Complete Street Implementation</a>	<a href="#">Public Works Lance Norris</a> , Public Works Director Phone: 919-969-5100	Request incorporated into process to update Public Works Engineering Design Manual.

Last modified on 9/5/2019 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 #:** 12., **File #:** [19-0738], **Version:** 1

**Meeting Date:** 9/11/2019

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**Consider Endorsing a Public Engagement Process and Create a Task Force for a Text Amendment Addressing Short Term Rentals (STRs).**

See Staff Report on 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: Anya Grahm, Senior Planner

RECOMMENDATION: That the Council adopt a resolution endorsing a task force and public engagement process to develop text amendments addressing Short Term Rentals (STRs).



# CONSIDER ENDORSING A PUBLIC ENGAGEMENT PROCESS AND CREATE A TASK FORCE FOR A TEXT AMENDMENT ADDRESSING SHORT TERM RENTALS (STR)

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT

Judy Johnson, Operations Manager

Anya Grahn, Senior Planner

## BUSINESS MEETING DATE

September 11, 2019

## STAFF'S RECOMMENDATION

That the Council adopt a resolution endorsing a public engagement process and creating a task force for a text amendment addressing Short Term Rentals (STRs).

## ITEM OVERVIEW

The Town Council requested that staff develop STR regulations that reflect input from community stakeholders. Staff developed a proposed public engagement strategy for consideration.

## DECISION POINTS

1. Endorse staff's proposed public engagement process.
2. Approve composition, role, and process to appoint members to the task force.
3. Appoint stakeholders to the task force at the October 2, 2019 meeting.

## PROJECT OVERVIEW AND BACKGROUND

An STR is some or all of a residential unit rented for 30 days or less. There are currently over 300 STRs in Chapel Hill. Staff provided an overview of this topic to the Town Council Committee on Economic Sustainability on [June 7, 2019](#)<sup>1</sup>. On [June 12, 2019](#)<sup>2</sup>, Council received a petition on the topic of STRs.

The current Land Use Management Ordinance (LUMO) predates the rise of STRs. The Land Use Management Ordinance (LUMO) currently permits STRs under these existing land use definitions:

- Home Occupation (allowed in most zoning districts)
- Tourist Home (allowed in non-residential zoning districts)
- Overnight Lodging (limited to the Blue Hill District)

On [June 19, 2019](#)<sup>3</sup>, the Council authorized the Town Manager to develop updated standards with input from community stakeholders. In response, staff proposes the following public engagement strategy:

- Create a task force of eleven members that will provide recommendations to the Council.
- Survey the public.
- Host an open house in September to begin the project.
- Schedule meetings with the task force for input on proposed ordinance goals and provisions.
- Hold a second public information meeting to gather input on the draft text amendments.

Staff has partnered with Rebecca Badgett of the UNC School of Government to help draft an ordinance based on community feedback.

At the June 19, 2019 meeting, the Council also asked staff to not enforce the current regulations due to the pending text amendments. Based on a proposed timeline, we anticipate that the Council could enact an ordinance in the spring of 2020. Once an ordinance is adopted, staff could then implement an education campaign informing STR operators and stakeholders of the new ordinance's provisions. Staff would also explore opportunities for using software that would aid in enforcing the regulations provided in the new ordinance.

## CREATION OF A TASK FORCE

The Council stated their interest in receiving community input on STR regulations. Staff recommends appointing a task force to meet regularly and discuss key topics related to STRs. If approved, staff would share progress updates from the task force with Council throughout the process.

Staff recommends that the Council appoint advisory board champions and community members to serve on the task force. The group should represent the different stakeholder interests such as STR operators, hoteliers, as well as other members of the community. Council could consider the following methods for appointing members:

- Advisory board champions reviewing the community members' applications and forwarding a recommendation to Council.

<sup>1</sup> <https://www.townofchapelhill.org/home/showdocument?id=43031>

<sup>2</sup> <https://chapelhill.legistar.com/View.ashx?M=F&ID=7306654&GUID=5BAABE66-6F2E-4458-9F12-C2FE2F1F209E>

<sup>3</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3985501&GUID=BFA3AA22-D1D1-4D51-9285-1C4FE6B2FF99>

- Council Committee on Advisory Boards and Commissions reviewing the community members' applications and forwarding a recommendation to Council.

Staff recommends that the Council consider the composition of task force members as outlined below:

Interest	Membership	Seats
Advisory Board Champions:		
Community Design Commission (CDC)	Chair or Member designated by Commission	1
Historic District Commission (HDC)	Chair or Member designated by Commission	1
Housing Advisory Board (HAB)	Chair or Member designated by Board	1
Planning Commission	Chair or Member designated by Commission	1
Transportation and Connectivity Advisory Board (T-CAB)	Chair or Member designated by Board	1
Community Members:		
Short Term Rental Operator or Advocate	Member appointed by Town Council	2
Hotel Operator or someone knowledgeable about lodging	Member appointed by Town Council	2
Community members at-large	Member appointed by Town Council	2
Total Number of Members:		11

If the structure is approved by the Council, staff would post the application for Task Force membership online on September 12, 2019, and extend invitations to interested community members to apply. The final composition of the task force could be approved by Council on October 2, 2019.

#### PROPOSED CHARGE OF THE TASK FORCE

1. Identify goals of developing an effective STR ordinance for staff to share with the Council on November 18, 2019.
2. Attend regularly scheduled meetings where staff and guest speakers will present qualitative and quantitative information to help guide larger discussions on themes related to STR regulations.
3. Actively participate in meetings to review and deliberate on themes related to STRs. Work with staff to identify topics needing further discussion as needed.
4. Identify impacts of possible STR regulations on various stakeholder groups as presented by staff. Seek a balanced approach to regulating STRs in a way that reflects the views of multiple stakeholder groups.
5. Develop a set of final recommendations for STR regulations that can be translated by staff and presented to the Council for consideration and enactment in spring 2020.

ATTACHMENT	<ol style="list-style-type: none"> <li>1. Draft Staff Presentation</li> <li>2. Resolution</li> <li>3. Proposed Public Engagement Schedule</li> </ol>
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# Short Term Rentals (STRs)

Town Council  
September 11, 2019



**Adopt a Resolution to endorse a public engagement process and create a task force for a text amendment addressing Short Term Rentals (STRs)**

DRAFT

- Current Land Use Management Ordinance (LUMO) regulations predate rise of STRs
- Health & safety concerns
- Potential missed occupancy tax revenue
- Community benefits and impacts
- Limited staff capacity for enforcement

DRAFT

On June 19, 2019, Town Council adopted a resolution authorizing the Town Manager to:

- 1) Develop updated STR standards with input from community stakeholders
- 2) Conduct appropriate enforcement efforts in interim
- 3) Conduct education campaign prior to implementing new regulations
- 4) Explore possible enforcement assistance from third party vendors

DRAFT



## Short Term (Ongoing):

### 1. Outreach, Education & Enforcement

- Create webpage
- Inform STR operators of applicable regulations
- Inform property owners of complaints

## Next 6-12 Months:

### 2. Ordinance Update

- Engage community stakeholders and receive input
- Identify key goals
- Check in with Council
- Draft updated standards
- Present for Advisory Board review and Town Council review and approval

## 3-6 Months After New Ord:

### 3. Education & Enforcement

- Conduct education campaign on new ordinance
- Enforce new standards

DRAFT



1. September 23<sup>rd</sup>—Open House
2. Select Task Force Members
  - Advisory Board Champions
  - October 2<sup>nd</sup>: Council appointment of community members
3. Surveys
4. November 18<sup>th</sup>—Check-in with Town Council
5. Spring 2020—Ordinance Enactment

<b>Advisory Boards (1 seat for each):</b>
Community Design Commission (CDC)
Historic District Commission (HDC)
Housing Advisory Board (HAB)
Planning Commission
Transportation & Connectivity Advisory Board (T-CAB)
<b>Community Members (2 seats for each):</b>
STR Operator or Advocate
Hoteliers or Lodging Expert
Community at Large (2 seats)
<b>11 members total</b>

DRAFT



1. Identify goals
2. Attend regularly scheduled meetings
3. Actively participate in meetings
4. Identify impacts of possible STR regulations to various stakeholder groups
5. Develop a set of final recommendations

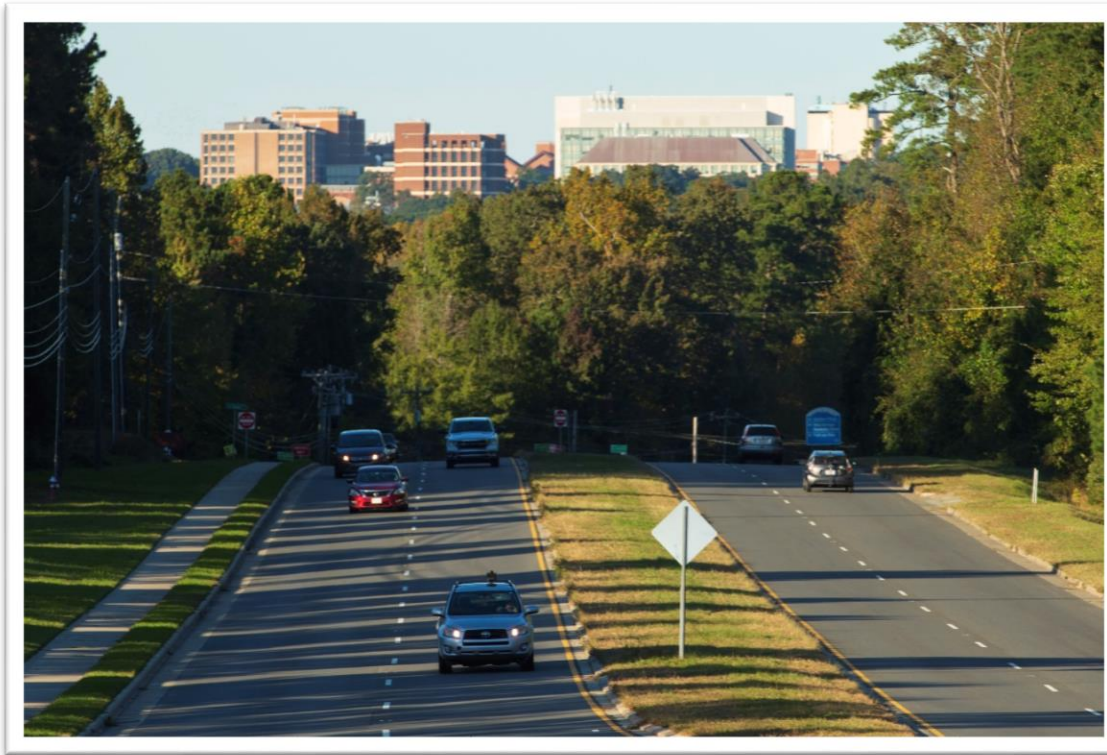
DRAFT

- North Carolina League of Municipalities (NCLM) reports possibility of state STR legislation
- Could preempt local governments from establishing jurisdiction-specific STR regulations
- No specific bill filed on this topic; language could be included in other legislation

DRAFT

**Adopt a Resolution to endorse a public engagement process and create a task force for a text amendment addressing Short Term Rentals (STRs)**

DRAFT



## Discussion & Feedback

DRAFT



A RESOLUTION TO ENDORSE A PUBLIC ENGAGEMENT PROCESS AND CREATE A TASK FORCE FOR A TEXT AMENDMENT ADDRESSING SHORT TERM RENTALS (STR) (2019-09-11/R-8)

WHEREAS, the Council believes that the community would benefit from an updated Land Use Management Ordinance (LUMO) that more clearly addresses Short Term Rentals; and

WHEREAS, staff has been coordinating on this topic with stakeholders, including the Chapel Hill/Orange County Visitors Bureau, to share information and coordinate opportunities for public outreach; and

WHEREAS, a facilitated public engagement process could provide the Council with focused information to inform their decisions about regulations for STRs; and

WHEREAS, staff made a background presentation on STRs to the Council Committee on Economic Sustainability on June 7, 2019; and

WHEREAS, on June 19, 2019, the Town Council authorized the Town Manager to develop updated standards for Short Term Rentals (STRs) for Council consideration with input from community stakeholders; and

WHEREAS, the Council asked the Town Manager to proceed with soft enforcement of STRs, focusing on education about current requirements, until an updated ordinance can be adopted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council endorses the proposal for a public engagement process presented on this date.

BE IT FURTHER RESOLVED that the Council will appoint a task force comprised of five advisory board champions from the Community Design Commission, Historic District Commission, Housing Advisory Board, Planning Commission, and Transportation and Connectivity Advisory Board. The task force will also include members of the community including two Short Term Rental Operators or advocates; two community members at large; and two hotel operators or those knowledgeable about lodging.

BE IT FURTHER RESOLVED that the task force will be charged with:

1. Identify goals of developing an effective STR ordinance for staff to share with the Council on November 18, 2019.
2. Attend regularly scheduled meetings where staff and guest speakers will present qualitative and quantitative information to help guide larger discussions on themes related to STR regulations.
3. Actively participate in meetings to review and deliberate on themes related to STRs. Work with staff to identify topics needing further discussion as needed.
4. Identify impacts of possible STR regulations on various stakeholder groups as presented by staff. Seek a balanced approach to regulating STRs in a way that reflects the views of multiple stakeholder groups.
5. Develop a set of final recommendations for STR regulations that can be translated by staff and presented to the Council for consideration and enactment in spring 2020.

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to solicit applications to participate in the Task Force and return to the Council on October 2, 2019 with a list of those communicating their interest.



BE IT FURTHER RESOLVED that the Task Force shall have met its charge after providing recommendations to the Council on short-term rental regulations, unless the Council determines otherwise.

This the 11<sup>th</sup> day of September, 2019.

# Short Term Rentals (STRs)<sup>1</sup>

## Public Engagement Schedule

Timing	Activities
August - September	<ul style="list-style-type: none"> <li>• Introduction of STR topic to advisory boards:               <ul style="list-style-type: none"> <li>○ Community Design Commission (CDC)</li> <li>○ Historic District Commission (HDC)</li> <li>○ Housing Advisory Board (HAB)</li> <li>○ Planning Commission</li> <li>○ Transportation and Connectivity Advisory Board (T-CAB).</li> </ul> </li> <li>• Launch Survey #1 to determine effects of STRs on stakeholders groups</li> <li>• September 11, 2019: Town Council agreement on stakeholder task force</li> <li>• September 23 2019: Public Information Meeting/Open House (on topics relevant to STR operators as well as ordinance development)</li> </ul>
October	<ul style="list-style-type: none"> <li>• October 2, 2019: Town Council appointment of community members to task force to represent key stakeholder groups as approved by Council</li> <li>• Task Force Meeting(s)</li> </ul>
November	<ul style="list-style-type: none"> <li>• Task Force Meeting(s)</li> <li>• November 18, 2019: Check-in with Town Council. Provide status update on what we heard based on the survey results, initial task force recommendations, and advisory board comments.</li> <li>• Launch Survey #2 to determine community preferences for ordinance provisions</li> </ul>
December - January	<ul style="list-style-type: none"> <li>• Task Force Meetings(s)</li> <li>• Advisory Board Check-In on ordinance provisions</li> <li>• Begin drafting ordinance</li> </ul>
February – March	<ul style="list-style-type: none"> <li>• Public Information Meeting to provide overview of the proposed ordinance provisions</li> <li>• Planning Commission review and recommendation to Town Council</li> </ul>
Spring 2020	<ul style="list-style-type: none"> <li>• Town Council Consideration of Ordinance at a Public Hearing and Regular Business Meeting</li> </ul>

<sup>1</sup> This document was prepared for Town Council review on September 11, 2019



# 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 #:** [19-0739], **Version:** 1

**Meeting Date:** 9/11/2019

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**Concept Plan Review: Wegmans Food Market and SECU Street Connection (Project #19-089).**

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:** Michael Sudol, Planner II

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

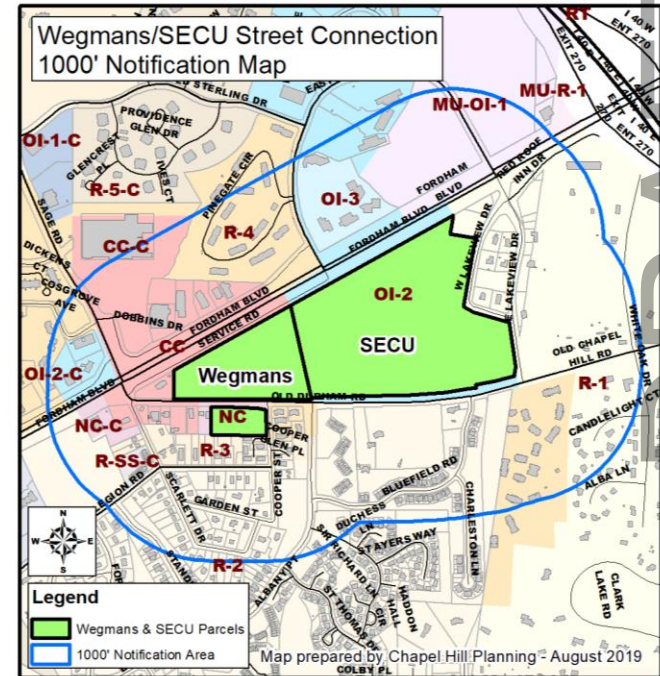
**RECOMMENDATION:** That the Council adopt the resolution transmitting comments to the applicant.

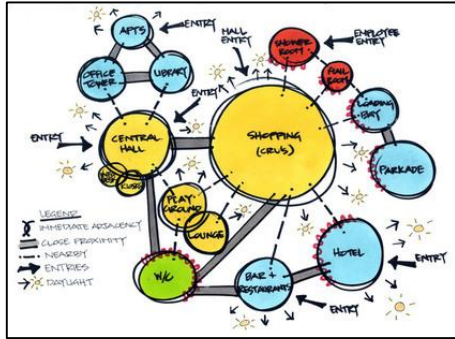
ADDRESS 1810 Fordham Blvd.		DATE September 11, 2019	APPLICANT Justin Brown – Penonni, on behalf of LG 1810 Fordham Blvd, LLC
STAFF'S RECOMMENDATION That the Council adopt the resolution transmitting comments to the applicant.			
PROCESS <ul style="list-style-type: none"> <li>• Receive the Applicant's presentation</li> <li>• Receive Community Design Commission input</li> <li>• Receive Transportation and Connectivity Advisory Board input</li> <li>• Receive public comments tonight</li> <li>• Offer suggestions to the Applicant</li> </ul> <p>Comments</p> <p>Statements by individual Council members on a concept plan are not a commitment on an official position for a formal application.</p>		DECISION POINTS <p>What the Applicant proposes tonight will require a Special Use Permit Modification. The Applicant also requests that Council limit their review to the new street section.</p> <p>Council can agree to a limited review, or may discuss other application processes with the applicant this evening.</p>	
PROJECT OVERVIEW <p>The Applicant requests a new point of access to the previously approved Wegmans project.</p> <p>The Concept Plan proposes:</p> <ul style="list-style-type: none"> <li>• Developing a street section through the SECU property to connect Wegmans to US 15-501 at the intersection with the southwest end of Eastowne Drive</li> <li>• Realigning the US 15-501 service road to accommodate the new street section</li> <li>• Converting a portion of the service road to a multi-use path</li> </ul>		PROJECT LOCATION	
ATTACHMENTS		<ol style="list-style-type: none"> <li>1. Draft Staff Presentation</li> <li>2. Resolution</li> <li>3. Application</li> <li>4. Developer's Program and Statement of Compliance</li> <li>5. Plan Set</li> <li>6. Community Design Commission Comments from August 27, 2019</li> <li>7. Transportation and Connectivity Advisory Board comments from August 27, 2019</li> </ol>	



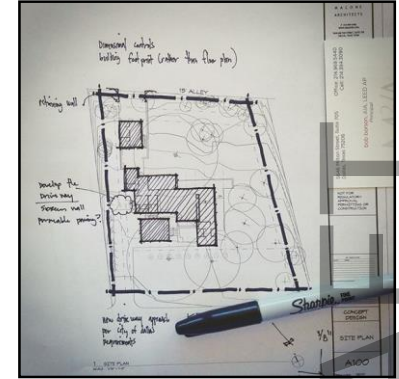
# Wegmans/SECU Street Connection Concept Plan

Town Council  
September 11, 2019

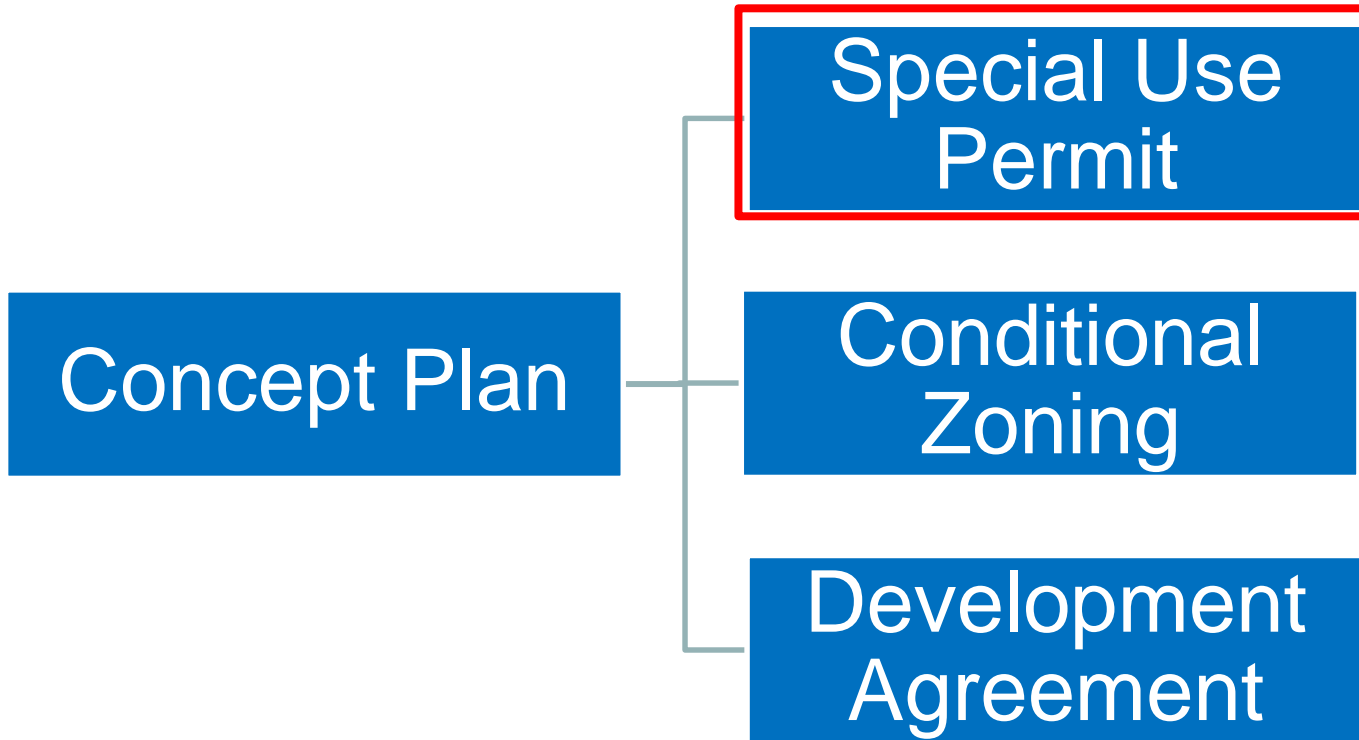




## Concept Plans



- **No Decision; Feedback Only**
  - Applicant presents rough initial sketch
  - Staff does not conduct formal review of concept
  - Instead forwards sketch for preliminary feedback



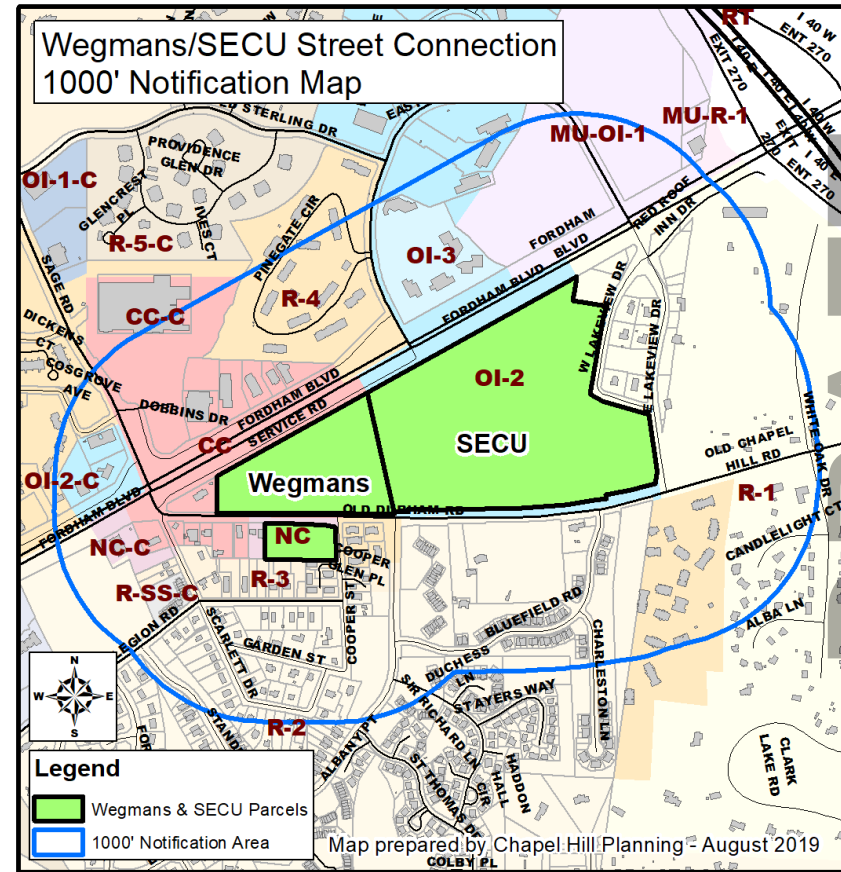
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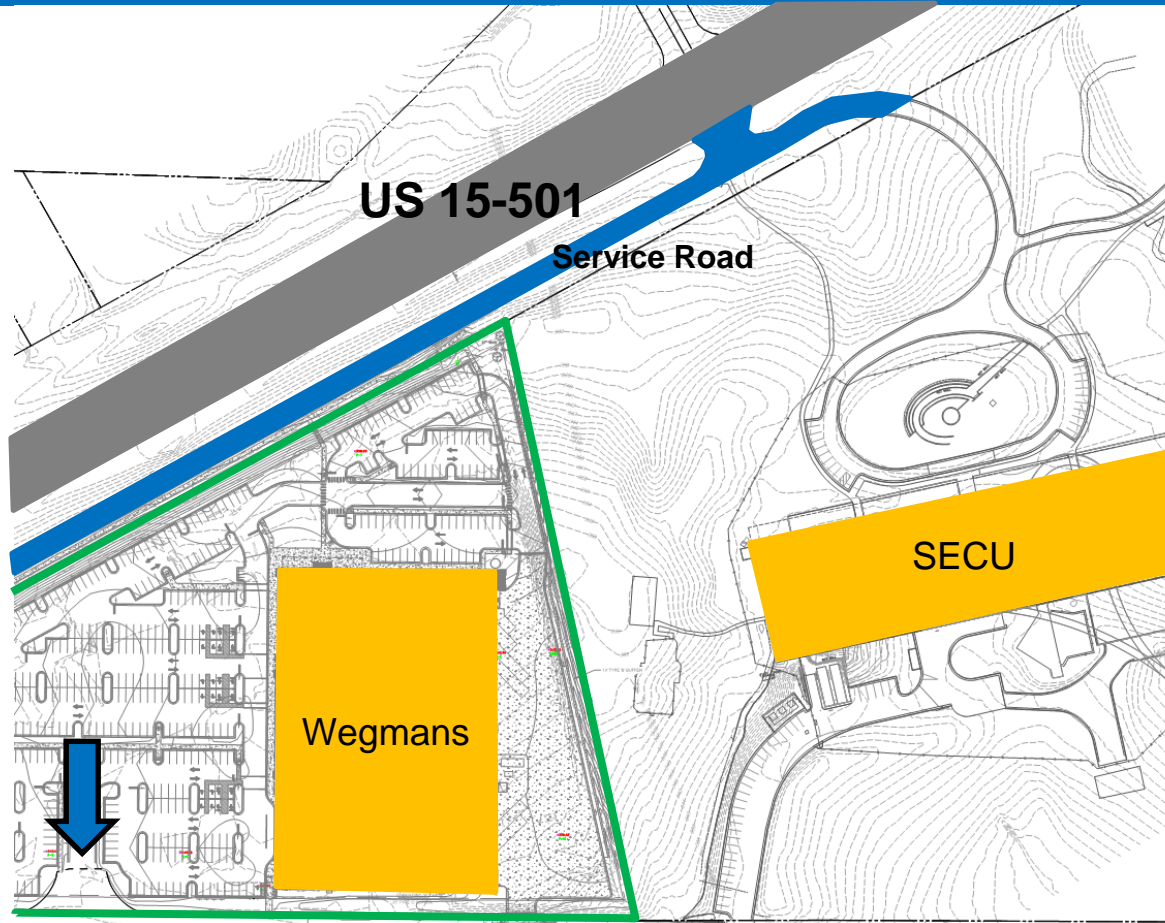
- Adopt a Resolution, transmitting comments to the Applicant regarding the proposed development.

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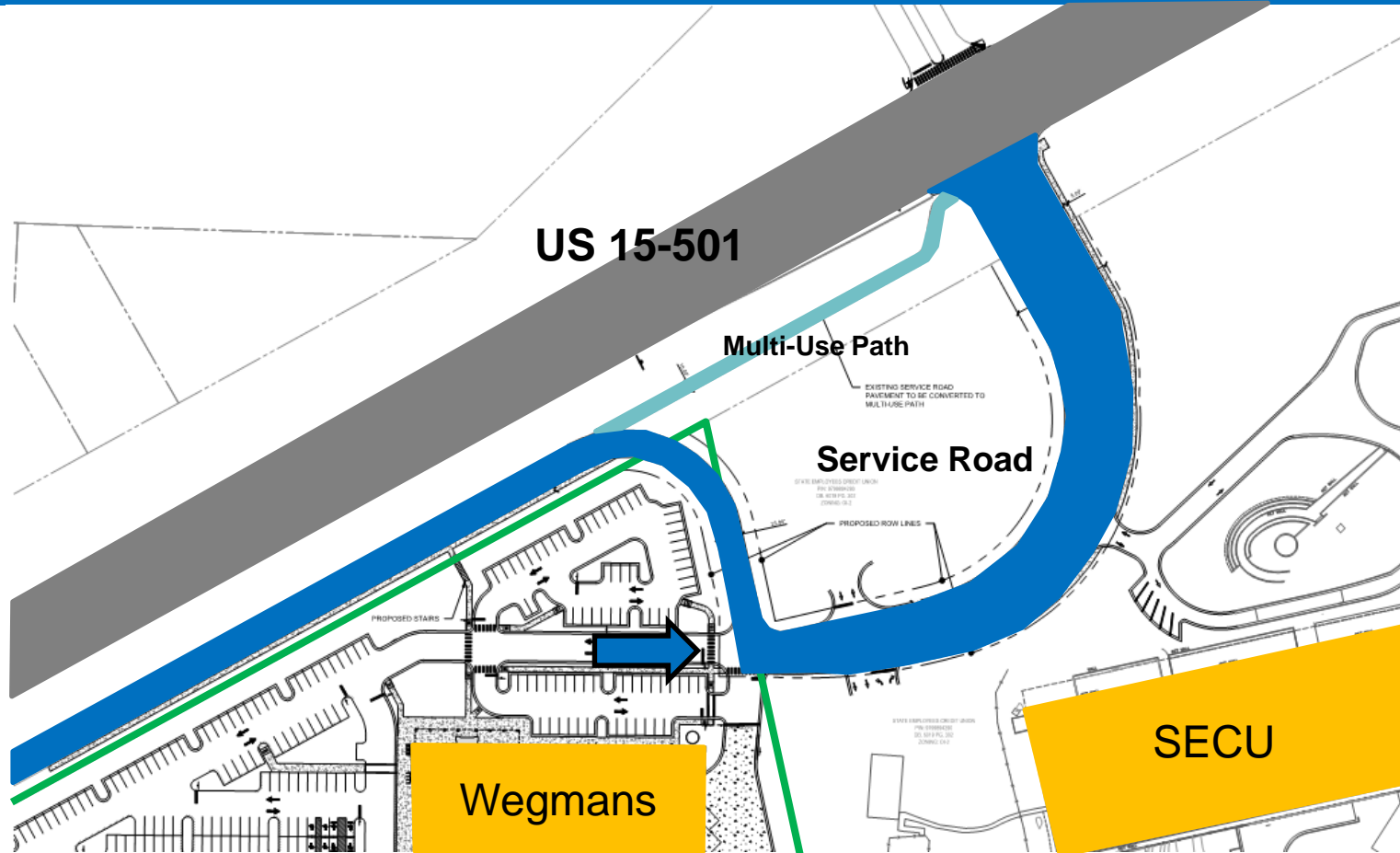


- Wegmans SUP approved in October 2017
  - 130,000 SF building
  - 750 parking spaces
- Full access limited to Old Durham Rd traffic circle
- Traffic calming measures required on adjacent streets





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- Generally supportive from internal traffic flow analysis
- Supportive of multi-use path along Fordham
- Disappointed with impact on visuals for customers arriving at the site, with rear building elevations now visible
- Worried about SECU stub-outs and future development
- Concern over potential traffic backup from I-40
- Want to ensure that TIA is using numbers from Eastowne
- Concern about removal of tree canopy at SECU site

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- Concern about traffic impacts associated with development
- Sidewalks should be provided
- Possible that vehicles will use Wegmans as a cut-through
- Interest in 4-way crosswalk at intersection of US 15-501 and Eastowne Drive
- Need mechanisms to slow down traffic in parking lot

- Adopt a Resolution, transmitting comments to the Applicant regarding the proposed development.

DRAFT

A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR WEGMANS FOOD MARKET AND SECU STREET CONNECTION (2019-09-11/R-9)

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill for 1810 Fordham Boulevard, PINs 9799-89-4290 and 9799-78-2879; and

WHEREAS, the Council has the opportunity tonight to hear this Applicant's presentation, receive a set of comments from both the Community Design Commission and Transportation and Connectivity Advisory Board, hear public comments, and offer suggestions to the Applicant; and

WHEREAS, the Council has heard presentations from the Applicant and members of the public; and

WHEREAS, statements by individual Council members this evening are not an official position or commitment on the part of a Council member with respect to the position he or she may take when and if a formal application for development is subsequently submitted to the Council for formal consideration; and

WHEREAS, the Council has discussed the proposal, with Council members offering reactions and suggestions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmits comments to the Applicant regarding this proposal, as expressed by Council members during discussions on September 11, 2019 and reflected in minutes of that meeting.

This the 11<sup>th</sup> day of September, 2019.





## CONCEPT PLAN APPLICATION

Parcel Identifier Number (PIN): 9799894290 & 9799782879

Date: 7/23/19

### Section A: Project Information

Project Name: Wegmans Food Market and SECU Street Improvements

Property Address: 1810 Fordham Boulevard - Chapel Hill, NC

Zip Code: 27514

Use Groups (A, B, and/or C): C

Existing Zoning District: OI-2/CC-C

Project Description: Developmetn of a street section to provide access to SECU and Wegmans Developmen

### Section B: Applicant, Owner and/or Contract Purchaser Information

#### Applicant Information (to whom correspondence will be mailed)

Name: Pennoni - Justin Brown

Address: 5430 Wade Park Blvd, Suite 106

City: Raleigh

State: NC

Zip Code: 27607

Phone: 919-230-9211

Email: jjbrown@pennoni.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: *Justin Brown*

Date: 7/23/19

#### Owner/Contract Purchaser Information:

☒ Owner

☐ Contract Purchaser

Name: LG 1810 Fordham Blvd, LLC.

Address: 3500 Maple Avenue, Suite 1600

City: Dallas

State: TX

Zip Code: 75219

Phone: 214-865-8090

Email: wtolliver@leoncapitalgroup.comQ

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: *W. T. Tolliver*

Date: 7/23/19





## CONCEPT PLAN APPLICATION

Parcel Identifier Number (PIN): 9799894290 & 9799782879

Date: 7/23/19

### Section A: Project Information

Project Name: Wegmans Food Market and SECU Street Improvements

Property Address: 1810 Fordham Boulevard - Chapel Hill, NC Zip Code: 27514

Use Groups (A, B, and/or C): C Existing Zoning District: OI-2/CC-C

Project Description: Developmetn of a street section to provide access to SECU and Wegmans Developmen

### Section B: Applicant, Owner and/or Contract Purchaser Information

#### Applicant Information (to whom correspondence will be mailed)

Name: State Employees' Credit Union attn: Jamie Applequist

Address: 119 N. Salisbury St.

City: Raleigh State: NC Zip Code: 27603

Phone: \_\_\_\_\_ Email: Jamie.Applequist@NCSECU.ORG

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### Owner/Contract Purchaser Information:

☒ **Owner**

☐ **Contract Purchaser**

Name: LG 1810 Fordham Blvd, LLC.

Address: 3500 Maple Avenue, Suite 1600

City: Dallas State: TX Zip Code: 75219

Phone: 214-865-8090 Email: wtolliver@leoncapitalgroup.comQ

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: *W. Miller* Date: 7/23/19



## CONCEPT PLAN APPLICATION

Parcel Identifier Number (PIN): 9799894290 & 9799782879

Date: 7/23/19

### Section A: Project Information

Project Name: Wegmans Food Market and SECU Street Improvements

Property Address: 1810 Fordham Boulevard - Chapel Hill, NC Zip Code: 27514

Use Groups (A, B, and/or C): C Existing Zoning District: OI-2/CC-C

Project Description: Developmetn of a street section to provide access to SECU and Wegmans Developmen

### Section B: Applicant, Owner and/or Contract Purchaser Information

#### Applicant Information (to whom correspondence will be mailed)

Name: State Employees' Credit Union attn: Jamie Applequist

Address: 119 N. Salisbury St.

City: Raleigh State: NC Zip Code: 27603

Phone: Email: Jamie.Applequist@NCSECU.ORG

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: Date:

#### Owner/Contract Purchaser Information:

☒ Owner

☐ Contract Purchaser

Name: Jamie Applequist

Address: 119 N. Salisbury Street

City: Raleigh State: NC Zip Code: 27603

Phone: Email: Jamie.Applequist@NCSECU.ORG

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature:  Date: 7/20/19



## Concept Plan Project Fact Sheet

Site Description	
<b>Project Name</b>	Wegmans/SECU Driveway Modification
<b>Address</b>	1810 Fordham Blvd, Chapel Hill, NC
<b>Property Description</b>	Proposed Grocery Store
<b>Existing Land Use</b>	1810 Fordham Blvd, Chapel Hill, NC
<b>Proposed Land Use</b>	Grocery Store
<b>Orange County Parcel Identifier Numbers</b>	9799894290 & 9799782879
<b>Existing Zoning</b>	OI-2/ CC-C
<b>Proposed Zoning</b>	OI-2 / CC-C
<b>Application Process</b>	SUP Modification
<b>Comprehensive Plan Elements</b>	Pedestrian connection to retail with surrounding neighborhood area in connection with Old Durham Chapel Hill roadway improvements.
<b>Overlay Districts</b>	

Topic	Requirement	Proposal	Status
<b>Use/Density</b> ( <a href="#">Sec. 3.7</a> )	N/A	N/A	
<b>Dimensional Standards</b> ( <a href="#">Sec. 3.8</a> )	N/A	N/A	
<b>Floor area</b> ( <a href="#">Sec. 3.8</a> )	N/A	N/A	
<b>Modifications to Regulations</b> ( <a href="#">Sec. 4.5.6</a> )	N/A	N/A	
<b>Adequate Public Schools</b> ( <a href="#">Sec. 5.16</a> )	N/A	N/A	
<b>Inclusionary Zoning</b> ( <a href="#">Sec. 3.10</a> )	N/A	N/A	
<b>Landscape</b>			
<b>Buffer – North</b> ( <a href="#">Sec. 5.6.2</a> )	N/A	N/A	
<b>Buffer – East</b> ( <a href="#">Sec. 5.6.2</a> )	N/A	N/A	
<b>Buffer – South</b> ( <a href="#">Sec. 5.6.2</a> )	N/A	N/A	
<b>Buffer - West</b> ( <a href="#">Sec. 5.6.2</a> )	N/A	N/A	



<b>Tree Canopy</b> ( <a href="#">Sec. 5.7</a> )	N/A	N/A	
<b>Landscape Standards</b> ( <a href="#">Sec. 5.9.6</a> )	N/A	N/A	
<b>Environment</b>			
<b>Resource Conservation District</b> ( <a href="#">Sec. 3.6</a> )	N/A	N/A	
<b>Erosion Control</b> ( <a href="#">Sec. 5.3.1</a> )	N/A	N/A	
<b>Steep Slopes</b> ( <a href="#">Sec. 5.3.2</a> )	N/A	N/A	
<b>Stormwater Management</b> ( <a href="#">Sec. 5.4</a> )	N/A	N/A	
<b>Land Disturbance</b>	N/A	N/A	
<b>Impervious Surface</b> ( <a href="#">Sec. 3.8</a> )	N/A	N/A	
<b>Solid Waste &amp; Recycling</b>	N/A	N/A	
<b>Jordan Riparian Buffer</b> ( <a href="#">Sec. 5.18</a> )	N/A	N/A	
<b>Access and Circulation</b>			
<b>Road Improvements</b> ( <a href="#">Sec. 5.8</a> )	N/A	Curb and gutter along portion of Service Road	
<b>Vehicular Access</b> ( <a href="#">Sec. 5.8</a> )	N/A	Access from Service Road to Wegmans Parking lot and SECU Property	
<b>Bicycle Improvements</b> ( <a href="#">Sec. 5.8</a> )	N/A	N/A	
<b>Pedestrian Improvements</b> ( <a href="#">Sec. 5.8</a> )	N/A	Sidewalk along proposed driveway with cross walks across driveways along Service Road and Fordham Blvd and convert portion of Service Road to multi use path.	
<b>Traffic Impact Analysis</b> ( <a href="#">Sec. 5.9</a> )	N/A	N/A	
<b>Vehicular Parking</b> ( <a href="#">Sec. 5.9</a> )	N/A	N/A	
<b>Transit</b> ( <a href="#">Sec. 5.8</a> )	N/A	N/A	
<b>Bicycle Parking</b> ( <a href="#">Sec. 5.9</a> )	N/A	N/A	
<b>Parking Lot Standards</b> ( <a href="#">Sec. 5.9</a> )	N/A	N/A	
<b>Technical</b>			



<b>Fire</b>	N/A	N/A	
<b>Site Improvements</b>	N/A	N/A	
<b>Schools Adequate Public Facilities</b> ( <a href="#">Sec. 5.16</a> )	N/A	N/A	
<b>Recreation Area</b> ( <a href="#">Sec. 5.5</a> )	N/A	N/A	
<b>Lighting Plan</b> ( <a href="#">Sec. 5.11</a> )	N/A	N/A	
<b>Homeowners Association</b> ( <a href="#">Sec. 4.6</a> )	N/A	N/A	

Symbol	Meaning	Symbol	Meaning
	Meets Standard	<b>M</b>	Modification necessary
NA	Not Applicable	UNK	Not known at this time



## Checklist

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning and Sustainability at (919)968-2728 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org).

X	<b>Application fee</b> ( <a href="#">refer to fee schedule</a> )	Amount Paid \$	\$380.00
X	<b>Pre-application meeting</b> – with appropriate staff		
X	<b>Digital Files</b> - provide digital files of all plans and documents		
X	<b>Concept Project Fact Sheet</b>		
X	<b>Statement of Compliance with Design Guidelines</b> (1 copies)		
X	<b>Statement of Compliance with Comprehensive Plan</b> (1 copies)		
N/A	<b>Affordable Housing Proposal, if applicable</b> (Rezoning Policy or Inclusionary Ordinance)		
X	<b>Mailing list of owners of property within 1,000 feet perimeter of subject property</b> ( <a href="#">see GIS notification tool</a> )		
X	<b>Mailing fee for above mailing list</b>	Amount Paid \$	\$230.00
X	<b>Developer's Program</b> – brief written statement explaining how the existing conditions impact the site design. Including but not limited to:		
	<ul style="list-style-type: none"> <li>• Natural features of site</li> <li>• Access, circulation, and mitigation of traffic impacts</li> <li>• Arrangement and orientation of buildings</li> <li>• Natural vegetation and landscaping</li> <li>• Impact on neighboring properties</li> <li>• Erosion, sedimentation, and stormwater</li> </ul>		
X	<b>Resource Conservation District, Floodplain, &amp; Jordan Buffers Determination</b> - necessary for all submittals		
X	<b>Reduced Site Plan Set (reduced to 8.5"x11")</b>		

## Plan Sets (1 copies to be submitted no larger than 24"x36")

Plans should be legible and clearly drawn. All plan sets sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks and buffers
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable





## Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names.
- f) 1,000' notification boundary

## Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries

## Proposed Site Plan

- a) Existing building locations
- b) General location of proposed structures
- c) Parking areas
- d) Open spaces and landscaped areas
- e) Access points and circulation patterns for all modes of transportation
- f) Approximate locations of trails, pedestrian and bicycle connections, transit amenities, and parking areas
- g) Approximate location of major site elements including buildings, open areas, natural features including stream buffers, wetlands, tree stands, and steep slopes
- h) Proposed land uses and approximate location

**Proposed Wegmans and SECU Driveway  
Improvements**

**Town of Chapel Hill**

**Orange County, North Carolina**

**STATEMENT OF COMPLIANCE**

**Prepared By:**

**Pennoni**

**5430 Wade Park Blvd, Suite 106**

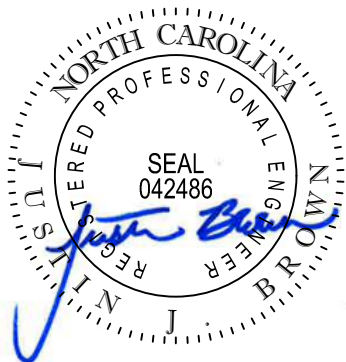
**Raleigh, NC 27607**

**(919) 929-1173**

**Firm License: F-1267**

**Project #WGMNS18001**

**Date: July 23, 2019**





## Table of Contents

<b>General Project Description.....</b>	
<b>Statement of Compliance with Design Guidelines .....</b>	
<b>Statement of Compliance with Comprehensive Plan .....</b>	
<b>Developer’s Program .....</b>	
Development Goals & Objectives .....	
Traffic Impact Analysis .....	

### **General Project Description**

The subject property is located along the Town of Chapel Hill's northeastern gateway on 15/501 (Fordham Boulevard). The site is situated to the north of the intersection of Scarlett Drive and Old Durham Chapel Hill Road. The proposed concept plan consists of two sites, a) a Wegmans Grocery Store site (PIN 9799782879) which is presently under construction, and b) an existing SECU office building (PIN: 9799894290). The attached concept plan for the proposed roadway/driveway improvements will enhance and improve traffic circulation between these properties as well as improve circulation within the project area.

### **Statement of Compliance with Design Guidelines**

It is intended that all improvements will be coordinated to meet or exceed the intent of the current Town of Chapel Hill Design Manual and the Chapel Hill Land Use Management Ordinance. The proposed development, with the underlying zoning district of the subject property (CC-C), will require that the Special Use Permit Modification previously granted to the Wegmans Grocery Store Development on October 25, 2017 be further modified. It is intended that the proposed development will be in accordance with the following LUMO criteria:

- Building setbacks
- Impervious surface threshold
- Tree canopy coverage
- Stormwater will be designed to mimic the existing drainage patterns
- All utilities will be underground

### **Statement of Compliance with Comprehensive Plan**

The Chapel Hill 2020 Comprehensive Plan adopted six (6) themes. Below is a list of each theme is integrated within the proposed development:

1. **A Place for Everyone** – The Wegmans development offers up a wide array of career opportunities; inclusive of part-time, entry-level positions for high school and college students. Additionally, full-time employment opportunities will be available, including management-level positions.

Wegmans also strives to support the community through feeding the hungry, encouragement of healthy eating & activities, enrichment of neighborhoods in which they serve, helping young people succeed and supporting the United Way.

2. **Community Prosperity and Engagement** – The Wegmans development will attempt to partner with local, family farms near the store to provide fresh produce in addition to providing local beef, pork and cheese. Additionally, the project will provide a significant increase in commercial tax base and sales revenue.
3. **Getting Around** – The Wegmans development will provide pedestrian connection to link retail with the surrounding neighborhood areas to the south of the property and office to the north and east of the site. Additionally, the planned Old Durham Road roadway improvements will provide future pedestrian links to the subject development and surrounding community.
4. **Good Places, New Spaces** – The Wegmans development will replace the relocation efforts of Performance Auto Mall to their Southpoint Mall existing auto dealerships. The project will consist of the redevelopment of a currently under-utilized commercial development (Performance Auto) into a community and regional specialty grocery store development.

5. **Nurturing Our Community** – The Wegmans will promote the redevelopment of an existing auto dealership that is scheduled to be relocated with or without the development of the Wegmans store. This redevelopment will also include the cleanup of an environmentally contaminated site.
6. **Town and Gown Collaboration** – The Wegmans development is proposed to the south of the current location of UNC Healthcare Eastowne Campus expansion project that is currently under construction. The development will provide a retail destination for the employees within the Eastowne Campus and the existing SECU office development. Furthermore, the Marketplace Café and Pub restaurant will provide access to a wide variety of lunch and dinner options for employers and employees.

The project is located within the North 15/501 Focus Area. The proposed development will provide and enhance this area in accordance with the goals stated within the focus area. Specifically, the development will employ the following:

1. Redevelopment of a currently underutilized commercial development (Performance Auto) into a community and regional grocery store development
2. Provides pedestrian connection to link retail with the surrounding neighborhood areas in connection with the Old Durham Chapel Hill Road roadway improvements

### **Developer's Program**

#### **Development Goals & Objectives**

- **Developer's Objectives:** The developer proposes to construct a +/- 102,000 SF grocery store including the installation of landscaping, lighting, stormwater management and utilities necessary to support the development.
- **Wegmans (tenant) Objectives:** Wegmans believes, "Good people, working toward a common goal, can accomplish anything they set out to do. In this spirit, we set our goal to be the very best at serving the needs of our customers. Every action we take should be made with this in mind. We also believe that we can achieve our goal only if we fulfill the needs of our own people".
- **Wegmans is considered a regional supermarket chain with the following values:**
  - We care about the well-being and success of every person
  - High standards are a way of life. We pursue excellence in everything we do
  - We make a difference in every community we serve
  - We respect and listen to our people
  - We empower our people to make decisions that improve their work and benefit our customers and our company

#### **Traffic Impact Analysis**

- The developers (Wegmans and SECU) have collaborated with each other on this concept as well as with the Town of Chapel Hill Public Works, NCDOT and the Town's traffic consultant (HNTB). This Concept Plan will be further enhanced while working in tandem with the review agencies through the Special Use Permit Modification and subsequent Zoning Compliance Permit processes. The existing surrounding roadway networks have been previously reviewed and analyzed to prepare this concept plan which has been developed to mitigate the additional traffic associated with these developments. The off-site roadway improvements are shown on the Conceptual Site Plan, dated 07/18/2019. The original traffic study

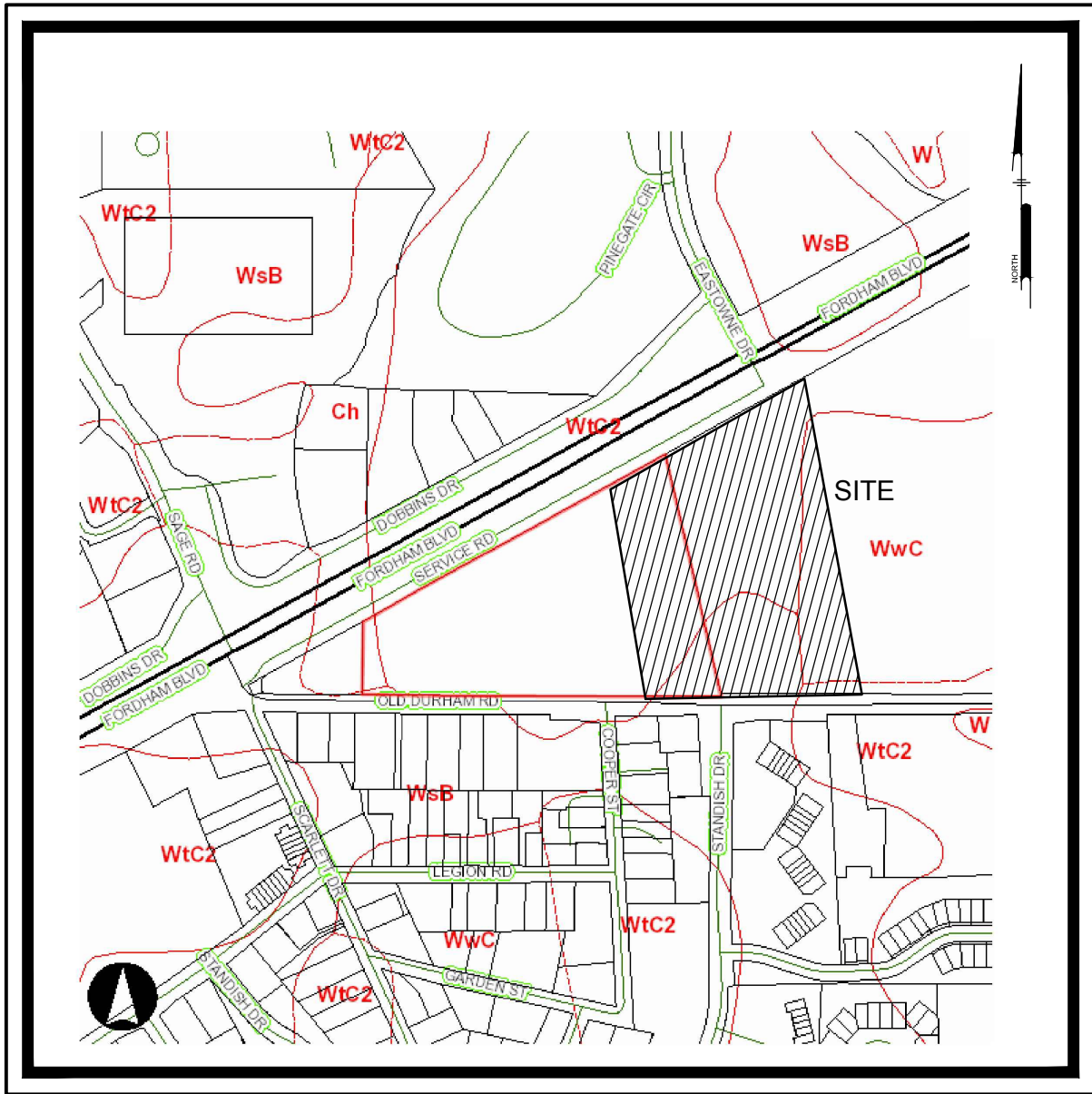
Information concerning the transportation analysis can be found in the Gateway Grocery Draft Traffic Impact Study, prepared by HNTB, dated August 2016; Technical Memo – Draft, prepared by HNTB, dated 8/24/16 and the Option “B” minimum design level of service results, dated 8/30/16. Further analysis is anticipated in order to properly study the benefits associated with the proposed improvements shown on the Concept Plan.



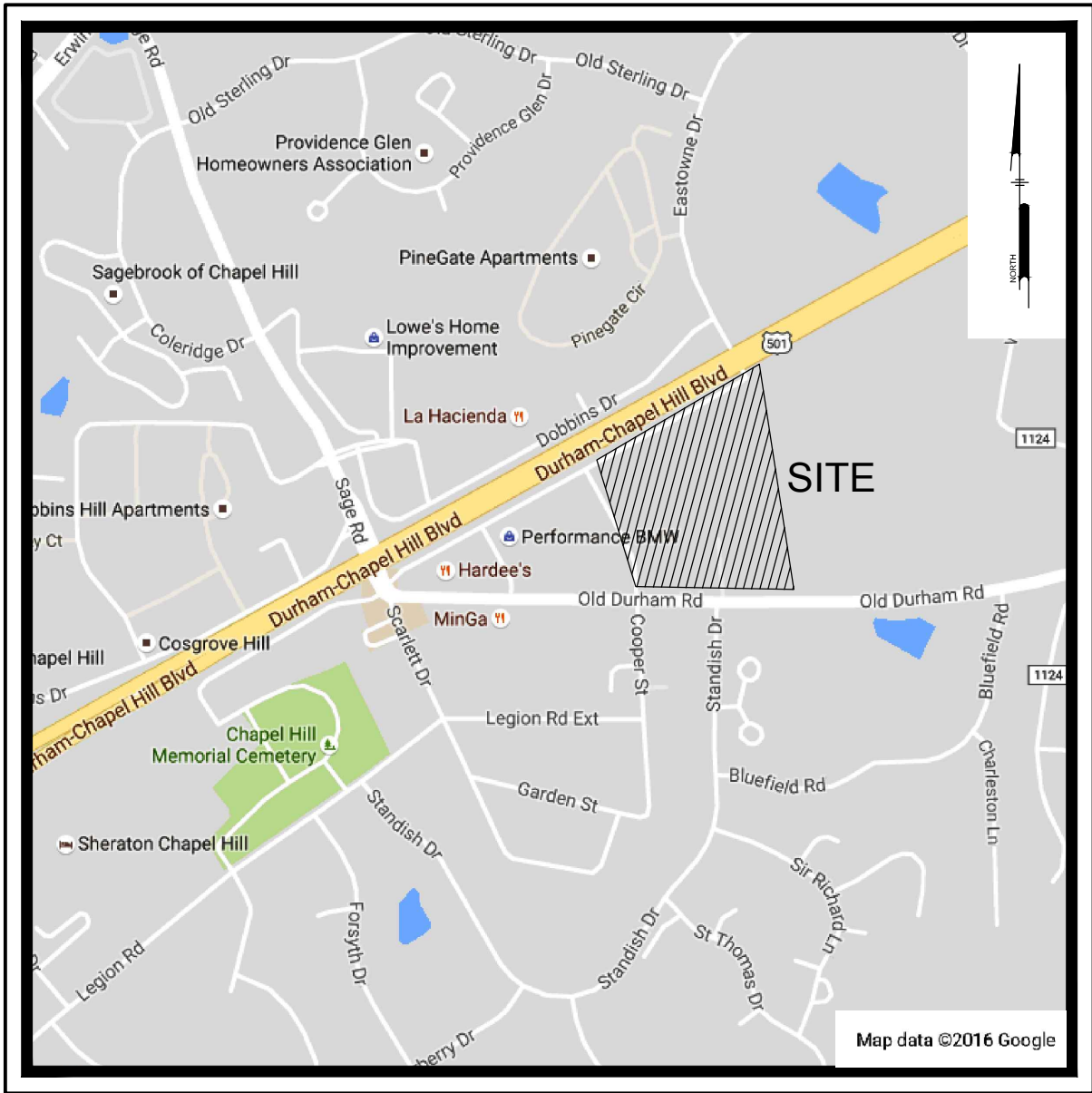
PROPOSED WEGMANS/SECU DRIVEWAY IMPROVEMENTS  
CONCEPT PLAN

ORANGE COUNTY, NORTH CAROLINA  
2018-07-18

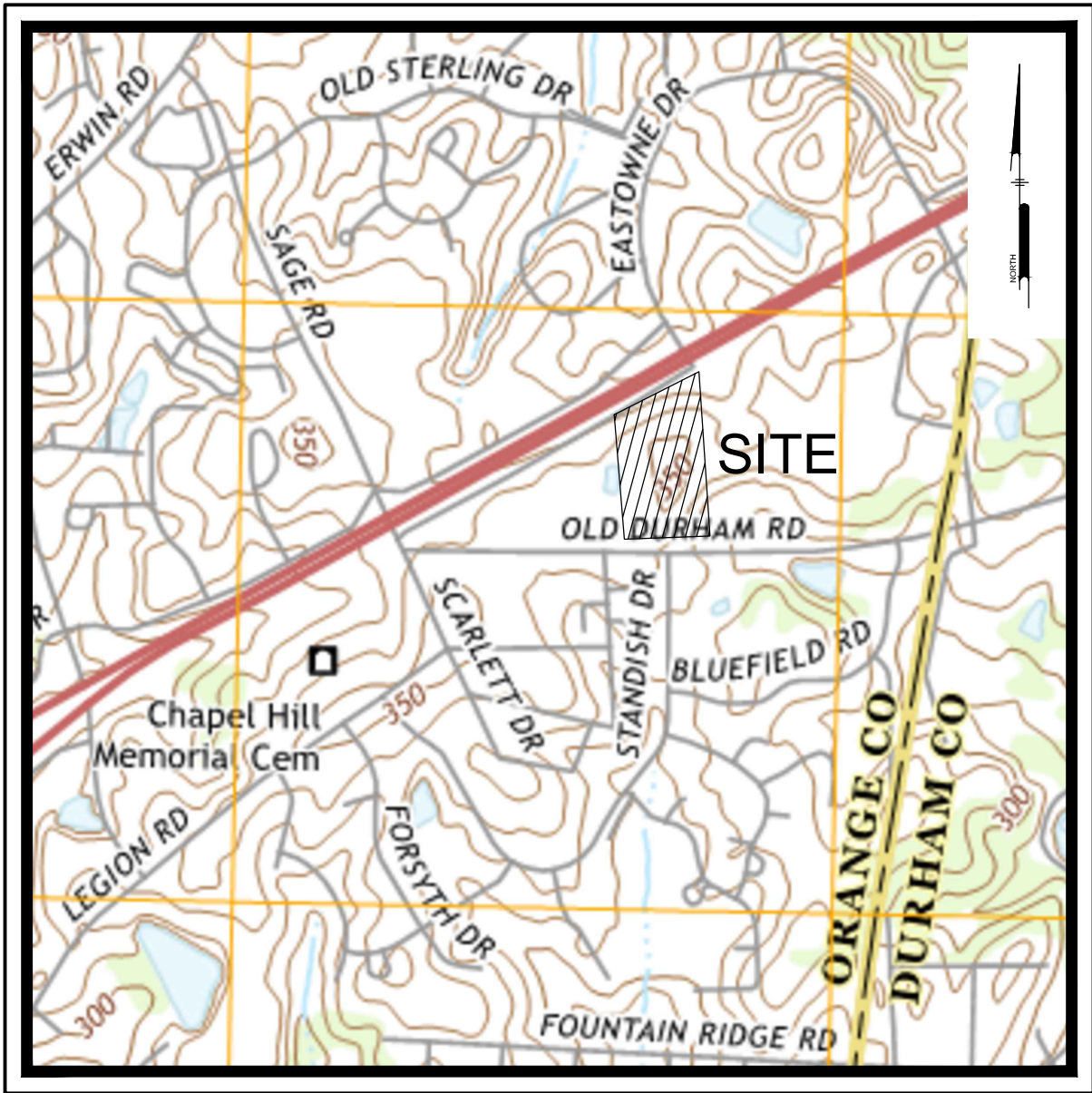
PREPARED FOR:  
OWNER/DEVELOPER  
WEGMAN'S FOOD MARKET  
1500 BROOKS AVE  
ROCHESTER, NY 14624  
(585) 720-5786



SOILS MAP  
NTS



LOCATION MAP  
NTS



USGS MAP  
NTS

PREPARED BY:  
PENNONI ASSOCIATES INC.



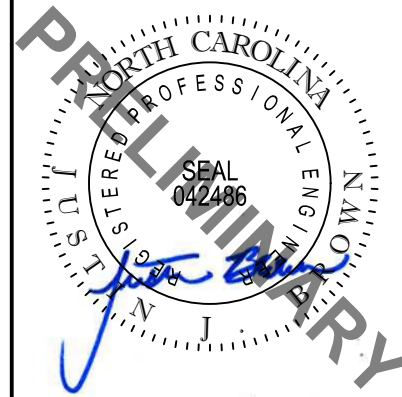
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5430 Wade Park Blvd #106  
Raleigh, NC 27607  
T 919.929.1173  
F 919.493.6548



PRELIMINARY  
NOT FOR CONSTRUCTION

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR  
AND OWNER MUST BE NOTIFIED OF ANY  
DISCREPANCIES BEFORE PROCEEDING WITH WORK



PROPOSED WEGMANS/SECU DRIVEWAY  
IMPROVEMENTS

208

COVER SHEET  
WEGMAN'S FOOD MARKET  
1500 BROOKS AVE  
ROCHESTER, NY 14624

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES  
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EXPOSURE TO PENNONI ASSOCIATE. AND OWNER SHALL  
INDemnIFY AND HOLD HARMLESS PENNONI ASSOCIATES  
FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES  
ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	WGMNS18001
DATE	2019-07-18
DRAWING SCALE	AS SHOWN
DRAWN BY	CJJ
APPROVED BY	JUB

CS0001  
SHEET 1 OF 1



U:\Account\WGMNS\WGMNS18001 - Wgmns - Chapel Hill, NC - 11/05/2019 - SHEETS\Concept Plan\CS0201.dwg PLOTTED: 7/23/2019 11:14 PM BY: Justin Brown PLOTSTYLE: Pennon1.ncs.ctb PROJECT: STAFFUS -

- NOTES:
1. THIS PLAN REFERENCES DOCUMENTS AND INFORMATION BY:
    - A. BOUNDARY AND TOPOGRAPHIC SURVEY, PREPARED BY PHIL POST & ASSOCIATES, A DIVISION OF PENNONI (FIELD DATE 06/14/2016)
    - B. BOUNDARY AND TOPOGRAPHIC SURVEY, PREPARED BY BALLENTINE & ASSOCIATES, P.A.; DATED 01/20/2017
    - C. ORANGE COUNTY GIS INFORMATION
    - D. PROPOSED GROCERY STORE ENGINEERING CONSTRUCTION PERMIT PLANS, PREPARED BY PENNONI, LAST REVISED 06/14/2019.



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DISCREPANCIES BEFORE PROCEEDING WITH WORK

PROPOSED WEGMANS/SECU DRIVEWAY  
IMPROVEMENTS

209

EXISTING CONDITIONS PLAN  
WEGMANS FOOD MARKET  
1500 BROOKS AVE  
ROCHESTER, NY 14624

NO.	DATE	REVISIONS	BY

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SHALL INDEMNIFY AND HOLD HARMLESS PENNONI  
ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND  
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PROJECT	WGMNS18001
DATE	2019-07-18
DRAWING SCALE	1"=60'
DRAWN BY	CJJ
APPROVED BY	JJB

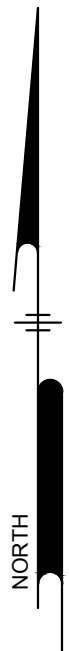
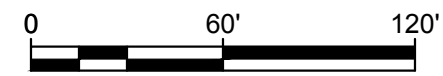
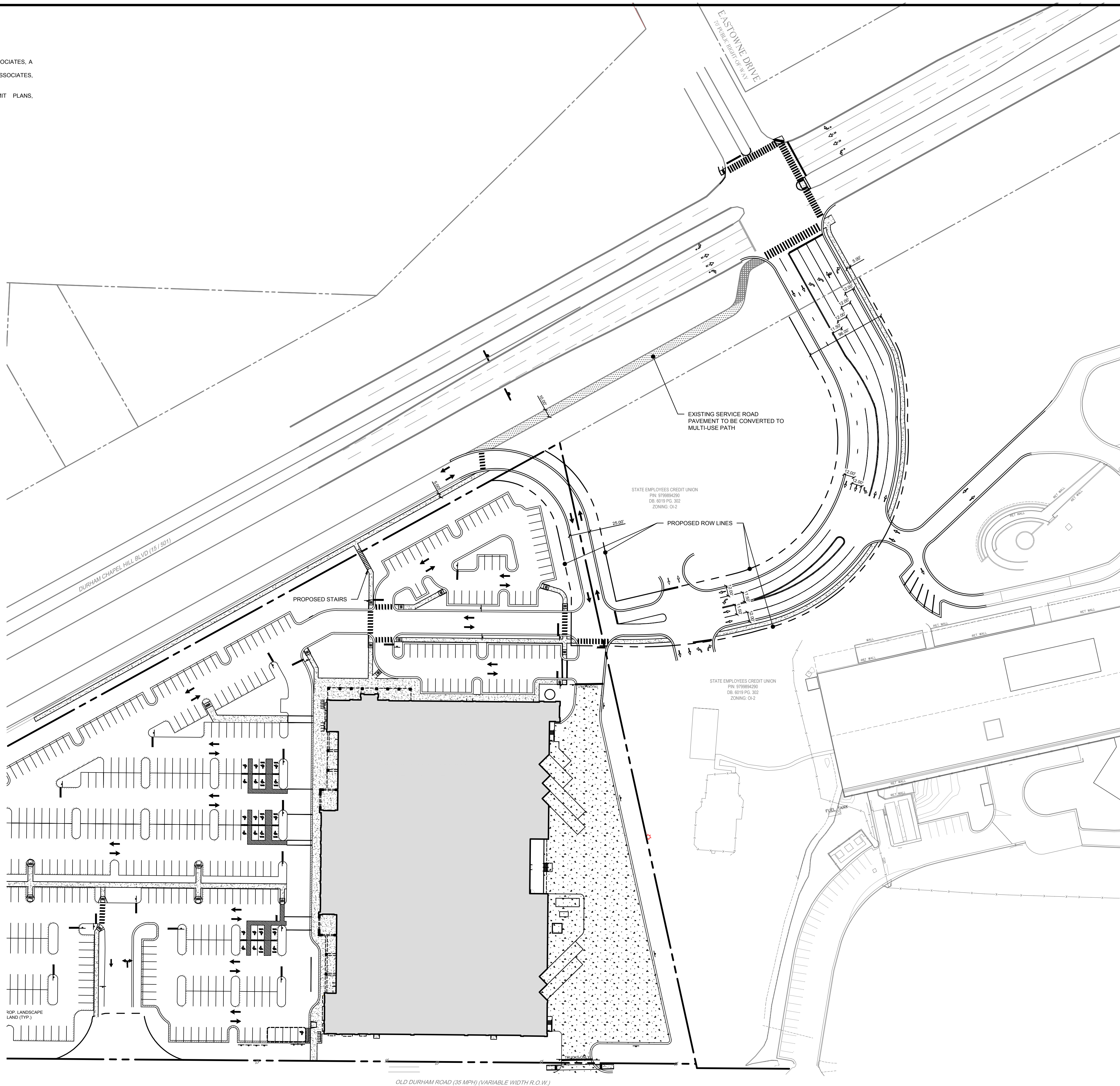
**CS0201**  
SHEET 2 OF 3

**Pennon**  
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F-1287  
**PENNONI ASSOCIATES INC.**  
5430 Wade Park Boulevard  
Suite 106  
Raleigh, NC 27607  
T 919.929.1173 F 919.493.6548



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T 919.929.1173 F 919.493.6548

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**210**

**PROPOSED WEGMANS/SECU DRIVEWAY  
IMPROVEMENTS**

1810 FORDHAM BLVD  
CHAPEL HILL, NC 27514

**SITE PLAN**

**WEGMANS FOOD MARKET**  
1500 BROOKS AVE  
ROCHESTER, NY 14624

NO.	DATE	REVISIONS	BY

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PROJECT	WGMNS18001
DATE	2019-07-18
DRAWING SCALE	1"=60'
DRAWN BY	CJJ
APPROVED BY	JJB

**CS1001**

SHEET 3 OF 3

SUMMARY OF A CONCEPT PLAN REVIEW  
1820 FORDHAM BOULEVARD  
COMMUNITY DESIGN COMMISSION

August 27<sup>th</sup>, 2019

The Community Design Commission conducted a concept plan review for Wegmans Market-Traffic Improvements located at 1820 Fordham Boulevard on August 27<sup>th</sup>, 2019. The project proposed construction of a new entrance drive to the Wegmans site through the adjacent SECU Site. Key points made by members of the Commission and Public about the concept plan include:

- Generally supportive of the proposal from an internal traffic flow analysis.
- Disappointed w/ the visual impact on the SECU building/site and arrival.
- Questioned if rear building elevations should be reconsidered given the new entrance will highlight this façade.
- Concerned about the future stub-outs shown given what development could occur and what that impact on the SECU building/site would be.
- Supportive of the proposed multi-use path along Fordham.
- Concerned over potential traffic backup from I-40.
- Would like to see a study for an internal site connection from the Service Road.
- Would like to ensure that TIA is using numbers from the proposed Eastowne Development as well.
- Concerned expressed over the removal of tree canopy on the SECU site.





**TOWN OF CHAPEL HILL**  
**Planning Department**

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

phone (919) 968-2728 fax (919) 969-2014  
[www.townofchapelhill.org](http://www.townofchapelhill.org)

August 27, 2019

Members of the Transportation and Connectivity Advisory Board provided comments for the proposed Wegmans/SECU Street Connection Concept Plan on August 27<sup>th</sup>, 2019. The concept plan proposed construction of a new road providing ingress/egress to/from the Wegmans site and SECU at Eastowne and US 15-501. The proposed road will have sidewalk along one side, and a portion of the existing service road will be converted to a multi-use path.

It is to be noted that quorum was not met, thus the provided comments are the opinions, concerns, inquiries of individual members.

- What are the traffic impacts associated with the development? (*Susanne Kjemtrup-Lovelace*)
- Will sidewalks be provided? (*Susanne Kjemtrup-Lovelace*)
- Concerns of vehicular traffic traveling through Wegmans / SECU street connection as a cut-through road. (*Jason Merrill*)
- Will there be a 4-way crosswalk / 4-legged intersection at the intersection of US 15-501 and Eastowne Drive? (*Jason Merrill*)
- Will there be mechanisms to slow down potential cut-through traffic traveling through the Wegmans parking lot? (*Josh Kastrinsky*)
- Has there been any coordination with UNC / Eastowne master plan team? (*Councilmember Hongbin Gu*)
- How many number of parking spaces will be provided for vehicles and bicycles? (*Councilmember Hongbin Gu*)



# TOWN OF CHAPEL HILL

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

## Item Overview

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**Item #:** 14., **File #:** [19-0740], **Version:** 1

**Meeting Date:** 9/11/2019

---

**Concept Plan Review: 1751 Dobbins Drive Office Building (Project #19-023).**

See the Staff Report on the next page.

---

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

**PRESENTER:** Michael Sudol, Planner II

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

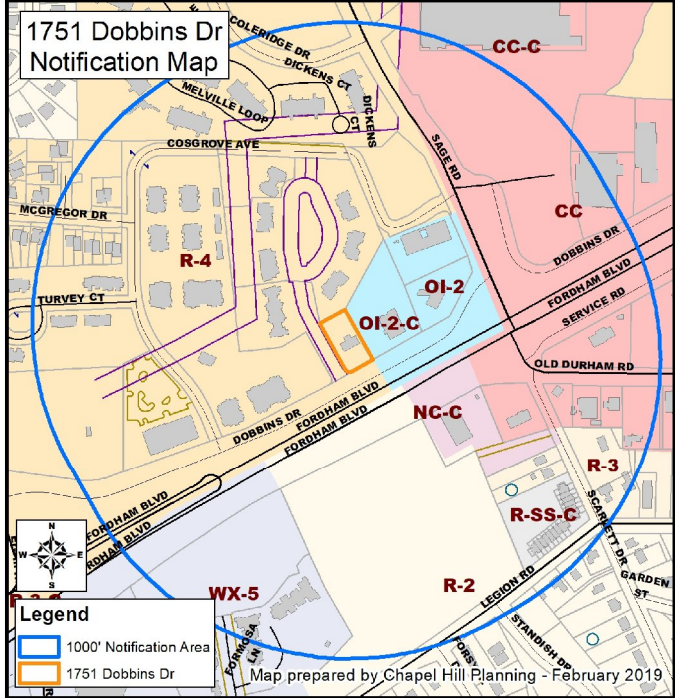
**RECOMMENDATION:** That the Council adopt the resolution transmitting comments to the applicant.



# CONCEPT PLAN REVIEW: 1751 DOBBINS DRIVE OFFICE BUILDING (Project #19-023)

STAFF REPORT

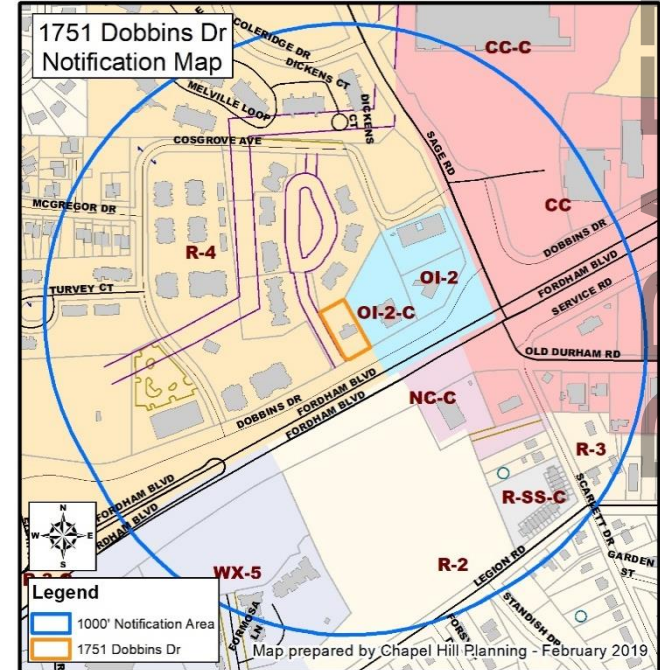
TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
Judy Johnson, Operations Manager  
Michael Sudol, Planner II

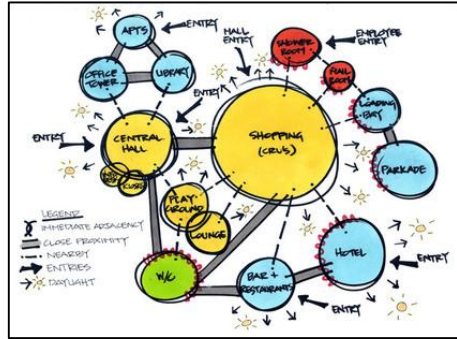
<b>ADDRESS</b> 1751 Dobbins Drive	<b>DATE</b> September 11, 2019	<b>APPLICANT</b> Miho Elliott, Shaw Design Associates on behalf of James R. and Melissa A. Miller, LLC
<b>STAFF'S RECOMMENDATION</b> That the Council adopt the resolution transmitting comments to the Applicant.		
<b>PROCESS</b> <ul style="list-style-type: none"> <li>• Receive the Applicant's presentation</li> <li>• Receive Community Design Commission input</li> <li>• Receive public comments tonight</li> <li>• Offer suggestions to the Applicant</li> </ul> <p>Comments Statements by individual Council members on a concept plan are not a commitment on an official position for a formal application.</p>	<b>DECISION POINTS</b>  This application first requires a Concept Plan Review because the Applicant requests a Conditional Zoning for the project.  Staff advised the Applicant to discuss their preferred process with Council.	
<b>PROJECT OVERVIEW</b>  The Concept Plan includes: <ul style="list-style-type: none"> <li>• Rezoning to OI-2-CZ</li> <li>• Demolishing a single-family home</li> <li>• Constructing a new 5,500 SF office building</li> </ul> <p>Size: Up to 5,500 SF of Commercial Office</p> <p>Acres: 0.45 acres</p> <p>Current zoning: Residential-4 (R-4)</p> <p>Proposed rezoning: Office/Institutional-2-Conditional Zoning (OI-2-CZ)</p>	<b>PROJECT LOCATION</b>  	
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Draft Staff Presentation</li> <li>2. Resolution</li> <li>3. Community Design Commission Comments from March 26, 2019</li> <li>4. Applicant's Materials</li> <li>5. Plan Set</li> </ol>	



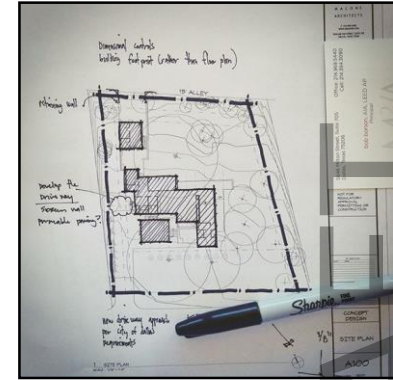
# 1751 Dobbins Drive Concept Plan

Town Council  
September 11, 2019

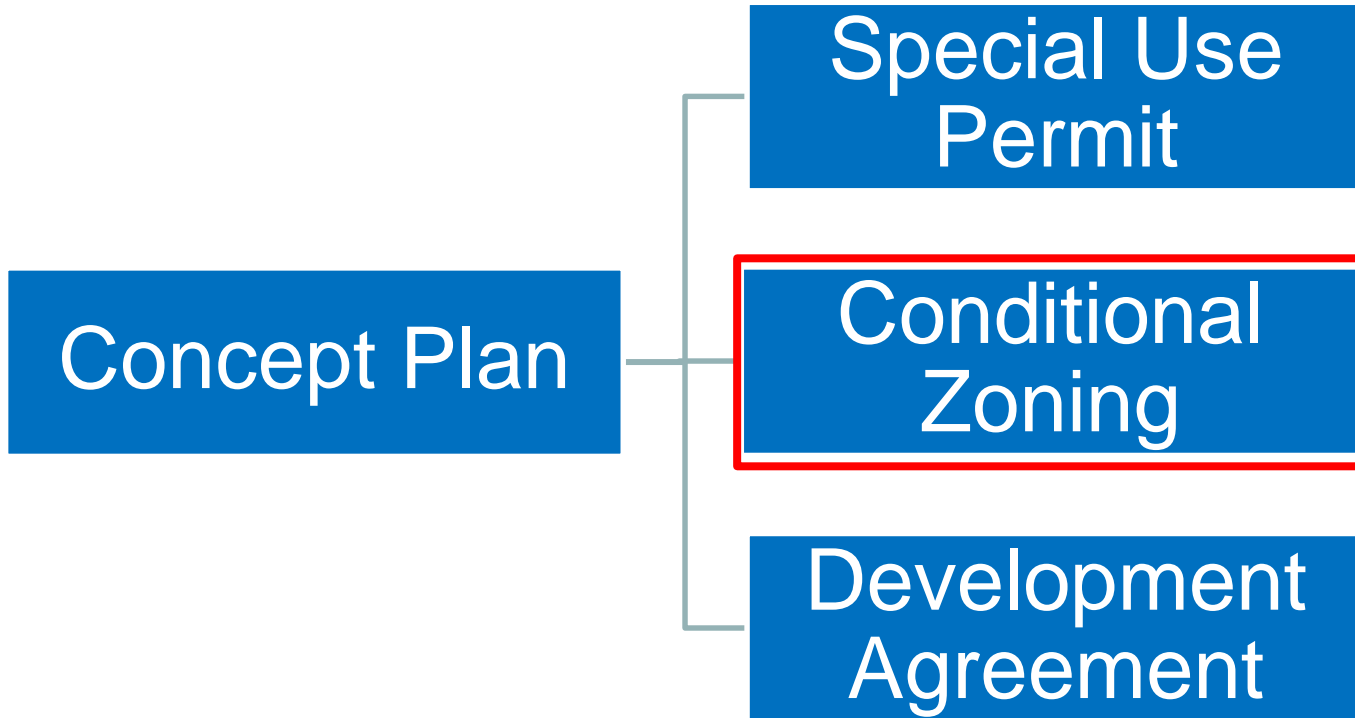




## Concept Plans



- **No Decision; Feedback Only**
  - Applicant presents rough initial sketch
  - Staff does not conduct formal review of concept
  - Instead forwards sketch for preliminary feedback



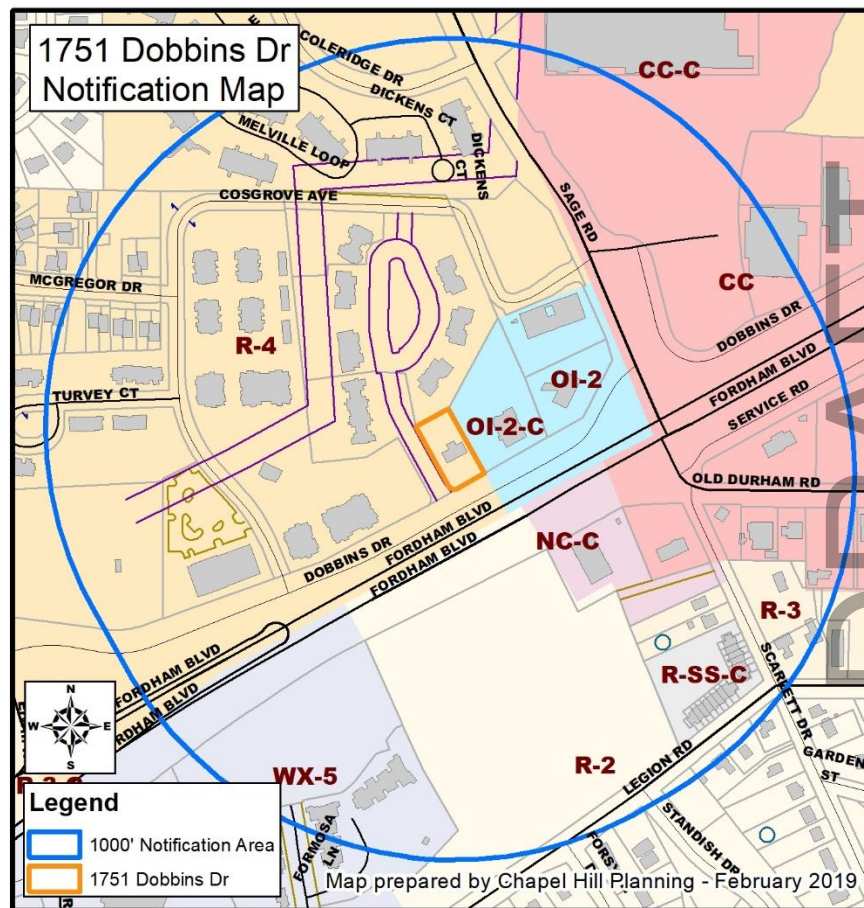
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- Adopt a Resolution, transmitting comments to the Applicant regarding the proposed development.

DRAFT

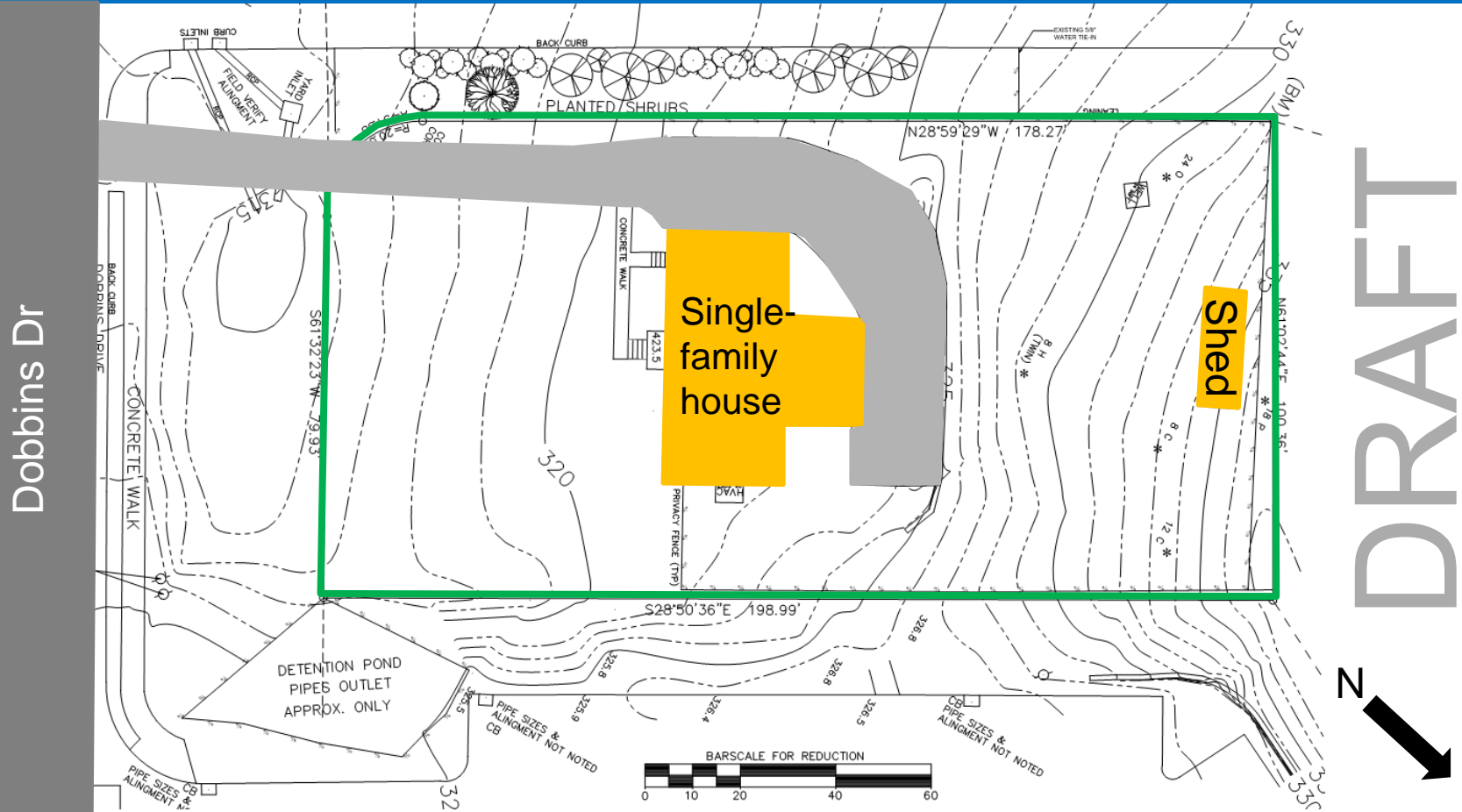


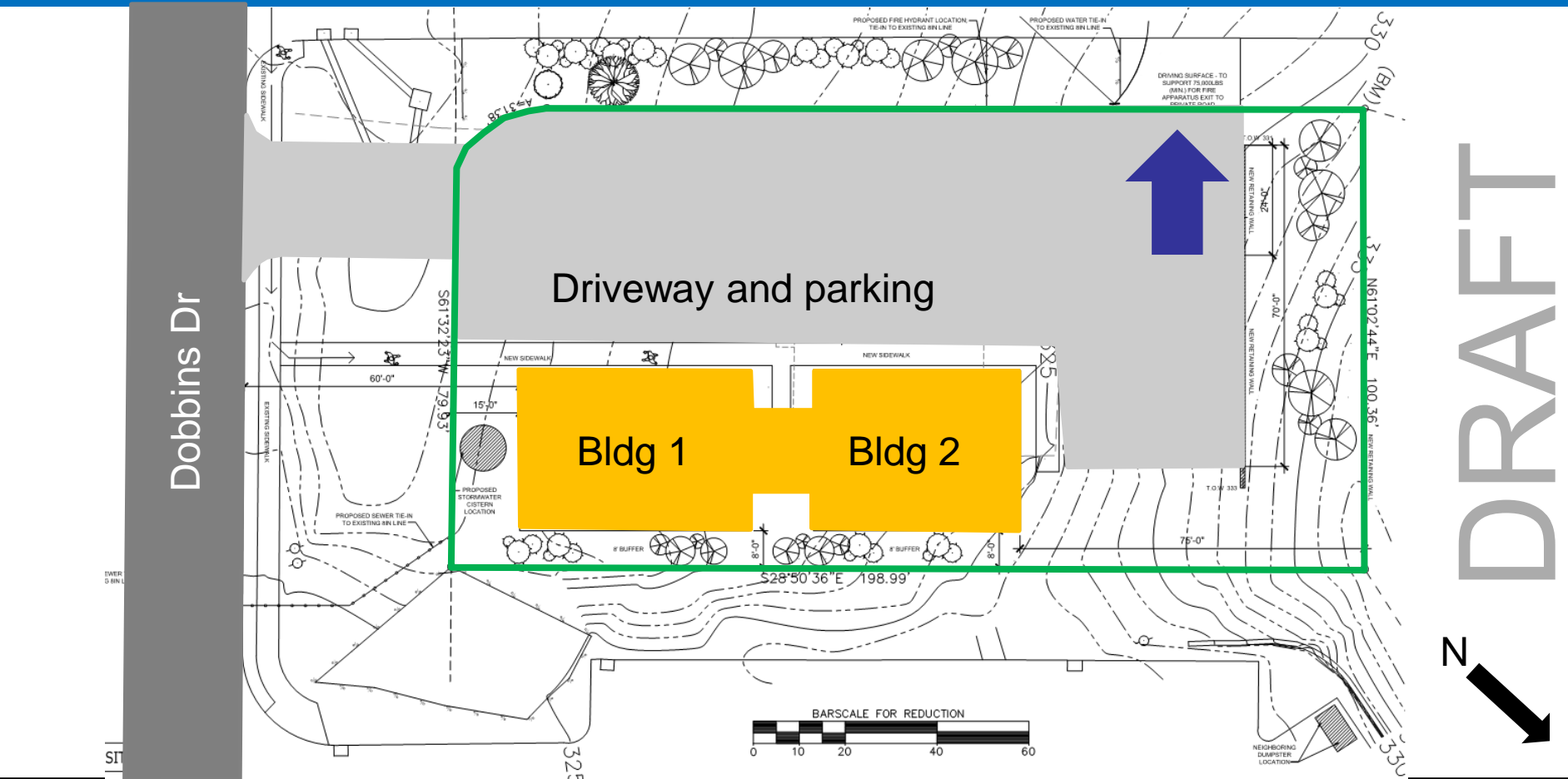
- 0.45 acre site
- Conditional Zoning
  - Currently R-4
  - Proposing OI-2-CZ
- Donate single-family home for affordable housing
- Construct 5,500 SF office





## 1751 Dobbins Dr – Existing Conditions 220





DRAFT

- Appreciation for thoughtfulness of the proposal on such a difficult site
- Concern over the amount of impervious surface
- Requested stormwater mitigation measures such as pervious paving and green infrastructure
- Split over architectural context of the building
- Suggested cantilevering the building over the parking to reduce impervious

DRAFT

- Adopt a Resolution, transmitting comments to the Applicant regarding the proposed development.

DRAFT

A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR  
1751 DOBBINS DRIVE OFFICE BUILDING (2019-09-11/R-10)

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill for 1751 Dobbins Drive, PIN 9799-58-6643; and

WHEREAS, the Council has the opportunity tonight to hear this Applicant's presentation, receive a set of comments from both the Community Design Commission and Housing Advisory Board, hear public comments, and offer suggestions to the Applicant; and

WHEREAS, the Council heard presentations from the applicant and members of the public; and

WHEREAS, statements by individual Council members this evening are not an official position or commitment on the part of a Council member with respect to the position he or she may take when and if a formal application for development is subsequently submitted to the Council for formal consideration; and

WHEREAS, the Council has discussed the proposal, with Council members offering reactions and suggestions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmits comments to the Applicant regarding this proposal, as expressed by Council members during discussions on September 11, 2019 and reflected in minutes of that meeting.

This the 11<sup>th</sup> day of September, 2019.

SUMMARY OF A CONCEPT PLAN REVIEW  
1751 DOBBINS DRIVE  
COMMUNITY DESIGN COMMISSION

March 26<sup>th</sup>, 2019

The Community Design Commission conducted a concept plan review for 1751 Dobbins Drive on March 26<sup>th</sup>, 2019. The project proposed construction of a mixed-use development including office, retail and residential. Additional surface parking, stormwater controls and amenities were proposed. Key points made by members of the Commission and Public about the concept plan include:

- Commission expressed appreciation for the development proposal and its thoughtfulness on such a difficult site, given that the owners of the adjoining private drive did not grant access to this property.
- Members expressed concern over the amount of proposed impervious surface and requested the use of stormwater mitigating measures such as pervious paving and green infrastructure.
- Members were split on the architectural context of the proposed building, some liking the modern expression. Others expressed concerns over the lack of fitting in w/ the existing context of surrounding buildings. The building could share some common elements w/ its neighbors, while still expressing modern design.
- A suggestion was made to consider cantilevering the building over the parking as a way to reduce impervious surface.
- Citizen spoke and expressed concern over traffic impacts to surrounding neighborhood, citizen also requested that the growth of the applicant's site be permanently capped.



## CONCEPT PLAN APPLICATION

Parcel Identifier Number (PIN): 9799-58-6643

Date: 2/22/19

### Section A: Project Information

Project Name: 1751 Dobbins Drive Office Building

Property Address: 1751 Dobbins Drive, Chapel Hill, NC

Zip Code: 27514

Use Groups (A, B, and/or C): B

Existing Zoning District: R-4

Project Description: Rezone the parcel from R-4 to OI-2-C (with conditional uses) to develop the site into a low-rise commercial office building

### Section B: Applicant, Owner and/or Contract Purchaser Information

#### Applicant Information (to whom correspondence will be mailed)

Name: Miho Elliott, Shaw Design Associates

Address: 180 Providence Road, Suite #8

City: Chapel Hill


State: NC

Zip Code: 27514

Phone: 919-493-0528

Email: miho@shawdesign.us

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: 

Date: 2/22/19

#### Owner/Contract Purchaser Information:

☐ Owner

☒ Contract Purchaser

Name: James R. and Melissa A. Miller, LLC

Address: 15006 Barnhardt Ct.

City: Chapel Hill

State: NC

Zip Code: 27517

Phone: 919-929-2495

Email: jmill@woodwardadvisors.com

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Signature: 

Date: 2/23/19



## Concept Plan Overview

Site Description	
Project Name	1751 Dobbins Drive Office Building
Address	1751 Dobbins Drive, Chapel Hill, NC
Property Description	Isolated existing single-family residence surrounded by apartments and office buildings with vehicular access to the DOT 15-501 Right of Way on Dobbins Road
Existing Land Use	Single Family Residence
Proposed Land Use	Office building
Orange County Parcel Identifier Numbers	9799-58-6643
Existing Zoning	R-4
Proposed Zoning	OI-2-C
Application Process	Conditional Zoning
Comprehensive Plan Elements	Area 5: North 15-501 – Considerations - Redevelopment opportunity Area 5 Actions #13. Focus additional efforts, in partnership with property owners in the areas, to identify sections to <b>rezone...</b>
Overlay Districts	N/A

## Regulatory Land Use Intensity

Design/LUMO Standards		Requirement	Proposal	Status
Sec. 3.7	Use/Density	R-4 -- 10/Acre Max OI-2 -- 15	N/A	
Sec 3.8	Net Land Area	19,793 sq. ft	19,793 sq. ft.	
Sec 3.8	Gross Land Area	21,772 sq. ft	21,772 sq. ft	
Sec. 3.8	Dimensional Standards	Street: R4 – 22’ Interior: R4 – 8’ Solar: R4 - 9’	Street: OI-2-C – 14’ Interior: OI-2 – 8’ Solar: OI-2 – 9’	
Sec. 3.8	Floor area	R-4: 0.230	OI-2 = 0.264	
Sec. 4.5.6	Modification to Regulations	REZONING/SUP	Conditional Zoning/Special Use Permit	
Sec. 5.5	Recreation Space	N/A	N/A	





## Site Design

Design/LUMO Standards			Requirement	Proposal	Status
Landscape	Sec. 5.6	East: OI-2	Type B Buffer	8’ W Type B Buffer	
	Sec. 5.6	North: R4	Type C Buffer	Type C Buffer	
	Sec. 5.6	South: Dobbins Dr.	Type C Buffer	Type B Internal Buffer	
	Sec. 5.6	West: Private Street	Type C Buffer	No buffer – Parking within if possible	
	Sec. 5.7	Tree Canopy	30%	Keep as much of existing as possible	
	Sec. 5.11	Lighting Plan (footcandles)			
Environment	Sec. 3.6	Resource Conservation District	N/A	N/A	
	Sec. 5.18	Jordan Riparian Buffer	N/A	N/A	
	Sec. 5.3.2	Steep Slopes	N/A	N/A	
	Sec. 5.4	Stormwater Management		Will comply	
		Land Disturbance		Will comply	
	Sec. 5.4	Impervious Surface		Will comply	
	Sec. 5.13	Solid Waste & Recycling	Non-Existent	Will comply – Roll out bins per Town	
Housing		Affordable Housing Proposal, if applicable	N/A	Donation of existing residential single family home to Affordable Housing	



Design/LUMO Standards			Requirement	Proposal	Status
Access & Circulation	Sec. 5.8	Street Standards	N/A	No new streets are being proposed	
	Sec. 5.8	Vehicular Access	N/A	Widen & reinforce existing drive for access to DOT/ Dobbins Road.	
	Sec. 5.8	Bicycle Improvements	None Existing	None proposed. No paths within the vicinity of this property.	
	Sec. 5.8	Pedestrian Improvements	None Existing	Extending sidewalk	
	Sec. 5.8	Distance from bus stop	Existing stop in front of Site	Dobbins Drive at Cosgrove – D Bus	Existing to remain
	Sec. 5.8	Transit Improvements	None	None Proposed	
	Sec. 5.9	Vehicular Parking Spaces	1 per 350 S.F. Min. 1 per 250 S.F. Max.	5,000 S.F./350 = 15	
	Sec. 5.9	Bicycle Parking Spaces	(4) Min. 2 additional spaces/2500 sq. ft Floor area	8 Bicycle parking	
	Sec. 5.9	Parking Lot Standards		Will comply	
Other		Homeowners Association	N/A	N/A	
	Sec. 5.5	Recreation Space	N/A	N/A	
	Sec. 5.12	Utilities		Access through dedicated water & sewer easement on private street (west side of lot) (P.B. 72-96)	
	Sec. 5.16	School Adequate Public Facilities	N/A	N/A	

Symbol	Meaning	Symbol	Meaning
	Meets Standard	<b>M</b>	Modification necessary
NA	Not Applicable	UNK	Not known at this time



## Checklist

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning and Sustainability at (919)968-2728 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org).

<b>X</b>	<b>Application fee</b> ( <a href="#">refer to fee schedule</a> )	Amount Paid \$	\$360.00
<b>X</b>	<b>Pre-application meeting</b> – with appropriate staff		
<b>X</b>	<b>Digital Files</b> - provide digital files of all plans and documents		
<b>X</b>	<b>Project Fact Sheet</b>		
<b>X</b>	<b>Statement of Compliance with Design Guidelines</b> (2 copies)		
<b>X</b>	<b>Statement of Compliance with Comprehensive Plan</b> (2 copies)		
<b>N/A</b>	<b>Affordable Housing Proposal, if applicable</b> (Rezoning Policy or Inclusionary Ordinance)		
<b>X</b>	<b>Mailing list of owners of property within 1,000 feet perimeter of subject property</b> ( <a href="#">see GIS notification tool</a> )		
<b>X</b>	<b>Mailing fee for above mailing list</b>	Amount Paid \$	\$42.40
<b>X</b>	<b>Developer's Program – brief written statement explaining how the existing conditions impact the site design. Including but not limited to:</b>		
	<ul style="list-style-type: none"> <li>• Natural features of site</li> <li>• Access, circulation, and mitigation of traffic impacts</li> <li>• Arrangement and orientation of buildings</li> <li>• Natural vegetation and landscaping</li> <li>• Impact on neighboring properties</li> <li>• Erosion, sedimentation, and stormwater</li> </ul>		
<b>X</b>	<b>Resource Conservation District, Floodplain, &amp; Jordan Buffers Determination</b> - necessary for all submittals		
<b>X</b>	<b>Reduced Site Plan Set (reduced to 8.5"x11")</b>		

## Plan Sets (10 copies to be submitted no larger than 24"x36")

Plans should be legible and clearly drawn. All plan sets sheets should include the following:

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks and buffers
- Streams, RCD Boundary, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable

## Area Map

- Project name, applicant, contact information, location, PIN, & legend
- Dedicated open space, parks, greenways
- Overlay Districts, if applicable



- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names.
- f) 1,000' notification boundary

### Existing Conditions Plan

- a) Slopes, soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries

### Proposed Site Plan

- a) Existing building locations
- b) General location of proposed structures
- c) Parking areas
- d) Open spaces and landscaped areas
- e) Access points and circulation patterns for all modes of transportation
- f) Approximate locations of trails, pedestrian and bicycle connections, transit amenities, and parking areas
- g) Approximate location of major site elements including buildings, open areas, natural features including stream buffers, wetlands, tree stands, and steep slopes
- h) Proposed land uses and approximate location

# SHAW DESIGN ASSOCIATES, P.A.

180 Providence Road | Suite 8 | Chapel Hill, North Carolina 27514  
919.493.0528  
www.shawdesign.us



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## DEVELOPER'S PROGRAM

1751 Dobbins Drive Office Building  
February 26, 2019

The existing site conditions and constraints heavily impacted the requested site development of the proposed low-rise commercial office building.

### ***Existing Zoning & Small Parcel Conditions:***

The single-family dwelling site is currently zoned R-4 in a predominately commercial use area of the Town along the 15-501 corridor. The only way to develop the relatively small 19,783 sq. ft. (< .5 acre) lot into a viable commercial parcel is to ask for an OI-2 zoning designation, which would minimize development constraints that would make this lot undevelopable as a commercial property.

The Developer intends to ask for the OI-2 zoning while putting self-imposed conditional use parameters (i.e. maintaining certain buffers, capping the building height, etc.) on the site to restrict development. This will allow the building and parking to fit the site without overwhelming the small parcel or negatively impacting its neighbors.

### ***Stormwater Management Concerns:***

The Developer intends to explore stormwater management solutions to mitigate the  $\pm 9,040$  increase in impervious surfaces on the site. Likely, a subterranean detention cistern with storm filter will be proposed toward the front (low side) of the lot around the stairwells. Also, permeable pavement options in the rear parking lot will be explored for feasibility and cost.

### ***Existing Grade & Single Dobbins Dr. Access Point Conditions:***

The existing grade of the site slopes upward, from the low point on the street-facing front of the property up roughly 20 feet toward the rear. The single access point from Dobbins Dr. forced the only site access to be on the front, which is where the building footprint wanted to be. The overall front-to-back steepness of the site must be altered to provide gently sloping accessible parking for the building.

The Developer's intent is to provide adequate parking for a 5,000 SF office building by creating parking alongside the proposed parcel access drive. The main entrance into the building is planned on being between the two connected office structures; the street-facing side of the building is designed to be two stories while a single-story structure is planned farther back. Large windows and a wedge-style roofline will make the structure architecturally interesting and impactful along the 15-501 corridor.

### ***Solid Waste Concerns:***

Because of restrictive access to the site and narrow parcel width, the Developer has asked for the ability to use roll-out garbage cans for the site.



## STATEMENT OF COMPLIANCE THEMES OF THE COMPREHENSIVE PLAN

1751 Dobbins Drive Office Building

February 26, 2019

The Dobbins Drive Office building is planned to fit within and service its Chapel Hill neighbors while keeping with the overall look and feel of the Town.

### **1. *Maintain the Urban Services/Rural Buffer Boundary:***

The office falls within the Urban Services area and will provide the surrounding community with leasable commercial office space that will attract new businesses to the Town. It is on a bus line with an existing stop within 100 yards of the parcel, allowing for non-vehicular access to the site.

### **2. *Participate in the Regional Planning Process:***

The proposed office building does not negatively impact this theme of the Comprehensive Plan.

### **3. *Conserve and Protect Existing Neighborhoods:***

The proposed office building is designed to both enhance and meld into the existing commercial use area. It is planned on the lone single-family residential parcel in the area and therefore will bring the commercial neighborhood into alignment. Traffic, noise, and visual impacts should be negligible.

### **4. *Conserve and Protect the Natural Setting of Chapel Hill:***

The office building will maintain buffers near the roads and adjoining properties including 10' minimum landscaping buffers along the sides of the lot and fence buffer at the rear.

### **5. *Identify Areas Where There Are Creative Development Opportunities:***

Rezoning this parcel to OI-2 will allow the site to become commercially viable with adequate parking. Because of the site's constraints – existing slope, relatively small size, and single access point from Dobbins Dr. – creative site solutions had to occur.

### **6. *Encourage Desirable Forms of Non-Residential Development:***

The two-story low-rise office building will provide leasable commercial space in a largely commercial corridor of 15-501. It is designed to be a visually interesting architectural element to subtly feature the modern mixed-materials building.

### **7. *Create and Preserve Affordable Housing Opportunities:***

The Developer would explore the option of donating the existing single family home to Affordable Housing (or similar organization) for relocation within the Town of Chapel Hill.

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## **8. Cooperatively Plan with the University of North Carolina at Chapel Hill:**

The office building proposal does not directly affect University plans.

## **9. Work Toward a Balanced Transportation System:**

The proposed office building is on a bus line with an existing bus stop within 100 yards of the site. Coupled with proposed bicycle parking areas, the site will encourage the use of the Chapel Hill transit and sidewalk system.

## **10. Complete the Bikeway/Greenway/Sidewalk Systems:**

The existing sidewalk along the Dobbins Dr. side of the property will be improved as needed. Bicycle parking for the building will encourage pedestrian access to the building. The Developer is also open to the possibility of assisting in completing the Dobbins Dr. sidewalk.

## **11. Provide Quality Community Facilities and Services:**

The modern commercial office building will provide the area with an estimated 5,000 square feet of leasable business space, bringing in new jobs and services to the Town.

## **12. Develop Strategies to Address Fiscal Issues:**

A new commercial building will attract new businesses to the Town, therefore increasing the tax base and improving the fiscal situation of the Town of Chapel Hill.

The Developer also intends to assist the DOT in jointly addressing the drainage issue at the front of the property and possibly completing the sidewalk down Dobbins Dr. to make the street and surrounding neighborhood more accessible.

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STATEMENT OF COMPLIANCE  
TOWN OF CHAPEL HILL DESIGN GUIDELINES  
1751 Dobbins Drive Office Building  
February 26, 2019

The proposed low-rise office building complies with many of the goals of the Chapel Hill Land Use Ordinance. Its rezoned use, overall layout, and architectural design intends to blend in with the adjacent parcels and overall commercial corridor location.

**Site Development:**

Rezoning the parcel from R-4 to OL-2 adheres to the Comprehensive Plan for Area 5: "focusing additional efforts, in partnership with property owners in the areas, to identify appropriate sections to rezone". Currently the parcel is the lone residentially-zoned property in the vicinity. Bringing in a commercially-zoned two-story low-rise office building will better fit the intent and use of the area.

To provide adequate parking for an office building on a relatively small (< .5 acre) site with a single access point from Dobbins Dr., the proposed development includes parking alongside the proposed access driveway. A retaining wall will level out the rear (high side) of the lot and allow for an accessible parking entrance to the building. Light spill and visual impact will be minimized by the chosen locations for parking.

The building footprint will be positioned as close to the access corridor as possible, therefore featuring the building rather than the parking lot. Site elements will be compatible with and fit into its surrounding community. Bicycle parking and a nearby bus stop will provide safe and convenient access to alternate means of transit.

Stormwater management will likely include a subterranean detention cistern with storm filter toward the front (low side) of the lot around the stairwells.

**Architectural Character:**

The proposed commercial office building is designed to create visual interest along the commercial 15-501 corridor without overwhelming the relatively small site. The two-story low-rise building will feature large windows, wide roof overhangs with brackets, varied materials, and subtly impactful volumes. It will fit the character of the surrounding parcels and add an architecturally interesting commercial space for Chapel Hill businesses.

**Landscape Character:**

The landscaping will incorporate native species and drought-tolerant plants into the existing natural areas of the parcel. Buffer landscaping around the building and parking lot will enhance the architecture and visually soften sight lines.







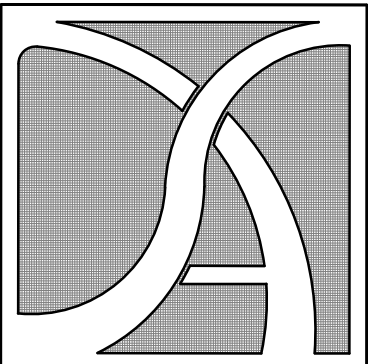
EXISTING PROPERTY INFORMATION:

PIN: 9799-58-6643  
LEGAL DESCRIPTION: 16 BL A LOCHEIN  
BOOK/ PAGE: 17-E-92

CONTRACTED OWNER: JAMES R. AND MELISSA A. MILLER LLC.  
EXISTING ZONING/ GROUP: R-4 / USE GROUP B

RCD: THIS PARCEL IS NOT LOCATED W/I THE RESOURCE  
CONSERVATION DISTRICT AS DEFINED IN THE CHAPEL HILL  
DEVELOPMENT/ LAND USE MANAGEMENT ORDINANCE  
BASIN/ WATERSHED: CAPE FEAR / JORDAN LAKE UNPROTECTED  
SOIL: WsB (WHITE STORE LOAM)

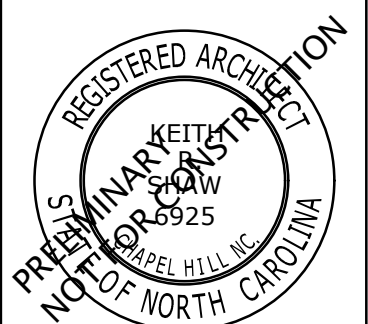
EXISTING USE: SINGLE FAMILY HOME W/ OUT-BUILDINGS  
EXISTING SIZE: +.45 ACRES (19,793 SF)  
EXISTING IMPERVIOUS SURFACE AREA: 4,759 (24%)



SHAW DESIGN  
ASSOCIATES, P.A.  
DESIGN  
PLANNING  
GRAPHICS  
180 PROVIDENCE RD SUITE #8  
CHAPEL HILL, NC 27514  
(919) 493-0528

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EXISTING SITE CONTEXT  
DOBBINS DRIVE OFFICE BUILDING  
1751 DOBBINS DRIVE  
CHAPEL HILL, NORTH CAROLINA



REVISIONS

DATE 2/14/2019  
DRAWN -  
FILE # 1826

C101B  
SHEET - OF -

237



VIEW OF BUS STOP  
(ON PRIVATE DRIVE, LOOKING SOUTH)



VIEW OF EXISTING BUFFER  
(ON DOBBINS, LOOKING NORTH)



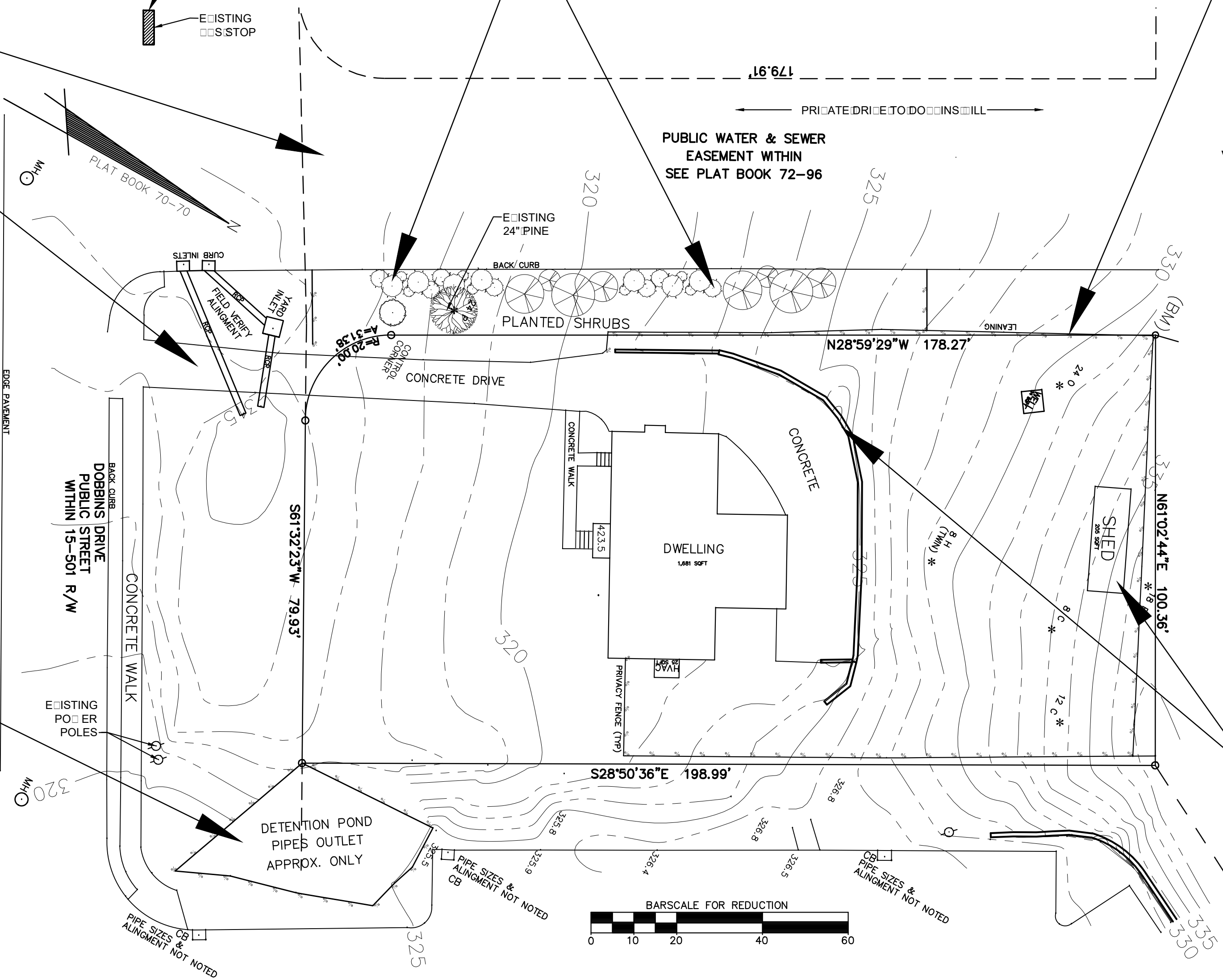
VIEW OF PRIVATE DRIVE & CONCRETE DRIVE  
(ON DOBBINS, LOOKING WEST)



VIEW OF EXISTING FENCE & REAR LOT GRADE  
(ON PRIVATE DRIVE, LOOKING SOUTHEAST)



VIEW OF EXISTING DETENTION POND & BUFFER  
(ON DOBBINS, LOOKING EAST)



1-C101B	EXISTING SITE PLAN
1:20 SCALE	



