



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Final

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

Monday, November 18, 2019

6:30 PM

Library Meeting Room B

Roll Call

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

Absent: 1 - Council Member Donna Bell

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Assistant Town Manager Mary Jane Nirdlinger, Police Officer Rick Fahrer, Interim Planning Director Judy Johnson, LUMO Project Manager Alisa Duffey Rogers, Planner II Becky McDonnell, Community Resilience Officer John Richardson, Mayoral Aide Jeanne Brown, Ombudsman Jim Huegerich, and Assistant Town Clerk Christina Strauch

0.01 Mayor Hemminger Regarding Open House for Eastowne Master Plan.

[\[19-0981\]](#)

Mayor Hemminger called the meeting to order at 6:32 p.m. She said that an open house regarding the Eastowne master plan would be held in Council chambers on November 19th from 5:30-6:30 p.m.

0.02 Mayor Hemminger Regarding Third Grade Field Trip.

[\[19-0982\]](#)

Mayor Hemminger mentioned that there had been a third grade field trip at Town Hall that day.

0.03 Mayor Hemminger Regarding Alleyway Ribbon Cutting, Celebrating Improvements, 200th Birthday Celebration on Wednesday, November 20.

[\[19-0983\]](#)

Mayor Hemminger announced a ribbon cutting at Varsity Alley at noon on November 19th. In addition, the Town's 200th birthday celebration would

begin at Town Hall at 5:30 p.m. on November 19th, along with a short mock meeting to remember key moments in the Town's history, she said.

0.04 Mayor Hemminger Regarding Arbor Week Kickoff at RENA Center.

[\[19-0984\]](#)

Mayor Hemminger said that children from Ephesus Elementary School and the RENA Center had helped kick off Arbor Week the prior week by planting trees at the RENA Center.

0.05 Mayor Hemminger Regarding Tree of the Year Contest.

[\[19-0985\]](#)

Mayor Hemminger pointed out that November 22nd would be the deadline for entry into the Tree of the Year contest.

0.06 Mayor Hemminger Regarding Planting 200 Trees for 200 Years.

[\[19-0986\]](#)

Mayor Hemminger said that the Town was reaching out to the community to help plant 200 trees as part of Chapel Hill's 200th birthday. More information was available on the Town website, she said.

0.07 Mayor Hemminger Regarding Naming Year 2019 as Year of the Cradle in Honor of 50th Birthday of Cat's Cradle.

[\[19-0987\]](#)

Mayor Hemminger said that Council Member Stegman would be joining the Town of Carrboro in celebrating "the Year of the Cradle" in honor of the 50th birthday of the Cat's Cradle.

AGENDA ITEMS

1. Discuss the Eastowne Master Plan.

[\[19-0960\]](#)

Mayor Hemminger said that the Council subcommittee, comprised of her and Council Members Gu, Parker and Schaevitz, wanted to update other Council Members and ask for their input regarding negotiations with UNC Healthcare (UNC-HC) about the Eastowne Master Plan and Development Agreement (DA). She outlined some of the Town's goals for that project such as increasing office/commercial development in order to help diversify the tax base and provide local jobs.

Mayor Hemminger said she was not sure that Council subcommittee members were completely aligned on every aspect of the negotiations or that the Town was completely aligned with UNC-HC. She said that the subcommittee envisioned a development focused on medicine and innovation, but that UNC-HC had returned with a proposal for residential, commercial, medical, and retail. UNC-HC had also asked for more than three times the density that the subcommittee had in mind, she said. She described a UNC-HC proposal to build on a northern parcel, and said she was bringing that forward for Council feedback.

Mayor Hemminger pointed out that the Town wanted to create more affordable housing at Eastowne, but said that the subcommittee had not made much progress with UNC-HC regarding that. A traffic impact analysis (TIA) of the area had not yet been completed, so it was not known how much traffic the roads could handle, she said. She told the Council that staff had recently learned that a northern parcel was a significant natural heritage area, which included a stream with Jordan Lake buffer requirements that prohibited building on it.

Mayor Hemminger said that the subcommittee had been willing to consider taller buildings in return for more greenspace preservation, but that UNC-HC had replied that it did not want to go higher than six stories. She said that the subcommittee was still processing that response and did not yet understand it. The subcommittee had not had time to process a regulating plan that it had recently received from UNC-HC, she said.

Interim Planning Director Judy Johnson gave a PowerPoint presentation on the Eastowne master plan. She said that the purpose of a November 20th council meeting would be to understand UNC-HC's request to drain a pond and stream crossings, and to discuss opportunities to preserve the natural heritage site. Staff would bring forward a resolution at that meeting that would request Council action on UNC-HC's request, she said.

Ms. Johnson provided background on the process and said that the Council subcommittee had met 13 times since February 2019. The subcommittee had been trying to hold true to Council-endorsed principles, she said, and she listed those. She explained that UNC-HC had presented two alternatives in recent months that would move the developable area closer to the stream. The Council subcommittee had recently received those plans and was still trying to understand them, she said.

Ms. Johnson provided information about the three-acre pond and dam and the state-regulated Jordan Lake buffer surrounding it. She noted that the area contained a 300-foot swath of Town Resource Conservation District as well. She explained what regulations would and would not allow in the area. UNC-HC was proposing to drain the pond and do some water quality improvements to the intermittent stream, she said.

Ms. Johnson pointed out that the site was currently ranked as a fairly significant natural heritage area and a substantial wildlife corridor. Biohabitats, Inc. had analyzed the region and concluded that a significant amount of it was worth preserving, she said. She mentioned that the site was in the 74th percentile, based on importance, and was vulnerable to extinction.

Ms. Johnson said that the question before the Council was whether reducing that environmental area in exchange for more preservation in the "northern 20" was an equal trade-off. She reviewed the timeline and said that staff was working toward reaching a DA by June.

The Council confirmed with Ms. Johnson that the Town and UNC-HC were still discussing the scope of the TIA and that the Town's technical team had not yet had time to analyze the recently-submitted regulating plan. Some wondered why the Council was having the conversation when it did not yet have the information it needed to make a decision.

Council Member Parker, a subcommittee member, replied that he wanted to discuss the Council's degree of comfort with the proposed vision for a medical innovation/mixed use campus. He asked how important it was to preserve all or part of the natural heritage site. He also asked Council Members to think about whether or not they would want Highway 15-501 widened to six lanes in the future.

Council Members Buansi and Gu expressed opposition to the idea of developing the northern parcel, and other Council Members said they could not make that decision without seeing a TIA. The Council said that far too much parking was being proposed, and some requested that underground parking be considered. Mayor Hemminger pointed out that more transit going to the site would add cost for the Town.

The Council asked for more information from UNC-HC about its plans for affordable housing. They wondered why UNC-HC was resisting going higher than six stories. Council Members said they wanted convenient retail that was scaled to medical and office uses such as employee childcare for those who live and work there, not major destination retail. Most Council Members said they wanted to preserve the natural heritage area, and some said they were willing to consider one hotel, but not two.

Mayor Hemminger pointed out that UNC-HC had asked for support for its request to drain the pond. She said that the Council could amend any agreement to include trade-offs, such as conservation of all or part of the northern area. The pond was not a viable stormwater feature, and draining it would yield developable area, she said.

Mayor pro tem Anderson ascertained from Mayor Hemminger that UNC-HC needed an answer regarding the pond because its regulating plan would be completely different without that land.

Council Member Gu, a subcommittee member, commented that UNC-HC might not need such a large footprint if it would commit to taller buildings. That would allow the Town to restore the pond as a beautiful water feature, she said.

Mayor Hemminger pointed out that the pond's dam was compromised and would have to be rebuilt. She also said that no one would be able to walk around the pond because of buffer regulations.

Town Manager Maurice Jones said that staff needed to hear from the

Council on what to do with the pond and whether or not there was any interest in allowing development on the northern parcel. He said that he was hearing that the majority of Council Members were not interested in building there for the first time.

Council Member Gu said that getting a realistic notion of capacity from the TIA would be relevant to whether or not the Town should allow development in the northern parcel.

Council Member Parker replied that a TIA required a hypothesis of what would be built before gathering information to determine whether or not it can be built. He pointed out that any decision about draining the pond would not be irrevocable.

Council Member Gu insisted, however, that road capacity needed to be known first in order to determine allowable density. She said that the Council needed to see alternative plans that showed taller buildings and a smaller footprint, but that UNC-HC continued to present the same plan.

Mayor Hemminger determined from Ms. Johnson that the TIA would likely be completed by January 2020.

2. Discuss Prescriptive Nature of the Draft Focus Area Maps & Principles.

[\[19-0961\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers gave a PowerPoint presentation on feedback from the community regarding draft focus area maps and principles. She said that some residents had thought the proposed character types were too narrowly drawn and/or that the focus area maps were too prescriptive. Ms. Duffey Rogers said that the community wanted the certainty of easy-to-understand maps and had stressed the importance of green space and meaningful transitions.

Council Member Parker said that the Town's future land-use map (FLUM) covered up to 30 years but would probably be revised in 10 or 15. Was there a way to build in some expectation of what might happen, sooner rather than later, he asked. He confirmed with Ms. Duffey Rogers that the FLUM and LUMO interacted with each other and that the contents of the LUMO rewrite would have to be more specific than what was in the FLUM.

Ms. Duffey Rogers said that towns were not good at making predictions and were almost always wrong when trying to predict what piece of land would change. Therefore, she was hesitant to include a temporal element, but the 30 year time frame was a way to help people think about how an existing road or building would not necessarily be there 10 or 30 years from now, she said.

Ms. Duffey Rogers proposed breaking larger focus areas down into

subareas with appropriate uses in each. She said that having transitions had been important to those who commented, and she proposed adding "transition" as a new character type on maps where appropriate. That would give the Town flexibility while also giving residents the security of knowing that their neighborhood would be respected, she said. Ms. Duffy Rogers pointed out that parks were also important to community members, and proposed indicating those on the FLUM as well.

The Council confirmed with Ms. Duffey Rogers that the transition character type would not be specific and would merely flag the place between two area types. She confirmed by consensus that Council Members thought character type and height should be on separate maps. She asked if Council Members thought the revised names and character type descriptions were specific enough.

Mayor pro tem Anderson said she liked the revised character types, and Council Member Oates said that she did, too, except for "mixed-use" because everyone defined that differently. Council Member Schaevitz said that "transition" was somewhat vague but that she did not have a good suggestion for a word that would provide more transparency and clarity.

The Council discussed how "transition" could mean different things, and Ms. Duffey Rogers gave an example of a six-story building that appears to be right up against a single family house. She was envisioning putting the transition character type there, she said. She pointed out that the transition could be between heights, between uses, or even be a wall.

Mayor Hemminger expressed concern about leaving the word "residential" off the list of character types because the Town did have some people living along Martin Luther King Jr. Boulevard. Even though those areas probably would be developed at some point, she did not want to be disrespectful to those residents, she said, and Ms. Duffey Rogers agreed to figure something out.

Council Member Buansi confirmed with Ms. Duffey Rogers that "institutional civic" meant owned by the Town or Orange County with the idea that it would transition to something else over the next 30 years. Mayor Hemminger and Council Member Parker discussed how the Town had no control over houses of worship and how civic space could mean various things, and Ms. Duffey Rogers noted that a church might be a transition.

Ms. Duffey Rogers said that she would return with an update at the November 20, 2019 Council meeting.

Gary Baum, a Martin Luther King Jr. Boulevard resident, asked what a "traditional neighborhood" character type was and how that related to what was being discussed.

Ms. Duffey Rogers replied that some residents wanted to preserve the

existing rhythm and scale of their community and did not want a new character type. Therefore, staff had developed a "traditional neighborhood" character type to address that concern, she said. Whatever action the Council takes at its November 20th meeting would be folded into what had been discussed tonight, she said.

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

A motion was made by Council Member Oates, seconded by Council Member Buansi, that the Council enter into closed session as authorized by General Statute Section 143-318.11(a)(3) to consult with the Town attorney concerning an existing lawsuit in which the parties are Epcon Homestead, LLC and the Town of Chapel Hill. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 8:57 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session.