



TOWN OF CHAPEL HILL

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

Town Council

Meeting Minutes - Final

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, November 13, 2019

7:00 PM

RM 110 | Council Chamber

Roll Call

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

Absent: 1 - Council Member Donna Bell

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Communications Manager Catherine Lazorko, Interim Planning Director Judy Johnson, Senior Planner Kari Grace, Fire Chief Matt Sullivan, Fire Marshal Tommy Gregory, Community Development Program Manager Renee Moye, Community Connections Coordinator Megan Peters, Housing and Community Assistant Director Sarah Vinas, and Communications and Public Affairs Director and Town Clerk Sabrina Oliver.

OPENING

Mayor Hemminger opened the meeting at 7:00 p.m. Council Member Bell was absent due to travel.

0.01 Successes Video: Intersection Improvements on Franklin Street between Merritt Mill Road and Graham Street.

[\[19-0949\]](#)

The meeting began with a Celebrating Successes Video about intersection improvements on Franklin Street between Merritt Mill Road and Graham Street. The \$350,000 project had been done in collaboration with the Town of Carrboro and the NC Department of Transportation and would make the area safer for pedestrians and cyclists, Mayor Hemminger said.

0.02 Proclamation: 100th Anniversary of Women's Right to Vote.

[\[19-0950\]](#)

Mayor pro tem Anderson read a proclamation regarding the 1919 passing of the 19th Amendment to the U.S. Constitution and the states'

ratification in 1920. The proclamation described the League of Women Voters of North Carolina and lauded its success in registering women. It declared November 10, 2019 to be the 100th Anniversary of Women's Right to Vote and the founding of the League of Women Voters in North Carolina. The proclamation recognized the impact of those accomplishments on the civic life of the Town, state, and nation.

Krishna Mondal, League of Women Voters of NC president, thanked the Town for the recognition and said that the League's Orange/Durham/Chatham chapter would continue its work for many more years.

Dr. Jennifer Bremer, representing the League's state board, discussed current threats to democracy and expressed hope that more people would join the League's current efforts.

Mayor Hemminger pointed out that the Town would celebrate its 200th birthday on November 20, 2019 and noted that women had been voting for only half of that time. She thanked the League of Women Voters for all its work.

0.03 Proclamation: Small Business Saturday.

[\[19-0951\]](#)

Council Member Parker read a proclamation about how small businesses contribute to the local community and country. Chapel Hill's small businesses create jobs, boost the local economy, and preserve neighborhoods, he said. The proclamation designated November 30, 2019 as Small Business Saturday in Chapel Hill and urged all to support small businesses and merchants on that day and throughout the year.

Matt Proctor, owner of the Vacuum Cleaner Hospital, thanked the Town for the proclamation and said that studies had confirmed the value of small businesses to local communities. Merchants would be offering deals and discounts on Small Business Saturday and information was available at #webuylocal, he said.

0.04 Proclamation: OWASA's Care to Share Day.

[\[19-0952\]](#)

Council Member Oates read a proclamation regarding the Orange Water and Sewer Authority's (OWASA) Care to Share program, which provided assistance to community members in partnership with The Interfaith Council. She said that the program had helped more than 200 households each year. The Council was joining with OWASA in proclaiming November 21, 2019 to be Care to Share Day and was urging all to support that program in any way possible, she said.

OWASA's Communications and Community Engagement Officer Linda Low expressed gratitude to the Town for its support and for raising awareness about the program. She asked community members to be as generous as

possible and to donate wherever and whenever possible. More information was available at caretoshare.org, she said.

Mayor Hemminger pointed out that citizens could go online and make a one-time donation, or spread a donation out by adding it to their monthly water bills.

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

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

1. Sylvia Steere Regarding Fordham Side Path.

[\[19-0930\]](#)

Sylvia Steere, a Chapel Hill resident, said that her petition regarding a proposed path along Fordham Boulevard was being supported by more than 100 residents who had safety concerns about the path's intersection with side streets. She showed on a map where bikes and pedestrians would cross and said that she had previously submitted information regarding how the intersection would conflict with Federal Highway Administration safety guidelines. A Kimley Horn study of the area had not been done at the area of concern, Ms. Steere said.

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

1.01 UNC Students Regarding "Ban the Box."

[\[19-0953\]](#)

Students from the University of North Carolina at Chapel Hill (UNC-CH) School of Social Work presented results of a project that Council Member Oates had asked them to take on.

Ellie Glass explained the project's goal to evaluate "Ban the Box", a Town policy to remove a box on employment applications asking about criminal records. She described the six-step racial equity policy, passed in 2011, which had been intended to end structural, institutional and individual racism.

Sonam Shah provided background on the Town's 2012 Ban the Box policy, which had come out of an Orange County Partnership to End

Homelessness petition. The idea had been to remove any biases that might impede people from getting jobs, she said. She said that not much data was available regarding the policy's effects and that such information would be essential to determining whether the policy was helpful or harmful.

Sophia Janken explained that the needed data included: information on whether the policy had resulted in an increase in applications from people with criminal backgrounds; figures on who was being offered interviews and who was ultimately being hired; and information determining that hiring staff were aware of the policy. She described how Ban the Box could hinder those it was meant to help, and she stressed the importance of racial equity training for staff.

The three students encouraged the Council to facilitate partnerships among specific community organizations to address the root causes of why Ban the Box was needed. They said that reducing bias within the Town's own Police Department could help to avoid some criminal records in the first place. Above all, the Town should seek out and prioritize the voices of those who are most impacted by the policy, which are people of color and those with criminal records, they said.

This item was received as presented.

1.02 The Green Team from Area Schools Regarding Environmental Sustainability.

[\[19-0954\]](#)

Four Chapel Hill middle and high school students gave a brief presentation on the student-led environmental program, called the Green Team. Hazel Grine explained that the Green Team was aimed at making the community more environmentally sustainable. Emma Culley described a program that attempted to raise awareness about exhaust fumes being one of the greatest contributors to climate change and the cause of various health problems. Benjamin Parry, Liseth Rodriguez and Lilly Howard said that pollutants from tailpipes were the same as greenhouse gases and could cause breathing difficulties for all. Therefore, reducing idling was an action that could be taken immediately to address climate change, Lilly Howard pointed out.

Laura Doherty, an educator with the Chapel Hill-Carrboro City Schools and a member of the Commission for the Environment of Orange County, said it was encouraging to see the Green Team's proposals becoming so successful in Town. She hoped Chapel Hill would continue to be a more bike-friendly and walkable community, she said.

Mayor Hemminger said that the Council was looking forward to taking action on the town's Climate Action Plan, which would engage the entire community. It was great to see the Town's youth getting involved, she said, adding that raising awareness was the first step toward changing

behavior.

This item was received as presented.

ANNOUNCEMENTS BY COUNCIL MEMBERS

1.03 Mayor Hemminger Regarding Eastowne Planning Meeting and West Rosemary Information Meeting.

[\[19-0955\]](#)

Mayor Hemminger announced an Eastowne planning meeting with UNC Healthcare at 2:00 p.m. on November 14, 2019 in the Chapel Hill Public Library. There would also be a public information meeting at 5:30 p.m. on November 14th regarding five mixed-use live/work buildings on West Rosemary Street, she said.

1.04 Mayor Hemminger Regarding Arbor Week.

[\[19-0956\]](#)

Mayor Hemminger pointed out that Arbor Week would begin on November 15, 2019 with the planting of a new tree at Ephesus Park. She highlighted some of the tree-related activities scheduled for the following week.

1.05 Mayor Hemminger Regarding Downtown Alleyway Ribbon Cutting.

[\[19-0957\]](#)

Mayor Hemminger announced a ribbon-cutting ceremony at the Varsity Alleyway in Downtown Chapel Hill at noon on November 20, 2019. She invited all to join the celebration.

1.06 Mayor pro tem Anderson Regarding Upcoming Council Meetings.

[\[19-0958\]](#)

Mayor pro tem Anderson said that a Council work session would be held at the Public Library on November 18, 2019 at 6:30 p.m., and a regular Council business meeting would occur on November 20th at 7:00 p.m. in Council Chambers. In addition, Chapel Hill Government's 200th anniversary celebration would be held at Town Hall on November 20th at 5:30 p.m. Former Council members and mayors, and other community members, would be attending and members of the public were encouraged to join, she said.

1.07 Council Member Buansi Regarding Remembrance Ceremony for Manley McCauley.

[\[19-0959\]](#)

Council Member Buansi said that a remembrance ceremony in honor of Manly McCauley (an African American man who had been lynched in the 1890s) would be held at Hickory Grove Missionary Baptist Church on November 15, 2019 from 10 a.m. to noon.

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. [\[19-0931\]](#)

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

3. Grant a Private Sewer Easement over Town Property to the Owners of 200 Perry Creek Road. [\[19-0932\]](#)

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

4. Authorize the Town Manager to Seek an Affordable Housing Partner for Town-Owned Land on Jay Street and Begin Negotiating an Agreement under which the Parties would Prepare a Proposed Development Project. [\[19-0933\]](#)

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

5. Adopt a Calendar of Council Meetings through June 2020. [\[19-0934\]](#)

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

6. Adopt Minutes from September 11 and 18, 2019 Meetings. [\[19-0935\]](#)

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[19-0936\]](#)

This item was received as presented.

DISCUSSION

8. Discuss On-Street Parking Regulations in the Burch Kove Neighborhood. [\[19-0937\]](#)

Fire Chief Matt Sullivan provided background information on the Burch Kove neighborhood, which had become an extraterritorial jurisdiction community in 2007 and was then annexed by the Town in 2014. He said that neighborhood covenants contained a provision against on-street parking, with the exception of 10 allotted spaces. To allow on-street parking would impede emergency and fire access on that narrow road, he

explained.

Chief Sullivan said that Burch Kove residents had expressed a variety of interests to him. He said that possible solutions included: locating 20 additional on-street parking spaces in the neighborhood; restricting parking to neighborhood access only; and/or creating an additional parking area. Other proposed ideas included allowing parking along Sewell School Road, creating one-way travel through the neighborhood, widening the street, and restricting parking to neighborhood access only, he said.

Chief Sullivan recommended using 20 spaces in the community as a temporary solution, and Mayor pro tem Anderson confirmed with him that the solution would be temporary because it probably was not sufficient and would not meet code.

Council members ascertained from Chief Sullivan that some homeowners had been using their garages as storage units. They confirmed with him that spaces associated with affordable housing had not been assigned, that Sewell School Road was a NC Department of Transportation (NC-DOT) road, and that parking would have to be restricted to certain areas even if it were allowed on one side of the road. Chief Sullivan said that neighborhood covenants did not allow on-street parking but that renters would not necessarily know about those covenants.

The Council verified with Chief Sullivan that widening the road would be costly. They verified that the Town's Parking Service and Fire Departments could enforce regulations that the Council might add. They also confirmed that the 20 spaces would be in addition to the 10 that had already been allocated (but not designated) and would be located where fire trucks could squeeze by. However, parking anywhere along that street would cause problems for fire trucks, Chief Sullivan said.

Robert Dowling, executive director of Community Home Trust, expressed concern about the eight affordable homeowners who had parking pads for only one car even though most were two-car households. Those residents must put a car in the street, he pointed out. Mr. Dowling said that the original developer had told him that there would be designated on-street parking. Prohibiting parking after the fact would be problematic, he said.

With regard to legal authority, Town Attorney Ralph Karpinos explained that the Town enforced its ordinances, HOAs enforced private covenants, and the two went down separate paths. The Town could enact an ordinance that restricts something that might otherwise be permitted by the HOA, he said. The Town could also allow something that would be in violation of HOA covenants, he said.

The Mayor and Council agreed that Chief Sullivan should designate the 20

spaces and see if that would meet the needs. Mayor Hemminger recommended that he ask the HOA about making it a one-way street and about allowing parking on one side. The Council confirmed that staff did not know if people from outside the neighborhood parked on the street and had not received a unified response about whether neighbors were interested in permits. They confirmed with Chief Sullivan that ensuring parking for the affordable units would mean having to permit and monitor those spaces.

Chief Sullivan said he would return with an ordinance that would designate 20 on-street parking spaces in the neighborhood. Mayor Hemminger asked him to obtain more information on the HOA's thoughts about making it a one-way street. She proposed that he also ask the HOA to recommend other places to add parking spaces.

This item was received as presented.

9. Initial Public Forum: Housing and Community Development Needs Assessment for the Community Development Block Grant Program.

[\[19-0938\]](#)

Community Development Program Manager Renee Moyer said that the first step in the annual Community Development Block Grant (CDBG) application process was to receive comments regarding the use of FY 2020-21 CDBG funds, in the context of the Town's five-year goals. She provided background on the federal program in which Chapel Hill had been designated as an entitlement community and gave examples of eligible and approved affordable housing (AH) and public service activities.

Ms. Moyer said that the Town's current allocation reflected an 8 percent decrease from the previous year, but that staff did not yet know what the FY 2020-21 amount would be. She explained that the funding application, due at HUD on January 14, 2020, would be followed by committee reviews of local applications and a public forum. The Council would take action in April and submission to HUD was due by May 15, 2020, Ms. Moyer said.

The Council confirmed with Ms. Moyer that federal requirements included holding two public forums at two different points in the process. Council Member Stegman urged staff to meet with low and moderate-income residents directly, even though some local non-profits do such community outreach as well. Council Member Buansi noted that the Community Policing and Advisory Committee was planning an outreach meeting at Hargraves Center. He proposed that other boards reach out to Town neighborhoods as well.

Kevin Giff, community development manager with Habitat for Humanity, thanked the Town for its previous support. He described Habitat's Home Preservation Program, which had completed more than 150 repairs for

low-income Orange County homeowners since 2009. Mr. Giff provided demographic information about recipients and said that Habitat for Humanity had used more than \$175,000 in CDBG funds over the past six years to complete home repairs in Chapel Hill.

Dan Sargent, executive director at Rebuilding Together of the Triangle, which provides home repairs for low-income families, praised the work that the Orange County Home Preservation Coalition had been doing. He hoped that all efforts could be unified so that processes could be more efficient and homeowners' experiences easier, he said.

This item was received as presented.

10. Consider Approving the Language Access Plan.

[\[19-0939\]](#)

Assistant Director of Housing and Community Sara Viñas presented a Town-wide Language Access Plan (LAP) that staff had developed based on specific recommendations from the Town's immigrant and refugee residents. The plan provided a starting place for building stronger connections and reducing barriers for residents who speak languages other than English, she said. Ms. Viñas gave several reasons for creating an LAP and explained how it aligned with the Council's strategic initiatives.

Community Connections Coordinator Megan Peters discussed details of the LAP and pointed out how it would provide access to vital Town services. She said that there were resources in the Town's current budget to implement the plan. Ms. Peters described how the LAP would provide interpretation and translation services for Town departments. She proposed offering languages service training and pay incentives to bilingual and multilingual staff. Ms. Peters also outlined how monitoring and updating would be accomplished, and she provided details on proposed funding sources. She asked the Council to approve the LAP as outlined in Resolution 6.

Council Members praised staff for its work and expressed support for the idea of having employees provide translation/interpretation services. They confirmed that employment incentives would be offered to current employees, not necessarily new hires. They verified that staff planned to involve community partners when designing outreach strategies. The Council expressed agreement that establishing trust would be a key component to the LAP's success. They asked that annual results and any major program changes be brought before the Council.

Mayor Hemminger proposed that staff share some of the demographic data that it had obtained so that community members would be more aware of how many different languages were spoken in Town.

George Gutierrez-Marmolejo, a Building Integrated Communities

participant, said that the LAP signaled to community members with limited English proficiency that they were welcome and valued in Town. That was an invaluable message, he said.

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

ZONING ATLAS AMENDMENT

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

- 11.** Consider an Application for Conditional Zoning Atlas Amendment at 1751 Dobbins Drive from Residential-4 (R-4) to Office/Institutional-2 Conditional Zoning (OI-2-CZ).

[\[19-0940\]](#)

Interim Planning Director Judy Johnson gave an update to a Conditional Zoning (CZ) application for 1751 Dobbins Drive that the Council had seen at a recent public hearing. Staff had since clarified information about a proposed alternate buffer and was also proposing Stipulation 7 regarding the applicant's agreement to provide a solar conduit, she said.

Ms. Johnson reviewed the application for a 5,700 square-foot building with 21 parking spaces on a 1/2-acre site. The project was being proposed as an OI-2-C zoning district, and staff was recommending closing the public hearing, adopting the resolution of consistency, and enacting O-A to approve the application, she said.

Mayor Hemminger asked if staff had developed a process for making solar conduits and EV charging stations standard, and Ms. Johnson replied that a policy to formalize that needed to be in place.

Council Member Schaevitz verified with Ms. Johnson that "restrictive approval" meant that the plan did not allow much flexibility and the applicant would have to come before Council for approval if they wanted something different.

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

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

Member Schaevitz, that O-1 be enacted as amended. The motion carried by a unanimous vote.

SPECIAL USE PERMITS

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

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

- 12.** Consider an Application for Special Use Permit Modification - Wegmans Food Market Street Improvements, 1810 Fordham Boulevard.

[\[19-0941\]](#)

Ms. Johnson opened a continuation of a public hearing regarding a Wegmans SUP modification that the Council had previously limited to street improvements. Since that first public hearing, staff had added text to a stipulation regarding driveway cuts shown on nearby State Employee Credit Union (SECU) property, she said. She explained that the changes were to clarify that those driveway cuts did not imply approval of any connection to a road and did not mean that SECU would be able to connect at those points without Council approval.

Ms. Johnson summarized the 130,000 square-foot Wegmans project (which had been approved in October 2017) and outlined the SUP. She recommended that the Council close the public hearing and adopt Resolution 9, approving the SUP modification.

Council Member Oates said that the proposed new language made the situation worse. She requested that the SUP state that the driveway cuts did not imply approval or expectation of "any future development" rather than "any connections to the service road". Community members had expressed concern about tacitly implying that the Town knew there would be development there, she explained.

Mayor pro tem Anderson said that approving a road with driveway cuts did not mean giving tacit approval for land to be developed. It was not the Town's process to tacitly approve development by allowing a road, she said.

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

Aye: 7 - Mayor Hemminger, Mayor pro tem Anderson, Council Member Buansi, Council Member Gu, Council Member Parker, Council Member Stegman, and Council Member Schaevitz

Nay: 1 - Council Member Oates

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

Aye: 7 - Mayor Hemminger, Mayor pro tem Anderson, Council Member Buansi, Council Member Gu, Council Member Parker, Council Member Stegman, and Council Member Schaevitz

Nay: 1 - Council Member Oates

CONTINUED DISCUSSION

- 13.** Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3 and 4 Pertaining to Conditional Zoning.

[\[19-0942\]](#)

Planner Kari Grace gave a PowerPoint presentation on a proposed Land Use Management Ordinance (LUMO) text amendment (TA) related to Conditional Zoning. She provided background regarding other TAs that had been passed since Conditional Zoning was added to the LUMO in November 2017. She pointed out that a May 2019 administrative procedure change had allowed LUMO amendments and Conditional Zoning requests to be considered concurrently. The proposed TA would provide consistency regarding concept plan reviews and would allow applications for multi-family developments, she said.

Ms. Grace explained that the proposed TA would: 1) add Conditional Zoning (CZ) to the R-6 district in the use table for multi-family projects with more than seven dwelling units; 2) allow use without getting a Special-Use Permit (SUP) and only if a CZ were approved; 3) use the same threshold for concept plan review by Council as all other application types; 4) reference CZ as an approval process in other development application process sections. Ms. Grace recommended that the Council open the public hearing, receive comments, and continue the hearing to January 8, 2020.

Mayor Hemminger explained that CZ allowed the Mayor and Council to ask questions and discuss projects directly in a way that the quasi-judicial SUP process did not. With CZ, anyone would be able to give an opinion, she said.

The Council confirmed with staff that previous concerns about including multi-family had been assuaged because the review process would require the same information for CZ as for an SUP. They also confirmed that staff had not found any unintended consequences and had decided that the TA was a good place to start. The Council verified with staff that projects in the Historic District would still go before the Historic District Commission for review.

In response to Council questions, Mr. Karpinos explained that using a legislative, rather than quasi-judicial process would allow the Council to have more discretion on whether to give a Conditional Use Zoning permit or deny one if an applicant chose not to follow Town objectives, such as adhering to its affordable housing policy.

William Camp, a Chapel Hill resident, said that zoning should not be used as a negotiating item. Those who had purchased homes in Town did not expect zoning to change and rezoning should be rare and difficult to accomplish, he said. He asked the Council to give much more thought to the issue.

Philip Klemmer, a Historic District resident, expressed concern about the interaction of Opportunity Zones, CZ, and the University's housing policy. He shared his view of why students preferred to live off-campus and said that the affordable housing issue would be solved when the wealth gap was addressed.

Pamela Weiden, a Chapel Hill resident, said that affordable housing in the downtown area typically ended up looking more like student housing than anything a family would live in. She expressed concern that allowing CZ in her downtown neighborhood would lead to less oversight.

Janet Smith, a downtown "Opportunity Zone" resident, said that the current requirement for an SUP in the R-6 zone was exactly as it should be. She and her neighbors had raised alarms about unintended consequences when their area was designated as an Opportunity Zone and they had been assured that the Franklin/Rosemary Historic District would not be rezoned, she said.

Bruce Ballentine, a volunteer with Habitat for Humanity who was managing a redevelopment project currently going through the CZ process, said that his Habitat project would not be allowed under an SUP process because R-6 did not allow multifamily use in a zoning district that should have it. He said that the CZ process allowed more communication with anyone able to give an opinion.

The Council verified with Ms. Johnson that any project proposed for the Opportunity Zone would still need to go through the public process and

that the public would not be cut out of discussions under the CZ process. Council Member Gu said that some members of the public were concerned about Council Members and developers holding conversations outside the public process. Council Member Buansi suggested that Council Members be required to disclose their outside communications in the same way they do during the SUP process.

Council Member Parker mentioned the frustration that he and others felt over not being allowed to talk about projects. He said that applicants for CZ would need to provide the same information as those for SUPs and that the same stipulations and conditions would be applied. However, there would be a free and open flow of communications with CZ that was not allowed during the SUP process, he said.

Ms. Grace clarified that any rezoning would be to the R-6 CZ district, which was separate from R-6, and Ms. Johnson explained that staff had received at least half a dozen applications for CZ and was trying to find a path for some multi-family projects to get through the process. Staff was not prepared to make a big change without knowing all the nuances, she said.

Council Member Oates confirmed that Ms. Johnson would be willing to meet with community members and explain that single-family neighborhoods would not be at more risk than they currently were.

The Council commented on how making the approval process clearer and more predictable did not mean reducing oversight or standards, but Council Member Gu said that some Town residents were concerned that CZ might make the process more subjective and discretionary. Possible abuse was a source of community concern, she said.

Mayor Hemminger said that the term "Conditional Zoning" was unfortunate because it implied that the Town would rezone if the applicant met its conditions. In reality, CZ allowed the Council to say that a project was not what it was looking for, she pointed out. She argued that CZ was a better tool and said that any tool could be abused. Mayor Hemminger said that much more information on Opportunity Zones and other issues would be shared with the community before the next public hearing on January 8, 2020.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, to continue the Public Hearing to January 8, 2020. The motion carried by a unanimous vote.

- 14.** Consider Expanding the Length of Term That a Member May Serve as an Officer on a Board.

[\[19-0943\]](#)

Mayor Hemminger explained that a stipulation requiring that board chairs

and vice chairs could not serve for more than two years had raised concerns because it meant that vice chairs could not roll into chairmanship if they had already served for two years. The proposed amendment would allow someone who had served as vice chair to roll into chairmanship, she said.

Mr. Karpinos noted that the item included changes to both the Town Code and the LUMO.

Council Member Oates asked the Town Manager to include a section on leadership in the next Peoples Academy training session. Doing so might address a reluctance by some advisory board members to serve as chairs, she said.

Mayor Hemminger said that board members had recently told her they would like role-playing experience and mock examples of how to deal with certain situations. Staff would be looking into implementing such training and was looking for volunteers, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-11 be adopted. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEWS

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

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

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

- 15.** Concept Plan Review: West Rosemary Street Hotel, 108/114
West Rosemary Street. (Project #19-107)

[\[19-0944\]](#)

Mayor pro tem Anderson left the meeting at 10:19 p.m.

Ms. Grace introduced a concept plan for six parcels on approximately one acre of land at the northwest corner of Rosemary and Columbia Streets.

The parcels were currently zoned Town Center 2, Office/Institutional 1, and Residential 3, and the applicant was proposing to rezone most of the property to TC-2, with the exception of the R-3 portion, she said.

Ms. Grace noted that the land was within the Northside Neighborhood Conservation District and that the West Rosemary Street Design Guidelines applied. The proposal included removing two structures, building a 95,000 square-foot West Rosemary Street Hotel, and swapping a parcel with the Town, she said. She showed several views of the site and surrounding area and recommended that the Council hear the presentation and adopt R-12, transmitting comments to the applicant.

Ed Small, president of Smart Hotels, said that the project could be a catalyst for further development in the downtown area as well as a gateway to downtown and campus. Site improvements, such as a rooftop terrace and a 1/4-acre park adjacent to Old Town Hall, would create a sense of place and be a community focal point, he said. Mr. Small explained how the plan was sensitive to where and how the building would step down to the Northside neighborhood. He pointed out that the project would create jobs and that the estimated tax revenue to the Town would exceed \$400,000 per year.

Architect Dan Jewell, of Coulter Jewell Thames, discussed how West Rosemary Street had changed over the years and was still not what it could be from an economic development perspective. The site under discussion was surrounded by surface parking lots, and there had been little investment in that area to date, he said. Mr. Jewell described the proposed hotel and surroundings. He said that the plan re-envisioned Old Town Hall with a public green space around it. He explained that the properties being proposed for a swap were similar in size and tax value.

Jarred Martinson, of MHA Works Architects, said that discussions with the Community Design Commission, local businesses, and community members had addressed height, massing, step-backs, setbacks, transitions, landscaping and parking issues. He described circulation through the site and said that structured parking would include valet service.

Mr. Martinson showed where refuse and recycling would be located, and explained where three stories on the Columbia Street wing would step down to two. He indicated a 20-foot setback on Rosemary Street by the public front door. He described a single vehicle entrance from Rosemary Street, a single exit out to Columbia Street, and one-way vehicle traffic through the site.

Mr. Jewell pointed out that surface parking would nearly be eliminated on the site and that nothing more than landscaping was proposed on a

portion near the neighborhood. He indicated where five convenient parking spaces could be and showed how the upper terrace would relate to the lower plaza. He also noted an alternate plan that would allow more surface parking for Old Town Hall.

Mr. Jewell said that next steps would include more community engagement and meetings with local mural artists regarding a gateway wall. The applicant had met with the Chamber of Commerce and the Downtown Partnership and intended to submit a CZ application, he said. Mr. Jewell asked Council members to provide feedback on the proposed land swap, rezoning, massing and height.

The Council determined that the owner of the property proposed for a swap typically leased a small house there to students. They confirmed that the applicant was proposing two parking scenarios in addition to a structured parking lot: one could have as many as 23 spaces; the other would have 5 with the possibility of more. The hotel parking lot would also be available to the public during the day, the applicant said, and Mayor Hemminger clarified that the current lot was paid parking.

The Council confirmed that the service access lane would also be the entrance to parking and that no retail space was currently being proposed for the site. They discussed the potential for local jobs, and Mr. Small said that Smart Hotels worked closely with the Towns' job-placement agencies. In response to a question about having all parking on site, Mr. Martinson mentioned discussions with off-site property owners about shared parking opportunities and said that demand for on-site parking had been shrinking throughout the country.

The Council confirmed that the concept was to have retail on the Rosemary Street frontage and a high quality mural on the Columbia Street side. That mural would be engaging and would be integrated with the park in some way, and would signal arrival at the gateway, the applicant said. Council Member Gu commented that an 80-foot wall would not activate the street, create vibrancy, or enhance the sidewalk experience in the way the Town wanted.

Council members confirmed that there would be about 140 hotel rooms and 80 to 90 parking spaces. They confirmed with Town Manager Maurice Jones that the concept plan would be sent to the Town's urban designer for feedback. They discussed potential traffic difficulties and asked for more specific information regarding the house that the Town would receive in the swap. Mr. Small said that the project could not happen without that swap.

Matt Gladdek, representing the Downtown Partnership, said that the plan had the potential to add greenspace downtown. It would be an asset,

would enhance what could be done in Old Town Hall, and would bring visitors to Town, he said. He praised the proposed valet parking, reduced height toward Northside, and Rosemary Street activation. Mr. Gladdek said that he looked forward to bringing an artist in to create an entryway to Downtown.

Walter Mallett, owner of the property at 209 Pritchard Avenue, said that two nearby houses needed to be torn down. He felt bothered by the proposed entrance being too close to Columbia Street and by the inadequate number of parking spaces, he said. Mr. Mallett said he wondered what would happen on Pritchard Avenue, noting that there were nice trees on the lot where the house would be torn down.

Mayor Hemminger pointed out that the current parking spaces were being leased to students, and that the University could provide other options. She verified with Mr. Jewell that the offer was to trade the Pritchard Avenue house, not necessarily to tear it down.

Council Members said they liked the design, the park, and the rooftop experience. Most wanted the mural, were in favor of the land swap, and liked the underground parking, but some expressed concern about whether there would be a sufficient amount of parking. Council Members Schaevitz and Stegman said they would prefer a bigger park and less parking. Council Member Buansi praised the applicant's sensitivity regarding the step-backs to Northside.

The Council asked for more information on the Town's options regarding the Pritchard Avenue land swap, such as equivalent values and the possibility for affordable housing. They also asked for more information on how the project would effect Old Town Hall. Council Member Parker expressed concern about traffic flow, with three driveways next to the most congested intersection in Town, and about a mural not activating the pedestrian experience.

Mayor Hemminger agreed with many of the Council's comments and said, in summary, that six Council Members supported the land swap and one was okay with it but wanted to hear more. She proposed that staff look at how the park would affect the entrance to Old Town Hall, and she suggested that the applicant use that Old Town Hall building as a model when creating the space.

Mayor Hemminger pointed out that Raleigh and Durham had murals that say, "All Are Welcome Here", and she suggested making that part of the theme in Chapel Hill as well. She agreed with others that the Columbia Street wall could be more interesting, perhaps by including something green, she said. Mayor Hemminger recommended having at least five parking spaces at the north side of Old Town Hall. She said that local

hoteliers had said that having another hotel in Town would create more vibrancy and would maybe reduce traffic. She confirmed that the applicant would demolish the Pritchard house if staff determined that it could not be saved.

Mr. Small made a commitment to work with the Town on the park improvements being shown and at the applicant's expense. He said that the Pritchard Avenue lot was in the Rosemary Street Design Guidelines as part of the development site for that location. He agreed that Old Town Hall would be a big part of the contextual inspiration for the design, he said.

Council Member Stegman left the meeting at 11:52 p.m.

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

**16. Concept Plan Review: Evolve, 1701 Martin Luther King Jr. Blvd.
(Project #19-111)**

[\[19-0945\]](#)

Ms. Grace gave a PowerPoint presentation regarding Evolve, formerly known as Charterwood, a multi-family development that had an SUP requiring that 25 percent of its floor area be used as commercial or office space. The existing development had 145 multi-family dwelling units in a mixed-use village portion of the site, but the 5,800 square-foot building designated for commercial use was currently vacant, she said. Ms. Grace explained the applicant's proposal to reallocate the commercial space to residential use. She recommended that the Council provide feedback and adopt Resolution-13, submitting comments to the applicant.

Adam Tucker, with Zimmer Development Company, described the "contentious" history of Charterwood before he acquired it and said that his relationship with neighbors was "as good as could be expected". He had inherited the SUP and had been trying for 2.5 years to lease the commercial space, but had faced issues with potential retailers because of poor visibility and lack of foot traffic, he said.

Mr. Tucker showed a proposed concept plan for six, one-bedroom units, half of which would be at median income and 25 percent of which would rent for about \$980 a month, for 10 years. He said that his neighbors were okay with the proposal, and he pointed out that six residential units would create much less traffic than retail would.

Council Member Parker pointed out that converting the space into housing units would cost a fraction of what building them from scratch would have cost. It seemed as though the AH offer could be more generous, he said, and Mr. Tucker replied that it would depend on the lender.

The Council confirmed that about 75 percent of current renters were students. Council Member Oates proposed that the project be all affordable housing: half at 65 percent and half at 80 percent of the area median income. She also raised the idea of considering affordable office space as an alternative.

Council Member Schaevitz encouraged the applicant to connect with Town agencies in order to give people who were already looking for that kind of affordable housing a fighting chance for the units. Mr. Tucker agreed, stating that he would look into the Fair Housing Act with respect to that. Council Member Buansi asked Mr. Tucker to consider accepting housing vouchers as well.

Mayor Hemminger said she was uncomfortable with changing a principle but that the Town did have a desperate need for affordable housing. The Council would be much more likely to consider changing the requirements if all of the units were affordable and for more than 10 years, she said.

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

ADJOURNMENT

The meeting was adjourned at 12:12 p.m.