



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, September 9, 2020

7:00 PM

Virtual Meeting

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_urVomoszTye2bi7qssLdqq After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 894 3763 1900

View Council meetings live at <https://chapelhill.legistar.com/Calendar.aspx> – and on Chapel Hill Gov-TV (townofchapelhill.org/GovTV).

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Interim Planning Director Judy Johnson, Emergency Management Coordinator Kelly Drayton, Fire Chief Vencelin Harris, Executive Director for Community Safety and Police Chief Chris Blue, Housing and Community Executive Director Loryn Clark, Housing and Community Assistant Director Sarah Vinas, Economic Development Officer Dwight Bassett, Business Management Director Amy Oland, LUMO Project Manager Alisa Duffey Rogers, Planner II Becky McDonnell, Planner II Michael Sudol, Public Works Director Lance Norris, Traffic Engineering Manager Kumar Neppalli, Fire Marshal Tommy Gregory, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and called the roll. All Council Members replied that they were present.

1. Recognize Ralph Karpinos for his Years of Service. (no attachment)

[\[20-0564\]](#)

Mayor Hemminger recognized retiring Town Attorney Ralph Karpinos, who had worked with the Town for 35 years and provided legal advice to eight mayors, five town managers, and more than 50 council members. She noted the many ways in which Mr. Karpinos had been a state leader and had earned the respect of his colleagues across North Carolina.

Former Mayor Kenneth Broun commented on Mr. Karpinos's strong ethical sense and loyalty and described him as the best municipal lawyer in North Carolina. Former Mayor Rosemary Waldorf said that Mr. Karpinos had brought an unwavering moral sense to work every day, and Former Mayor Kevin Foy commented on his calm demeanor, candor, truthfulness and dry sense of humor.

Former Mayor Mark Kleinschmidt noted Mr. Karpinos's strong ethical sense and said that his guidance had led the Town to achieve greatness. Orange County Commission Chair Penny Rich shared personal anecdotes of how Mr. Karpinos had helped her grow when she was a Chapel Hill Town Council Member. Mayor Hemminger said that a number of former Council Members regretted that the current COVID-19 pandemic was preventing them from celebrating with Mr. Karpinos in person.

The Council proclaimed September 9, 2020 to be Ralph Karpinos Day in Chapel Hill and Mayor Hemminger said that he would be sorely missed. She presented him with a key to the city for his strong commitment to the community and his work to uphold its values of social justice and equity. She said that Mr. Karpinos had asked for any donations to be made to the James Karpinos Scholarship Fund at UNC Asheville and the Chapel Hill Emergency Housing Assistance Program, she said.

Mr. Karpinos thanked the Council for the resolution and recognition and commended current and former mayors and councils for their dedication and commitment to Town. He encouraged Town leaders to continue demonstrating how well local government works.

ANNOUNCEMENTS BY COUNCIL MEMBERS

1.01 Mayor Hemminger Regarding Upcoming Meetings.

[\[20-0601\]](#)

Mayor Hemminger announced that a virtual public information meeting on a concept plan for the Town's Municipal Services Center at 101 Weaver Dairy Road Extension would be held on September 15th at 5:15 p.m. She said that the Carolina North Development Agreement annual meeting and

update would also be held virtually on September 17 at 5:30 p.m. Dates and times for other advisory board virtual meetings were on the Town website, she said, noting that the public was welcome to attend.

1.02 Mayor Hemminger Regarding Virtual September 11 Memorial Meeting.

[\[20-0602\]](#)

Mayor Hemminger said that a memorial for the September 11, 2001 attacks would be held virtually due to the COVID-19 pandemic. Following her announcement, the Council held a moment of silence for those who had lost their lives while helping others on that tragic day.

1.03 Council Member Anderson Regarding Census.

[\[20-0603\]](#)

Council Member Anderson said that the deadline for filling out the Census had been extended. She pointed out that the final count would determine federal funding and state representation at the federal level for the next decade. Only 60 percent of North Carolina residents had returned their forms, she said.

1.04 Council Member Anderson Regarding Voting Options.

[\[20-0604\]](#)

Council Member Anderson described North Carolina's voting options, which included voting by mail.

1.05 Julie McClintock Regarding FLUM.

[\[20-0605\]](#)

Julie McClintock, a Chapel Hill resident, petitioned the Council to delay its vote on the Future Land Use Map (Agenda Item 23), which she said needed to be reevaluated due to COVID-19 considerations.

Mayor Hemminger pointed out that the normal process was to receive and refer petitions but that the Council would wait and bring the request up during Item 23.

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.

2. Town Manager's Office Request for Concept Plan Review. [\[20-0565\]](#)

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

CONSENT

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

Approval of the Consent Agenda

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

3. Approve all Consent Agenda Items. [\[20-0566\]](#)

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

4. Enact the Annual Budget Ordinance Amendment to Re-appropriate Funds for Prior Year Encumbrances and Other Commitments. [\[20-0567\]](#)

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

5. Consider a Minor Modification to the 2019-2020 Community Development Block Grant Program Plan. [\[20-0568\]](#)

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

6. Adopt the Corrected FY 2020-21 Fee Schedule. [\[20-0569\]](#)

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

7. Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program. [\[20-0570\]](#)

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

8. Designate Juneteenth an Official Town Holiday. [\[20-0571\]](#)

Mayor Hemminger said that the Council had voted to make June 19th ("Juneteenth") an official Town holiday, effective June 21, 2020. She said she was pleased to be able to do so with partners in Orange County, she said.

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

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9. Authorize the Sale of Public Housing Property at 605 Oak Avenue. [\[20-0572\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
10. Approve the Town Manager's Employment Contract Extension. [\[20-0573\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
11. Call a Public Hearing for Conditional Zoning at 125 and 135 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD) on September 30, 2020. [\[20-0574\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
12. Call a Public Hearing for September 30, 2020 to Consider Text Amendments that Expand Opportunities for Special Use Permit Applications to be considered under Conditional Zoning Review. [\[20-0575\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
13. Call a Public Hearing on October 7, 2020 for Land Use Management Ordinance Text Amendment to Table 3.7-1: Use Matrix Pertaining to Allowed Uses in Planned Development-Mixed Use (PD-MU). [\[20-0576\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
14. Call a Public Hearing on October 7, 2020 for Land Use Management Ordinance Text Amendment to Section 5.14.4 Pertaining to Signs Exempt from Regulation. [\[20-0577\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
15. Call a Public Hearing for October 7, 2020 to Consider a Request to Close a Portion of an Unmaintained and Unimproved Public Right-of-Way of Monroe Street. [\[20-0578\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
16. Adopt a Revised Meeting Schedule to Hold Meetings in a Virtual Environment through October 31, 2020 or Until the Orange County Stay At Home Order is Lifted. [\[20-0579\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
17. Adopt Minutes from January 8, and 22, 2020 and February 12, and 19, 2020 Meetings. [\[20-0580\]](#)
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This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

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

[\[20-0581\]](#)

This item was received as presented.

DISCUSSION

19. Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment)

[\[20-0582\]](#)

Emergency Management Coordinator Kelly Drayton gave a PowerPoint update on the Town's COVID-19 response. She said that Phase 2.5 of a Safer at Home Plan had gone into effect statewide and explained the changes included in that plan, which would last until October 2, 2020. Orange County's order differed from the state in that it would continue to limit crowd size to 10 indoors and 25 outdoors, she said.

Ms. Drayton said that Orange County was continuing to administer Emergency Housing Assistance Program funds on behalf of the Town. As of August 20, more than \$368,000 had been used to assist 230 Town residents, and the County had reported a steady decrease in evictions since June, she said. She reported that the Town had distributed more than 20,000 face masks thus far.

Ms. Drayton said that a USDA extension of eligibility waivers was allowing students up to 18 years of age to be served, so the Town's Food for Students initiative would continue. She pointed out that staff had been hosting a weekly food drive at the Eubanks Park and Ride and had served an average of 270 households each week over the summer.

Ms. Drayton said that Scholastic Support Centers, a new program partnership between the Town, Chapel Hill-Carrboro YMCA, and the Chapel Hill-Carrboro City Schools, would offer academic support and childcare at the Community Center on Estes Drive and at the Hargraves Center.

Ms. Drayton noted that a new collaboration of county, state and local partners would offer free COVID-19 testing on Wednesdays from 10:00 am to 2:00 p.m. at 725 Martin Luther King Jr. Boulevard. She provided information about a University of North Carolina at Chapel Hill (UNC-CH) plan to revert to online education and said that UNC-CH and Town staff had been meeting weekly.

Ms. Drayton said that residents could report minor violations, such as an

individual not wearing a face covering, or a small group not following physical distancing rules, through the Chapel Hill Police Department's non-emergency line. More serious violations, such as large gatherings, should be directed to 911 for an immediate response, she said.

The Council discussed safety procedures and protocols with the Town Manager, who offered to provide a comprehensive list. They confirmed that staff had been working closely with regional partners on a campaign to promote flu shots.

Mayor Hemminger suggested clarifying some language in the Town's state of emergency order. She also noted that Orange County's COVID-19 dashboard was linked to UNC-CH's.

This item was received as presented.

20. Consider a Structure for the Task Force on Developing New Community Approaches to Improve Racial Equity and Safety.

[\[20-0583\]](#)

Town Manager Maurice Jones recommended that the Council consider a structure, composition and general charge for a 13-member Re-imagining Community Safety Task Force. Additionally, he recommended that the Council form a subcommittee to refine the Task Force's charge prior to its first meeting.

Mr. Jones discussed a resolution that the Council had passed on June 24, 2020 regarding a plan to enhance racial equity and community safety in Town and to create a task force to lead that effort. He presented a proposed charge for Council consideration, which he said had been revised to include more specific language that Mayor pro tem Parker had recommended. Mr. Jones proposed a timeline that included a September 24th deadline for Task Force applications and an October 7th date for the subcommittee's recommendations to Council.

Chapel Hill Police Chief Chris Blue noted that the Council's June resolution had included several changes to Police Department (PD) policies related to use of deadly force, choke holds, and the duty to intervene if a fellow employee violated PD policy. The Council had requested that PD policies include clear accountability for officers who violate those rules, he said. Chief Blue said that the Council's resolution had also ended the use of regulatory traffic stops for low-level, non-moving violations.

Chief Blue said that the PD had made the recommended changes and distributed them to employees. He pointed out that the PD's policies had already been aligned with those in a national Eight Can't Wait campaign, but said that recent policy updates had made those alignments clearer.

Chief Blue noted that the Council's resolution had requested that the

Town Manager collect information and data that would help inform community discussions and provide more transparency and accountability. That information had been put on the Town's website, he said, adding that the website was evolving and that he welcomed feedback.

Executive Director of Community and Housing Loryn Clark gave a general overview of a plan to work with community partners and faith-based organizations to hold facilitated listening sessions and information gathering events in the community. She described an approach and tools that the Task Force would use and outlined a process for developing racial equity strategies.

Mr. Jones said that a request for proposals from consultants would be posted within a week with the goal of having a response before the Task Force began its work. He recommended that the Council approve revised Resolution 15, which would create the task force.

Mayor Hemminger said that all Council Members had expressed interest in being part of the process; therefore, there would be two subcommittees: one to work on the Task Force's charge, and the other to review applicants, she said.

Council Member Stegman asked why a ban on the use of choke holds that had been included in the Council's resolution had not been specifically stated in the revised PD policy manual.

Chief Blue replied that the way it was written was consistent with what other towns across the country had stated to ensure that choke holds would not be a matter of normal arrest-making techniques. That would not completely eliminate what an officer might need to use to protect him/herself in a deadly situation, he said.

Council Members pointed out that their interest had been to completely ban choke holds. They said that many cities across the country had done so and pointed out that a change regarding regulatory stops had been made despite how some communities had not banned those. The Council asked for more information about the PD's reasoning. They expressed concern about the item coming back without any questions being raised. It was inappropriate for staff to unilaterally change something that the Council had extensively debated, Mayor pro tem Parker said.

Council Member Huynh suggested posting the PD's quarterly report on the data site, and Council Member Anderson asked the Manager to look into having the facilitator provide input on the final charge and timeline.

Miriam Thompson, a Chapel Hill resident and community activist, commended the Council for the effort and said she supported the charge

to the Manager to integrate racial equity and public safety into every aspect of Town operations. She recommended that the Task Force have the broadest, deepest and most diverse participation possible. Ms. Thompson stressed the importance of recruiting people of color, immigrants, young people, those of low wealth, and others.

Paris Miller, vice chair of the Chapel Hill Community Policing Advisory Committee (CPAC), stressed the importance of including CPAC on the front end of all conversations regarding law enforcement and community safety resolutions. CPAC wanted to play a key role in those discussions, she said.

James Williams, Orange Bias-Free Policing Coalition chair, asked to be informed about any opportunity for his Coalition to provide assistance. A number of people on the Coalition had expertise related to policing and equity, he said.

Anna Richards, Chapel Hill-Carrboro NAACP president, said she concurred with having the consultant look at the charge. She recommended finding a way to measure implementation and progress along the way and expressed concern about the tight closing date for Task Force applications.

The Mayor and Council discussed extending the application deadline and talked with Mr. Jones about a possible order and timing of the process. Mr. Jones said that the Task Force probably would not begin its work until the week of October 12th at the earliest. He raised the idea of getting feedback from the Government Alliance on Race and Equity (GARE) on the charge and on providing that to the consultant for review.

Council Member Ryan proposed changing "prioritizing appointment by those who represent impacted communities" to "taking care to ensure broad participation by those who represent..." in a paragraph regarding prioritizing.

Some Council Members suggested naming additional groups that should be included on the Task Force, but others thought that would become too complicated. The Council finally agreed, stating "ensuring broad participation" would be sufficient.

The Council agreed to a 13-member Task Force with two alternates. Mayor Hemminger proposed two subcommittees: Council Members Buansi, Parker, Ryan and Stegman would work on the charge; Council Members Huynh, Gu and Anderson would interview applicants. She proposed designating the two liaisons when the Council appointed the Task Force.

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

unanimous vote.

21. Open a Public Hearing and Consider Authorizing an Economic Development Agreement for the East Rosemary Downtown Deck & Redevelopment Project.

[\[20-0399\]](#)

Agenda items 21 and 22 will be considered together.

Mr. Jones provided background information on an economic development agreement (EDA) and possible property exchange between the Town and Grubb Properties to support a parking deck and redevelopment project on East Rosemary Street. The proposed project included having the Town build a 1,100-space parking garage and Grubb Properties building a 200,000 square-foot office building with wet labs, he said.

Mr. Jones described the proposed plan to exchange the Town-owned Wallace Deck and land for properties at 125 and 135 East Rosemary Street and to build a new parking deck at 135 East Rosemary Street. Grubb Properties would construct a new office building/wet lab that had a projected value of \$80 million, he said.

Mr. Jones showed aerial views of the area and renderings of proposed buildings. He discussed streetscape and parking improvements and pointed out that the plan included new green space and a pocket park. The project would align with Town goals of attracting and retaining companies that create jobs and would make Downtown a destination, he said. Mr. Jones said that public comment could be received for the next 24 hours and that the item would return to the Council for a vote on September 30, 2020.

Economic Development Officer Dwight Bassett provided additional views and drawings of the site and discussed public input since December 2019.

Attorney Bob Jessup, of Sanford Holshouser LLP, gave an overview of the EDA, which followed a structure that had been laid out in an April 2020 memo of understanding. The EDA accomplished the Council's goals and the Council understood the risks and benefits, he said. He outlined the terms of the agreement and said he hoped the project would be beginning in early 2021. He discussed the advantages for both parties, and noted the Town's limited right to repurchase if construction did not proceed in a timely manner. Only a few, very narrow areas of disagreement remained, Mr. Jessup said.

Business Management Director Amy Oland explained that design, construction, and land swap would total \$32.9 million, which the Town would borrow over a 20-year term. She reviewed financing and cash flow projections for that period and explained the staff's assumption that Parking Fund revenues would sufficiently cover debt payments.

Ms. Oland said that it would take five years for the Town to generate positive cash flow. However, if the Town used the \$2.4 million that UNC would pay upfront for its 100 parking spaces, it would see positive cash flows in year two, she said. She pointed out that the Town had recently increased its downtown parking rates. Twenty-year projections showed a \$24.9 million positive cash flow, if occupancy rates remain consistent, she said.

Mr. Bassett pointed out that the Town would also ultimately gain 250 new spaces (not including the 100 spaces reserved for UNC). The Town had also raised parking fees and was being more strategic on parking management, he said. He outlined a schedule leading up to the Council's September 30, 2020 vote. After that, the Council would consider authorization of the debt for the parking deck, he said.

Mr. Bassett projected deck construction beginning in April or May 2021. He recommended that the Council open the public hearing, consider authorizing the EDA, close the public hearing, and allow a 24-hour comment period and then consider swapping 150 East Rosemary Street for 125 and 135 East Rosemary Street on September 30th.

Mayor pro tem Parker requested a provision stating that the Town would not be obligated to build the deck if the guaranteed maximum price came in over a certain amount. He also questioned a provision in the EDA that exempted Grubb Properties from the agreement if it did not get an entitlement for the office building by the end of November 2021 but requires the Town to wait two to three years for a reversion provision to kick in. If Grubb Properties decided not to proceed, then the Town should not have to let the project sit there, he argued.

After some discussion among the parties, Mr. Bassett said that an "out" provision regarding the guaranteed maximum price would be included in the final EDA draft that the Council would see on September 30th. Grubb Properties also agreed to address the reversion concern.

Council Member Gu asked questions about the length of time for public comment, ongoing negotiations over property acquisition, and third party appraisals of four lots included in the land exchange. She confirmed with Mr. Jessup that the Town would pay \$30,000 per month to lease the Wallace Deck during the construction period and with Ms. Oland that the Town would continue to pay for the Wallace Deck until 2024.

Mayor Hemminger pointed out that the Town would generate about \$1 million a year in revenues from the Wallace Deck, but Council Member Gu replied that she had seen that 2016 revenues had been \$500,000 and less than that in 2017. She asked about the terms of UNC's commitment, and Mr. Bassett said final comments from UNC were expected soon. The current terms were that UNC would pay the Town's net cost of constructing 100 spaces, roughly \$2.9 million and would contribute to

annual maintenance of the deck, he said.

Council Member Gu asked about options if Grubb Properties could not proceed, and Mr. Jessup explained the circumstances under which the Town would have the right to buy the property back. If the building were not built, the Town would have consolidated and expanded downtown parking, opened up a parcel for development, and facilitated redevelopment, he said. Mr. Jessup said there would be no direct financial risk to the Town as long as it was satisfied with its projections for operations of the parking deck.

Council Member Gu and Mayor Hemminger discussed the basis for revenue projections, with Council Member Gu raising concern based on past revenues and Mayor Hemminger noting changes that should increase revenues in the future. Council Member Gu said that she had not seen any analysis that had convinced her that the project was feasible.

Julie McClintock, representing Chapel Hill Alliance for a Livable Town (CHALT), said that CHALT members were enthusiastic about the project but thought there was insufficient documentation to show that the Town would not be left with a \$30,000 white elephant if Grubb Properties decided to not construct the office building. She urged the Council to refrain from voting to incur considerable financial risk until the EDA stated that Grubb agreed to construct the building. Ms. McClintock recommended that the Town hire a knowledgeable real estate attorney with construction contract experience to view the agreement before moving forward with it.

Matt Gladdek, Downtown Partnership director, said that downtown businesses were grateful for the Council's continued effort to move the project forward.

Donna Bell, a Chapel Hill resident, requested that conversations regarding the new parking infrastructure include bike and pedestrian mobility.

Mayor Hemminger said that the Town had an opportunity to get a new commercial building that would bring jobs and opportunities. She said that Chapel Hill had been losing research and technology companies because it had no places to put them. She expressed confidence that the new deck would pay for itself and stressed the importance of being ready to rebound when the COVID-19 pandemic was over.

Council Member Gu repeated her desire to see a more objective analysis from a third party before moving to the next step. She had concerns about the viability of the project and did not want to put the Town in a difficult situation two or three years down the road, she said.

Mayor pro tem Parker and Council Member Ryan expressed agreement with

Mayor Hemminger's position. Mayor pro tem Parker said that safeties had been built into the project and Council Member Ryan said that the Council had looked at data and numbers and had much expert help with that. It was a risk for the Town, but it was a carefully-considered one that had a very big upside for the future, Council Member Ryan said.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, to close the public hearing and receive comment for an additional 24-hours. The motion carried by the following vote:

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

Nay: 1 - Council Member Gu

- 22.** Open a Public Hearing and Consider Exchanging 150 E. Rosemary for 125 and 135 E. Rosemary to Support the East Rosemary Redevelopment Project and Parking Deck. [\[20-0584\]](#)

This item was considered with item 21.

- 23.** Charting Our Future - Update on Future Land Use Map (FLUM) Engagement & Consideration of Changes to the Proposed FLUM. [\[20-0585\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffy Rogers gave a PowerPoint presentation on the Charting Our Future project, which mapped Chapel Hill land use to the year 2049. She said that there had been approximately 84 opportunities for community members to learn about the project and that she had reported on it to the Council at least 20 times during the past 2.5 years.

Ms. Duffy Rogers reviewed elements of the Future Land Use Map, summarized feedback from Town boards and commissions, and described proposed changes to several focus area maps as well as the document's introduction. She reviewed next steps, which would lead to the Council considering adoption on October 28, 2020. Ms. Duffy Rogers recommended that the Council authorize the Town Manager to make the recommended changes.

Harvey Krasny, a Summerfield Crossing resident, said that the proposed land use map for the North 15-501 area had incorrectly stated the heights of structures in sub-area C and contradicted three previous versions. He said that six subdivisions, totaling 578 homeowners in that area, did not wish to be overtaken by mixed-use development, which would destroy

their investments and degrade their quality of life. He asked the Council to correct the map and return Summerfield Crossing and the adjacent 5-acre, undeveloped property to all residential homes or townhomes of two to three stories, as had been depicted in the 2019 draft map.

Michael Hoppa, a Chapel Hill resident, expressed concerns about the North 15-501 area becoming less appealing with higher density housing and mixed-use development dominating the corridor. He hoped that protecting and not encroaching upon existing neighborhoods would become an explicit part of the plan, he said.

Margo Ginsberg, an Erwin Village Community resident, expressed objections to increasing story heights and building more multi-family residential properties in an area that was mainly comprised of single-family homes and townhomes.

Weijin Wu, an Old Oxford Road resident, pointed out that the Council had unanimously voted against a proposal by Summit Properties to build a four-story apartment complex in the area less than two years prior. He said that the current FLUM seemed to totally disregard the consensus of the residents and Town Council. Mr. Wu asked that the five-acre undeveloped property west of Irwin Road be designated for residential homes or townhomes of two-story height only.

Council Member Ryan and Mayor Hemminger confirmed with Ms. Duffey Rogers that an additional meeting for the Council to look more closely at the recommended changes would be held prior to the close of the public hearing. Mayor Hemminger encouraged Council Members to meet with Ms. Rogers in the near future to go over any concerns and comments.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that R-18 be adopted. The motion carried by a unanimous vote.

24. Receive Wegmans Traffic Calming Report and Consider Authorizing Traffic Calming Improvements.

[\[20-0586\]](#)

Senior Planner Judy Johnson gave a PowerPoint presentation on a traffic calming plan for Wegmans, which had been approved in October 2017 and was under construction. She said that Wegmans had been working hard to reach a community consensus regarding traffic impacts.

Ms. Johnson displayed a map showing an area at the intersection of Old Durham Road where Wegmans planned to divert traffic to reduce conflicts. She pointed out that the ordinance addressed "No Thru Truck Traffic" signs, stops signs, and electronic speed signs at two locations and crosswalks. The goal was to implement the traffic calming plan before the Certificate of Occupancy was issued in December 2020 or January 2021,

she said. She recommended that the Council adopt Resolution A and enact Ordinances A and B.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-19 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that O-2 and O-3 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.

- 25.** Open the Public Hearing: Application for Special Use Permit - Christ Community Church, 141 Erwin Road (Project #19-119).

[\[20-0587\]](#)

Planner Becky McDonnell presented a special use permit (SUP) application for Christ Community Church and gave an overview of the proposed 11,000 square-foot development on a 2.8-acre site at the corner of Old Oxford and Erwin Roads. She explained that stormwater controls would be under a 117-space parking lot, indicated two entrances, and said that the plan included new bike lane and sidewalks. The site was currently zoned Residential 2, she said, noting that places of worship were permitted uses in all residential districts.

Ms. McDonnell pointed out that the applicant had requested several modifications to regulations. These included allowing a shed to remain on the property and permitting an eight-foot fence to be part of the buffer. Another request pertained to sharing a buffer along the southern property line, she said.

Ms. McDonnell said that the applicant was requesting a 9.75-inch increase in the maximum building height to accommodate a portion of a planned cupola. In addition, the applicant had asked to extend the construction start and completion deadlines to five and eight years, respectively, she said. Ms. McDonnell said that all Town boards and commissions had recommended approval and recommending that the Council open the public hearing and continue it to October 7, 2020 for possible action.

Council Member Ryan asked about an agreement to discharge stormwater onto the adjacent southern property. Ms. McDonnell recommended discussing that with the applicant. Council Member Ryan asked Ms.

McDonnell to bring back information on whether or not that neighbor would be prevented from discharging the water farther downstream.

Council Member Stegman clarified the terms of the shared buffer agreement and confirmed with Ms. McDonnell that any subsequent developers would be bound by its requirements as well.

Developer Phil Post, speaking for the applicant, reviewed the site plan and provided details about the buffer agreement, land exchange, and plan to drain stormwater into Summit Properties' underground facility and ultimately into its pond. He said that the applicant had agreed to build a berm at the edge of the parking lot that would force water into a stormwater chamber. Ultimately, water detention would be about 15 percent greater than the Town required, said Mr. Post.

Mr. Post explained that an existing shed would be used for gardening tools. He said that the applicant had consolidated parking and reduced impervious surface by about 20 percent since the Council had last seen the plan. He pointed out that a traffic study had concluded that the project would have no impact on intersections and conformed to all R-3 zoning requirements.

Bo Harrison showed views of the building from four different directions and described its architecture and features. He explained that the leading edge of the cupola would be 9-3/4 inches above the allowable height and said that lowering it would change the building's character.

Christ Community Church Pastor Byron Peters spoke about the church's presence in the community and his enthusiasm for the project.

Council Member Ryan asked staff to check on what protections would be in place for when stormwater reached Summit Properties.

Council Member Gu confirmed with Mr. Post that extensive discussions with two neighbors had led to working out some issues. The applicant had also worked closely with Summit Hospitality to coordinate stormwater plans and implement agreements, Mr. Post said. He pointed out that the Town's Stormwater Advisory Board had unanimously approved Stipulation 7, regarding the stormwater plan.

Mr. Krasny expressed strong opposition to the development of a house of worship on land that had been zoned for low density residential development. He and 577 other homeowners had bought homes in the area with the full understanding and that it would remain residential, he said. He listed several adverse effects that the proposed structure and parking lot would have and said that the project would not enhance resale values of homes in the neighborhood.

Mr. Hoppa pointed out that there already were five churches within a square mile of the site. However, three of those churches were one-story buildings and the other two were set back from the residential areas, he said. He argued that Council approval of the SUP would set a precedent for allowing non-residential buildings and businesses to increasingly encroach.

Rebecca Smith, Windover Homeowners Association (HOA) president, Lindsey Garrison, and Margo Ginsberg, Erwin Village HOA vice president, each expressed concern about the church being granted an SUP for an area that was marked low density residential on the Town's land use map. They argued that the building would overwhelm neighboring houses, increase traffic at dangerous intersections and increase stormwater run-off. The proposed church would not meet the SUP requirement of maintaining or enhancing the value of contiguous property, they said. Scott Radway, representing Summit Hospitality, said that Summit had worked cooperatively for approximately 18 months to facilitate good stormwater management by accepting water from the church site. He said that the proposed land swap would keep more trees on both sites of the boundary. He said that the church would be a good addition to the community and pointed out that Summit Hospitality did not have any development application in process.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that Council recess the public hearing to October 7, 2021. The motion carried by a unanimous vote. Council Member Anderson had been disconnected from the virtual meeting and was unable to vote.

Mayor Hemminger reminded all that the SUP process prevented Council Members from conversing with anyone about the item until October 7th.

- 26.** Open the Public Hearing: Application for Special Use Permit
Minor Modification-Charterwood, 1701 Martin Luther King Jr.
Blvd.

[\[20-0588\]](#)

Planner Michael Sudol presented an SUP application for a minor modification that would extend the Charterwood SUP construction completion from June 25, 2020 to June 25, 2022. He showed an aerial view of the seven-building, mixed use development and indicated the uncompleted portion. He recommended that the Council open the public hearing, receive evidence, and continue the public hearing to October 7, 2020.

George Richley, president of Ballentine Associates, explained how high construction costs and the COVID-19 pandemic had caused State

Employees Credit Union (SECU) to delay its plans for that portion of Charterwood. However, if the Council granted an extension, SECU had authorized pre-renovation work on the Old Altemeuller House, which had been an important part of the 2012 SUP approval, he said.

The Council vote unanimously to close the public hearing, and Town Attorney Anderson pointed out that there would be a 24-hour public comment period on the item.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that the Council close this Special Use Permit public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote. Council Member Anderson did not vote on the item as she lost connection during the previous item.

ADJOURNMENT

The meeting was adjourned at 11:36 p.m.