



# Town of Chapel Hill

## Eastowne Development Agreement Project

Monday, June 3rd, 2019, 3:00 p.m. – 4:30 p.m.  
Chapel Hill Library, Conference Room B  
100 Library Drive, Chapel Hill, NC

### **Purpose**

This meeting is for the Council Committee to discuss its negotiating position for the Eastowne Development Agreement project.

### **Draft Agenda**

#### **1. Opening at 3:00 PM**

- 1) Roll Call
- 2) Approval of Agenda

#### **2. Business**

- 1) Discuss Town Negotiating Position
- 2) Discuss Draft Meeting Schedule
- 3) Discuss Preliminary Draft Negotiation Protocols
- 4) Public Comments
- 5) Next Steps

#### **3. Adjourn**

### **Agenda Packet Materials**

Attachment #1: Adopted Town Principles for Eastowne

Attachment #2: Preliminary Draft Meeting Schedule

Attachment #3: Preliminary Draft Negotiation Protocols

**Town of Chapel Hill  
Eastowne Development Agreement Principles**

- 1) Attractive Design/Appearance (Vibrant & Inclusive Community)**
  - a) High-quality gateway into Chapel Hill on US 15-501
  - b) High quality landscaping and buffering
  - c) Significant green space amenities
  - d) Quality urban design
  - e) Attractive buildings with appropriate building height, particularly at edge of property as it interfaces with surrounding development
  - f) High-quality design standards and streetscapes
  - g) Sense of place throughout project
  
- 2) Walkable Design (Connected Community/Vibrant & Inclusive Community)**
  - a) Linked pedestrian and bicycle network throughout project, with connections to adjacent properties and other parts of town
  - b) Strong connections to transit and other parts of town
  - c) Development that supports alternative transportation designs over time
  - d) Walkable streetscape along Eastowne Drive
  
- 3) Suitable Public Infrastructure for Development (Connected Community/Safe Community)**
  - a) Roadway capacity needs based on all anticipated development
  - b) Sequencing of development based on transportation capacities
  - c) Multi-modal infrastructure
  - d) Appropriately designed utilities
  - e) Connections to broader community
  
- 4) Sustainable Building Design (Environmental Stewardship)**
  - a) Ecological assessment and environmental mapping
  - b) Climate resilient and net-positive energy buildings
  - c) Green infrastructure
  - d) Minimizes carbon footprint
  - e) Maximizes clean and renewable energy opportunities
  
- 5) Enhance the Natural Environment (Environmental Stewardship)**
  - a) Stream corridor improvement and restoration
  - b) Water quality improvements
  - c) Effective stormwater management measures including reuse
  
- 6) Support Community Prosperity (Affordable Housing/Economic & Financial Sustainability)**
  - a) Affordable employee housing options
  - b) Employment opportunities
  - c) Significant contributions to public revenues/impacts on Town services

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**Eastowne Development Agreement Timeline**

<b>Date/Location</b>	<b>Description</b>
<b>Phase I – Visioning (continuation)</b>	
<b>June 3, 2019</b>	Council Committee Meeting <i>Conclude Phase I and provide final feedback</i>
<b>June 19, 2019 7:00pm Council Chambers, Town Hall</b>	Town Council Meeting <i>Eastowne Team to provide a summary of Phase I and introduction to Phase II</i>
<b>Phase II – Plan Scenarios</b>	
<b>Week of August 5, 2019 (TBD)</b>	Council Committee Meeting <i>Discuss possible scenarios</i>
<b>August 8, 2019 10:30am</b>	Technical Review Team Meeting (Town Staff) <i>Provide initial feedback on possible scenarios</i>
<b>August 12, 2019</b>	Joint Advisory Board Meeting <i>Provide initial feedback on possible scenarios</i>
<b>Week of September 16, 2019 (TBD)</b>	Council Committee Meeting <i>Eastowne Team to present preliminary scenario analysis</i>
<b>September 25, 2019 7:00pm Council Chambers, Town Hall</b>	Town Council Meeting <i>Eastowne Team to present scenarios and preliminary analysis to Town Council</i>
<b>Week of October 7, 2019 (TBD)</b>	Council Committee Meeting <i>Discuss and describe preferred scenario</i>
<b>October 15, 2019 2:00pm</b>	Technical Review Team Meeting (Town Staff) <i>Provide feedback on preferred scenario</i>
<b>October 17, 2019</b>	Joint Advisory Board Meeting <i>Provide feedback on preferred scenario</i>
<b>Week of October 21, 2019 (TBD)</b>	Council Committee Meeting <i>Provide final feedback on preferred scenario</i>
<b>October 30, 2019</b>	Preferred Scenario Public Presentation <i>Eastowne Team to present preferred scenario</i>
<b>October 30, 2019 7:00pm Council Chambers, Town Hall</b>	Town Council Meeting <i>Conclude Phase II and provide final feedback</i>
<b>Phase III – Plan Refinement</b>	
TBD	TBD
<b>Phase IV – Finalize Development Agreement</b>	
TBD	TBD

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**Protocols for the Facilitated Negotiation on a  
Development Agreement for Eastowne**

Adopted May \_\_\_\_, 2019

1. The principals and technical resource persons identified herein adopt the following operational protocols in order to ensure that this facilitated negotiation works efficiently and fairly.
2. The purpose of the negotiation is to develop policy recommendations to the Chapel Hill Town Council on terms to be incorporated into a development agreement for Eastowne.
3. The timeframe for this process will enable the Chapel Hill Town Council to open the public hearing on the development agreement in **MONTH YEAR** or sooner. This will not become an artificial deadline that rushes the process and results in less than optimal decision-making.
4. There are two sets of principals in this negotiation. One set is the four-person committee appointed by the Chapel Hill Town Council as follows: Mayor Pam Hemminger, Council Member Hongbin Gu, Council Member Michael Parker, Council Member Rachel Schaevitz. The other set of principals is the Eastowne project applicant group composed of **NAMES**. Each set of principals may make changes to its own composition after consultation and mutual agreement with the other.
5. The Town Council principals require that three out of four members will need to be present to constitute a quorum for convening and decision making. The Eastowne principals will determine for each meeting the minimum number of its members needed to be present.
6. The principals have agreed to involve the services of consultants to advise them jointly during this negotiation. These technical resource persons may share their perspectives within their areas of expertise as part of group discussions, either in reply to questions from a group member or at their own initiative.
7. In addition to the shared consultants, each set of principals is supported by its own set of technical resource persons. For example, the Town Manager, Town Attorney, and Planning staff are technical resource persons supporting the Town Council's team, and the project applicant has retained the services of **LIST CONSULTANTS**. The technical resource persons supporting each set of principals may share their perspectives within their areas of expertise as part of group discussions, either in reply to questions from a group member or at their own initiative.
8. The principals have agreed to involve the services of Jim Huegerich, Town Ombuds, as facilitator for the negotiation process. He will not participate substantively in the group's discussions and will not vote on group decisions. He may give procedural direction or make procedural suggestions to assist the group in communicating, fact-finding, problem solving, resolving conflict, and otherwise conducting its business. He may "shuttle" between individuals and/or the teams and/or facilitate internal discussions for either team, in the service of these negotiations.

9. Individuals who are neither principals nor technical resource persons are welcome to observe the facilitated negotiation sessions. There will be no participation in the negotiation discussions by observers unless both sets of principals agree to it. Observers are expected to behave consistently with these protocols.
10. Fifteen minutes will be set aside at the end of each negotiation session for a public comment period. Each presentation from members of the public during this period will be no longer than three minutes, to be administered by the facilitator. A sign-up sheet will be provided by the facilitator, and the presentation times will be allocated on a first come first serve basis. In addition, the principals group at times of its choosing will identify and provide other opportunities for the general public to provide input to its deliberations.
11. The Town's Planning Department staff will act as project manager and will provide the following services:
  - a. The project manager will draft an agenda for each negotiation session at least 72 hours in advance based on consultations with the principals and, as needed, technical resource persons. The principals will have an opportunity to review, revise as needed, and adopt as a group their agenda at the start of each negotiation session.
  - b. The project manager will prepare and distribute to the group a simple draft record of each negotiation session, indicating the meeting date, location, principal and technical resource attendees, and notes on key information shared at the meeting and decisions reached by the principals. The principals will have an opportunity to raise and discuss revisions to the draft before the facilitator issues the final meeting record.
  - c. The project manager will maintain the website and populate with all relevant materials including agendas, minutes, fact sheets, etc.
  - d. The project manager will set up audio recording of each the negotiation session to include as part of the record.
12. Each set of principals will get one "vote" during group decision making. A proposal will be adopted as a group decision only after both sets of principals have explicitly stated that they are in favor of the proposal. Each set of principals will follow its own process of internal decision making.
13. Time may be requested by either set of principals during a negotiation session to caucus apart from the other for a limited amount of time, consistent with applicable open meetings requirements. The Eastowne team agrees voluntarily and as a matter of courtesy not to attend open-meeting caucuses of the Council team. Both teams agree not to take public comment during their respective caucus sessions.
14. Ground Rules for Civil, Efficient, and Creative Deliberations
  - a. Meetings will begin and end on time.
  - b. Group members will listen attentively to each other, without interruption.
  - c. Group members will share the time available for speaking, with no participant dominating the discussions.
  - d. Group members will focus their efforts on the tasks and topics specified on the agenda, and avoid tangents.

- e. It is important to raise concerns, differences in perspective, and doubts as early and as clearly as possible so the group can understand how each of its members is thinking and feeling and develop good solutions; disagreements will be expressed respectfully.
15. All principals and technical resource persons participating in this process will:
- a. Accurately represent to one another their own interests and concerns and the interests and concerns of any business partners, constituents, or organizations that they represent,
  - b. Accurately represent to the business partners, constituents, or organizations that they represent the progress of these discussions and the interests and concerns expressed by the other participants in these discussions,
  - c. Provide ongoing opportunities for their business partners, constituents, or organizations that they represent to consult with them on the issues being discussed and on the progress of these discussions.
16. The principals will not communicate with other members of the opposite teams that are not part of the principal groups. Members of the principal teams may communicate with other members of the principal teams in-between negotiation sessions, consistent with applicable open meetings requirements. These communications need not be disclosed to others, and will be consistent with the purposes of this process.
17. Task groups may be formed by consensus of the principals to address specific issues and make recommendations back to the negotiation group. The process under which such task groups will operate will be determined by the principals if and when they are formed.
18. Both teams agree to provide the news media with opportunities for direct observation of these open meetings and access to the meeting minutes and audio recordings that will be posted by the Town on its website. The teams and their respective members will not comment about these negotiations to the news media over the course of this process, other than to provide basic information shared through fact-sheets or the website, except through joint statements developed by the teams together as needed. Concerns or disagreements should be raised -- and good faith efforts made to clarify and resolve the concern or disagreement -- through direct discussions within the group or within an appropriate task group, or one-on-one with the facilitator, another principal, or technical resource person.
19. The principals will define together the ways in which any agreements reached in this process will be documented.
20. The principals may make changes to these protocols.