

MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, MAY 19, 1986, 7:30 P.M.

Mayor Pro-tem Thorpe called the meeting to order. Council Members present were:

Julie Andresen
David Godschalk
Nancy Preston
Arthur Werner

Mayor Wallace and Council Members Howes, Pasquini, and Smith were absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Public Hearing on UNC Power Plant Special Use Permit

Citizens wishing to speak to the Council about this proposal were sworn in by the Town Clerk.

Manager Taylor requested that the following documents be entered into the record of this meeting:

- Agenda #1, May 19, 1986, "UNC Power Plant Replacement - Application for a Planned Development - Industrial Special Use Permit (PD-92-H-2)
- Applicant's Project Fact Sheet
- Applicant's Statement of Justification
- Applicant's Traffic Impact Analysis

Roger Waldon, Planning Director, gave a presentation on the proposal to replace the UNC power plant boilers and generators, relocate the fuel tanks and coal storage area and construct new coal silos and an exhaust stack. He said the proposed improvements would be made at the site of the current facility on Cameron Avenue. Mr. Waldon stated that the proposal met the regulations prescribed in the Development Ordinance except for the height limit, buffers and storm water management. He said the Council may waive the height limit requirement if it found that the public purposes were satisfied to an equivalent or greater degree. Mr. Waldon commented that the staff felt this provision could be waived due to the location of the proposed new facility within in the site (approximately 240 feet from the nearest existing residence and 150 feet from the nearest residential building site) and the fact that the addition would serve a substantial public purpose by maintaining the efficient operation of the University campus. He said with regard to the buffers and storm water management, the staff recommended adding conditions of approval to meet the requirements; such as a Type C buffer along McCauley St. and in the southeast corner of the site, and on-site storm water retention basins.

Gordon Rutherford, Director of UNC Facilities Planning, along with Gene Swecker, Associate Vice Chancellor for Facilities Management, gave a presentation on the proposed UNC power plant relocation.

Mr. Swecker, using visual aids, stated that the University had hired an engineering consultant, CSS Sirrine, to study the current and future UNC power usage with regard to the present system. He said the study showed the need for a change in the power plant to meet the needs in a more cost effective manner. Mr. Swecker said the consultant had proposed three alternatives and that the University had chosen the most cost effective alternative which involved using a circulating fluidized combustion power plant. He stated the University planned to pay for the renovations through revenue bonds. Mr. Swecker said the schedule was for the design work to be done through 1987 and into 1988, with construction to start in 1988 and completed by 1990.

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Portions of the old power plant, including the two existing exhaust stacks, would be removed after the new plant was running in 1991.

Mr. Rutherford said the University had chosen to rebuild on the current power plant site due to its proximity to the railroad, the Duke Power transmission station and transmission lines and the existing UNC steam tunnels. He said the consultant had pointed out the cost effectiveness of a single large power plant versus several small plants throughout the campus. He commented that the new plant should improve the environment with less sulfur dioxide and nitrogen oxide emissions, as well as the use of covered coal storage areas to cut down on the dust, noise and run-off associated with the current coal storage and handling methods. He said there would be an ash handling silo and that the power house would be constructed so as to reduce the impact of noise. He introduced into the record a statement on alternative sites. (For copy of text, see Clerk's files.) Mr. Rutherford concluded by saying the University would prefer that stipulation six in the Manager's recommendation be modified to allow for the length of time for landscaping to be 18 months so that they would have the benefit of two planting seasons.

Council Member Godschalk asked for further clarification on what was a circulating fluidized combustion power plant and why it was desirable. Jim Mergner, Associate Director for Physical Plant for Utility Operations, said the University was presented with only two viable options, using pulverized coal or fluidized bed combustion. The fluidized bed combustor had a large combustion chamber, the height of the boiler - approximately 100 feet tall, into which air is introduced in the bottom of the chamber, fluidizing the combustible material and dispersing it through the whole chamber. He said this method allowed for a better opportunity to burn the fuel while in the combustor and uses a cyclone separator to take the larger particles out of the flu-gas stream and reinject them back into the bottom of the boiler. This allows for a high level of combustion of the fuel and as a result the combustion temperature in the combustor is significantly less than in the pulverized coal boiler (the present system). A consequence of the reduced temperature is the reduction in the development of nitrogen oxides.

Council Member Werner commented that the fluidized bed combustor also uses the injection of limestone to remove the sulfur. Mr. Mergner agreed saying that the sulfur emissions were controlled with the circulating fluidized combustor by injecting limestone with the fuel and in the space where the combustion takes place the sulfur chemically combines with the limestone.

Council Member Godschalk asked if the height of the exhaust stack was due to the type of boiler. Mr. Rutherford replied that the height of the exhaust stack was not due to the type of boiler.

Council Member Werner asked if a copy of the feasibility study was available for review. Mr. Rutherford said yes and introduced these documents into the record.

Council Member Andresen asked where the steam tunnels were located and if the proposed replacement of the power plant would necessitate any changes in these tunnels. Mr. Rutherford pointed out the steam tunnels on a campus map. He said the University had recently been granted funds to add a new steam supply line that would not be in the tunnel but in the same right-of-way in a tile conduit outside of the tunnel.

Council Member Andresen asked if the University had asked the consultant to review alternative sites for the new power plant. Mr. Rutherford replied that the consultants had reviewed alternative sites only in the sense that they were to consider the feasibility of one large central power plant versus several small power plants throughout the campus. He said once the decision was made on one large central power plant, the site location was further determined by where the University had the available

space (approximately 10 acres), and the current power plant site met this criteria.

Pat Evans, representing the Planning Board, said their recommendation was included in the staff memorandum.

Manager Taylor recommended that the Council adopt resolution B, approving the project, subject to conditions.

Ruth Greenberg, speaking as a resident, spoke against the proposal saying the facility did not promote the public health. She said it polluted the air with solid waste and noise, was an eyesore, and devalued the adjacent properties.

Joyce Brown, speaking as a resident, spoke against the project, agreeing with Ms. Greenberg that the facility was an eyesore, dirty, noisy, and produced pollutants. She said the University had not taken any steps to use alternative energy sources such as solar energy. She commented that she felt the staff memorandum was biased in favor of the University.

Robert Giles, speaking as a resident, spoke against the project saying he felt there were other methods of heating and cooling available to the University. He also commented that he felt the University had not fully researched the possibility of an alternative site for the power plant. Mr. Giles stated that the barriers to alternative sites could be overcome if the University was willing to consider the options. He recommended the Council adopt an amended version of resolution C, to deny. He introduced this amended version into the record. (For copy of text, see Clerk's files.)

Rudolph Koster, speaking as a resident, spoke against the proposal asking for a clearer view of the cost/benefit analysis of the proposal for the Town of Chapel Hill and not just for the University.

Ruth Koster, speaking as a resident, spoke against the proposal saying the proposal constituted an expansion and not a replacement of the power plant. She said the expansion served the private purpose of the University and not the public purpose of the citizens of the Town. She commented that the buffers for the present power plant had never met the Town standards. She questioned why UNC was in the power business at all, as education was its main mission. She thought private utility companies ought to provide power.

Rebecca Clark, speaking as a resident, spoke against the project and introduced a petition against the project signed by several residents. (For copy of text, see Clerk's files.) She said the power plant created a health hazard to the residents through the emission of coal dust and particles into the air.

Blair Pollock, speaking as a member of the Orange County Solid Waste Task Force, spoke against the project stating the University and its consultant had failed to examine alternative means of energy, especially the possibility of using solid waste to generate power (refuse derived fuel). He said that since the life span of the current landfill was limited the Council should reject the proposal until full consideration of solid waste generated power was done.

Claudia Toomin, speaking as a resident, urged the Council to get further information on the proposal before making a decision. She said some of the questions which should be asked were what other pollutants were emitted by the plant, what were the percentages of all emissions, what was the difference between the present noise level from the plant and the expected noise level, and would the nearby residents experience power surges, etc. with the operation of the new plant?

Greg Smith, speaking as a member of the Orange County Solid Waste Task Force, also asked that the Council withhold making a decision on the proposal until full consideration could be given to

38 the possibility of alternative energy sources, especially solid waste.

Council Member Werner said the positive impact of the proposed power plant would not necessarily be felt within the Town of Chapel Hill but rather further away. He said the particulate matter emitted from the plant would still remain in Chapel Hill and that the proposal did not address the local problems and concerns. He asked several questions regarding the storage and distribution of the ash residue from the boilers, ranging from whether the ash would be exempt from the Resource Conservation and Recovery Act, to where the ash would eventually be stored/used, to what percentage of total material placed in the landfill would be this ash.

Mr. Rutherford replied to Mr. Werner's questions by saying the ash was considered to be a pH neutral and therefore probably not a hazardous material. He said the ash would be sent to the landfill but that he did not know what percentage it represented of the total material placed in the landfill.

Council Member Werner asked where the coal was presently unloaded and how was it stored. Mr. Ray DuBose, Superintendent of the Power Plant, replied that currently the coal was unloaded onto the ground and stored under an open shed. He said the proposal called for an enclosed unloading area and storage silos to reduce the amount of dust associated with the coal. He said the storage silos and boilers would be vented using the baghouses but that the unloading bays would be vented into the air.

Council Member Werner asked if the ash were wetted down prior to being taken to the landfill and if the trucks transporting the ash were open bed trucks. He said he was concerned about the effects of fugitive dust on neighboring properties. Mr DuBose replied that the ash was wetted down prior to being loaded onto the trucks and that the current transport was an open truck but that with the new plant the University would probably use closed trucks.

Council Member Godschalk stated that this proposal involved several issues. He said the Planning Board and Appearance Commission had in his opinion handled those areas dealing with the buffering, appearance, and bulk of the structures very well. He asked that some of the technical questions posed that evening be answered by the University including an estimate of the percentage and kinds of fallout which Chapel Hill would experience.

Council Member Andresen said she felt the proposal was an improvement over the current situation but she also questioned what the Town could expect to occur if the Special Use Permit were granted. She pointed out that the buffer areas for previous on-site improvements to the University had not been met and wondered if this proposal would be any different. Ms. Andresen stated that the University and the Town needed to be sure that when difficulties do occur with the power plant that solutions are found as soon as possible and that a strong maintenance program should be used.

Council Member Andresen also asked if it were possible to reduce the height of the proposed facility by burying it partially into the ground. Mr. Rutherford replied that for safety reasons, principally the possibility of flooding the facility, this was not a viable alternative. He also commented that the University was making a good effort to make the present buffers meet Town standards but that the natural elements had been working against them.

Council Member Andresen suggested the boiler facility be constructed of different materials, etc. so as to reduce the visual image of its size. She said the City of Charlotte had used this method on a power plant there. She also asked what had been the nature of the charge to the consultants hired by the University for the study.

Council Member Preston asked the Manager what would be the best way to evaluate the study done by the University. Manager Taylor replied that the best way was for the Council to ask questions and have the applicant provide the answers.

Council Member Preston also expressed concern that the University had not reviewed alternative sites and suggested the possibility of the landfill area. Mr. Rutherford replied that it would cost an additional \$40-50 million to move the plant to another site and construct the steam lines and it would probably result in further losses in steam pressure. Mr. Rutherford said the University was under instructions to be cost effective in its production and use of energy and that the coal burning power plant was the best alternative.

Council Member Preston asked why the Special Use Permit did not require that construction begin within one year of its being granted. Manager Taylor replied that the magnitude of the project was the reason. He said it would take at least a year for the design work to be completed.

Manager Taylor asked the applicant if it could provide the answers to the technical questions posed by the Council, and if so when could the Town expect an answer. Mr. Rutherford replied that they could provide the answers within the week.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO RECESS THIS PUBLIC HEARING UNTIL JUNE 16, 1986 AT 7:30 P.M. THE MOTION PASSED UNANIMOUSLY, (5-0).

Public Hearing on Development Ordinance Text Amendment - Special Use Zoning

Roger Waldon, Planning Director, gave a brief presentation on the proposal to create special use zoning. He said special use zoning was a mechanism to allow the Town Council to consider and approve rezonings with conditions, i.e., to rezone to allow only a specified use and/or development. Mr. Waldon said the proposal would allow for the special use zoning only if the owner of the property requested it and would be considered in conjunction with a special use application for the land. He said that as with any rezoning a protest petition from adjoining property owners would be allowed, and if proved valid, a change in zoning could only be successful by a three-fourths vote of the Council.

Pat Evans, representing the Planning Board, said the Board endorsed the concept as recommended and that their comments were included in the memorandum.

Manager Taylor recommended that the Council adopt an ordinance allowing for special use zoning. He said such an ordinance would give the Council flexibility to grant rezonings based on the use of the site.

Bob Baucom, speaking as a resident, spoke in support of the proposal.

Joe Herzenberg, speaking as a resident, said he felt on the whole the proposal was a good idea but he cautioned the Council to consider how it would affect those areas such as the Historic District and the Northside community which were attempting to limit any commercial encroachment into residential areas.

Council Member Preston asked for clarification of the protest petition. Manager Taylor and Attorney Karpinos replied that a protest petition may be filed three working days prior to the public hearing on the rezoning. They said the petition had to be signed by all the owners of at least 20% of the property adjoining any one side of the site. If these conditions were met, then

the Council would have to have a 3/4 vote in order to approve the rezoning. They reiterated that State law was very specific in regard to a providing for protest petitions.

Council Member Preston said the proposal would require that the Council be more conscientious in its approval/denial process.

Council Member Godschalk commented that the proposal gave the Council more flexibility as well as control. He said it was a powerful way of controlling land use.

Council Member Werner commented that he felt the protest petition should be made an important part of any notice involving the use of this proposal. Manager Taylor said the protest petition was available now in any rezoning request and that the notices sent to the adjoining property owners included information on this procedure.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (5-0).

Public Hearing on Development Ordinance Text Amendment - Correcting Land Use Intensity Ratios

Manager Taylor stated that this hearing was to receive any input on the changes to the Development Ordinance with regard to the Land Use Intensity Ratios necessitated by errors made in the tables of ratios presented to the Council on February 24.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER.

Council Member Andresen suggested that if the Planning staff was having difficulty with these ratios maybe the Town should eliminate the Land Use Intensity ratios altogether.

THE MOTION PASSED UNANIMOUSLY, (5-0).

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (5-0).

The meeting adjourned at 10:45 p.m.