

IFC'S NEW HOMELESS SHELTER Another Chapel Hill Backroom Deal



11/9/2015

The deal that resulted in Homestead Park Area neighbors hosting all overnight at-risk facilities

How university, town, and IFC leaders allied to move the men's shelter in Chapel Hill away from downtown into an ethnically diverse and politically weak area. This small area now houses **all** of the homeless shelters, residential drug detox, and rehabilitation and halfway house facilities in Orange County, North Carolina. That equates to over 240 overnight beds within 1/5th of a square mile.

Introduction

Siting of the new men's homeless shelter, form-based code, Central West planning, the Obey Creek Project and Village Plaza Apartments (a seven story apartment complex next to Whole Foods) are all projects that have created a divisive atmosphere in our community by alienating citizen input and dismissing diverse viewpoints.

As more citizens from different parts of town have learned how Chapel Hill politics actually work through their own personal experiences dealing with our town leaders, a growing number seem to have decided they don't like current Chapel Hill leadership and they want real change.

We believe this is why the mayor and 2 incumbent town council members were ousted in the 2015 municipal elections. We published the original version of this document prior to this election.

Preface

This document and our website serve

- To remind citizens and council of unfinished business with the siting and building of the men's new homeless shelter
- To prevent whitewashing of what actually happened
- To document the nature of this backroom deal
- To document the extent to which the then-mayor and particular town council members tried to cover up the deal with a bogus "public process"

We would like to start a conversation about using good public process for publicly funded projects, fixing the town agenda process, and demanding transparency for publicly funded nonprofits and developers.

This document is intended for citizens of Chapel Hill who want to know how the development process really works so that they will be prepared if their neighborhood is the target of a project with powerful interests. We outline the tricks and shenanigans that were used by the town and the developer to undermine legitimate citizen issues with a project.

Members of our community who have heard IFC's "controlled setting" version for the new facility before and after approval, but have not had an opportunity to understand issues raised by Homestead Park Area residents will learn things that IFC did not tell them.

Citizens of other municipalities who want to make sure that officials are appropriately siting and stipulating protections when building or approving at-risk facilities like a homeless shelter will learn from our experiences.

ABetterSite.org was created by a group of Chapel Hill residents who opposed the overconcentration of at-risk services resulting in the siting of Chapel Hill's new men's homeless shelter in the Homestead Park Area, particularly the emergency shelter component of the project.

Document Updates

This document is published on abettersite.org. It is our intent to publish updates on that website. If you have clarifications or corrections, please email these with definitive evidence to support your assertions along with sufficient explanations of the evidence to find@abettersite.org.

OVERVIEW

No Public Siting Process



New Homeless Shelter Announced – The Town of Chapel Hill and the University of North Carolina at Chapel Hill are partnering to make a 1.5-acre site off Martin Luther King Jr. Boulevard adjacent to the United Church of Chapel Hill available for a new homeless shelter. The University is in the process of purchasing more than 13 acres of property, of which 1.5 acres will be leased to the Town on a long-term basis. The Town plans to make the site available to the Inter-Faith Council for Social Service (IFC) for the construction and operation of the shelter. The announcement was made on Monday, May 5, by (l-r) Mayor Kevin Foy, IFC Executive Director Chris Moran, Rev. Richard Edens and Chancellor James Moeser.

On May 5th 2008, the Town's newsletter printed an announcement that showed the Town of Chapel Hill and UNC partnering to build a new men's homeless shelter on the old Duke Energy site located at the corner of MLK Blvd. and Homestead Road. The property was purchased by UNC and would be leased to IFC for 50 years at \$1 per year.

This announcement took Homestead Park Area residents by surprise. They had never heard of this plan and few details were available until the following year. No public notice or participation occurred for this siting process despite the sizable percentage of public funds that were used to build the new shelter. Over \$2M in public funding were approved by Chapel Hill, the State of North Carolina, and the federal government.

Factors at Play

Downtown Merchants and Chamber of Commerce Members wanted the shelter out of downtown and did not care where it went as long as it was out of downtown.

For many years, the downtown merchants in Chapel Hill have been plagued with panhandling, loitering, and drug use issues. One merchant was so fed up with these problems that he sawed off the public bench in front of his establishment and was subsequently charged with damaging public property.¹ There has been much pressure to move the homeless shelter out of downtown.

UNC and its foundations own a significant portion of downtown real estate, such as the recent \$46M purchase of Granville Square.



¹ <http://www.dailytarheel.com/article/2011/08/panhandling>

In the spring of 2008, the UNC Foundation announced that it was purchasing a \$46M parcel in downtown Chapel Hill for a large redevelopment project: the foundation will invest hundreds of millions of dollars. The foundation simultaneously announced that UNC was donating land to move the shelter away. Roger Perry, chair of the UNC Foundation and member of the UNC Board of Trustees whose organizations authorized both of these transactions, was credited by the shelter developer as the person who acquired the land for the shelter.

UNC will most certainly benefit with the shelter no longer being one block away from its foundation's new \$250M+ development which will generate revenue for the university.

The Town of Chapel Hill had many reasons to want to shelter out of downtown.

The town wants its building back after letting IFC use the building for 25 years. This building is prime real estate that's needed in a time where our town needs revenue from assets like this. The town had also established a primary goal of championing downtown business and revitalizing Franklin Street. Town plans have a new transit hub next to the downtown shelter location. The town also invested \$13M in land and money in the LOT 5 redevelopment project, luxury condos whose top floors overlook the existing shelter.

No Fair Share for Homestead Park Area Residents

“The over-concentration of social services may lead to fewer positive impacts for both residents and those seeking social service programs, which is the opposite of the positive impacts expected from efficiencies of scale when like services are provided in close proximity.”

American Planning Association Zoning Practice, January 2010

It's not surprising the new homeless shelter was sited in the Homestead Park Area in north Chapel Hill. This area is home to several middle class neighborhoods, a public housing community, three trailer parks, two large student apartment complexes, two churches, and a large park. These neighborhoods are the most ethnically diverse in Chapel Hill and include the largest concentration of Asian residents in North Carolina. Many of these residents are new to the United States, many cannot vote, and many are students or transient, so the Homestead Park Area is historically a politically weaker area than others in Chapel Hill.

The Homestead Park Area is home to the county's only women's shelter. It is also home to Freedom House, the county's only residential drug center which detoxes 850 clients per year in an on-site program and provides drug rehabilitation, on-site addiction counseling to thousands per year, and on-site halfway house facilities. With the addition of a new men's shelter, this area now hosts, in one-fifth (1/5) of a square mile, every at-risk overnight social service in the 400 square mile county. About half of the clients at these facilities are from the county and half of the clients are from outside of the county.²

Homestead Park area neighbors support the women's homeless shelter in the neighborhood, many participate in PORCH, and many attend local churches and have served meals for many years in IFC's downtown kitchen and men's shelter.

² <http://www.abettersite.org/supporting-documents.html> "Freedom House Emails.pdf". IFC declined to give exact figures, but around half from Orange County was stated by IFC when asked in meetings.

With the addition of the new men's shelter, this area will support more than its fair share of at-risk housing and services. The town council was unwilling to acknowledge that the Homestead Park Area has reached its carrying capacity for at-risk overnight social services and to provide assurances that future facilities will be sited with fair share guidelines.

LUMO Changes Pave the Way

After the new shelter was announced, the town council voted to change the Land Use Management Ordinances (LUMO) to accommodate this new project. LUMO changes were not needed to approve the shelter but they provided key changes to help the developer. The changes removed legal protections that existed for the neighbors and allowed the town council to avoid having to specifically declare "findings" to override the ordinances in the project approval.

The Done Deal Revealed

Anyone who listened to statements by the then-mayor, town council, the chamber of commerce, or the developer of this proposed project, would have been led to believe that the old emergency shelter was closing down on Franklin Street and a new **transitional-only** facility was being opened without the emergency shelter. But that was not the case. Homestead Park area residents soon discovered that some written materials contained details (basically footnotes), that said the new facility would be **both a transitional and an emergency** shelter.

The new facility would have a transition housing program and also be used as a single night emergency shelter on "white flag nights" which are nights with inclement weather. IFC defined "white flag nights" as rare occurrences in the materials presented to the town but Homestead Park Area residents figured out that white flag night criteria allowed over 200 nights per year as an emergency shelter.

Many neighbors began to distrust IFC's spokespeople when they continued to represent white flag nights as rare occurrences in meetings which spanned many months before succumbing to pressure and finally confirming that they actually housed white flag night residents on 197 nights in the prior year. Neighbors began to ask questions about the impacts of having a large, dual-purpose facility in light of the existing facility, but answers were not forthcoming. Even to this day, due to the way that IFC promoted the facility as a transitional facility, many residents of Chapel Hill are not aware that the emergency shelter is a component of this new facility.³

Facts emerging about the new shelter were troublesome. The shelter was large; it would serve 500-600 men per year which could create loitering around the neighborhoods and park. On "white flag nights" men would be admitted without a government-issued photo ID and would be accepted overnight even if they were drunk or high. A study of arrest records revealed the existing downtown shelter had the 2nd highest number of arrests for the five year prior to the study.⁴

The Homestead Park Area residents did not anticipate the extreme to which IFC and many of its supporters would falsely paint the neighbors as being against the plight of homeless people rather than concerned citizens who had questions and issues with the site as well as the concentration of similar facilities. The neighbors wanted

³ This is seen in written comments to "Student Survey from Public Records Request Nov 29 2010.pdf" at <http://www.abettersite.org/supporting-documents.html> This was also apparent from conversations with many people who had attended IFC's canned presentation.

⁴ <http://nccrime.us/index.php?q=content/places-most-arrests-top-100>

to talk transparently about risks and assurances, but IFC chose instead to denigrate the neighbors.⁵ Homestead Park Area residents concerns were labeled as “fear” despite the fact that downtown merchants and Franklin Street visitors have complained for years about crime, panhandling, loitering and aggressive behavior.

More Problems with the Site

Men who are on the NC sex offender registry often have difficulty finding housing. The downtown homeless shelter accepts homeless men who are on the registry and this shelter also serves as a registry address for these individuals. NC law requires all sex offenders “at all times, have an ‘address’ of some sort, even if it is a homeless shelter.”⁶

The new men’s shelter is located within 1,000 feet of two child care facilities. Sex offenders are not permitted to live near child care facilities. These rules pose multiple problems for homeless men and the community. Sex offenders cannot participate in IFC’s transitional housing program so there will be nowhere for them to go in Orange County. IFC says they won’t house homeless offenders on white flag nights but since they don’t require government issued ID’s (IFC will give its clients IFC-made ID’s) these laws cannot be enforced. This leaves offenders without housing or near childcare facilities if they choose to use the shelter.

Fait Accompli – the SUP Approval

The new men’s homeless shelter was a done deal back in 2008 when it was announced, but the Special Use Permit (SUP) approval was the final step IFC needed to build the new shelter. On May 5th 2011, area residents filled town hall and provided significant evidence trying to convince town leaders to site the facility or at least the emergency shelter portion in another part of town since Homestead Park already had other at-risk facilities. Over 1,200 Homestead Park Area residents signed a position asking town council to find a better site for the new shelter. IFC hired a lawyer to refute the facts and diminish neighbor concerns. There was little debate and town leaders asked few questions because they had made up their minds long before the SUP evidence was presented.

SUPs contain stipulations defining the allowed use of the property and any mitigation which must occur. The neighbors submitted stipulations to be added which they drafted with the help of an attorney who possessed the appropriate expertise, but these stipulations were ignored by planning staff and council.

In the agenda published two business days before the final hearing, the town council added a resolution to create a “good neighbor plan”, billed as assuring neighbors the new facility would be well run with a level of transparency. However, council allowed the neighbor plan to be completely controlled and written by the developer. This plan was never voted on by the committee and provided no protections for Homestead Park Area residents. Even today, IFC continues to misrepresent key facts about the creation of the neighbor plan.⁷ Town council promised the neighbors that IFC would be held to the same standards as any other developer, but council would not dream of giving any other developer complete control of such a document.

⁵ See [For the Record](#) below and “IFC on a mission for new shelter”, Greg Childress, Herald Sun, Oct 23, 2010

⁶ <http://nccriminallaw.sog.unc.edu/sex-offender-case-law-update-part-ii/>

⁷ See “Ongoing Misrepresentations” section

One participant summed up the concerns of the neighbors during council review of IFC's neighbor plan: ***"What if, against all good intentions, something bad happens? What is IFC promising the neighbors that it will do?"*** The answer is nothing.

On June 11, 2011 the developer's permit to build the new shelter was approved.

Since the approval of the shelter, there has been a disconnect between IFC and the county organizations who determine homeless needs. IFC made it perfectly clear that it intends to provide emergency shelter only as an interim solution. However, these organizations continue to consider IFC as permanently providing mens emergency shelter beds. These organizations need to acknowledge in their plans that IFC has asked for another facility to handle emergency shelter requirements and need to start planning for a permanent emergency shelter.

The neighbors wanted some very reasonable things

- To have a public process for siting a facility that has been funded with significant public funding.
- For this project to undergo the rigorous review process that was promised by town council.
- For the town council to follow principles of open government for proceedings that it mandates, including following open meeting laws and requiring contracts of mediation organizations in such proceedings to be public record.
- For the facility and its operations and policies to be truthfully represented with full transparency on identification requirements, intake of guests under the influence of drugs and alcohol, operating hours, capacity limits, drop-in policies, and after-hours eviction processes.
- For the town council to hold the developer to its promises and provide protections in a binding manner with defined consequences.
- For the town council to acknowledge the existing concentration of at-risk overnight social services to create fair share policies.

Unfortunately, here is a sampling of what transpired instead

- Then-mayor Kleinschmidt and some council members made statements about the facility which hid or understated the emergency shelter component.⁸
- The mayor and some council members advocated for the project in conflict with their role as a quasi-judicial party in the Special Use Permit process defined by NC law, which was the basis for the neighbor lawsuit.⁸
- Town staff favored the developer by placing developer application materials in with the official agenda materials for town council meetings and repeatedly excluding neighbor materials.
 - Town staff gave the developer significant advance notice of meeting dates while giving the absolute minimum notice to the neighbors.
 - Town staff gave the developer early access to town planning department materials while giving the absolute minimum time allowance to neighbors.

⁸ See [Neighbor Lawsuit](#) section

- Though IFC pledged to be “transparent”, IFC routinely chose to ignore neighbor questions and withheld materials, requiring neighbors to wait for the town to publish its materials in most of the proceedings.
- The town council mandated that IFC create a “good neighbor plan” but permitted the meetings to be conducted without following open government principles, such as NC open meeting law.
- The town council permitted IFC to hire a facilitator for the “good neighbor plan” meetings with a secret contract.⁹
- The town council permitted the non-profit to write and control all aspects of the so-called “good neighbor plan” which was written by the developer and was not ratified or voted on by the members of the committee, despite the fact that the plan was created as a result of the mandate by the town council.

Major Facts

The following are a few important facts about the shelter, the area, and the process.

- Moving the shelter away from UNC Foundation’s new University Square/123 W Franklin Street development was a backroom deal coordinated by UNC, Mayor Kevin Foy, IFC, and UNC BOT & Foundation member Roger Perry at a time when UNC was particularly sensitive to violent crime.^{10 11}
- The new facility is both a 17 bed emergency overnight shelter and a 52 bed transitional facility, for 69 total clients. The downtown shelter has hosted as many as 83 clients.¹²
- There are typically 200+ weather-eligible nights per year under IFC’s policy that would allow operations as an overnight emergency shelter in addition to housing transitional program clients. The existing shelter housed emergency shelter clients 197 nights the year before the new shelter was under review.¹³
- Men are to be admitted without government issued photo identification.¹⁴
- Men are to be admitted under the influence of alcohol.¹⁴
- Emergency shelter clients must leave the facility each morning.
- A loophole in IFC’s neighbor plan allows on-site intake, contrary to promises made.
- The facility will serve 500-600 men per year.¹⁵
- Once the new shelter opens, there will be no shelter in the county to house registered sex offenders who often reside at the shelter.¹⁶
- Men who are kicked out for policy violations will be escorted to the nearest public sidewalk. Police are not allowed to transport beyond an adjacent public sidewalk.¹⁷

⁹ When asked to speak and be available to answer questions at the final hearing about several issues, the facilitator indicated that he could not due to being bound by the secret contract from speaking in a manner that may be negative to IFC. The facilitator told us that he then asked IFC for permission to share the contract and IFC refused.

¹⁰ See the [Backroom Deal to site facility](#) section

¹¹ <http://raleigh2.com/font-facetahomaregistered-sex-offenders-live-next-to-unc-campusfont-p625-1.htm>

¹² "New shelter no 'warehouse'", Chapel Hill News, February 28th, 2010, <http://www.chapelhillnews.com/2010/02/28/55432/new-shelter-no-warehouse.html>

¹³ IFC annually publishes bed nights but does not publish emergency criteria nights-per-year in its annual reports

¹⁴ According to the town-required information session held by IFC which IFC confirmed in its neighbor plan.

¹⁵ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=708&meetingid=70>

¹⁶ See [IFC's Most Misleading Positions](#) in the [For the Record](#) section

¹⁷ It was suggested by the town council that the solution to this issue was that police could transport evicted men downtown, but the police chief made it clear at an information session that this was not allowed.

IFC's New Homeless Shelter Another Chapel Hill Backroom Deal

- The existing downtown shelter was the location with the second highest number of arrests in the prior 5 years and 80% of the town's sex offender registry violations.¹⁸
- The town has little or no regulatory authority in the ongoing inspection or operations of a shelter.¹⁹
- The town council surprised the neighbors by requesting IFC draft a "good neighbor plan" at the final SUP hearing.²⁰
- The town council allowed the IFC to stack the membership of IFC's neighbor plan committee.²¹
- IFC held no vote for its neighbor plan and allowed no collaborative editing during the meetings. The town council did not require IFC to follow open meeting law as requested by the neighbors.²¹
- IFC hired the Dispute Settlement Center with a private and secret contract, which was not stipulated in the town agenda item.²²
- IFC refused to disclose the public money requested and received for the project during the approval process.²³

What Homestead Park Area Residents Still Need

The only way that area residents will heal from this faulty process is for the following to occur:

- The town must adopt clear at-risk facility standards which enforce fair share. A reasonable and solid fair-share ordinance will require other parts of the town to start taking on its share, not just of men's shelters, but of drug detox, detention centers, and other similarly risky facilities. These standards must have specificity and must not be vague, subject to interpretation, or narrowly defined to one type of facility.
- The town and county must provide, fund, or facilitate the development of a permanent men's emergency shelter as soon as possible. There is agreement amongst the neighbors, IFC, the town, and other elected officials that this supposed-to-be-transitional facility is not the correct place to provide emergency housing. Once this facility is open, IFC's Homestead Area facility must no longer be permitted to provide those emergency shelter services.
- The town must agree that all projects which are or are likely to receive significant town-approved or other public funding or sited on public land²⁴ will be required to undergo a public search with publicly vetted criteria to prevent a repeat of this backroom deal. Furthermore, such facilities must be located appropriately to be able to provide housing to clients of all backgrounds, including criminals and sex offenders.
- IFC must amend its neighbor plan to live up to its promise of prohibiting on-site drop-ins by implementing an off-site screening process and removing the loophole in its document that was discussed in several meetings.

¹⁸ IFC tried to deflect this with misinformation. The aggregated police reports list the address at which the person was arrested, which has nothing to do with any location the person claims to be living.

¹⁹ Based on information from legal counsel

²⁰ <http://www.townofchapelhill.org/home/showdocument?id=10606>

²¹ See [IFC's Neighbor Plan Creation](#) section

²² When asked to speak at the final hearing about several of the topics, the facilitator indicated that he could not due to being bound by in the secret contract from speaking in a manner that may be negative to IFC. The facilitator told us that he then asked IFC for permission to share the contract and IFC refused.

²³ Page 98 of <http://www.townofchapelhill.org/home/showdocument?id=14377>

²⁴ The shelter is being built on state land acquired by UNC which is leased to the Town who is leasing it to IFC.

- IFC must amend its neighbor plan to define consequences if occupancy limits, background checks, or other important operational procedures are not followed. An example of consequences would be a 30 day loss of the right to operate the emergency shelter with progressively severe consequences upon further infractions.
- IFC must come clean on its actual policies regarding identification and drunk and high men and proactively correct reporters in a publicly documented and transparent manner.

WILL YOU BE HEARD WHEN YOU NEED TO BE?

If you are a business, citizen, or neighborhood who is engaged in an issue before town council, particularly for a controversial project that appears to be a fait accompli, we learned many lessons about how citizens who are concerned about a town-favored project are treated by staff, town boards, the press, and other organizations who have an interest.

When the town gets together behind closed doors and your neighborhood is a target, you need to act quickly and take these lessons into account.

Ground Rules

- The town and town leaders have their own agenda. Your neighborhood's well-being will probably not be on their agenda because your neighborhood is less powerful and has less reach than the developer or the chamber of commerce.
- Do not count on the town and opposing town leaders to be fair.
- Do not count on opposing town leaders to be honest. They know how to game the system. They will highlight the facts that benefit their agenda and will omit more important facts which do not support their agenda. They have the reporters at their fingertips.
- Do not count on the town to represent your best interests. Town processes and town staff often work against you.
- Do not count on the town to let you access materials in a timely fashion.
- Do not count on the town to give you reasonable notice of important meetings. You will have to watch all of the agenda notices for the town and the various boards. Boards often do not publish their agenda items in advance. You may have to attend every single meeting to see what is discussed.
- Committees and subcommittees are formed for appearance and not function. Journalists write stories stating a topic was discussed and fail to research or report obvious biasness. Town leaders get to paint a pretty picture during their next on the next campaign trail that there was a "public process" even though it was rigged.
- Do not expect balanced committees. Opposing town leaders are experts in stacking the deck on committees to ensure an outcome. Chapel Hill has a rich history with this practice. Journalists ignore biased committee membership ratios.
- Do not count on the developer to be fair.
 - The developer will tell people what they want to hear and will not change their message after you or the police or a study clearly points out where their messaging is wrong

- Even if you show that a developer study is wrong, council and staff apparently have no obligation to require the study be amended or throw out the study. There is no referee when the town is on the developer's side.
- Both sides of an issue will stand or clap for their speakers, but a biased then-mayor will give a stern & lengthy lecture to the side he is against and say nothing of the same behavior to the side he favors.
- Some council members will scold, lecture, and accuse citizens of saying politically incorrect things that they have not said.
- While you are trying to keep up with the town council and committees, the developer is working with others behind the scenes to create biased studies to support its position.
- Don't expect the courts to help you out. County judges will side with the town. You will need to fund an appeal to have any chance at a fair hearing.

Dealing with the Town

Neighbors sought the advice of legal counsel to make sure that we were following procedures and submitting information correctly, but even that legal advice could not overcome the tactics by committees and town staff detailed throughout this document.

- Town Council Policies and Town Staff will do everything in its power
 - To make sure you don't have access to materials until the last possible minute, typically two business days prior to the town council meeting.²⁵ This prevents you from having adequate time to digest the materials, perform research, and compose and submit a reasonable response.
 - i. This does not apply to the developer, who sees the materials far in advance.
 - ii. Furthermore, the developer could choose to make materials available early, but typically chooses to hide behind the town agenda process.
 - To exclude your materials from the council agenda materials.²⁶
 - i. This is critical because the elected officials are given the agenda materials in advance of the meeting. They do not receive information which is not in their pre-meeting "packet". Our attorney was very clear on this point.
 - ii. It is also important because it will appear that there was no objection to an agenda item to any member of the public who later reviews the written materials. Our attorney was also very clear on this point.
 - To provide weeks or months of courtesy notice to the developer about meeting dates while failing to give you any courtesy notice and instead giving you the absolute minimum notice required by law.²⁷

²⁵ There are many examples of this, but the most prominent ones were that neighbors never saw any good neighbor plan proposals until the Thursday evening before the Monday meeting, so they had no ability to comment on the power given to the developer to choose all the members of the committee, to stack the membership, and to control the rules; nor any ability to detect the misrepresentation of the dispute settlement center's role as an developer-controlled facilitator instead of a mediator. Another example is that no one knew the lease was going to be included with the so-called "Good Neighbor Plan" agenda item. We had no preparation time nor sufficient time allowed to comment on both the flawed good neighbor plan and the lease in the same meeting due to speaking time limits.

²⁶ On many occasions, neighbors submitted materials which were not included in the actual agenda materials. The developers materials and presentations were, but ours were not. An example of this is that our presentation for the so-called "Good Neighbor Plan" was not printed in the agenda materials given to town council members nor included in the primary public record of the agenda item even though they made the deadline with the explicitly stated request that they be included in the agenda materials. The developer's materials were included. This occurred on several occasions.

- To give the developer opportunities to review your submitted comments and even include their responses to your comments in the agenda materials while only giving you one business day to form rebuttals on their responses, which prohibits your rebuttal from being part of the official agenda material.
- During the meetings, some town council members will call the developer forward to answer leading questions that help them paint the picture that they want to the public to perceive, while not offering any ability for citizens to rebut the often erroneous statements made. This is by design. The leading questions are asked after the public comment period on the agenda item.
- The town attorney serves at the pleasure of the council and will take positions that support their wishes.²⁸

What needs to Change in Chapel Hill (and elsewhere)

- Tentative agenda topics need to be published 4 weeks before a meeting.
- Materials need to be made available 10 days before a meeting. Ideally, materials should be deposited in a public web page for the matter upon receipt.
- Citizen presentations submitted before the deadline should be made available to council members within their packet of agenda materials, particularly presentations by a neighborhood based organization.
- Citizen presentation slides shown during the meeting should be added to the agenda item after the meeting so someone who is looking back can see all of the materials in one place.
- If a development project has any public funding, then there must be public process and transparency
 - Siting must use public criteria and be conducted publicly (like the southern library process)
 - Developer must disclose ALL requested public funding and received funding in a timely manner
 - Developer must disclose the source of all significant pledged and donated money, including those from quasi-public entities, such as public university foundations
 - Developer must not use a third party to bundle and hide donation sources
- Non-profits must be transparent
 - Any organization which receives significant funding from or via the town should follow open meeting laws and public records laws for all of its business, even if the laws do not apply directly to them. This must be a condition of receiving public money from the town.
- Any meetings or process mandated by the town must be transparent
 - Must follow open meeting laws
 - Facilitator contracts must be public and must not favor the developer with non-disparagement clauses, etc.
- Citizens should be able to report public process problems and make complaints when unethical behavior occurs by members of town boards

²⁷ A prime example is that IFC was notified of the January 4, 2011 planning board meeting by town staff via email on November 8th (according to a response to our inquiry from planning staff after the meeting). The neighbors in the 1000 foot limit were notified via postal mail sent right before Christmas which means that those who were travelling received little or no notice to prepare.

²⁸ This was very evident during the meetings where wording on the neighbor plan approval process was being considered. View the 2012-06-11 town council video at 3:37:45 where the "FOR APPROVAL" language was being discussed. The Town attorney said the language required the council to approve, but we saw no language to that effect. Fortunately, one council member asked for the wording to be more explicit. We wonder if the town attorney's initial position was driven more by the position of the then-mayor or council and less by what the wording actually said.

- We were told that we would have to appear before council to make these complaints. It is problematic to try to appear before town on these issues while also appearing about the matter at hand. There needs to be a simple way to file a complaint with the town manager to be investigated, which could be appealed to the town council if the fact finding and investigation were insufficient.

Tips for Citizens Dealing with a Backroom Deal

- Record all meetings with a video or audio recorder. Use a high quality external microphone.
- Refuse to participate in any meetings in which the facilitator has been hired via a confidential contract.
- Refuse to participate in meetings which do not follow open meeting laws (meeting must permit citizens to record).
 - When we attended without being allowed to record, our participation was co-opted and falsely represented as being supportive of the things we did not support.
 - On numerous occasions in IFC's neighbor plan meetings, negative comments made by IFC members were not recorded in the minutes. When they were pointed out, they were amended as being "in dispute". Recordings fix this.
 - When detailed minutes are used instead of recordings, it takes hours to review and comment to attempt to fix problems.
- Read every town council agenda, town committee agenda (which often are not accurate), minutes of each, and every newspaper every day. That is the only way to know that things are being discussed, reports or studies are being released by the developer, developer-planted editorials are being written, etc.
- Document and call out situations where meetings are being held "for show"
- When dealing with developer representatives who twist words or misrepresent facts, refrain from verbal communication. Make sure all conversations/communication are in writing.
 - This worked well in documenting IFC's spin control and behavior when setting up its neighbor plan committee. This technique did not change the outcome, but it allowed us to document in an obvious manner how much power was given to IFC and how the plan could never be truthfully represented as something the neighbors created.²⁹
- Keep a journal in a spreadsheet with a timeline
 - Note the topic, the speaker, the statement, the source
 - Save the article or timestamp in video or audio
 - Note when items were due to be included for agenda items, when you sent, when you received confirmation that they were received, and whether your materials were actually included in the agenda item
- Publish facts and misstatements publicly and to your community
 - One idea that we had in hindsight would be to consider a web page which lists problems/errors/misrepresentations and the source of each. Provide notice via email to the developer once you notice a misrepresentation and ask them to confirm receipt and to

²⁹ Read "Email to Council - Re Good Neighbor Plan Advisory Committee Update.pdf" and "Emails between ABetterSite and Shelter Developer Regarding Neighbor Plan - In Chronological Order.pdf" in the supporting documents page of www.abetersite.org

substantiate their representation. At some point, depending on the nature of the misrepresentation (and perhaps with advice of legal counsel), continued repetition of the misrepresentation becomes a lie and you can call it out as such. It would help to provide the narrative and evidence of the issue, the truth, and how you notified the developer.

READ THE PRESENTATIONS AND BACKGROUND MATERIAL

www.abetersite.org has links to the materials presented by neighbors at the SUP hearings and IFC's neighbor plan meetings.

The [supplemental documents page](#)³⁰ has background documents referenced in this document as well as relevant emails, neighbor SUP stipulations, a failed survey, and other interesting documents.

There is much material in these presentations which are not covered in this document.

³⁰ <http://www.abetersite.org/supporting-documents.html>

FOR THE RECORD

Most Denigrating Statements

1. **"Our detractors would like for these men to leave our town as defeated men with their heads held down. They would like them to leave as sickly men, as broken men, as hungry men, as men who possess very little and having even less to lose."** - Thomas Whisnant, the Inter-Faith Council's project manager characterizing his future neighbors at IFC's annual meeting.³¹
2. **"We repulse them"** - Chris Moran, characterizing his future neighbors to a subcommittee of the UNC Board of Trustees in November 2010, prior to presenting Chancellor Thorp and the board with a huge, engraved silver platter for providing state land to move the shelter away from the \$250M+ downtown UNC Foundation project.³²

Most Deceptive Statement

1. **"We have been open to whatever comments have been brought forward. We have actually made some changes. One of which is that all those people who occupies those beds will be clean and sober. Every last one of them."** - Chris Moran in response to a direct question by the UNC Board of Trustees about neighbor concerns that shelter clients would be under the influence of alcohol. However, in every other meeting where neighbors have specifically asked (because IFC has never volunteered this information), Moran stated that clients under the influence would be allowed to stay and IFC's neighbor plan makes it clear that inebriated clients can stay.³²

Most Hypocritical Statements

1. **Aaron Nelson, Chamber of Commerce:** "the closing of the existing facility is the right thing for the health of our downtown."³³ vs. "They [the future neighbors] think they're in danger, but, really, they're afraid".³⁴
2. **Aaron Nelson, Chamber of Commerce:** "Sometimes there's a public interest that trumps the special interest of the people most proximate."³⁴ vs. "the closing of the existing facility is the right thing for the health of our downtown."³³ The hypocrisy in these statements is that Mr. Nelson's interest in moving the shelter out of downtown is more proximate than the neighbors he is criticizing. He doesn't care where

³¹ "IFC on a mission for new shelter", Greg Childress, Herald Sun, Oct 23, 2010

³² Statements made at UNC Board of Trustees subcommittee meeting in November 2010, transcribed from an official recording obtained via public records request.

³³ Letter, Carboro Citizen, March 24, 2011, <http://www.carrborocitizen.com/main/2011/03/24/letters-residents-speak-out-on-community-house/>

³⁴ "New shelter no 'warehouse'", Chapel Hill News, February 28th, 2010, <http://www.chapelhillnews.com/2010/02/28/55432/new-shelter-no-warehouse.html>

the shelter goes as long as it leaves downtown.

3. **Aaron Nelson, Chamber of Commerce:** "And for our chamber, we have members who sit right next to this place [the new shelter location]" - Nelson suggested that he represented the business interests of adjacent property owners. Clearly, however, he did not speak for the most proximate business to the new shelter (a shopping center) because this business sued the town.³⁵

IFC's Most Misleading Positions

1. **White Flag Nights** – For many months, IFC misled folks into thinking that white flag nights were on the order of 30 nights per year and would openly scoff at anyone who mentioned that the prior year's National Weather Service data indicated that 206 nights would qualify. IFC later admitted white flag nights were 197 out of 206 policy-eligible nights in the prior year.
2. **Inebriated Client Policy** – IFC would only admit to their policy to admit clients under the influence when pressed by someone in the audience who actually knew their policy and could ask a specific enough question.
3. **Identification** – IFC repeatedly told the media that they require ID. When they made this statement, they were referring to the internal identification cards that IFC creates for their clients. When pressed at a community meeting, IFC admitted that they ask for but do not require government-issued ID. This was reiterated in the IFC's neighbor plan meetings and document.
4. **"The sex offender population is not generally homeless. There are 101 sex offenders now living in Orange County, and none of these people are homeless...and for people to keep bringing this up is foolish."**³⁶ – The new location will exclude sex offenders because the new site is very close to two childcare facilities. Sex offenders regularly register the downtown shelter as their address because they are required by law to have an address on file. One offender registered two weeks before the ribbon cutting of the new facility and another was still registered a few days before. These offenders will be unable to register using the new shelter address or use the new facility. Consequences are severe for those who cannot find shelter and register their address. After the new shelter was approved, one sex offender who was no longer allowed to live in the old shelter while it was still in operation³⁷ "tried to get back into the shelter or find a relative who would let him move in, but he was unable to do so" was sent to prison.³⁸
5. **"The police have also made a commitment to increase patrols in the area"** – The Chapel Hill Police informed IFC after the January 4, 2011 planning board meeting that this statement was incorrect, but IFC continued to repeat this incorrect information for months.³⁹

³⁵ March 21, 2011 Town of Chapel Hill SUP Hearing. See also the [Neighbor Lawsuit](#) section

³⁶ Chris Moran's statements at the Planning Board review of IFC's plans on January 4, 2011.

³⁷ Note that the sex offender restriction does not exist for the 100 W Rosemary Street address, so the client may have been kicked out for other reasons

³⁸ "Homeless man, sex offender, now has address: Prison", Herald Sun, March 2011

http://web.archive.org/web/20110502235533/http://heraldsun.com/view/full_story/11369480/article-Homeless-man--sex-offender--now-has-address--Prison

³⁹ IFC continued to write columns repeating this false statement two months after Chief Blue indicates in the email entitled "CHPD Clarification on Misleading IFC Statements.pdf" in the supporting documents that he had advised IFC that there would be no additional resources assigned. "Community House plans move forward", March 17, 2015, by IFC's Herb Paul

<http://www.chapelhillnews.com/2011/03/16/63136/new-site-offers-potential.html>

<http://www.carrborocitizen.com/main/2011/03/17/community-house-plans-move-forward-2>

6. **Trying to undermine the facts about arrests at the shelter address**, IFC representatives consistently stated that the reason the shelter address shows up in incident and arrest statistics is that men give the shelter address as their address. However, the aggregated incident listings provided by CHPD do not have information on where the arrestee claims to reside. CHPD incident reports list **where the incident occurred**. Furthermore, the aggregated arrest listings state **where the arrest occurred**. There are no aggregated reports published by the CHPD which list the arrestee's claimed address.⁴⁰ Thus, IFC's information is incorrect and misleading and IFC continued to stick to this false message long after they were informed of this inaccuracy. The shelter address had more arrests than all but one other place in Chapel Hill in the 7 years preceding the proposed shelter move. IFC's misinformation went viral. It was stated in press articles and letters, was particularly cited in DTH opinions, was picked up and repeated by the planning board chair.⁴¹

7. **"Both shelters are nearly invisible from surrounding streets and properties. 'We did that intentionally, because we didn't want to be a dominant presence in the neighborhood,' Reinke said."**⁴²

Nearly invisible, indeed.



Worst Journalism

1. **UNC Daily Tar Heel** wrote a story about a particular shelter claiming that it was successful, but it turned out that the shelter did not actually exist. The article also cited IFC's local shelter director as the expert on real estate values in Philadelphia.⁴³
2. **UNC Daily Tar Heel** wrote an extremely biased article about IFC's so-called "Community Meetings" where the reporter interviewed 8 supporters of the shelter and 0 concerned citizens or opponents, despite the fact that 80 to 90 percent of the general public who attended had serious concerns or were opposed to the site or the aspects of the proposed programming.⁴⁴

⁴⁰ <https://drive.google.com/file/d/0B7aALII4F1fgX2pVMnU1NnhTXzQ/view>

⁴¹ Detailed information about incidents and arrests at the shelter can be found at www.nccrime.us. More information and the clarification from the CHPD public information officer are documented in <http://www.youtube.com/watch?v=ykuArEgedE0>

⁴² "IFC celebration marks new start for Chapel Hill shelter, homeless men", Chapel Hill News, 9/20/2105 and News & Observer 9/19/2015.

⁴³ Daily Tar Heel, "Director says new shelter won't hurt property value - Philadelphia shelter supports claim", May 27, 2010, http://www.dailytarheel.com/article/2010/05/director_says_new_shelter_wont_hurt_property_value (The citizen comments to the article contain the rebuttal facts and are a very interesting read).

⁴⁴ Daily Tar Heel, "Chapel Hill Residents wary of homeless shelter location", April 14, 2010, http://www.dailytarheel.com/article/2010/04/chapel_hill_residents_wary_of_homeless_shelter_location

3. **Chapel Hill News** repeatedly reported that picture ID was required for emergency shelter services, despite this being plainly stated in several meetings, including the public information session for the SUP. A recording of IFC stating this fact was provided to the News, but they chose to ignore it.
4. **Chapel Hill News** could not get the facts correct in a number of articles about this being a wet facility where patrons under the influence of drugs and alcohol are admitted on the roughly 200 white flag nights per year.
5. **Chapel Hill News** refused to write about the actual number of white flag nights. IFC repeatedly deflected questions on this topic, suggesting that these were rare events and that the 200+ nights which were eligible based on National Weather Service data was way off.
6. **Durham Herald Sun** wrote an editorial which relied heavily on the premise that Homestead Park is 7 / 10th of a mile from the shelter when it is in fact 1/10th of mile. The editors clearly did not bother to visit the site or even look at a map. We sent them an image using Google Earth's ruler feature showing the actual distance as well as a map showing what 7/10 of a mile looks like (almost to Fire Station 4 on Weaver Dairy Extension). No word on whether they actually printed a retraction.⁴⁵



Worst Online Blog Statements

1. On a discussion where the facts were published that 206 nights qualify as white flag nights under IFC Policy and clients under the influence of alcohol are allowed...

"A lot of these statements sound incorrect to me. For example, I highly doubt that the shelter considers it a "white flag" night on more than half the nights of the year. That wouldn't make it much of an emergency, would it? I also think that the downtown shelter has a zero tolerance policy for alcohol and drugs so I can't see why this facility would be any different." Ruby Sinreich⁴⁶

Later in the thread someone set the record straight...

I want to come back to Ruby's comment of last week that called my research "unsupported facts." Last night Chris Moran himself substantiated these facts:

1) Ruby said she highly doubted that white flag nights are more than 1/2 of the year. Chris Moran last night said that there were 197 white flag nights last year. According to Chris, 54% of the year qualifies as white flag night. I want to make sure we all heard that.

2) The emergency component of the shelter IS a wet shelter. The board member in my last group confirmed that. Ask Chris.

-- xenatc

⁴⁵ "A failure of diplomacy", Durham Herald Sun, April 3, 2011.

⁴⁶ <http://www.orangepolitics.org/2010/03/ifc-community-house-meets-the-neighbors>

2. On the same discussion, a thread about crime statistics showing the 2nd highest arrest rate is as the shelter address and showing that the neighborhoods around the new shelter location have the highest incidents of crime...

“That particular park has never felt safe to my wife. Keeping it safe is the town's responsibility, not the IFC” --James Barrett

DETAILED TOPICS

Backroom Deal to site facility



New Homeless Shelter Announced – The Town of Chapel Hill and the University of North Carolina at Chapel Hill are partnering to make a 1.5-acre site off Martin Luther King Jr. Boulevard adjacent to the United Church of Chapel Hill available for a new homeless shelter. The University is in the process of purchasing more than 13 acres of property, of which 1.5 acres will be leased to the Town on a long-term basis. The Town plans to make the site available to the Inter-Faith Council for Social Service (IFC) for the construction and operation of the shelter. The announcement was made on Monday, May 5, by (l-r) Mayor Kevin Foy, IFC Executive Director Chris Moran, Rev. Richard Edens and Chancellor James Moeser.

The announcement (above) in May of 2008 was the first time the public heard of this site.⁴⁷ There were no public criteria or processes to select this site despite the fact that the facility is significantly publically funded. A public records request inquiring how the siting decision was reached produced zero documents.

One month later, UNC Foundation announced their purchase of Granville Square and University Square. Their new investment was one block from the downtown shelter. To protect this new multi-million dollar investment, UNC brokered the deal to move the shelter out of downtown and away from its new property. Roger Perry, chair of the UNC Foundation and member of the UNC Board of Trustees whose organizations authorized both of these transactions, was credited by the shelter developer as the person who acquired the land for the shelter.⁴⁸



“The announcement Friday comes on top of the recent announcement that the town would lease UNC-owned land off Martin Luther King Jr. Boulevard for a homeless shelter. Some residents and downtown

⁴⁷ Town Week May 11-17, 2008, published by the Town of Chapel Hill.

⁴⁸ Statements made at UNC Board of Trustees subcommittee meeting in November 2010, transcribed from recording obtained via public records request.

businesses have blamed problems with panhandlers on Franklin Street on the current downtown location of the shelter.”⁴⁹

Facts

- There was no public process to site the facility
- IFC privately asked the town to find land and specified that the land be away from downtown and not require any public review process (no rezoning required, no SUP process, no ordinance exceptions required).⁵⁰
- Wikipedia summed up the Franklin Street Scene: “Franklin Street had problems in 2007 with an increased amount of loitering and panhandling, which was attributed to an increasing homeless population in Chapel Hill and the nearby location of a homeless shelter.[26] The town has vowed to move the homeless shelter to another location, but has not yet done so. At least two property owners have said that they will move the locations of their businesses.[27][28]”⁵¹

Publicly Funded Facility Sited without Public Process

During the Special Use Permit (SUP) review for the new shelter, many citizens criticized town council for the lack of a public siting process. Some council members tried to spin the project as a private project that did not require public input. But the facts make it clear that this is a significantly publicly funded project. In fact, the town council itself approved many of the HOME and CDBG grants for the new shelter.

NC HFA Support Housing Dev	\$500,000
Federal EDI	\$250,000
Town of Chapel Hill HOME	\$500,000
Town of Chapel Hill CDBG	\$322,238
Leased Public Land	\$600,000 ⁵²
Public Contribution (that we know about)⁵³	\$2,172,238

During the shelter process, neighbors requested a list of the requested and approved public grant and funding amounts from IFC on numerous occasions and IFC refused to provide them, likely because it would support ABetterSite’s position that public funding justifies a public citing of the facility.⁵³ Had the neighbors not discovered the NC HFA grant request, then these other grants would not have shown up in IFC’s 990 IRS filing until long after the SUP was approved. Fortunately, a public records request for the NC HFA grant application provided much of the information non-town-approved funding shown in the above table.

Official Actions and SUP Processes

⁴⁹ “UNC Buying Granville Towers, University Square for \$46M, Triangle Business Journal, June 13, 2008
⁵⁰ See “2007 IFC Site Criteria by the Town of Chapel Hill.pdf” in the ABetterSite Supporting Documents folder. This document was produced much later after a more specific inquiry after hearing of the document at a meeting.
⁵¹ Wikipedia - [http://en.wikipedia.org/wiki/Franklin_Street_\(Chapel_Hill\)](http://en.wikipedia.org/wiki/Franklin_Street_(Chapel_Hill))
⁵² The value of the leased land was derived from the land purchase records from UNC.
⁵³ See page 98 of <http://www.townofchapelhill.org/home/showdocument?id=14377>

- Special use Permit Concept Review
- Removal of 25 bed size limit on shelters from Town ordinance
- Shelter Guidelines (planning board and planning board member subcommittee)
- Special Use Permit Approval
- IFC's Neighbor Plan (created by IFC)

Neighbors Attended Roughly 30 Meetings with No Resulting Protections

Phase	Subcommittee Meetings	Advisory Board Meetings	Council Meetings
SUP Concept		2	1
Ordinance Change		1	1
Shelter Guidelines	5+	2	2
SUP		5+	2
Neighbor Plan	5+		2

Despite attending about 30 meetings during these processes, neighbors received no binding guarantees or mitigation for impacts, nor any protections when shelter limits were removed from the town ordinances. These 30 meetings represented around 75 hours of time that neighbors had to spend in meetings, plus hundreds of hours to read materials, gather factual information, and prepare materials and comments for presentation to the relevant board.

Land Use Management Ordinance (LUMO) Change (Jan 2010)

Facts

- In a private 2007 request to the town, IFC requested that the town choose land that required⁵⁴
 - No SUP
 - No rezoning
 - No ordinance exceptions
- There was a 25 bed limit on shelters in the local ordinances.
- Council can override ordinance restrictions by making a “finding” that justifies the override. This shelter could have been approved without touching the 25 bed ordinance limit by merely issuing a “finding” during the SUP process.
- Citizens requested that the limit should not be removed from the ordinance without replacing it with specific fair share and density limits.

⁵⁴ See “2007 IFC Site Criteria by the Town of Chapel Hill.pdf” in ABetterSite.org Support Documents folder. This 2007 request was handled internally to the town and was not produced by the town for a public records request for documents early in the process. A mention of this document was made later in a meeting and then neighbors specifically requested it via a public records request.

IFC's New Homeless Shelter Another Chapel Hill Backroom Deal

- To date, no other guidance or limits for shelter size, density, or proximity has been enacted to replace the removal of the 25 bed limit. There is no protection for Homestead Park area residents from building additional at risk facilities given saturation of facilities that currently exist in the area.
- Neighbors questioned in the hearings whether changing the ordinances to clear the way for a specific project was legal and ethical.

Discussion

The 25 bed limit did not have to be removed from the ordinances to approve the project, but council members or the attorney were probably concerned that a public finding would have a stronger basis for being contested in court than splitting the decisions with their own independent court appeal timetables. This would clear the way before the SUP review.

Likewise, the ordinance changes about zoning types for shelters cleared the way for approval without running against problematic legalities incurred and grounds for appeal which might occur with a rezoning request.

The ethical way to handle the SUP would have been to defer the ordinance changes until after the shelter SUP was considered rather than "changing the rules".

IFC "Community Meetings"

Town council mandated that IFC hold community meetings to discuss the new facility with the public. Two community blog posts described IFC's community meetings quite well.

I attended the first hour of the so-called "community discussion" this evening and was disgusted. Its purpose was presented as to "to facilitate better communications with the community." However, it was clear to me that this was nothing but a propaganda meeting by IFC for a few purposes: 1) to make community members feel as if they are heard so that they don't attend the public meeting, 2) to hear concerns and legitimate arguments from those opposed so that IFC can prepare their comebacks for the public meeting, and 3) so that IFC can say at the public meeting that it invited all community members to "hear what they had to say" and took their "concerns into mind when making plans" when really they wouldn't even allow us to talk directly to them or pose our questions to someone who had the guts to answer.

That disgusted feeling worsened when I overheard UNC students wearing matching volunteer shirts behind me chatting about how they were "asked to attend" to "better the numbers" and had "better stay."

Also, the entrance to the "proposed" site was presented as being off of 86 through the church. The most-used entrance to that same church is actually off of Northern Park Dr., the same road that takes us to the park and aquatic center. This is also where the bus stop is, not off of 86.

I don't want neighbors who lie, mislead, manipulate, and hide behind hired private facilitators.

I went to the meeting open-minded and curious about IFC's plans, and I've left a strong opponent.

Submitted by jmfreud on April 13, 2010 - 8:12pm⁵⁵

Attended the 2nd IFC "community discussion" and felt exactly as you described. Its intent is for IFC to phish out the oppositions concerns to prep for their appearance at the Town Council. I see the 3rd mtg was just more of the same. What a disappointment and misuse of each citizens time. Nothing but politics at its worst.

Submitted by dt50 on April 13, 2010 - 9:45pm⁵⁵

Town Planning Board Subcommittee for Guidelines/Standards

The Town Council commissioned a planning board subcommittee comprised of 3 planning committee members, (no members of the public or neighbors who lived near the proposed facility were included) to provide ordinance changes or guidelines which would govern siting of future at risk facilities.

The committee ignored most of the input received from neighbors who were limited to three minute public comment periods and prohibited from joining the discussions.⁵⁶

Facts

- In the first meeting, the subcommittee informed the public that the committee would rely upon facts from legitimate studies to make decisions.
- "Facts" used to determine the criteria and recommendations in the guidelines were not documented nor substantiated.⁵⁷
- A draft of the proposed guidelines was not made public prior to its approval at a planning board meeting
- The subcommittee reneged on promised public information sessions to openly review the document prior to voting on the new town guidelines.⁵⁸
- The final guidelines allow 25 shelters per square mile. These shelters are in addition to other at-risk facilities which were to be ignored in the 25 shelters per square mile threshold.
- When drafting the guidelines, the planning board chair, Mike Collins, relied on a crime study that was not provided to the public. It was only mentioned at the final meeting when the guidelines were officially approved by the planning board.
 - A prior crime study by the same author was disputed by ABetterSite with detailed documentation of major errors⁵⁹

⁵⁵ <http://orangepolitics.org/2010/03/ifc-community-house-meets-the-neighbors>

⁵⁶ See supporting documents such as "2010-08-19 Shelter subcommittee final.pdf" at <http://www.abetersite.org/supporting-documents.html>

⁵⁷ There were a number of documents published with the agenda item, but they were merely published for show and were not used to develop the proposed guidelines. The only non-IFC document used by the planning board to create the recommended guidelines was the Gilroy, CA document. The planning board recommendation contains no explanation, citations, or justifications: <http://chapelhillpublic.novusagenda.com/AttachmentViewer.aspx?AttachmentID=6464&ItemID=1186>

⁵⁸ File "Shelter Design Guideline Subcommittee-Initial Report to PB_05-26-2010.pdf" in the Abetersite.org supporting documents folder

- The new study was not disclosed during the 5+ subcommittee meetings
- The new study was not made available prior to or during said final planning committee meeting
- The crime reports that were cited were only drafts, had no statistical backing, and no academic review
- Collins cherry-picked conclusions from studies to support the guidelines during the same meeting where the decision was made and relied upon this for their guidelines and standards
- Mike Collins stated on 11/2/2010 regarding the new crime study : “Homeless individuals have a much lower arrest rate than domiciled persons for violent and property related crimes”
 - What the crime study says:
 - “The few studies that focus solely on the homeless and the types of crimes they commit have found that when a homeless person is arrested they have a more involved history of criminal activity than an arrested domiciled person”
 - “For Part I property offenses, which included burglary, larceny-theft, and auto-theft, homeless people had a significantly higher arrest rate than domiciled people. In addition, the Part II arrest rate was almost five times higher for homeless people than domiciled people”
 - “The regressions described above point to the distance from the homeless shelters as the best predictor variable for larceny and ordinance violations.”
 - “the normalized distance of the three homeless shelters have strong correlations to larceny and ordinance violations”
 - “found that the normalized distance of the homeless shelters is the only predictor of the frequency of larceny and ordinance violations.”
 - “with these strong findings it is possible to conclude that the location of these homeless shelters affect the frequency of larceny and ordinance violations”
 - the Part II arrest rate was almost five times higher for homeless people than domiciled people (Snow et. al 1989).
- Del Snow, planning board and subcommittee member, misquoted an article that she used to conclude that homeless centers had no relation to crime in New York.
 - Snow stated: “The NY city police department was unable to provide any statistics between homeless centers and rising crime”.
 - The article was **NOT** produced during the 5+ subcommittee meetings, nor was it cited or produced at the planning committee meeting where the decision was made.
 - Here is the actual quote from the article that we obtained from a public records request **AFTER** the meeting & vote: “The NY city police department was unable to provide any statistics between homeless centers and rising crime **before the story deadline.**” (emphasis added)
- The subcommittee used portions of guidelines established by the town of Gilroy, CA⁵⁷ rather than relying on facts to set criteria. More importantly, the subcommittee omitted parts of the Gilroy guidelines that would protect Homestead Area neighbors, such as:
 - Omitted: “Homeless shelters serving Singles should be located a minimum of 1,000 feet from schools, parks, day care centers, and adult businesses.”
 - Omitted: “Homeless shelters should be located a minimum of 600 feet from other homeless shelters. It is preferable that homeless shelters are located a minimum of 2 miles from other homeless shelters.”

⁵⁹ See “Crime Report Rebuttal.pdf” in the supporting documents

- Omitted: "Homeless shelters should be located within 0.25 miles of a public transportation system."
- Omitted: "Homeless shelters should be located near job development centers, medical clinics, and food banks."
- Omitted: "Alcohol and Drug Use Prohibited: All homeless shelters shall create a zero tolerance policy for alcohol and illicit drug use among its clients and staff. The policy shall include a provision that shelter clients who are suspected to be under the influence of illicit drugs and/or alcohol shall be subject to drug testing, as allowed by State and Federal law. A copy of this policy shall be provided to the Planning Division for review and approval."
- The quarter mile homeless shelter separation distance was negotiated auction style with no rationale⁶⁰
- Police chief testimony was given off the record and is undocumented
 - It was given privately in a meeting between the committee chair, Mike Collins, and the police chief.
 - Citizens requested a police department response in writing and asked for the opportunity to ask clarifying questions, but this request was not granted.
- To demonstrate that other parts of Chapel Hill had their fair share of social services, planning board guidelines pointed to an IFC-provided social services map. While the map did show examples of services which were spread throughout Chapel Hill, it included a clinic with only daytime hours, a social service administrative office, The Ronald McDonald House, and churches. None of these facilities would be considered impactful or at-risk in any way nor would the siting of these facilities be contentious.
- The final planning board guidelines were never approved by town council.

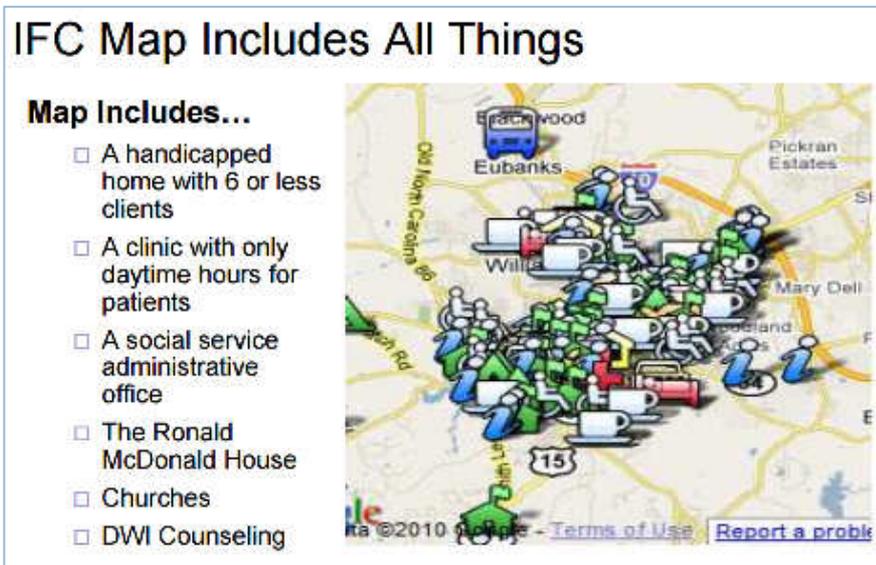


FIGURE 1 - THE MAP REFERENCED IN THE SUBCOMMITTEE'S GUIDELINES INCLUDE SERVICES COMPLETELY UNLIKE SHELTERS

Discussion

⁶⁰ <https://www.youtube.com/watch?v=ru0qoG3bljw>

The problems with the first set of Christina Olson crime studies were presented to the subcommittee in one of the early meetings. We were quite surprised that Collins then contacted the author to see if she had any more studies that he could use and were further surprised that an un-reviewed draft study by Olson was used to support the proposed guidelines. The problems with the original studies are documented in the [Crime Studies](#) section below.

The purpose of subcommittee meetings is to introduce studies & evidence and discuss these materials. All fact-finding should have been completed during the subcommittee phase. It is wholly inappropriate and unethical to introduce new material after the subcommittee hearings, to fail to make this material available before the deciding planning board meeting, and to fail to make the final document being voted on available before the meeting. The fact that no planning board member objected to these glaring process problems is quite telling.

Details outlining the major issues with the proposed shelter guidelines are available in the presentation "2011-01-09 Citizen Presentation on Shelter Guidelines".⁶¹

Crime Studies

Facts

- www.nccrime.us compares crime in suburban neighborhoods in Chapel Hill. The site shows all details of incidents on maps so that the information can be validated with police records.
- IFC published two crime studies by Christina Olson which were missing large amounts of documented crime in areas of interest to the shelter proposal, incorrectly mapped crime locations, and failed to recognize the location of the police department.
- Olson used a program to harvest the police data from nccrime.us to use in her study.
- Olson refused multiple requests to disclose her geocoded data so that neighbors could figure out why known crime was missing from her map and why crime was mapped to incorrect places.

Discussion

Olson considered nccrime.us enough of an authoritative source that she used that data rather than requesting data herself from the Chapel Hill Police. However, her results showed large discrepancies in crime density and location when compared to the data shown on nccrime.us, as shown in the following charts. We asked several times for her geocoded data so that we could find the issues, but she declined.⁶²

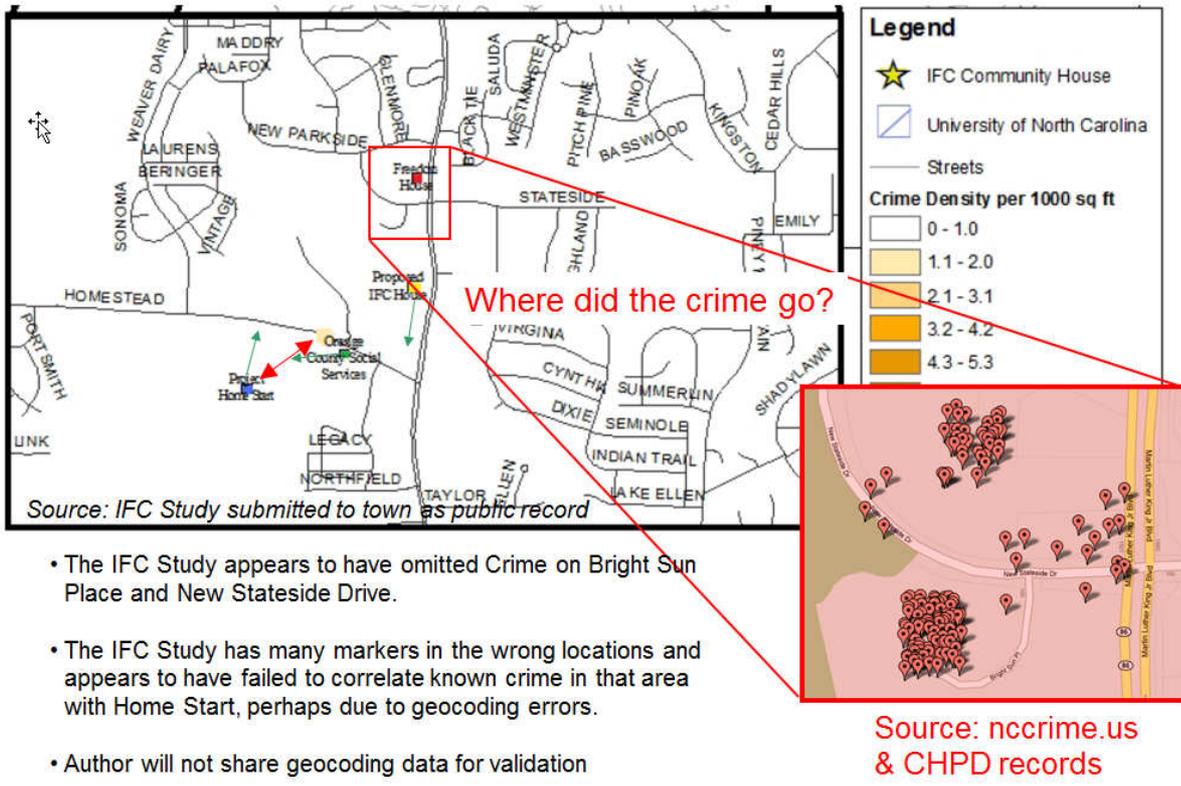
With the obvious errors in her report and her declining to provide this validation information, IFC should have withdrawn the report from consideration. However, IFC submitted the report to the town as evidence for the SUP hearings.

⁶¹ <http://www.townofchapelhill.org/home/showdocument?id=9120>

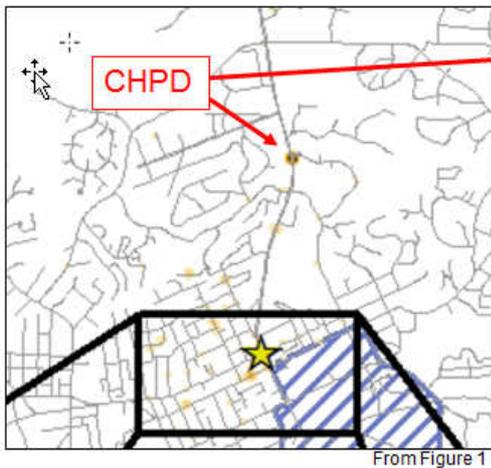
⁶² Despite clear evidence that Olson's crime studies were incorrect, IFC submitted them to the SUP hearing on March 21, 2011. The current agenda item lists these studies in the link "[Applicant's Materials, Including Developer's Statement, Statement of Justification, Project Fact Sheet, Reduced Plans, IFC Community House Information, IFC Community Discussion, Crime Analysis Around Current Shelter Location, Crime Analysis Around Prop](#)". <http://chapelhillpublic.novusagenda.com/AttachmentViewer.aspx?AttachmentID=6556&ItemID=1213>, but the studies are currently missing from the Town's online document.

The town planning staff and council should have acknowledged these issues and openly discounted Olson's study. It is quite disconcerting that a developer can submit a study known to be flawed and still have it considered as evidence in a quasi-judicial hearing.

IFC Study versus CHPD Records



Based on Olson's study, more sex crimes occur at the Chapel Hill Police Station than anywhere else.



"The highest levels of sexual crime density is near the intersections of Martin Luther King Jr. Blvd and Bolinwood Dr. and Estes and Willow Drives, with a value of 0.094 to 0.11 sexual crimes in a 1,000 square feet area or about one sexual crime every 10,000 square feet over the time period of 2003 to 2009. As for sexual crimes the IFC Community House is located in the third lowest level of density, which is between 0.035 and 0.046 sexual crimes in a 1,000 square feet area over the 6.5 year time period." [IFC Study]

Student Survey

In April of 2010, two UNC students, in conjunction with the UNC Institutional Review Board, announced that they were going to conduct a survey to "best contribute to public discussion by helping to provide objective data."⁶³ They further stated "To that end, we are releasing a brief survey to assess the opinions of residents in neighborhoods close to the proposed site."

The survey was completed, but the results were never published or provided to the community. We were able to request the unreleased survey data from UNC via a public records request. We believe the results didn't pan out the way the students had hoped. They appeared to have had some preconceived notions about the neighbors which turned out to be wrong. This is probably why we never heard about the survey again. Particularly ironic is that one of the students lived in a gated community and the other lived adjacent to a country club with no shelter of any kind near either.

The survey results show that the residents of the neighborhoods surrounding the proposed men's shelter know homeless people and actively volunteer with homeless causes.⁶⁴ It also shows that there is strong opposition to the site.

Here are the actual results of their draft survey:

- 80% of neighbors oppose relocation to the proposed site while only 15% support it

⁶³ "Air your shelter Concerns", May 16, 2010 <http://www.chapelhillnews.com/2010/05/16/56990/air-your-shelter-concerns.html>

⁶⁴ See file "Student Survey Public Records Request Nov 29 2010.pdf"

- 3 out of 4 neighbors who oppose the proposed site “strongly oppose” the site
- More than half of respondents have personally interacted with homeless beyond a greeting (English proficiency was not considered and is an important factor which may have lowered the ratio)
- 0% was swayed in favor of the relocation as a result of the meetings held by IFC. In fact, 14% of those who attended were swayed AGAINST the relocation as a result of these meetings.
- Concerns
 - 78% cited proximity to Homestead Park, daycare centers, schools as a concern
 - 71% were concerned about procedure for dealing with overflow
 - 55-58% were concerned about 4 things: Property values, Overconcentration, Lack of Transparency, Emergency housing component
 - 57% said that NONE of the suggested lighting, police patrol, emergency phones, etc. suggestions would mitigate their concerns
 - Almost half of respondents have volunteered at a facility directly serving the homeless population (English proficiency was not considered).
 - The area has a very diverse population: 42% of respondents are minorities, 58% are white.
 - 52% have children in the household

IFC's Neighbor Plan Creation

The town council surprised everyone with a proposal for a “good neighbor plan” at the final SUP hearing. The proposal was not introduced early enough for citizens to scrutinize the proposal.

Neighbors had hopes for IFC's neighbor plan

- That the substantive issues would stop being deferred
 - That these would be addressed in the neighbor plan and the lease
- That a level of confidence would result from defining mitigation for impacts and situations where things do not go as planned

But these hopes were not realized.

Facts

- Town council allowed IFC to appoint all members and to stack the deck with members
- IFC stacked the deck with its invitations of the 16 people for the first meeting.
 - Only one invitee was on record opposing.
 - Other than one opposing, only one other lives within ½ mile of site.
 - Thirteen invitees are affiliated with organizations supporting the developer or directly support the project.
 - 70% of the invitees lived more than 1 mile away
- Though town mandated, the town did not require this process to follow open meeting law as requested by neighbors.
- IFC allowed no collaborative editing during the meetings.
- IFC held no votes for its neighbor plan.
- IFC published its plan after the committee was disbanded.

IFC's New Homeless Shelter Another Chapel Hill Backroom Deal

- IFC hired the Dispute Settlement Center with a private and secret contract, which was not stipulated in the town agenda item.
- IFC came to many of the meetings with no updates to the document to review. This prolonged the process by many meetings.

Discussion

The most important fact about this process is that IFC controlled every single aspect of its neighbor plan and the committee members simply shared opinions. There was no voting on issues, no voting on drafts, and no vote held on the final version. The report was published after the committee was disbanded, which we find quite odd given that IFC in Fall of 2015 claims the report was “created by a group of citizens”.⁶⁵ The neighbors had zero control of the document that was produced.

At several meetings, the committee showed up and IFC had no updates to the document on which it had been working. Thus, the document changes were few and far between and ignored a huge majority of the changes recommended by neighbors. The facilitator provided detailed minutes, but it would have been better if the facilitator was in charge of the actual document instead. If IFC had really wanted a better document, it would have followed the process suggested by neighbors, which was to have put the document on a screen, edit it in the meeting, and IFC could accept/reject/defer suggested changes.

In the end, IFC's neighbor plan left many concerns unaddressed as documented in the supporting document “Neighbor Plan Sticking Points and Issues v3”⁶⁶

The process to appoint the committee and form the rules was a debacle. The best way to gain insights into how biased the control of the makeup and process for the IFC neighbor plan was is to read “Email to Council - Re Good Neighbor Plan Advisory Committee Update.pdf” and “Emails between ABetterSite and Shelter Developer Regarding Neighbor Plan - In Chronological Order.pdf” in the [supporting documents](#).

The following summary provided to town council gives much insight to the setup of IFC's neighbor plan.

July 13, 2011 email to Town Council regarding invitation to join committee:

We would like to summarize important facts from the attached emails.

- We asked for the process documentation and a list of the invitees on June 20th, 23rd, 27th, 29th, July 5th and 8th. However, these were withheld by the developer until 3:15pm Friday July 8th, which was one business day before the meeting.
 - Once those documents were disclosed, the fatal deficiencies became obvious.
- We asked that the meetings follow open meeting law since this is a town-mandated process. The developer (IFC) denied our request.
- We asked that the meetings be observed by the general public. The developer denied our request.
- We asked that neighbors be allowed to attend the meetings. The developer denied our request.
- We asked that our alternate representatives be allowed to attend the meeting for continuity given that it is summer and we would be traveling and taking turns attending. The developer denied our request.

⁶⁵ See the “Ongoing Misrepresentation” section below

⁶⁶ <http://www.townofchapelhill.org/home/showdocument?id=14377>

- In the May 9th SUP hearing, we expressed concerns that the developer would stack the deck of participants, and it is clear that it has done so.
 - There is only one HOA representative.
 - Most of the "neighbors" are hand-picked supporters of the developer.
 - The Larkspur representative was invited by the developer and the Larkspur HOA was not asked to recommend or appoint invitee.
 - The North Forest Hills neighbor is also a staunch supporter of the developer and is the next door neighbor of the biggest supporter of the project who is also on the committee.
 - All of the committee members live one half mile away or more from the shelter. We would expect that the committee would include several closer homeowners and business owners.
- At no point in time did the Dispute Settlement Center seek to understand or help to resolve the differences regarding our participation. When we asked the town council for DSC involvement on May 9th, we were counting on DSC support to insure diverse representation and to create a fair and open process.

We notice in the developer's email that **the future meetings are still not announced and there is no declaration that the public or neighbors can attend.** Neither the public nor the council has any way to verify that the meeting went well or that any substantive or controversial subjects were actually given consideration. **Closing meetings to neighbors is a poor way to begin neighbor relations. Furthermore, closed meetings indicate that the developer is extremely unlikely to be open and forthcoming in future relations.**

It is bad enough that the membership of the committee is almost entirely comprised of hand-picked developer advocates versus one representative for the only organization that has proposed stipulations and conditions for the SUP and the lease, but it is intolerable that the developer chose to deny observers and to fail to follow open meeting rules for transparency.

I urge council members to watch the video of the guidance that you gave to the developer during the May 9th meeting. Council members clearly stated that the developer needed to go beyond simply inviting attendees and needed to make sure that they felt welcome and that diverse opinions were being fairly represented. Unfortunately, neither has happened.

This is an expected outcome when a developer is allowed to come up with a plan to govern itself.

We request the following from the town council:

- To make sure that our input is given equal consideration and is available in the same agenda materials as the developer-created "neighbor plan", we request that the developer be required to provide any draft of the plan to the public at least two or three weeks before the deadline for materials to be submitted for the agenda for the town meeting where said draft will be discussed.
 - We further request that the town email the existing list of concerned citizens to publicize that said draft is available.
- We request that the town council incorporate our updated stipulations and comments that we will bring forth at a future time as permanent requirements into the lease.

Sincerely, ABetterSite.org Team

Ongoing Misrepresentation

Fall 2015 IFC Newsletter

"**The Good Neighbor Plan** was created by a group of local citizens over a one year period to help identify areas of concern about the new Community House and how it interacts with its neighbors. The Committee's goal was to find solutions to perceived problems before we moved in and to create a mechanism for ongoing communication between the various parties. A major outcome was the formation of the Community House Advisory Committee (CHAC) to serve as the liaison between the IFC, the Town of Chapel Hill and the surrounding neighbors."⁶⁷

This newsletter article exemplifies IFC's propensity to spin the facts.

IFC staff wrote the entire neighbor plan. The final plan was not published until after the stacked, almost entirely non-local, committee was disbanded. The tiny number of actual neighbors ("local citizens") provided input during meetings, but their input was ignored. No solutions were sought and, in fact, IFC took advantage of the neighbor plan as a means to renege on specificity for transporting clients from the community kitchen every night and renege on prohibiting drop in clients. It took a year only because IFC was inept at updating the drafts for many of the meetings. As discussed previously in this document, the vast majority of "citizens" lived more than a mile away and represented organizations. The CHAC was not an outcome of IFC's neighbor plan meetings, it was mandated by the town via a proposal that was sprung at the 11th hour of the SUP consideration and had no public conversation. Almost every single statement in this newsletter article was grossly misrepresented by IFC.

Neighbor Lawsuit

After IFC's Special use Permit for the new shelter was approved by town council, a business owner and residential property owner located adjacent to the proposed new facility filed a lawsuit. During the SUP process the town attorney stated that council members were not allowed to vote in quasi-judicial hearings if they had already made up their minds on an issue. No council members recused themselves from discussion or voting to approve the SUP.

As evidenced by the 2009 Chamber of Commerce Voter guide, several members had already made up their minds.

⁶⁷ IFC Fall 2015 Newsletter

5.) Will you vote to set a final and firm lease expiration date or a deadline for the IFC Homeless Shelter to vacate the old municipal building downtown and move to its new location on Homestead Road?

Chapel Hill Mayor				Chapel Hill Town Council								Chamber Position
Cho	Czajkowski	Kleinschmidt	Wolff	DeHart	Easthom	Harrison	Merritt	Pease	Pohlman	Raymond	Rich	
Y	Y	Y	Y	U	U	Y	Y	Y	Y	Y	Y	Y

Even more troubling than bias in an official who is required by law to be impartial in a quasi-judicial proceeding is an official who takes an active role actually advocating for said project. Mark Kleinschmidt advocated for the new shelter before the SUP process began.

**New shelter no 'warehouse'
Community leaders want to reframe the shelter discussion.**

BY JESSE JAMES DECONTO, Staff Writer

CHAPEL HILL - Mayor Mark Kleinschmidt wants to change how people are talking about the men's homeless shelter:

It's not moving from Rosemary Street to Homestead Road. It's closing, and a new facility will take shape near Homestead Park.

"This isn't moving the operations of the shelter to Homestead," Kleinschmidt said.

Ralph Karpinos, Chapel Hill Town Attorney, made it very clear that council members were not allowed to form a position prior to the hearing in an email to town council members. Council members used this advice as cover to avoid meeting with neighbors prior to the hearings.

"If a Council member or candidate who is later elected to the Council takes a fixed position on such a matter, I will advise that person that he or she should not participate in or vote on that quasi-judicial matter.

"As further information, I am copying below a provision that was added to North Carolina law in 2006 (Section 8(a) of the Chapter 418 of the 2005 Session Laws).

"(e1) A member of the board or any other body exercising the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to

change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.”

This UNC School of Government blog articulates the constitutionally protected right to an impartial decision-maker.

“Bias by a decision-maker is a serious issue with quasi-judicial zoning decisions.

“When a board decides a special and conditional use permit application, those directly affected by the decision have a constitutionally protected right to an impartial decision-maker. Board members must fairly apply the standards in the ordinance to the facts presented, whether or not they agree with those standards. A board member whose opinion about the case is fixed and not susceptible to change has an impermissible bias and must not vote on the matter. Further, a member with a bias must not even participate in hearing or the deliberation of the case. This rule applies to any board making a quasi-judicial decision, be it a city council, board of county commissioners, planning board, or board of adjustment.”⁶⁸

The lawsuit was heard and dismissed by an Orange County judge. The neighbors believe that they would have prevailed in an appeal given that they believe several of the key findings were not substantiated by the evidence, but there were insufficient funds to continue with an appeal.

⁶⁸ “When Can a Biased Elected Official Participate in a Zoning Decision?”, David Owens, UNC School of Government, September 11th, 2012. <http://canons.sog.unc.edu/?p=6839>

DEVELOPER LAND USE TRANSPARENCY PLEDGE OVERVIEW

We developed this pledge that others may find useful for controversial projects. Each element was created based on experiences shared in the ABetterSite report. We are not lawyers and this is not a legal document.

This pledge should not be controversial because it is about transparency, honesty, and good faith efforts. A developer should be asked to explain the rationale behind any items to which they refuse to agree.

Developers often claim that they will “transparent”, but our experience shows that is an empty promise without agreeing on the finer points of what truly constitutes transparency.

DEVELOPER LAND USE TRANSPARENCY PLEDGE

My Company/Organization pledges to do the following:

1. Disclose any and all documents submitted to a government entity on the same day that they are submitted to that government entity.
2. Make a good faith effort to reply in writing to written questions and requested clarifications regarding such documents, particularly requests from nearby property owners and businesses and those received by organized groups.
3. Abide by open meeting laws for any **Open Community Meeting** and disclose any contracts or arrangements for facilitators hired or engaged for such meetings or discussions.
4. Allocate a sufficient amount of time for questions submitted either in writing or orally in any **Open Community Meeting** and make a good faith effort to answer the questions directly and substantively as soon as practicable, but no later than the next interaction with government officials or representatives.
5. Make a good faith effort to provide specificity and avoid evasive language, particularly in written answers for the more questioned aspects of the project.
6. Clearly classify statements made by my company or organization as being either contemplated or committed to by my company or organization.
7. Upon receipt of a documented request by a community member, make a good faith effort to correct or explain challenged facts that have been distributed in published local media articles, columns, and editorials (such as Chapel Hill News, DTH, Herald-Sun, News and Observer) via a disclosed letter to the media editor where the editor can either issue a correction or can publish, broadcast, or otherwise distribute the letter. Public disclosure of the corrective document will be done on the same day as it is submitted to the media editor. Any verbal communication with the media staff regarding the facts shall be consistent with the letter.
8. **Disclose** any and all public money discussed, requested, or received as soon as it is so discussed, requested or received.
9. **Disclose** any and all public real estate, land, or other non-monetary considerations discussed, requested, pledged, or received.
10. **Disclose** contributions which are \$5,000 or more in value to or from any tax exempt organization, including any such foundations, and in particular, any university-related foundations.
11. **Disclose** any and all data behind project-specific studies.

12. Make a good faith effort to address and explain any documented problems with a report or study via a written response.
13. Withdraw or properly amend reports or studies which are found by a member of the public to have a flaw or not to have adequately provided backing details.
14. Classify any mandated neighbor plan meeting as an **Open Community Meeting**.
15. Disclose the initial and proposed rules for neighbor plan meetings to the public at the same time they are provided to invitees or government representatives.

Definitions

- “Disclose”, “disclosure”, “disclosed” means downloadable from a published website with a clearly defined area allocated for the project without requiring a user to register with or login to any service. An exception to the downloadable rule is if the information cannot be legally published that way or if the document is more than 50 pages and not otherwise available in electronic form. Any exception should be available for inspection & duplication. Disclosures should occur in a timely fashion, either within 24 hours or aggregated monthly if in a period far from any hearings or reviews. Any changes made within 30 days of a critical review, such as a hearing, should be disclosed as soon as possible. All disclosures should continue to be disclosed until at least 2 years after a project completion.
- “Open Community Meeting” is any meeting where a member of the general public may attend, particularly those publicly advertised or those held by an organization where members of the general public are welcome to attend. This does not include meetings limited to specific invitees. Requesting RSVPs for an otherwise public event does not constitute being limited to specific invitees. Information sessions in public venues with open doors or in churches are included in the definition of an Open Community Meeting. Neighbor plan creation and subsequent advisory meetings are included in the definition of an Open Community Meeting. Formal meetings with government officials such as town council meetings and municipal public hearings whose meeting rules are governed specifically by law or otherwise already covered by open meeting law are not included in the definition of an Open Community Meeting.
- “in writing” typically means via disclosed document or via email.
- “good faith effort” means that above the typical definition that the response will also be provided in a timely fashion