

IFC'S NEW HOMELESS SHELTER - ANOTHER CHAPEL HILL BACKROOM DEAL



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

How university, town, and IFC leaders allied to move the publicly-funded men's shelter in chapel hill away from downtown and into one ethnically diverse and politically weak area which now houses all the county's shelters, transitional, and residential drug detox/rehab/halfway house facilities in Orange County, North Carolina. Misleading the public on key aspects, failing to provide assurances that fair share principals would prevent additional future at-risk overnight facilities, and setting up a fait accompli in a project receiving over \$2M in public funding and land grants.

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DRAFT

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“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*

The Homestead Park Area is home to several middle class neighborhoods, large student apartment complexes, churches, and a large park in northern Chapel Hill. These neighborhoods are the most ethnically diverse in Chapel Hill, including home to the largest Asian concentration in North Carolina. With much of this area's population being newer to the area and country, transient, and many from other countries and unable to vote, this is historically a politically weaker area than others in Chapel Hill.

The neighborhoods are full of working and professional families and come from all walks of life. Many are active in their church and volunteer with homeless people and with a variety of other types of volunteer organizations. The area also includes much subsidized housing, student housing, and three trailer parks.

The Homestead Park Area is home to the county's only women's shelter. It is also home to the county's only residential drug program which detoxes 850 clients per year on-site in addition to providing drug rehabilitation, on-site addiction counseling to thousands per year, and on-site halfway house facilities. With the coming addition of a new mens shelter, this area will soon host, 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 residents of the county and half of the clients reside outside of the county.¹ Thus, these neighborhoods bear the responsibility of hosting at-risk populations for our community as well as the communities around us.

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.² There has been much pressure to move the homeless shelter out of downtown.

¹ www.abettersite.org supporting documents files section "Freedom House Emails.pdf" IFC declined to give exact figures, but around half from Orange County was stated by IFC when asked in meetings.

² http://www.dailytarheel.com/article/2011/08/panhandling_0830

In the spring of 2008, the UNC Foundation announced that it was purchasing a \$46M parcel downtown for a large redevelopment where the foundation will invest hundreds of millions of dollars. The foundation simultaneously announced that UNC was donating land to move the shelter away from UNC's new parcel. 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. Homestead Park neighbors awaited details on the shelter move.

These neighbors did not start learning details about the move of the men's homeless shelter from downtown until late 2009. Even then, there were few details about the operation of the proposed facility. Many questions remained.

Anyone who listened to statements of the 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 to be the case. Neighbors soon found that the written materials contained details, basically as a footnote, that new facility would be BOTH a transitional and an emergency ("white flag night") shelter.

IFC defined the term "white flag night" in their materials presented to the town and represented these white flag nights as rare events, but the neighbors figured out that white flag night criteria (which IFC may change on its own at a later time) allowed over 200 nights per year.

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 facilities, 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

The neighbors 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 to talk transparently about risks and assurances, but IFC chose instead to denigrate the neighbors.⁴

Neighbors were very disappointed that IFC misrepresented key policies such as admitting men without government issued identification, intaking men who are intoxicated or taking drugs, and allowing drop-ins. These misrepresentations became obvious when presentations and articles would tell the public what they wanted to hear about these policies, but neighbors who asked specific questions and anyone who reads IFC's neighbor plan in detail would find that IFC's actual policies were quite different than what was being

³ This is seen in written comments to [a survey which was conducted](#) as well as from conversations with many people who had attended IFC's canned presentation.

⁴ See "Awards" below and "IFC on a mission for new shelter", Greg Childress, Herald Sun, Oct 23, 2010

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presented and reported. Neighbors asked IFC to contact reporters to correct mistakes in articles, but IFC refused. In fact, neighbors provided recordings of statements from public meetings IFC made about identification and drunkenness policies to reporters, but the reporters would talk to IFC and then refuse to print corrections. Clearly IFC misled reporters on these topics.

Despite the town council providing clear guidance that no drop-ins were to be allowed, IFC wrote loopholes into their neighbor plan which allows drop-ins and town council refused to close those loopholes after neighbors pointed them out.

The town council was unwilling to acknowledge that the Homestead Park area has reached its carrying capacity for at risk overnight social services and provide assurances that future facilities will be sited with fair share.

The town council changed the ordinances so that this specific project would not have to be rezoned and so that there would not need to be an exception to the 25 bed shelter limit. These changes did not have to be made to approve this project, but "changing the rules" removed the legal protections that existed for the neighbors and allowed the town council to avoid having to specifically document "findings" to override the ordinances in the project approval.

In a classic political move, the town council added a resolution at the last minute to create a so-called "good neighbor plan". However, this plan was to be completely written by IFC, never voted on by the committee, and developed in a process that was wrought with a plethora of biased representation and process issues.

The media provided biased coverage of the proposed facility and failed to cover issues such as white flag nights as well as incorrectly reporting policies regarding drop-ins, lax identification requirements, and the intake of drunk and high men.

One neighbor, who was not a member of A Better Site and was the only neutral party to be appointed to IFC's neighbor plan committee, 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 only way that the neighbors will fully heal from this faulty process and the overconcentration of facilities is for the following to occur:

1. 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 use.
2. 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 and site is not the correct place to provide emergency housing. Once that facility is open, IFC's Homestead Area facility must no longer be permitted to provide those services.
3. 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 land⁵ 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

⁵ The shelter is being built on state land acquired by UNC which is leased to the Town who is leasing it to IFC.

appropriately to be able to provide housing to clients of all backgrounds, including criminals and sex offenders.

4. IFC must amend the so-called "good neighbor plan" to prohibit on-site drop-ins by implementing an off-site screening process and removing the loophole in its document that was discussed in several meetings.
5. 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.
6. 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.

Target Audience

- 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.
- Citizens of Chapel Hill who want to know what tricks and shenanigans were used by the town and the developer to undermine legitimate and documented citizen issues with a project.
- Citizens who are neighbors of future IFC proposals.
- Citizens of other municipalities who want to make sure that officials are appropriately siting and stipulating protections when building or approving an at-risk facility like a homeless shelter, particularly one which is significantly publicly funded and particularly one which concentrates 3 at-risk facilities in a tiny area.
- Members of the community in Chapel Hill who have heard IFC's "controlled setting" version of the pitches for the new facility before and after approval, but have not had an opportunity to understand neighbor issues

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.
- 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

- The mayor and some council members made statements about the facility which hid or understated the emergency shelter component.⁶
- 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.⁷
- 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.
- 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 directly hire its own facilitator for the “good neighbor plan” meetings with a secret contract.⁸
- 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 of by the town council.

Major Facts

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

1. Moving the shelter away from UNC Foundation's new 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.^{9 10}
2. The new facility is both a 17 bed emergency overnight shelter and a 52 bed transitional facility
3. 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 the transitional facility clients. The shelter housed emergency shelter clients 197 nights the year before the new shelter was under review¹¹

⁶ See [Neighbor Lawsuit](#) section

⁷ See [Neighbor Lawsuit](#) section

⁸ 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.

⁹ See the [Backroom Deal to site facility](#) section

¹⁰ <http://raleigh2.com/font-facetahomaregistered-sex-offenders-live-next-to-unc-campusfont-p625-1.htm>

¹¹ IFC annually publishes bed nights but does not publish emergency criteria nights-per-year in its annual reports

4. Men are to be admitted without government issued photo identification¹²
5. Men are to be admitted under the influence of alcohol¹³
6. The facility will serve 500-600 men per year¹⁴
7. Once the new shelter opens, there will be no shelter in the county to house registered sex offenders who often reside at the shelter.¹⁵
8. Men who are kicked out for policy violations will be escorted to the nearest public sidewalk. Police are not allowed to transport beyond the public sidewalk¹⁶
9. 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 violations¹⁷
10. The town has little or no regulatory authority in the ongoing inspection or operations of a shelter.¹⁸
11. The town council surprised the neighbors a plan to have IFC draft a "good neighbor plan" at the final SUP hearing.¹⁹
12. The town council allowed the IFC to stack the membership of IFC's neighbor plan committee.²⁰
13. 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
14. IFC hired the Dispute Settlement Center with a private and secret contract, which was not stipulated in the town agenda item.²²
15. IFC refused to list the public money requested for the project during the approval process.²³

Official Actions and SUP Processes

- 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)

¹² According to the town-required information session held by IFC which IFC confirmed in its neighbor plan.

¹³ According to the town-required information session held by IFC which IFC confirmed in its neighbor plan.

¹⁴ <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=708&meetingid=70>

¹⁵ See [IFC's Most Misleading Positions](#)

¹⁶ 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.

¹⁷ 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.

¹⁸ Based on information from legal counsel

¹⁹ <http://www.townofchapelhill.org/home/showdocument?id=10606>

²⁰ See [IFC's Neighbor Plan Creation](#) section

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>

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.

AWARDS

Most Denigrating Comments Made by IFC Leadership

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 at IFC's annual meeting.²⁴
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.²⁵

Most Deceiving 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.²⁶

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."²⁷ vs. "They [the future neighbors] think they're in danger, but, really, they're afraid".²⁸
2. **Aaron Nelson, Chamber of Commerce:** "Sometimes there's a public interest that trumps the special interest of the people most proximate."²⁹ vs. "the closing of the existing facility is the right thing for the health of our downtown."³⁰ 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 the shelter goes as long as it leaves downtown.

²⁴ "IFC on a mission for new shelter", Greg Childress, Herald Sun, Oct 23, 2010

²⁵ Statements made at UNC Board of Trustees subcommittee meeting in November 2010, transcribed from recording obtained via public records request.

²⁶ Statements made at UNC Board of Trustees subcommittee meeting in November 2010, transcribed from recording obtained via public records request.

²⁷ Letter, Carboro Citizen, March 24, 2011, <http://www.carrborocitizen.com/main/2011/03/24/letters-residents-speak-out-on-community-house/>

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

²⁹ "New shelter no 'warehouse'", Chapel Hill News, February 28th, 2010, <http://www.chapelhillnews.com/2010/02/28/55432/new-shelter-no-warehouse.html>

³⁰ Letter, Carboro Citizen, March 24, 2011, <http://www.carrborocitizen.com/main/2011/03/24/letters-residents-speak-out-on-community-house/>

3. **Aaron Nelson** “And for our chamber, we have members who sit right next to this place [the new shelter location]” – Nelson indicated that he represented the business interests of adjacent property owners. However, he clearly did not speak for the most proximate business to the new shelter (a shopping center) because this business sued the town.³¹

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 IDs that IFC issues 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."**³² – 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 shelter was approved, one sex offender who was no longer allowed to live in the shelter³³ “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.³⁴
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.³⁵

³¹ March 21, 2011 Town of Chapel Hill SUP Hearing. See also the [Neighbor Lawsuit](#) section

³² Chris Moran's statements at the Planning Board review of IFC's plans

³³ 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

³⁴ “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

³⁵ 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>

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.³⁶
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.³⁷
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.³⁸

Most Egregious Oft-Repeated False Facts

1. 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.³⁹ 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.⁴⁰

³⁶ 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).

³⁷ 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

³⁸ "A failure of diplomacy" Durham Herald Sun, April 3, 2011.

³⁹ <https://drive.google.com/file/d/0B7aALLI4F1fgX2pVMnU1NnhTXzQ/view>

⁴⁰ 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=ykuArEgedEO>

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 Sinreich⁴¹

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

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

⁴¹ <http://www.orangepolitics.org/2010/03/ifc-community-house-meets-the-neighbors>

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. If you are trying to express concerns about a project with similar political characteristics as this shelter or with a powerful developer such as the university, then here are the high level points that you need to know.

Neighbors sought the advice of legal counsel to make sure that we were following processes correctly 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.⁴² 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.⁴³
 - 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.⁴⁴
 - 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

⁴² 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 scrutinize 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.

⁴³ 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.

⁴⁴ 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.

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.⁴⁵

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 (must allow recordings).
 - When we did so, 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.
- 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.
 - 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.
- Keep a journal in a spreadsheet with a timeline
 - Note a topic, the speaker, the statement, the source
 - Save the article, 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 mis-statements publicly and to your community

⁴⁵ 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 mayor or council and less by what the wording actually said.

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) was the first time the public heard of this site. There were no public criteria or processes to select this site despite the fact that the facility is partially publically funded. A public records request produced no documents that showed how the siting decision was reached. 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.



“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 businesses have blamed problems with panhandlers on Franklin Street on the current downtown location of the shelter.”⁴⁶

⁴⁶ “UNC Buying Granville Towers, University Square for \$46M, Triangle Business Journal, June 13, 2008

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).⁴⁷
- 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]” ⁴⁸

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.

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.

⁴⁷ See “2007 IFC Site Criteria by the Town of Chapel Hill.pdf” in the ABetterSite Supporting Documents folder.

⁴⁸ Wikipedia - [http://en.wikipedia.org/wiki/Franklin_Street_\(Chapel_Hill\)](http://en.wikipedia.org/wiki/Franklin_Street_(Chapel_Hill))

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.”⁴⁹

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.

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 ⁵⁰
Public Contribution (that we know about)⁵¹	\$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.⁵² Had the neighbors not discovered the NC HFA grant request, 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.

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 required⁵³
 - No SUP
 - No rezoning
 - No ordinance exceptions
- There was a 25 bed limit on shelters in the local ordinances.

⁴⁹ “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>

⁵⁰ The value of the leased land was derived from the land purchase records from UNC.

⁵¹ See page 98 of <http://www.townofchapelhill.org/home/showdocument?id=14377>

⁵² See page 98 of <http://www.townofchapelhill.org/home/showdocument?id=14377>

⁵³ 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.

- 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.
- 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.
- Many 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”.

Student Survey

In April of 2010, two UNC students, in conjunction with the UNC Institutional Review Board, announced that they were going to publish the results of a survey that they conducted about how they could “best contribute to public discussion by helping to provide objective data.”⁵⁴ 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 and UNC provided a copy of the students study results upon our request, but the results were never published openly or provided to the community. We believe the results didn’t pan out the way they 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.

⁵⁴ “Air your shelter Concerns”, May 16, 2010 <http://www.chapelhillnews.com/2010/05/16/56990/air-your-shelter-concerns.html>

IFC's New Homeless Shelter - Another Chapel Hill Backroom Deal

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.⁵⁵ It also shows that there is strong opposition to the site.

Here are the results of their draft survey:

- 80% of neighbors oppose relocation to the proposed site while only 15% support it
- 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 So Called "Community Meetings"

Town council mandated that IFC hold community meetings to discuss the new facility with the public. Two 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."

⁵⁵ See file "Student Survey Public Records Request Nov 29 2010.pdf"

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 - 8:12pm⁵⁶

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 - 9:45pm⁵⁷

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.⁵⁸

Facts

- In the first meeting, the subcommittee informed the public that the committee would rely upon facts from legitimate studies to make decisions.
- 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 cited at the final meeting when the guidelines were officially approved by the planning board.
 - A prior crime study by the same author was disputed, citing major errors⁵⁹
 - This study was not disclosed during the 5+ subcommittee meetings
 - This 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

⁵⁶ <http://orangepolitics.org/2010/03/ifc-community-house-meets-the-neighbors>

⁵⁷ <http://orangepolitics.org/2010/03/ifc-community-house-meets-the-neighbors>

⁵⁸ See supporting documents on ABetterSite.org such as "2010-08-19 Shelter subcommittee final.pdf"

⁵⁹ See "Crime Report Rebuttal.pdf" in the supporting documents

- 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 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: “The NY city police department was unable to provide any statistics between homeless centers and rising crime **before the story deadline.**” (emphasis added)
- 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.⁶⁰
- “Facts” used to determine the criteria and recommendations in the guidelines were not documented nor substantiated.⁶¹

⁶⁰ File “Shelter Design Guideline Subcommittee-Initial Report to PB_05-26-2010.pdf” in the Abettersite.org supporting documents folder

⁶¹ 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>

- The subcommittee used portions of guidelines established by the town of Gilroy, CA⁶² 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.”
 - 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 distance was negotiated auction style with no rationale⁶³
- 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.
- 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.
- To demonstrate that other parts of Chapel Hill had their fair share of social services, planning board guidelines pointed to an IFC 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 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.

⁶² <http://chapelhillpublic.novusagenda.com/AttachmentViewer.aspx?AttachmentID=6467&ItemID=1186>

⁶³ <https://www.youtube.com/watch?v=ru0qoG3bljw>

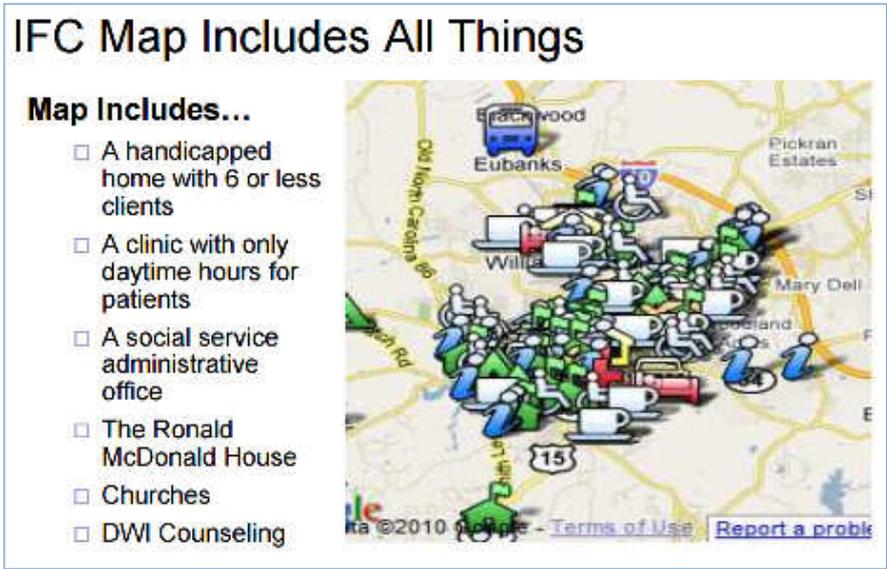


FIGURE 1 - THE MAP REFERENCED IN THE SUBCOMMITTEE'S GUIDELINES INCLUDE SERVICES COMPLETELY UNLIKE SHELTERS

Discussion

The problems with the first 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.

Details outlining the major issues with the proposed shelter guidelines are available in the presentation "2011-01-09 Citizen Presentation on Shelter Guidelines".⁶⁴

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 a crime study by Christina Olson which was missing large amounts of 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 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.

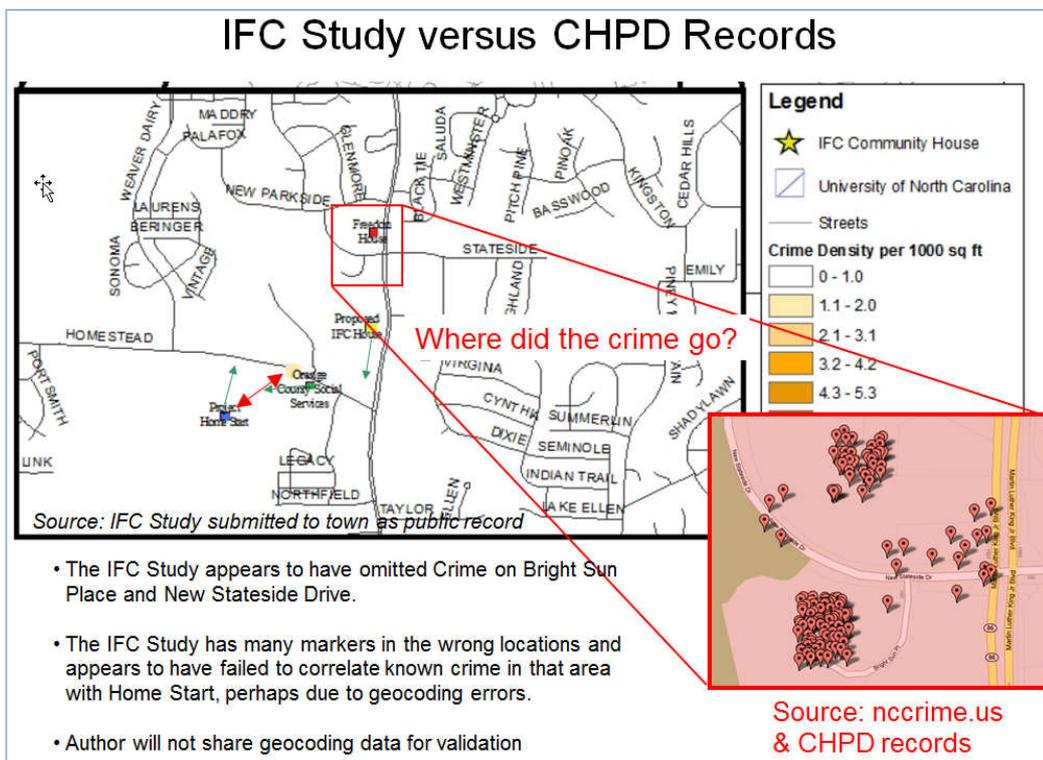
⁶⁴ <http://www.townofchapelhill.org/home/showdocument?id=9120>

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.⁶⁵

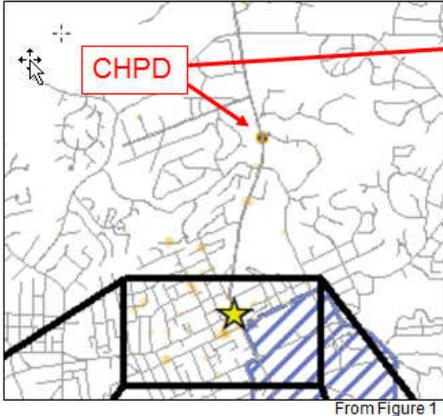
With the obvious errors in her report and her declining to provide this validation information, IFC should have withdrawn the report from consideration. However, IFC submitted the report to the town as evidence for the SUP hearings.

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



⁶⁵ 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)" <http://chapelhillpublic.novusagenda.com/AttachmentViewer.aspx?AttachmentID=6556&ItemID=1213> , but the studies are currently missing from the Town's online document.

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]

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 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 held no vote for its neighbor plan and allowed no collaborative editing during the meetings and the town did not require IFC to follow open meeting law as requested by the neighbors.
- IFC hired the Dispute Settlement Center with a private contract, which was not stipulated in the town agenda item.
- IFC refused to list the public money requested for the project during the approval process.
- 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 and 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 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 input provided to town council gives much insight to the setup of IFC's neighbor plan.

July 13, 2011 email to Town Council

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

- We asked for the process documentation and a list of the invitees and 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 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.
- 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.**

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

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

Putting a Bow on it

It's nice to see the new shelter director carrying on with the hyperbole the neighbors faced from IFC since day one.

"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."⁶⁷

Nearly invisible, indeed.



⁶⁷ "IFC celebration marks new start for Chapel Hill shelter, homeless men", Chapel Hill News, 9/20/2105 and News & Observer 9/19/2015.