



TOWN OF CHAPEL HILL

Town Hall
405 Martin Luther King Jr.
Boulevard
Chapel Hill, NC 27514

Town Council

Meeting Minutes - Final

Mayor Pam Hemminger
Mayor pro tem Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

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

Wednesday, September 16, 2020

6:30 PM

Virtual Meeting

Virtual Meeting Notification

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

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

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_OGt2YnL_QjGahT6b5gDSwQ After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 833 8110 5144

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

Roll Call

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

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Interim Planning Director Judy Johnson, Emergency Management Coordinator Kelly Drayton, Fire Chief Vencelin Harris, Police Chief/Community Safety Executive Director Chris Blue, Senior Planner Adam Nicholson, Principal Planner Corey Liles, LUMO Project Manager Alisa Duffey Rogers, Interim Zoning Enforcement Manager Gene Poveromo, Housing Director Faith Brodie, Housing and Community Executive Director Loryn Clark, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the meeting at 6:30 p.m. and reviewed the agenda. She called the roll, and all Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Proclamation: Constitution Week.

[\[20-0627\]](#)

Council Member Huynh read a proclamation for Constitution Week September 17-23, 2020. It said that the U.S. Constitution stood as a testament to the tenacity of Americans throughout history to maintain their liberties, freedoms, and inalienable rights. The proclamation pointed out that some members of the U.S. still lacked equal protection under the law due to systemic and institutional racism.

0.02 Proclamation: Diaper Need Awareness Week.

[\[20-0628\]](#)

Council Member Anderson described how some families struggle to afford adequate supplies of diapers. She read a proclamation that designated September 21-27, 2020 as Diaper Needs Awareness Week and encouraged all to thank and support the Diaper Bank of North Carolina for its work.

0.03 Mayor Hemminger Regarding Advisory Board Virtual Meetings.

[\[20-0629\]](#)

Mayor Hemminger pointed out that Town advisory boards had been continuing to meet virtually during the COVID-19 pandemic. The public was always welcome to attend those meetings, she said, adding that information on how to do so was on the Town's website.

0.04 Mayor Hemminger Regarding Carolina North Development Agreement Meeting.

[\[20-0630\]](#)

Mayor Hemminger said that information regarding a virtual meeting on the Carolina North Development Agreement was available on the Town's website.

0.05 Mayor Hemminger Regarding Meeting with Staff and UNC Leaders about COVID-related Issues.

[\[20-0631\]](#)

Mayor Hemminger said that she, the Town Manager, and Chapel Hill Police Chief Chris Blue had recently met with the University of North Carolina at Chapel Hill (UNC) to talk about issues related to COVID-19, student behavior, and upcoming Halloween celebrations. She said that UNC hoped to make a final decision about its spring semester by November 1, 2020.

0.06 Mayor Hemminger Regarding Orange County Recovery Visioning Meetings.

[\[20-0632\]](#)

Mayor Hemminger said that Orange County Recovery visioning meetings related to human services were scheduled for the next day. She urged

residents to check the Town website for information.

AGENDA ITEMS

1. Update on Town Efforts to Respond to the COVID-19 Crisis. (no attachment) [\[20-0606\]](#)

Emergency Management Coordinator Kelly Drayton gave an update on the Town's COVID-19 response and long-term recovery efforts. She said that an impact assessment survey would be finalized later in the month and then used as part of recovery strategies. Staff would provide additional information on the long-term process at the Council's September 30, 2019 meeting, she said. She noted that a draft long-term recovery plan would be available for public review in early November.

Ms. Drayton said that the Orange County Health Department would work with state and local partners to offer free COVID-19 testing from 10:00 a.m. to 2:00 p.m. on Wednesdays at 725 Martin Luther King Jr. Boulevard. Additional information could be found at Orange County's website, she said.

Ms. Drayton pointed out that September was National Preparedness Month and that the current theme was "Disasters Don't Wait, Make Your Plan Today". Information was available at ready.gov in September, she said. She urged all who were able to do so to get an annual flu shot and stressed the importance of wearing a mask, washing hands, and waiting a safe distance away from others in order to avoid contracting COVID-19.

This matter was received and filed.

2. Continued Discussion of Chapter 160D Updates to Land Use Management Ordinance and Town Code of Ordinances. [\[20-0607\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffy Rogers provided background on 2019 state legislation that had led to Session Law 2019-111 (Land Use Law 160D). She said that the LUMO and other Town regulations would need to be brought into alignment with 160D by July 1, 2021 and that Conditional Use District Zoning (CUDZ) would not be allowed after that date.

Ms. Duffy Rogers explained that state legislators viewed CUDZ as problematic because it combined the legislative action of rezoning with the quasi-judicial special use permit (SUP) process. Under 160D, all CUDZ districts would need to become CZ districts by December 31, 2020, she said. She outlined how the change would affect projects currently in process and pointed out that CUDZ areas, Residential 3-C and Residential 4-C, lacked parallel CZ districts.

Ms. Duffy Rogers asked the Council to decide whether to create parallel CZ districts in areas Residential 3-C and 4-C only, or create CZ districts for all existing CUDZ districts. Either choice would bring the Town into conformance with 160D by the end of the year, she said.

The Mayor and Council agreed by consensus to convert all districts to CZ and create a Residential Special Standards Commission Zoning District and a Mixed-Use Village Conditional Zoning District. They said that CZ was a good tool for having the kind of oversight the Town wanted. They stressed the importance of communicating to the public that the change would not remove the Town's legislative prerogatives.

Council Members confirmed with Ms. Duffy Rogers that any conditions existing under an SUP would automatically convert to CZ conditions on December 31, 2020 and that the Town would not have to notify landowners or property owners of that change. She noted that conversion would include making a LUMO text change in a public process.

Principal Planner Corey Liles said that the Town would still be able to do SUPs for some special uses such as drive-thrus and gas stations that need case-by-case reviews due to their potential impacts on surrounding areas. Exceptions would include projects exceeding 20,000 square feet of building space and/or 40,000 square feet of land disturbance, he said.

Mr. Liles explained that 160D would change the SUP review process by disallowing advisory board recommendations as a basis for Council decisions. He said that Town boards could continue reviewing SUPs, but their recommendations would not be sent to the Council during SUP hearings.

Mr. Liles said that the Council could either amend the LUMO or completely discontinue advisory board review. He pointed out that boards would be allowed to continue making recommendations to the Council during a CZ process, however, and that the Council would be conducting more of those due to its decision to convert.

Council Member Anderson inquired about the reasons for the change, and Mr. Liles said that receiving outside information during a quasi-judicial SUP process could create uncertainty about how the decision was made. The Mayor and Council verified with him that board chairs could not provide an opinion and that boards would no longer be allowed to comment on rezonings unless those were fully separate from SUPs.

Mayor pro tem Parker said that the long-term goal should be to phase SUPs out while building what is important about them into the CZ process. Council Member Stegman agreed and said that CZs were more effective, led to better outcomes, and allowed for the community input that

everyone wanted.

Council Member Buansi stressed the importance of educating advisory boards on their changed role, and Council Member Ryan commented on the usefulness of board recommendations. She wondered if there would be a correct and legal way for those opinions to still work their way into the process, perhaps through staff, she said.

Council Member Gu asked if board members could provide expert testimony at hearings, and Mr. Liles characterized that as an interesting consideration that staff could delve into. Mayor Hemminger said, in summary, that Council Members wanted to stick with CZ as much as possible but still wanted information from advisory boards communicated to them in some manner that was legal.

Mr. Liles said that 160D included a new option in which appeals of Historic District Commission (HDC) decisions on Certificates of Appropriateness would bypass the Board of Adjustment (BOA) and go directly to the NC Superior Court. He said that the Council could amend the LUMO accordingly but that staff had found many reasons to not do that and just maintain the status quo.

Council Member Anderson argued for keeping things as they were, stating that she was not aware of any tensions between the HDC and the BOA. Council Members agreed by consensus to leave things as they were, but Mayor Hemminger asked for feedback on what BOA members thought about the idea.

Mr. Liles said that the text amendment would come back to Council for adoption before the July 1, 2021 deadline and that next steps would include a work session on definition changes in October 2020. Staff would report back with any new information, he said.

This matter was received and filed.

3. Discuss the Concept Plan Review Process.

[\[20-0608\]](#)

Planner Adam Nicholson gave a PowerPoint update on information staff had gathered regarding the concept plan review (CPR) process. He said that it took an average of 320 days from submission to when Council reviewed a concept plan and that applicants had expressed concern about the complexity of the process and the amount of time and resources it required. Chapel Hill's CPR process was different from other jurisdictions, most of which had staff review concept plans, he pointed out.

Mr. Nicholson presented ideas that included having a preliminary staff review by a technical team, an urban design team, and/or a long-range planning team. Additional reviews could include the Planning Commission

and/or other boards, which might work together or individually, he said. He said that quarterly reports could then be provided to the Council regarding individual concept plan applications.

Council Member Anderson pointed out that the Community Design Commission had petitioned the staff report. Mayor Hemminger said that staff had been specifically asked at a Council Committee on Economic Sustainability (CCES) meeting in June to obtain feedback from the CDC.

Mr. Nicholson replied that staff could certainly follow up and get that feedback. He asked Council Members to describe their goals for CPR and to state whether they thought there should be evaluation criteria. He began to propose a potential pilot review process, but Mayor pro tem Parker said that the presentation seemed to be laying out changes without knowing what the goals were or if current goals were being met. That seemed backwards because it was starting with a solution and working back to the problem, he said.

Mr. Nicholson replied that he was trying to make the Council aware of the conversations staff had been having and to get Council feedback on what the goals for CPR should be.

In response to a question from Council Member Buansi about how and why the CPR process had begun, Mr. Nicholson explained that a group of designers in the 1990s had proposed that the CDC review a "back of napkin sketch" to help determine whether or not a proposed project would be feasible, viable, and successful.

Council Member Ryan said that she thought the original goal had been to give applicants a "toe the waters" sense of how a project might be received before doing all of the work that goes into a formal submission. It was designed to be a simple process that would give an idea of whether spending money to develop the project would be worth doing, she said.

Council Members said it would be especially useful to have comments on concept plans from Urban Designer Brian Petersen during CPR process. They agreed that it was important for them to determine goals. Council Member Anderson said that a joint board meeting probably would not be well-attended and would hamper board-specific conversations. Council Member Ryan spoke in favor of having the Stormwater Advisory Board look at concept plans to determine if there would be issues.

Council Members thought it would be worth exploring and having the Planning Commission review projects, if its members chose to be involved. They said that the CDC could provide information about how a project fit into a small area plan. Council Member Huynh proposed exploring the potential for more joint board meetings, and Mayor Hemminger suggested

that CDC or PC forum might include ways to engage other boards and the public.

The Mayor and Council expressed support for some, high level, staff involvement, and they agreed that existing Town traffic data should be available during the CPR process. They spoke in favor of an early and strong staff review of the design, of what the project would offer the Town, and of how the concept fit into the Town's long-range plans.

The Council discussed providing a check list that developers could answer to show they understood Town plans and strategies before presenting their concept plan. They agreed that the goal of a CPR was to determine whether a project was the right type of use for the location and if it comported with the goals for that part of Town. A standardized list of questions and some staff involvement would help guide that, they said.

Mayor Hemminger proposed that the Council consider moving CPRs to Council work sessions in order to avoid hearing them late at night at the end of regular meetings.

This matter was received and filed.

4. Receive an Update on Public Housing Activities.

[\[20-0609\]](#)

Public Housing Director Faith Brodie gave a PowerPoint presentation on the Town's "scattered site" public housing model, which included 336 apartments. She said that the model avoided having housing developments with large concentrations of low-income families. She described improvements that had been made prior to March 2020 and the start of the COVID-19 pandemic.

Ms. Brodie said that COVID-19 had brought significant changes for staff and residents and that a decrease in resident income had led to decreases in rental payments and an increase in weekly food distribution. As of September 15, 2020, approximately 46 percent of households had not paid rent and staff's focus had shifted from restoration and maintenance to keeping staff and residents informed and safe, she said.

Ms. Brodie noted that the Town had a contract with the U.S. Department of Housing and Urban Development (HUD) regarding its largest public housing neighborhoods: South Estes, Craig Gomains, and Trinity Court. She explained that a HUD management assessment had designated the Town as "troubled" in November 2019 because 40 units at Trinity Court had been empty since March 2018. Those units had been empty for safety reasons and the Town would not have received the troubled status if they had been demolished, she pointed out.

Ms. Brodie said that HUD had created a recovery agreement with the Town

that included performance targets and strategies and that staff had been working to meet and exceed those. She pointed out that demolition of Trinity Court would remove those 40 unoccupied units and lead to a better assessment from HUD. She said that staff would begin bringing quarterly reports to the Council and would present a report covering the first two quarters on February 2, 2021.

The Council said that closing Trinity Court was the right choice and they confirmed with Ms. Brodie that HUD was pleased with the steps the Town was taking to move out of its troubled status. Council Member Buansi confirmed with her that the factors that had contributed to the troubled status had been remedied and that the Town had been granted an extension for residents to complete a training program. He also confirmed with her that staff typically conducted at least three surveys a year to determine what residents want.

Council Member Gu asked for the community survey response rate, and Ms. Brodie agreed to provide that. Council Member Gu also asked about the possibility of safely doing face-to-face surveys, and Ms. Brodie replied that residents would be unlikely to want that. Council Member Gu said that extra phone calls might be necessary to determine changes in employment status and other concerns.

Council Member Gu ascertained from Ms. Brodie that staff had not notified HUD about Trinity Court earlier than they did because they had been told to wait and see what the Town's Rental Assistance Demonstration (RAD) application would look like before starting demolition. In response to a comment by Council Member Gu, Ms. Brodie said that she did not believe that the community's confidence in her department had been undermined.

The Council confirmed with Ms. Brodie that hiring a maintenance supervisor and an additional contractor had facilitated the building rehabilitation process. The Council asked about recruiting residents for an advisory council, and Ms. Brodie explained that the deterrents included time, dedication to serve, and a commitment to the entire public housing portfolio rather than just one's own neighborhood.

Council Members discussed how residents were more willing to share concerns with peers than with staff and they confirmed with Ms. Brodie that a Residents Advisory Board had only three members out of 12 communities. Council Member Stegman raised the possibility of providing stipends and confirmed with staff that grant funds that had been used in the past were available.

This matter was received and filed.

5. Future Items for Discussion. (no attachment)

[\[20-0610\]](#)

Susanna Dancy, a CCES member, thanked the Council for its meaningful discussion regarding the CPR process (Item 3). She thought the Community Design Commission (CDC) would endorse the idea of checklists for developers and a standardization of submission materials, she said. She said that the goal of the CDC petition had been to make the process more productive and relevant.

Ms. Dancy noted that two additional options for reworking CPRs had not been included in the staff presentation: 1) keep the review with the CDC, Housing Advisory Board, and Council, but change what goes into it; and 2) improve the application, checklist and materials, but have a Planning Commissions/CDC joint meeting to review those together.

REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that Council enter into closed session as authorized by General Statute Section 143-318.11(a)(3) to discuss, give instructions, and preserve attorney-client privilege regarding litigation brought by Chandler's Green, Ltd. against the Town of Chapel Hill, Habitat for Humanity of Orange County, NC, Inc., and Ballentine Associates, P.A. At the conclusion of the closed session, the Council will adopt a single motion to end the closed session and adjourn the meeting without taking further action.. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 9:06 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session.