



TOWN OF CHAPEL HILL

Town Council Meeting Minutes - Draft

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

Mayor Pam Hemminger	Council Member Hongbin Gu
Mayor pro tem Michael Parker	Council Member Tai Huynh
Council Member Jessica Anderson	Council Member Amy Ryan
Council Member Allen Buansi	Council Member Karen Stegman

Wednesday, July 29, 2020 **7:00 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/join/92133006384> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 847 4013 3468

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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 Ralph Karpinos, Town Attorney Ann Anderson, Fire Chief Vencelin Harris, Emergency Operations Manager Kelly Drayton, Business Management Director Amy Oland, Transportation Planning Manager Bergen Watterson, Manager of Engineering and Infrastructure Chris Roberts, Senior Engineer Ernest Odei-Larbi, Public Works Director Lance Norris, 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 virtual meeting at 7:00 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: The Voting Rights Act and The Fifteenth Amendment. [\[20-0521\]](#)

Mayor Hemminger introduced a proclamation to recognize the 55th anniversary of the Voting Rights Act and the 150th anniversary of the 15th Amendment to the US Constitution.

Council Member Buansi read the proclamation, which explained that Amendments 13, 14 and 15 had given African Americans their freedom, citizenship, and voting rights, but that subsequent Jim Crow laws had stripped those rights for nearly 100 years. In 1965, President Lyndon B. Johnson signed the Voting Rights Act into law, but a 2013 US Supreme Court decision had enabled measures that suppressed the vote, Council Member Buansi read. The proclamation urged all citizens to exercise their right to vote in the November 2020 election.

Mayor Hemminger expressed gratitude to the organizations that educate the public on when and where to vote. The Council would make sure that people know how to do so safely during the current pandemic, she said.

This item was received as presented.

0.02 Mayor Hemminger Regarding Juneteenth Proclamation. [\[20-0522\]](#)

Mayor Hemminger said that the Council had proclaimed June 19, 2020, as Juneteenth, in celebration of the day in 1865 when African Americans in Galveston, Texas learned that slaves had been freed. She said that there had been many requests for the Town to adopt Juneteenth as a holiday and that the Council planned to hold a community conversation regarding that idea.

This item was received as presented.

0.03 Mayor Hemminger Regarding Census. [\[20-0523\]](#)

Mayor Hemminger pointed out that only 68.2 percent of Orange County residents had responded to the US Census. She urged residents to fill it out, stressing that local appropriations and representation depended on it. Information would not be tracked or stored, but merely counted, she said.

This item was received as presented.

CONSENT

Items of a routine nature will be placed on the Consent Agenda to be voted on in a block. Any item may be removed from the Consent Agenda by request of the Mayor or any Council Member.

Approval of the Consent Agenda

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[20-0502\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

2. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2020-21. [\[20-0503\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

DISCUSSION

3. Consider a Resolution to Appoint a New Town Attorney for the Town of Chapel Hill. [\[20-0504\]](#)

Mayor Hemminger announced that Ann Anderson, of the UNC School of Government, would officially become Chapel Hill's new Town Attorney on September 1, 2020. Ms. Anderson had stood out from a pool of strong candidates because of the depth and breadth of her knowledge, her familiarity with local government, and her understanding of Chapel Hill's community values, the Mayor said. The current Town Attorney, Ralph Karpinos, who was retiring after 32 years with the Town, would work with Ms. Anderson during the transition, and the Council would hold a celebration to honor him in the fall, Mayor Hemminger said.

Attorney Anderson thanked the Council for the opportunity, which she said would be a new highlight in her career. She was looking forward to working with the Council in a town that she loved, she said.

Mr. Karpinos congratulated the Mayor and Council for their outstanding choice and said he looked forward to working with Ms. Anderson during the transition period.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that R-2 be adopted. The motion carried by a unanimous vote.

- 3.01 3.01 Update on Town Efforts to Respond to the COVID-19 Crisis. [\[20-0524\]](#)

Emergency Management Coordinator Kelly Drayton gave a PowerPoint

presentation on the Town's ongoing COVID-19 response. She discussed Orange County Department of Housing and Community Development's efforts to administer emergency assistance and said that half of the 365 households that had received assistance were in Chapel Hill.

Ms. Drayton reported on The Interfaith Council's continuing efforts to provide safety for its shelter residents. She discussed how the Town was partnering with numerous organizations to provide critical resources to the community. She said that more than 18,000 masks had been distributed and that the Food Bank had been serving 250-300 households per week.

Ms. Drayton noted that childcare had emerged as a major challenge. She pointed out that Chapel Hill-Carrboro schools would be virtual for more than 12,000 students and said that the Town and county had been addressing options for childcare.

Ms. Drayton said that a section of Franklin Street had been closed in order to add capacity for sidewalk dining and sales, and to give more space for physical distancing. She said that the Town was continuing to work with its partners and consultants on a long-term recovery plan and that an impact assessment should be disseminated the following week. The Town was also working with stakeholders to launch a website that would become a central portal for recovery resources and information, she said.

Council Members confirmed that the Franklin Street lane closure could be extending beyond October and that school closures were currently planned for nine weeks. With regard to childcare, they verified with Mr. Jones that staff had been working with the county, the school system and non-profits regarding how to accommodate the most vulnerable residents.

Mayor Hemminger said that moratoriums on evictions and utility bills were expected to be lifted within the next few days and that the Town was expecting an increase in requests. Staff had been working to coordinate a community response, she said, noting that information on how to make a donation was on the Town website.

Mayor Hemminger said that a USDA extension for food was set to expire at the end of August and that she would keep the Council informed about efforts by mayors across the state to get state support. Food for Students had been serving children who normally received free or reduced lunches at school, and the Council wanted that to continue, she said. She pointed out that Liz Cartano, of Child Nutrition Services, and others, had been delivering food to children at 36 sites.

This item was received as presented.

4. University of North Carolina at Chapel Hill Roadmap for [\[20-0505\]](#)

Re-Opening. (no attachment)

University of North Carolina at Chapel Hill (UNC-CH) Provost Bob Blouin provided an update on a "Carolina Together" road map for reopening UNC's campus during the COVID-19 pandemic. He said that UNC had worked closely with the Orange County Department of Public Health, the UNC System Office, and others to develop the plan.

Provost Blouin explained that the road map included directives to wear masks, to keep a physical distance, and to wash hands on a regular basis, standards that were consistent with CDC regulations and cutting edge research and data on best practices. He said that UNC-CH had been monitoring campus adherence to community standards and guidelines, hospital capacity, and the availability of rapid and accurate testing and contact tracing. Students were being required to sign off on specific COVID-related standards as a condition of their enrollment, he said.

Provost Blouin said that both Labcorp and NC Healthcare would conduct the testing. He explained how the University had reduced dormitory density. He said that Town and University police chiefs had been working together regarding areas in the community where students lived off campus.

Dr. Kurt Ribisl, Gillings School of Global Public Health chair, reviewed how a multi-disciplinary committee had studied best messages and channels for reaching students about taking precautions. He said that UNC-CH would provide students with masks, sanitizers and thermometers. He discussed plans for role modeling, peer-to-peer communication, crowd sourcing, and other means of promoting messages and showed examples of signage and videos that were part of the "Carolina Together" campaign.

Dr. Allison Lazard, associate professor at the UNC Hussman School of Journalism and Media, discussed barriers and misunderstandings related to mask wearing and stressed the importance of getting accurate information onto social media. Overall, there had been high compliance by young adults, she said. She recommended that UNC include "Masks Required" signage to reinforce State, University, and Town expectations.

Mayor Hemminger said that the Town had requested that UNC's messaging address the community and not just the UNC campus and to convey the idea of one community trying to be safe together.

In response to questions from Council, Provost Blouin characterized UNC's working relationship with the Orange County Health Department as "terrific" and said that the two had common expectations and that the University had sought recommendations from the County regarding testing, quarantining and isolating.

Council Member Buansi asked how students who live off campus and test

positive would be monitored and cared for. Provost Blouin said that this would be addressed on a case-by-case basis. Some students might stay where they live; whereas, others might want to go home, he said. Remedies could include quarantine or isolation on campus, he said, but pointed out that most who were living off campus would probably not come back for that.

With regard to a question about accountability for those who violate community standards, Provost Blouin said that students would sign and attest to being fully aware of the consequences for violations and that UNC expected them to comply wherever they were.

Council Member Anderson asked about triggers for terminating the plan, and Provost Blouin said that decisions would be made by chancellors of the 17-campus system, the System Office leadership, and the Board of Governors. Criteria would include testing availability/turnaround and quarantine/isolation space, he said.

In response to a question about testing criteria, Provost Blouin said that UNC was following CDC recommendations and was testing only those with symptoms (with the exception of those in the athletics program who were undergoing asymptomatic testing because of their additional risk). He said that testing everyone could create a false sense of security that could discourage students from wearing masks.

With regard to Council questions about students living off campus, Provost Blouin said that Town and UNC police had been in close contact regarding events that violate state mandates for mask wearing and group size. He pointed out that fraternities and sororities were located on private properties that were under the Town's legal jurisdiction.

In response to a question about students going to COVID-19 hot spots on weekends and bringing the virus back with them, Provost Blouin said that UNC had tried to minimize travel by eliminating breaks. However, the University had no legal right to hold students on campus unless NC Governor Cooper issued a stay-at-home order, he pointed out.

Council Member Anderson asked if UNC could make not traveling a condition of enrollment, and Provost Blouin agreed to discuss that with UNC-CH's road-map committee.

Council Member Gu pointed out that asymptomatic students could spread the virus, and Provost Blouin replied that UNC-CH had been educating students and expected them to follow the rules. Council Member Gu confirmed with him that there had been a cluster of COVID-19 cases due to student athletes not maintaining those standards. She said that some students might not have the same level of awareness as others and asked what triggers would lead to UNC-CH closing its campus.

Provost Blouin replied that the trigger probably would be more connected to the rate of change than to the absolute number of cases. If UNC were to have a few large clusters of positive cases, that would be a challenge, he said. He said that the University would be launching a dashboard that would track the ratio of positive cases to the number of tests.

In response to questions about special precautions for vulnerable populations, Provost Blouin said that UNC-CH was encouraging those who were older than 60, those with susceptible family members, and those with childcare issues to work remotely. The University was equipping employees from high-risk populations with personal protective equipment and education programs for every member of UNC-CH's housekeeping staff, he said.

Council Member Stegman asked if UNC-CH was helping Orange County with contact tracing of students and staff who live off campus, and Provost Blouin replied that he would raise that issue at an upcoming meeting with the County. She asked about a policy or standard regarding Greek life and off-campus parties, and he said that UNC had limited authority to regulate that but had been requiring fraternities and sororities to state how they would address issues such as parties. There was an expectation that they would be good citizens, he said.

Council Member Stegman and Mayor Hemminger discussed recent efforts to find alternatives to calling 911 to report people who were not wearing face coverings. Council Member Stegman said that the issue might pose an opportunity for Town/University collaboration.

Council Member Huynh asked how UNC would track off-campus repeat offenders and what the consequences for noncompliance would be. Provost Blouin replied that UNC-CH was not in a position to enforce community standards off campus.

Mayor pro tem Parker expressed skepticism about UNC-CH's ability to isolate and quarantine students. In addition, active monitoring would be required in the community, rather than merely relying on masks and a complaint-driven system, he said.

Provost Blouin replied that UNC-CH did not have the resources to police what students living in the community did; whereas, the Town did have some authority regarding compliance with mask wearing and physical distancing. He pledged to work with the Town on a week-to-week basis and to monitor whether circumstances rose to a level that required the University's attention.

Council Members suggested that the University work with the Town to explore monitoring neighborhoods that contain significant clusters of students. They confirmed with Provost Blouin that UNC Healthcare had been returning test results in 24-36 hours and had indicated support for

doing more than 200 tests per day. UNC-CH had only been testing those who were symptomatic and/or had been in contact with someone who tested positive, he said.

The Council confirmed that UNC-CH was expecting a 30 percent reduction in its normal total of 8,500-8,700 dormitory students. Provost Blouin pointed out that UNC-CH would need to be home for some students even if it changed to total remote learning. The Council verified with him that UNC would continue to pay individuals who needed to be quarantined or isolated, regardless of their level within the organization.

Council Member Ryan said that bringing 20,000 people into Town would stretch the testing resources that were currently available to the community, but Provost Blouin replied that UNC Hospitals would triple testing capacity. Council Member Ryan recommended that the University batch test some student groups since testing was inadequate.

James Talantino, a UNC student, spoke about at-risk populations such as elderly African Americans, who reside in neighborhoods where off-campus students would live. He stressed the importance of having a system in place to protect permanent residents.

Diane Bloom, a School of Public Health adjunct but speaking for herself, proposed only admitting students who could provide evidence that they had been tested and were negative. UNC's plan seemed headed for disaster because the University was not capable of controlling viral spread, she said.

Provost Blouin commented that UNC would not allow guests in student dorms. He said that not wearing a mask would only be permitted when students were eating in the dining room or in their rooms with only a dorm mate. Students living in suites would be expected to wear masks at all times, he said. Provost Blouin said that employing the campus police would be a last resort because UNC-CH was trying to minimize such authoritarian action.

Lea Metcalf, a UNC graduate student, said that it was not possible to open safely and that attempting to do so would lead to deaths. She encouraged citizens to put pressure on other agencies that could reduce the financial burden that UNC would incur if it did not open. She characterized the road map as "bordering on delusional", since it depended on converting people to wearing masks, who do not want to be converted, and masks were not panaceas, since they only decrease risk by 65 percent, she said.

Louie Rivers, a Planning Commission member, said that UNC had inadvertently created a regressive road map that was setting students up to fail and shifted the burden to those with the least amount of power. What resources would the Town have in the face of significant COVID-19

spread, he asked. He stated that the University's efforts to reach out to the community had been shallow.

Mr. Rivers asked if UNC-CH had the authority to take an off ramp, and Provost Blouin replied that such a decision would be made in consultation with the UNC System Office. He expected constant communication between UNC, the Board of Governors, and the Board of Trustees and critical indicators would be monitored and shared across the UNC system in collaboration with other universities within the region, he said.

Lindsay Ayling, a UNC student, pleaded with UNC-CH to refuse the Board of Governors' directive to not embark on a course of action that would lead to people dying. She proposed going to remote education for one more semester and raising money to make up that cost.

Logan Pratico, a Town resident and recent UNC graduate, said he felt stunned by the decision to hold in-person classes while the pandemic was increasing. He characterized allowing 20,000 mostly asymptomatic 18-22 year-olds from all over the country to walk around Town as terrifying. Students would not remain socially distanced no matter how many videos UNC put out and Town residents would suffer the consequences, he said. Mr. Pratico said that UNC should be ashamed of itself for prioritizing money over citizens' lives.

Greear Webb, a UNC sophomore, said he agreed with the previous speakers and believed the proposed road map would mean welcoming the deaths of students, faculty members, and essential campus workers. He asked Provost Blouin and Mayor Hemminger where they stood on a recommendation from the Student Commission on Campus Equality and Student Equity to hold a mock academic day with simulations that would test the policies outlined in the road map.

Provost Blouin replied that UNC had not acted on that recommendation, mainly due to timing, but that he was willing to talk more about it at another time. Mayor Hemminger said that it was the first she had heard the idea and that she would look into it.

Molly McConnell, a Chapel Hill resident, said she agreed with the previous speakers. The Board of Governors should be held accountable for an "appalling and disturbing mistake", she said, adding that, at the very least, there should be no students living off campus.

George Barrett, executive director at Marion Cheeks Jackson Center, said that Town residents had been modeling good behavior and making a lot of sacrifices to stay safe. However, there had already been large student parties in the Northside neighborhood, and students had been gathering in large groups without wearing masks, he said. Mr. Barrett pointed out that this was a public health issue and also one of racial equity.

Lamar Richards, chair of the Commission on Campus Equality and Student Equity, said that the majority of UNC-CH students lived off campus, where the greater community would be at risk if UNC-CH followed its current road map. He said that UNC had not effectively communicated its expectations to students and had been constantly changing its plan. He said that students and housekeeping staff had attested to a lack of personal protective equipment and guidance.

Mayor Hemminger thanked citizens for their comments and acknowledged that the Council did have concerns about the campus reopening. She agreed that some residents would have higher risk and exposure and said that the Town needed to concentrate on mitigating that. She encouraged UNC to be proactive, rather than reactive. The Town understood that UNC-CH did not have complete control but voices could influence decisions, she said.

Mayor Hemminger explained that the current meeting was not set up for Council motions, but that the Council would continue to address the issue and would bring the item back again. She pointed out that residents who had additional comments could send them in writing to the Town Manager.

This item was received as presented.

5. Authorize the Town Manager to Finalize Arrangements for Construction of the Elliott Road Extension Project. [\[20-0506\]](#)

Transportation Planning Manager Bergen Waterson gave a PowerPoint presentation on the status of the Elliott Road Extension, a project that would connect Fordham Boulevard to Ephesus Church Road and include a roundabout. The road improvement was expected to carry about 7,800 vehicles daily and would relieve congestion at that intersection, she said.

Ms. Waterson said that the projected total budget for the project had been \$8.8 million (\$3.8 million for Phase I and \$5 million for Phase II) in 2011. The Town had borrowed \$4.7 million in 2016, \$900,000 of which was allocated for Phase II, and had planned to borrow \$2.6 million more, she said. However, the price of right-of-way acquisition had been higher than expected, so the total current cost of Phase II construction was \$6.88 million, she said.

Ms. Waterson explained that, in addition, some funds for Phase II had been channeled to other more urgent capital projects (DHIC Greenfield Commons and the Hamilton Road Fire Station), so there was currently only \$3 million available. The Town was awaiting a \$434,000 reimbursement from the NC Department of Transportation (DOT) for Phase 1 improvements, she said.

Ms. Waterson said that the developer had received bids in January 2020

that put the total cost at \$7.53 million, leaving the Town with a \$4.53 million funding gap (or \$4.1 million if the DOT reimbursement is considered). Therefore, staff had decided to manage construction on its own and had received three bids, the lowest of which was \$6.88 million, she said. She pointed out that managing the project itself saved about \$650,000, leaving the funding gap at \$3.88 million.

Ms. Waterson recommended that the Council adopt Resolution-3, authorizing the Town Manager to execute a contract with Conti Enterprises, Inc. for \$6,047,442 to construct the Elliott Road Extension. She also recommended that the Council adopt Resolution-4, which would declare the Town's intent to reimburse itself for project expenditures.

Business Management Director Amy Oland summarized the plan for debt financing, which included using \$3.4 million intended for a Municipal Services Center that the Town was not yet ready to begin. She said that current lower interest rates would bring additional savings as well, and she outlined a borrowing plan that she would bring back in October/November for Council approval. Ms. Oland pointed out that Resolution-4 would allow staff to be reimbursed for any expenditures that it might incur from moving forward with the contract before having the borrowing in place.

Mayor Hemminger praised staff for saving money by rebidding the project.

Rita May, a Chapel Hill resident, spoke about the financial repercussions from COVID-19. She asked the Council to halt the proposed expenditure and to reconsider all non-essential Transit funding until the Town's revenue situation became clearer.

Julie McClintock, representing CHALT (Chapel Hill Alliance for a Livable Town), said that citizens saw no good reason to spend taxpayer money on the Elliott Road Extension and summarized a list of concerns about flooding that had been included in a recent letter from them to the Town. She requested a new cost/benefit analysis for the Blue Hill District (BHD) and said that CHALT objected to the resolution that empowered the Manager to borrow more money for a road that would bring no demonstrable value to the Town.

Nancy Oates, a Chapel Hill resident, pointed out that construction costs for its 2022 Homestead Road affordable housing project might increase as well and encouraged the Council to plan ahead.

Mayor Hemminger confirmed with Ms. Oland that the Town would be able to reimburse the \$4 million that it borrowed from tax increment financing in the BHD, which was intended to help pay for road infrastructure over time. She pointed out that there would be an increase in property taxes

from three large apartment complexes that were being constructed. Mayor Hemminger said that the additional funding would come from the Town's Debt Fund, which had a surplus because the Municipal Services Center building was being delayed.

Mayor Hemminger confirmed with Town Attorney Ralph Karpinos that he had reviewed original documents, and the Council's 2019 resolution, and had concluded that the Town was obligated to move forward with the project. She confirmed with Ms. Waterson that an Ephesus-Fordham Small Area Plan and a traffic impact analysis for the area had both recommended the Elliott Road Extension.

Mayor Hemminger verified with Chad Beck, project manager for Kimley Horn & Associates, that culverts under Elliot Road and Fordham Boulevard had been designed to meet FEMA regulations and standards. The project had achieved a "No Rise" certification and there would be no increase in flood elevation, Mr. Beck said.

Mayor Hemminger verified with Ms. Oland that borrowing an additional \$3.8 million would push the repayment schedule from 12 to 20 years. She emphasized that the Town would not be taking money from other projects or from operating expenses. The Council was being asked to vote on whether it would take the Town Attorney's advice and move forward, she said.

Council Member Anderson and Mr. Jones discussed ways to better anticipate and communicate about cost changes in the future. Mayor Hemminger pointed out that the Elliott Road Extension project had begun before the current Council and Manager were with the Town.

Council Member Stegman pointed out that the Elliott Road Extension would take pressure off Highway 15-501 and add pedestrian and bike improvements.

Council Member Ryan ascertained from Ms. Waterson that large planting strips and wide sidewalks were required frontages in the BHD and that the previous Council had negotiated for the raised bike lanes. She suggested that the current Council examine whether or not those frontages were realistic and if the bike and pedestrian facilities were what the Town could afford.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-3 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-4 be adopted. The motion carried by a unanimous vote.

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 Stegman, that this be entered into closed session as authorized by General Statute Section 143-318.11(a)(4), to consider an economic development matter. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 11:48 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session.