



TOWN OF CHAPEL HILL

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

Town Council

Meeting Minutes - Draft

Mayor Pam Hemminger
Mayor pro tem Jessica Anderson
Council Member Donna Bell
Council Member Allen Buansi
Council Member Hongbin Gu

Council Member Nancy Oates
Council Member Michael Parker
Council Member Rachel Schaevitz
Council Member Karen Stegman

Wednesday, September 11, 2019

7:00 PM

RM 110 | Council Chamber

Roll Call

Present: 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Fire Inspector Donnie Morrissey, Communications Manager Catherine Lazorko, Planning Operations Manager Judy Johnson, Senior Planner Anya Grahn, Community Resilience Officer John Richardson, Principal Planner Corey Liles, and Assistant Town Clerk Christina Strauch.

OPENING

Mayor Hemminger opened the meeting at 7:00 p.m.

0.01 Success Video: Summer Youth Employment Program.

[\[19-0741\]](#)

The Council viewed a Celebrating Successes video about the Town's Summer Youth Employment Program, which is sponsored by a Community Development Block Grant and open to Chapel Hill and Carrboro residents who meet certain federal guidelines.

0.02 Moment of Silence for September 11 Remembrance.

[\[19-0742\]](#)

Mayor Hemminger noted the names of those who had lost their lives at the World Trade Center on September 11, 2001, which were listed on the Flag of Heroes.

0.03 Mayor Statement Regarding Events in Hillsborough.

[\[19-0743\]](#)

Mayor Hemminger said that a recent rally in Hillsborough had been deeply disturbing and that the Town Council was proud of those who had marched

against white supremacy. Chapel Hill wanted to be clear that there was no place for hatred or discrimination of any kind and that it was vitally important for all to stand against that, she said.

0.04 Proclamation: 400th Anniversary of Slavery.

[\[19-0744\]](#)

Council Member Buansi read a proclamation on the 400th Anniversary of Slavery. The proclamation explained how African Americans had performed hundreds of years of uncompensated work since first being brought to Virginia as slaves in 1619. It noted that segregation continued under the Jim Crow era and had prevented African Americans from fully participating in economic, political, and social life.

The proclamation stated that African Americans had overcome that adversity and helped to shape the Town, and Chapel Hill had made efforts to recognize their leadership and critical contributions. The Town proclaimed August 1, 2019 through July 31, 2020 to be a Year of Remembrance as the Town continued to work toward ending racism, healing society, and embracing efforts to win freedom and equality, Council Member Buansi said.

Anna Richards accepted the proclamation on behalf of the NAACP. She expressed gratitude to Chapel Hill, Carrboro, Orange County and the U.S. Congress for the recognition and said she hoped the Year of Remembrance would provide an opportunity for increased education, understanding and truth.

Ted Shaw, representing the UNC Center for Civil Rights, characterized the 400th Anniversary as a commemoration of the presence of people of African descent in the United States and their contributions to building the United States in so many ways. He confirmed with Mayor Hemminger that a series of events had been planned to remember and educate the community about the contributions that African Americans had made.

0.05 Proclamation: Constitution Week.

[\[19-0745\]](#)

Council Member Gu read a proclamation declaring the week of September 17 through 23, 2019 to be Constitution Week in the Town of Chapel Hill in order to commemorate the 231st anniversary of the U.S Constitution's adoption. The Town Council was encouraging all to reaffirm the ideals of liberty, equity and justice by vigilantly protecting the freedoms that the Constitution guaranteed, she said.

Barbara Post received the proclamation on behalf of the Davie Poplar Chapter of the Daughters of the American Revolution (DAR). She provided information about the DAR and encouraged all to study the historical events that had led to the framing and signing of the Constitution in 1787.

0.06 Proclamation: Drive Electric Week.[\[19-0746\]](#)

Mayor Hemminger read a proclamation for Drive Electric Week (September 14-22, 2019) and said the Town would be participating in a nationwide effort to raise awareness of the benefits of electric vehicles. She emphasized the Town's commitment to upholding the Paris Climate Agreement and noted efforts to reduce greenhouse gas emissions.

Pamela Schultz, a member of the Stormwater Management Utility Advisory Board, commented on the convenience and cost benefits of electric cars and the importance of renewable energy.

PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS

Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions to Council webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.

0.07 Grubb Properties Request Regarding 137 E. Franklin Street & 136 E. Rosemary Street Limited Scope SUP.[\[19-0747\]](#)

A motion was made by Mayor pro tem Anderson, seconded by Council Member Bell, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

0.08 East Franklin Neighborhood Steering Committee & Neighbors Request Regarding Neighborhood Preservation.[\[19-0748\]](#)

Shelley DeFosset and Janet Smith, representing the Cobb Terrace/Tenney Circle neighborhood, asked that an anticipated task force on short-term rentals include a representative from their neighborhood and address student rentals.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

ANNOUNCEMENTS BY COUNCIL MEMBERS**0.09 Mayor pro tem Anderson Regarding New Podcast, Re-Collecting Chapel Hill.**[\[19-0749\]](#)

Mayor pro tem Anderson, the Council's liaison to the Library Board, mentioned a new podcast called "Re-Collecting Chapel Hill", which was being co-hosted by Molly Luby and Denita Mason Hogans.

0.10 Mayor pro tem Anderson Regarding the Recording of Council Work Sessions and Council Committee on Economic Sustainability Meetings.

[\[19-0750\]](#)

Mayor pro tem Anderson pointed out that Council work sessions and Economic Sustainability Committee meetings would be recorded and available on the Town's website.

0.11 Mayor Hemminger Regarding Charting Our Future Public Meeting.

[\[19-0751\]](#)

Mayor Hemminger announced a Charting our Future public meeting on the Town's Future Land Use Map on September 12 at 5:30 p.m. at Extraordinary Ventures. There would also be a series of lunchtime sessions on September 12, 17 and 18 at the Carolina Co-working Space, she said. For more information, go to Chartingourfuture.info.

0.12 Mayor Hemminger Regarding Next Council Work Session.

[\[19-0752\]](#)

Mayor Hemminger said that the next Council work session would be on September 18th at 6:30 p.m. in the Public Library and would address updates on connected communities, affordable housing sites, and technology.

0.13 Mayor Hemminger Regarding Two Items Pulled from Consent Agenda.

[\[19-0753\]](#)

Mayor Hemminger noted that Items 6 and 7 had been removed from the Consent Agenda and would be addressed at a future Council meeting.

6. Amend Chapter 21 of the Code of Ordinances on Turn Regulations to Prohibit Right Turns on a Red Signal at Several Intersections. (Reissued from September 11, 2019)

[\[19-0733\]](#)

This item was deferred.

7. Amend Chapter 21 of the Town Code of Ordinances for On-Street Parking Regulations in the Burch Kove Neighborhood.

[\[19-0705\]](#)

This item was deferred.

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 Anderson, seconded by Council Member Buansi, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[19-0729\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.
2. Enact the Annual Budget Ordinance Amendment to Re-appropriate Funds for Prior Year Encumbrances and Other Commitments. [\[19-0730\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Award a Bid and Authorize the Town Manager to Execute a Contract for the Construction of Variable Message Sign Project. [\[19-0706\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Authorize the Town Manager to Negotiate and Execute a Sole Source Contract to Purchase Replacement Mobile Data Terminals for EZ Rider Transit Vehicles. [\[19-0731\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Award the Same Pay Increase Approved for all Employees to the Town Manager. [\[19-0732\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.
8. Call a Public Hearing on October 30, 2019 for Amendments to Land Use Management Ordinance Sections 3.6.2 and 8.4 Pertaining to the Historic District. [\[19-0734\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.
9. Recommend Appointment to the Chapel Hill/Orange County Visitors Bureau Board of Directors. [\[19-0735\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.
10. Adopt Minutes from July 10, 2018, September 5 and 19, 2018, October 10, 17, and 24, 2018 and November 7 and 14, 2018 Meetings. [\[19-0736\]](#)

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

INFORMATION

11. Receive Upcoming Public Hearing Items and Petition Status [\[19-0737\]](#)

List.

This item was received as presented.

DISCUSSION

12. Consider Endorsing a Public Engagement Process and Create a Task Force for a Text Amendment Addressing Short Term Rentals (STRs).

[\[19-0738\]](#)

Senior Planner Anya Grahn explained that Resolution 8 would endorse a public engagement process and create a task force to work on a text amendment to address short-term rentals (STRs). She made recommendations regarding the task force and said that next steps after Council approval would include opening an online application process from September 12-24 and having staff check-in with Council on November 18, 2019.

Council members clarified with Ms. Grahn that efforts would be made to have a variety of interests represented on the task force and that staff had been discussing issues related to applicants with Town boards. The Council confirmed that STRs would have to conform to both Homeowner Association and Town regulations, and they talked about the timeline and goals for each meeting. Council members confirmed with Ms. Grahn that the Planning Department would lead the effort but that guest speakers from other Town departments might participate as well.

The Council asked that the task force have a clear schedule with specific deadlines. Council members agreed that it would be wise to divide STR issues into three categories: room rental in a home, owner occupied/occasional rental, and investor owned rentals.

Mayor Hemminger pointed out that noise, trash, and parking incidents would not be part of the task force's charge because those would take a criminal path. There would need to be a series of public hearings if the Council wanted to change those from criminal to civil offenses, she pointed out.

Some Council members proposed that the task force include representatives from the Historic District Commission, and Visitors Bureau, and they confirmed with Ms. Grahn that the Transportation and Connectivity Advisory Board, if included, could address on-street parking, traffic issues, and identify strangers in the neighborhood with out-of-state license plates.

Mayor Hemminger confirmed with Town Attorney Ralph Karpinos that a new ordinance creating a category for STRs of 30 days or less might make other ordinances irrelevant but those ordinances would not need to remove those.

Mayor Hemminger proposed forming a Council subcommittee to go over applications with her to make sure that there was a balance of perspectives before bringing a recommended list to the full Council.

Alexon Nota, a Chapel Hill resident and President of the Short Term Rental Alliance, expressed support for the task force and said that any discussion about student rentals deserved a separate dedicated effort.

Chapel Hill residents Eric Plow and David Hartman described their individual experiences with renting out their homes and explained the benefits of allowing STRs. Mr. Plow said that Airbnbs collected occupancy taxes from guests and sent it to the Town. Mr. Hartman talked about his need for the rental income.

Katie Loovis, representing Chapel Hill-Carrboro Chamber of Commerce, hoteliers, and CHALT (Chapel Hill Alliance for a Livable Town), stressed the importance of giving the task force a clear focus, streamlining the process, and expediting the schedule.

Harvey Krasny, a Chapel Hill resident, spoke about the negative effects of STRs on hotels and said that the City of Raleigh did not allow them. STRs could raise the tax valuation of other homes in the neighborhood, he said, adding that hotels, homeowners, the Town, and the state would all lose if STRs were allowed.

Mary Stowe, a Stormwater Management Utility Advisory Board member who periodically rents out her home, spoke about the positive aspects of STRs. She said that hoteliers should adapt to competition by changing the way they do business.

Shelley DeFosset, a Chapel Hill resident, said that addressing what happens within the Historic District was not part of HDC tasks. HDC members would not represent STR issues unless they lived in a district that had STRs, she said.

The Council agreed to limit the task force's scope to a focus on investor-owned homes only. The task force should focus on defining goals, enforcing laws, ensuring health and safety, and making sure that appropriate taxes were being paid, the Council said. Council members stressed the importance of getting community input and of making sure that staff and task force time was being used narrowly and efficiently.

Council members agreed that the task force should provide clear deadlines and that Rebecca Badgett should provide options for the task force to consider. Council Member Buansi suggested adding two alternates to the task force and that the task force review its proposed STR regulations as a last step before sending a report to the Council.

Council Member Oates suggested adding "accessory dwellings" to the task

force's charge. She said that the previous Council's goal, when approving those, had been to increase affordable housing and that STRs would undercut that purpose.

Council Member Bell said that the previous Council, of which she had been a member, had not defined how affordability was created when it approved accessory dwelling units. The Council had discussed how allowing those units would let people bring in family members, which would create extra income, she said.

Council Member Oates argued that STRs would take opportunities away from people who might want to live in Chapel Hill because homeowners would make more money with STRs.

Mayor Hemminger confirmed that the Council's consensus was to not regulate accessory dwelling units. Mayor pro tem Anderson said that allowing STRs would contribute to affordable housing by enabling people to stay in their homes.

Council Member Oates replied that the highest percentage of accessory units were in fairly well-off neighborhoods and that allowing STRs would impact affordable housing.

Council Member Parker proposed that the task force address less controversial issues first and that the Council decide later on whether it wanted the task force to address accessory dwelling units as well.

The Council generally agreed with that suggestion and recommended that the task force address only the third category (investor-owned rentals).

Mayor Hemminger verified that the Council wanted to reduce the number of advisory board champions to three and remove the Historic District Commission member. They decided to increase the number of community members at large from two to four and to add two alternates. They also recommended defining the three categories of STRs in the "BE IT FURTHER RESOLVED" paragraph, and made other minor edits and additions.

Council Members Stegman, Buansi and Parker volunteered to be on the Council subcommittee.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-8 be adopted as amended. The motion carried by the following vote:

Aye: 8 - Mayor Hemminger, Mayor pro tem Anderson, Council Member Bell, Council Member Buansi, Council Member Gu, Council Member Parker, Council Member Stegman, and Council Member Schaevitz

Nay: 1 - Council Member Oates

CONCEPT PLAN REVIEW(S)

Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

As a courtesy to others, a person speaking on an agenda item is normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.

13. Concept Plan Review: Wegmans Food Market and SECU Street Connection (Project #19-089).

[\[19-0739\]](#)

Planning Operations Manager Judy Johnson gave a PowerPoint presentation on a concept plan related to a Special Use Permit (SUP) modification regarding road improvements between Wegmans Food Market and the State Employee Credit Union (SECU).

Ms. Johnson provided background on Wegmans's original SUP application to build a 130,000 square-foot building with 750 parking spaces, which the Council had approved in October 2017. The concept plan currently before the Council proposed a shared access using a portion of SECU property and changes to a service road, she said. Ms. Johnson showed the location on a map and recommended that the Council adopt Resolution 9, transmitting its comments to the applicant.

Council Member Parker confirmed with Ms. Johnson that the NC Department of Transportation had agreed to accept the new construction and would be responsible for road maintenance.

Justin Brown, an engineer with Pennoni Associates, gave a PowerPoint presentation regarding the Wegmans project. He compared the proposed access and traffic circulation plan to the one proposed in 2017 and indicated where truck delivery access would go to in the rear of the building.

Council members confirmed with Mr. Brown that HNTB was doing a traffic impact analysis (TIA) of the area. In response to Council questions, Mr.

Brown indicated where a five-foot sidewalk and a multi-use path would be constructed. He said that the SECU had no current plans to develop anything on its site.

Ms. Johnson pointed out that the plan before the Council did not require approval of any project in an SECU "donut area" but that the TIA would include potentials. She agreed to check with HNTB about trip generation from that parcel.

Council Member Gu asked about traffic management at the intersection between Eastowne and the proposed new connection. Mr. Brown said that a proposed crosswalk enhancement would be built across Highway 15-501 and on three legs of the intersection. He pointed out that the TIA would analyze pedestrian crossings in the context of everything that was under construction or in the planning stages of the area.

Mayor Hemminger said that the agreement with SECU would allow much better movement and would help to protect the neighborhoods.

Ms. Johnson confirmed with the Council that it was amenable to staff returning with a limited scope in October. That staff report would focus on the change being presented not the entire project, she said.

A motion was made by Council Member Bell, seconded by Council Member Stegman, that R-9 be adopted. The motion carried by a unanimous vote.

**14. Concept Plan Review: 1751 Dobbins Drive Office Building
(Project #19-023).**

[\[19-0740\]](#)

Ms. Johnson explained that the Community Design Commission had reviewed the application in March, but it was currently before the Council because the applicant was requesting that the site be conditionally rezoned from Residential 4 to Office/Institutional 2. She noted that the applicant had been unable to secure a cross-access agreement with an adjoining property but said that a connection would be indicated on the plan for future possibilities. Ms. Johnson recommended that the Council adopt Resolution 10, transmitting its comments to the applicant.

Mayor Hemminger pointed out that a public hearing in November would address a possible text amendment to Conditional Zoning regarding small concept plans.

Council Member Oates asked if commercial trucks would come in to pick up trash, and Ms. Johnson replied that staff had not yet reviewed such plans.

Aaron Frank, a land planner with Womble Bond Dickinson, spoke on behalf of applicants Shaw Design and Jim Miller. He gave a PowerPoint review of the concept plan, showing that the Office Institutional 2 zoning district extended to the site's property line. The property was surrounded by apartments and office buildings and the proposal would achieve the mixed

use/office land use for the area that had been outlined in the Town's Comprehensive Plan, he said.

Mr. Frank discussed how the applicant had not been able to secure secondary access from nearby apartments. He noted several design challenges, and said that the applicant was making an effort to meet the intent of buffers regulations without meeting the exact width because of the narrow site.

Council members asked about the feasibility of moving a 2,000 square-foot brick house to another location. They discussed the proposed process for trash collection, the width of buffers, and the feasibility of adding building height to compensate for the narrow site.

Mr. Krasny raised concerns about increased traffic on Dobbins Drive. He said that 15 parking spaces was not too bad, but urged the Council to permanently cap parking at that number.

Council members emphasized the importance of green design, including EV charging stations. They asked the applicant to look into a better plan for trash collection and confirmed that the number of parking spaces would be tied to the conditional zoning permit. Council Member Buansi offered a friendly amendment to omit a reference to the Housing Advisory Board that had been inadvertently put in Resolution 10.

Mr. Frank said that there would be a dedicated pad for street-side trash pickup by a private company, but Mayor Hemminger strongly encouraged the applicant to look at other locations, such as the back of the parking lot for trash collection and pickup. Mr. Frank agreed to look into other options.

A motion was made by Council Member Bell, seconded by Mayor pro tem Anderson, that R-10 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 Council Member Parker, seconded by Council Member Buansi, that the Council enter into closed session as authorized by General Statute Section 143-318.11(a)(3). The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 10:12 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session.