



# TOWN OF CHAPEL HILL

## Town Council

### Meeting Minutes - Draft

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

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

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**Wednesday, June 13, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

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### 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 Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Specialist Mark Losey, Ombuds Beth Vazquez, Senior Planner Kay Pearlstein, Library Special Projects Coordinator Molly Luby, Town Attorney Assistant Carolyn Worsley, Community Arts & Culture Executive Director Susan Brown, Parks & Recreation Director Jim Orr, Budget Manager Matthew Brinkley, Public Works Director Lance Norris, Downtown Special Projects Manager Sarah Poulton, Strategic Plan Project Manager David Finley, Organizational and Strategic Initiatives Director Rae Buckley, Assistant Town Manager Mary Jane Nirdlinger, Business Management Director Kenneth C. Pennoyer, Director of Planning and Development Services Ben Hitchings, Executive Director Scott Clark, Budget Analyst Sara Hancock, Housing Direction Faith Thompson, Technology Assistant to the Town Manager Ross Tompkins, Senior Ombuds Jim Huegerich, Town Manager Intern Lindsey Bineau, Human Resource Development Director Cliff Turner, Transit Director Brian Litchfield, Housing & Community Executive Director, Loryn Clark, Fire Inspector Larry Morrissey, Police Rick Fahrer, Deputy Town Clerk Amy Harvey

### OPENING

Video: Summer Reading Program

[\[18-0557\]](#)

Mayor Hemminger opened the meeting at 7:00 pm and introduced a Celebrating Successes video about the Chapel Hill Public Library's Summer Reading Challenge. The video explained Reading Challenge rules and showed events and activities that would take place at the Library from

June 1 to August 15, 2018. Mayor Hemminger noted that a Library "circulator" had been traveling around Town as well. She said that "Free Book Wednesdays" had been a popular part of the Town's Food for Summer program.

#### Proclamation: Cleft and Craniofacial Awareness Month

[\[18-0558\]](#)

Council Member Oates read a proclamation declaring July 2018 as Cleft and Craniofacial Awareness Month in Chapel Hill and urging all citizens to support families and organizations working to aid those affected by such birth defects. She said that oral-facial clefts were the most frequently occurring birth defects in the United States and usually required surgery, special feeding support, dental and orthodontic care, and speech therapy. The proclamation recognized the efforts of those working to ensure a better life for people who had been affected, Council Member Oates said.

Wendy-Jo Toyama, executive director at the American Cleft Palate-Craniofacial Association, thanked the Town for the official recognition and support. She said that an estimated 7,000 children were born with a cleft each year in the U.S., compared with 6,000 born annually with Down Syndrome. Ms. Toyama pointed out that the non-profit American Cleft Palate-Craniofacial Association had been headquartered in Chapel Hill for 75 years and was staffed by an interdisciplinary team of local individuals and healthcare professionals.

#### Proclamation: Lesbian, Gay, Bisexual, and Transgender Pride Month

[\[18-0559\]](#)

Council Member Stegman read a proclamation stating that NC Governor Roy Cooper had proclaimed June 2018 to be Lesbian Gay Bisexual and Transgender Pride Month in North Carolina. She said that June had been chosen in order to commemorate the riots that took place in New York on June 28, 1969. She read the Town's proclamation, which described ongoing discrimination, and stated that the Town stood with the LGBT community and was reaffirming its opposition to discrimination, prejudice, homophobia and transphobia.

Council Member Stegman read that the Town would continue to advocate for protection of LGBT individuals. The proclamation noted that Chapel Hill had led the state in advancing equal protection and freedom under the law -- through personnel policies, by issuing a resolution affirming the dignity of LGBT people, and by calling for the repeal of NC HB2. The proclamation declared June 2018 to be LBGT Pride Month in Chapel Hill and encouraged all citizens and guests to address all forms of discrimination, Council Member Stegman said

## **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.

1. Petitions from the Public and Council Members. [\[18-0527\]](#)
  - a. Steve Moore's request regarding accessibility of historical Old Chapel Hill Cemetery files.
  - b. CHALT's request to revise the Tree Ordinance.
  - c. Mayor pro tem Anderson's request to amend the Bus Advertising Policy.

- a. Steve Moore's Request Regarding Accessibility of Historical Old Chapel Hill Cemetery Files. [\[18-0560\]](#)

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

- b. Ondrea Austin Regarding CHALT's Request for Revise the Tree Ordinance. [\[18-0561\]](#)

Ondrea Austin explained that many Town residents had been feeling alarmed by the number of trees cut down across the community and did not think the Town's tree ordinance went far enough to protect them, especially the mature and canopy trees. She said that 180 people had signed the petition asking the Council to have staff return after the summer break with an analysis and recommendations.

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

- c. Mayor pro tem Anderson's Request to Amend the Bus Advertising Policy. [\[18-0562\]](#)

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

d. Jeff Charles Regarding Request to Form Study Group to Upgrade BikePed Path on Homestead Road.

[\[18-0563\]](#)

Jeff Charles, a Chapel Hill resident and former Transportation Board chair, petitioned the Council to consider forming a group to study upgrading the Town's transportation facilities in the part of Homestead Road that was within Town limits. That stretch of road was highly used, and he, a stroke survivor, and other handicapped people could not safely walk there, he said. Mr. Charles proposed that improvements might include sidewalks and protected bicycle lanes, and he volunteered to chair such a committee.

Mayor Hemminger explained that the Homestead Road Sidewalk Project had been elevated on the Town's list for the reasons that Mr. Charles had mentioned and because of nearby Chapel Hill High School renovations. She agreed that it was time to look at a whole package of remedies for that area.

A motion was made by Council Member Oates, 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.

e. Julie McClintock Regarding Potential Purchase of P.H. Craig's 77-acre Tract of Land.

[\[18-0564\]](#)

Julie McClintock, a Chapel Hill resident, commented on Ms. Austin's petition regarding the Tree Ordinance. She suggested that the Town consider acquiring P.H. Craig's 77-acre tract, which she described as one of the most beautiful pieces of forest around and said that runners, cyclists and others used it every day. Ms. McClintock pointed out that the Craig tract was sandwiched in between highly-conserved Carolina North and the 29-acre Adams tract that Orange County and Carrboro had acquired in 2003. Clear-cutting it would be disastrous, she argued, and she invited the Mayor and Council to attend a Friends of Bolin Creek community meeting in June regarding the matter.

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.

f. Mayor Hemminger Regarding Reviewing Policies, Procedures, and Practices for Development.

[\[18-0565\]](#)

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

**PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA**

## ANNOUNCEMENTS BY COUNCIL MEMBERS

- a. Mayor Hemminger Regarding Bikes, Bells, and Blueberry Days. [\[18-0566\]](#)

Mayor Hemminger said that "Bikes, Bells and Blueberry Days," a family event, would be held on Saturday from 12:00-3:00 pm at the Chapel Hill Community Center.

- b. Mayor Hemminger Regarding Reception for Town Manager Roger Stancil. [\[18-0567\]](#)

Mayor Hemminger announced a reception for Town Manager Roger Stancil, who would be retiring after 12 years of service with the Town and 45 total years of public service. The reception would be held at Town Hall on Wednesday, June 20th, beginning at 5:00 pm, she said.

- c. Mayor Hemminger Regarding Governor and Metropolitan Mayors' Meeting. [\[18-0568\]](#)

Mayor Hemminger said that she had spent the day with metropolitan mayors at the NC Legislature in Raleigh, trying to figure out what was going on with the state budget and talking about how to work collaboratively. There were continuing concerns about things that had been thrown into the budget at the last minute, she said. Mayor Hemminger said that she would report to the Council on that in the near future.

- d. Council Member Schaevitz Regarding Juneteenth Celebration. [\[18-0569\]](#)

Council Member Schaevitz said that communities throughout the country would be celebrating "Juneteenth" (an annual commemoration of the end of slavery in the US) during the coming weekend. Acclaimed gospel singer Mary D. Williams would perform at St. Mathews Episcopal Church in Hillsborough on Saturday from 4:30 to 5:30 pm, she said. Council Member Schaevitz noted that the event, sponsored by Carolina Public Humanities and Carolina K-12, was free and open to the public.

## 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 Parker, that R-1 be adopted, which approved the Consent Agenda. The motion

carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[18-0528\]](#)

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

3. Adopt Strategic Plan Goals and Objectives to Build a Strategic Plan Framework. [\[18-0529\]](#)

This item was removed.

4. Initiate a Text Amendment Process to Revise and Update the Town Code of Ordinances to Activate and Enliven Downtown with Safe Sidewalk Dining and Pop-Up Retail Events in Temporary Locations. [\[18-0530\]](#)

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

5. Endorse the Triangle J Council of Government's Revised Charter Resolution. [\[18-0531\]](#)

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

6. Consider Adopting a Calendar of Council Meetings through June 2019. [\[18-0532\]](#)

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

### **INFORMATION**

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[18-0533\]](#)

The item was received as presented.

8. Update on the Wallace Parking Deck. [\[18-0534\]](#)

This item was received as presented.

### **DISCUSSION**

9. Consider the Final 2018-19 Budget and Related Items. [\[18-0535\]](#)

Council Member Bell arrived at 7:28 pm.

Town Manager Roger Stancil gave PowerPoint presentation on the Town FY

2018-2019 budget. He said that enacting Ordinance 1 would establish the budget for the fiscal year beginning on July 1, 2018. Adopting Resolution 5.1 would authorize next steps and related items, he said.

Mr. Stancil explained that the budget included no reductions to current Town services and proposed funding to address the Council's strategic priorities. It included a 2 cent tax increase: 1-cent for the General Fund and 1-cent for the Transit Fund, he said. Mr. Stancil reviewed how the budget would reduce some costs. It would maintain OPEB (Other Post Employment Benefit) pre-funding at the current level, he said. The budget included a 3 percent of market pay adjustment and a living wage adjustment for Town employees, he said, and he explained measures that had been taken to control health insurance costs.

Mr. Stancil compared Chapel Hill with similar state cities and showed that the Town's proposed tax rate would be in the middle range. He reviewed the Town's tax rate over the previous 10 years and noted a total increase of 3 cents since 2010. Mr. Stancil said that Resolution 5.1 represented what staff had heard during the Council's budget discussions.

Mayor pro tem Anderson said that the budget would put the Town in a positive place to start thinking about how to do things differently while still maintaining some high-quality services. She thanked Mr. Stancil for thinking it through in a way that would help the new Town Manager proceed.

Council Member Oates discussed Council deliberations regarding the tax increase. She said that the Town was aware of unmet needs and she proposed that Town Council members and department heads donate the one cent difference between a 3-cent and 2-cent tax increase to some non-profit of their choice.

Council Member Gu said she thought a 2-cent rather than 3-cent tax increase was reasonable, especially considering an adjustment in Orange County's and the School System's tax rates as well. The Town had considered all comments and concerns from constituents and residents and she appreciated staff's efforts and the forecasts they were providing, she said. Council Member Gu urged Town residents to see that the Town was trying to put service at the forefront.

Council Member Stegman thanked the Manager, staff, and Town department heads. She appreciated having heard their ideas and plans for the future, she said. Collaborative and clear coordination were strong attributes that they had brought to the Town, and it really showed, said Council Member Stegman.

Mayor Hemminger pointed out that nobody liked to raise taxes. She said that the Town Council could not continue to depend on residential and business property taxes and was beginning to get traction on expanding

its sales tax revenue. Mayor Hemminger listed some of the new businesses that were coming to Town and said that such activity would help prevent having to raise taxes in the future.

Council Member Bell pointed out that reducing the tax increase from 3 cents to 2 cents had required the Manager to make decisions about what would not be funded. The Town had done a good job of protecting citizens from burdensome tax increases over recent years, she said. Council Member Bell noted that the Town was looking at other ways to create revenue but said that some increase in property taxes over time was necessary. The staff and Council had worked hard to mitigate the property tax burden, but residents should be mindful of how a tax increase can be necessary to pay for the increasing cost of things that make Chapel Hill what it is.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that O-1 be enacted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Buansi, that R-5.1 be adopted. The motion carried by a unanimous vote.

**10. Response to Kidzu Petition.**

[\[18-0536\]](#)

Assistant Town Manager Mary Jane Nirdlinger explained that the Kidzu Children's Museum had asked the Town for a decision regarding a 2.7-acre site near Southern Community Park on Highway 15-501. Kidzu wanted to partner with the Town to build a new museum at no cost on the site, she said. She gave a PowerPoint presentation, showing the proposed location on an aerial map and noting site considerations. These included an existing stormwater basin, a potential pedestrian connection to Obey Creek, and an area at the site that could be used to expand parking, she said.

Ms. Nirdlinger noted that a June 2017 Property Task Force report had made recommendations for the property and that related guidelines had been referenced in the staff's response to Kidzu's petition. She outlined potential next steps in the process, which included staff returning to the Council with a system for evaluating such requests.

Mayor pro tem Anderson confirmed with Ms. Nirdlinger that a Town Properties Task Force had recommended in June 2018 that the Town develop a system for considering petitions such as Kidzu's.

Ms. Nirdlinger said that such a system would be helpful when requests came forward so that staff would not have to address them ad hoc.



Mayor pro tem Anderson agreed. She pointed out that she had been on the Property Task Force. She was trying to clarify whether the staff's current recommendation pertained to Kidzu's particular request, she said.

Ms. Nirdlinger replied that it was "up to the Council's guidance."

Council Member Gu asked about the relationship between the evaluation system being discussed and the specific request from Kidzu. It seemed logical that the Town would want to have a system in place first so the community would understand the procedures and evaluation criteria, she said. But, since the Town did not have such a system, what kind of criteria could the Council use to approve or not approve Kidzu's petition, she asked.

Ms. Nirdlinger replied that the Task Force report included guidelines that had begun to outline a process that the Council could use when considering what to do with such properties. The Task Force had said it would be good to develop a formal process, she said, adding that the Council seemed to be in "that between place." The Town did have requirements for how to dispose of property, legally, which would have to be followed, Ms. Nirdlinger pointed out.

Mayor pro tem Anderson asked if it was correct that the current discussion was not about disposing of property but about keeping it and doing a land lease.

Ms. Nirdlinger replied that such a decision would need to be made.

Mayor Hemminger said that a land lease was what was being considered. The Task Force had talked about how to evaluate requests, she said. She noted that Kidzu had been in business in Town for 10 years. It was one of those times when the Town did not have all of the information it wanted, but a children's museum was something it had been saying it wanted and was in line with many community values, she pointed out. Mayor Hemminger recommended moving forward with Kidzu's request. She said that the request showed that the Council needed evaluation criteria sooner rather than later.

Council Member Parker, chair of the Town Properties Task Force, agreed with Mayor Hemminger. The Task force had established some guidelines, but had been careful not to reference specific uses or call out specific entities that might fit into a piece of land, he said. He explained that the Task Force had laid out the principle that anything the Town did with the properties would have to serve a public purpose and be valuable to the Town as a whole. Council Member Parker pointed out that Kidzu's proposal was for a recreational and cultural project. If a process were already in place, it would come through with flying colors, he said.

Melissa Cain, board chair at Kidzu Children's Museum, asked that the

conversation about partnering with the Town be allowed to continue. She pointed out that the proposed museum would meet the Town's cultural arts priority and said that Kidzu had been mentioned in the Task Force's report as an appropriate use for the land. Ms. Cain reviewed the Town's history of partnering with Kidzu and Kidzu's long-time goal of finding a space with indoor and outdoor exhibits.

Ms. Cain described the overcrowded space that Kidzu currently occupied and said that it hindered delivery of a wider variety of services. She said that the museum needed to secure a long-term space for a 30,000 square-foot museum as soon as possible. She asked the Council to enter into a good faith agreement and letter of intent to establish a new museum in the Southern Village area. Ms. Cain mentioned that a petition with 1,000 signatures had been emailed to the Council.

Betsy Bennett, speaking on behalf of Kidzu, said that 30 years of experience in the museum business had taught her that museums have power and economic impact. Discovery Place had been an early catalyst for revitalizing downtown Charlotte and the economic impact of a \$4 million investment in the Museum of Natural Sciences in Raleigh had brought in \$8 million after the first year of operation, she said. Raleigh and Wake County had then invested another \$10 million in a new wing, which was currently the most highly visited destination in North Carolina, Ms. Bennett said. She predicted that building a Kidzu facility at the Southern Village area would bring economic vitality to the community in addition to meeting the needs of families and children.

Lisa VanDeman, representing Kidzu, noted that the proposed children's museum aligned with several of the Chapel Hill 2020 Comprehensive Plan's themes. She argued in favor of having a larger, more robust, free museum, and listed the services that Kidzu could then offer. Ms. VanDeman said that Kidzu's attempts to rally local businesses to help offset costs had fallen short but that they had received a planning grant from Kenan Trust. She described Kidzu events and programs and noted its bi-lingual offerings, award for excellence, free programs, and pop-up events for under-served communities. Ms. VanDeman also described the museum's ideas for the future.

Sarah O'Brien, Bryan Properties property manager and a Southern Village resident, expressed support for the petition and enthusiasm for the prospect of having an expanded museum with outdoor space close to her home. She read a letter from 15 Southern Village area business owners and/or managers that expressed support for Kidzu's proposal. Those businesses would lend resources to the fundraising campaign and would partner with Kidzu to make the museum as successful as possible, Ms. O'Brien said.

Ms. VanDeman pointed out that Kidzu was not asking the Council for an immediate decision regarding a property lease. It was asking for an

opportunity to continue exploring and discussing its partnership with the Town, she said.

Mayor pro tem Anderson said that she had always been a big supporter of Kidzu and thought the museum was critical for education, cultural arts, and economic development in Town. She said that Kidzu needed more space and pointed out that it would become even better as the Town invested more in it. Mayor pro tem Anderson noted that the property in question was not being used, that Kidzu was not asking to own it, and that the Town might be able to use upper floors for other purposes. She strongly argued for helping Kidzu move forward with its plan and not allowing it to lose funding, donors, or more time.

Council Member Schaevitz said she wholeheartedly agreed with Mayor pro tem Anderson. She pointed out that a committee that had once analyzed the Southern Village area had called for an anchor on that property that would attract visitors. Kidzu, which had already achieved many of the Town's goals and missions, would be a great fit for the property, she said. Council Member Schaevitz urged the Council to go forward with a letter of intent and a nonbinding agreement while staff determined if that was exactly what the Town should do with the parcel.

Council Member Buansi stressed the importance of having a process that would insure some degree of accountability, predictability, and consistency when the Town receives such requests. He mentioned that he was a Southern Village resident and said that he, too, considered Kidzu to be a great community resource. He noted an expected increase in Chatham County's population and said he could see Kidzu fitting into the Town's long-term vision of drawing visitors to Town. Council Member Buansi spoke in favor of engaging in talks with Kidzu regarding a letter of intent and non-binding agreement.

Council Member Stegman said she agreed with what other Council members had said but thought the conversation should include opportunities to expand the focus, function and purpose of Kidzu. The museum could be even better with more space, and could focus on social justice and equity in terms of who it serves and the content of what it offers, she said. It would be a great opportunity to showcase local history, Council Member Stegman said, adding that she supported Kidzu's idea about serving older children as well.

Council Member Gu mentioned that she had worked with Kidzu on cultural events and said that she understood and supported the wonderful work that they do. She was more than willing to support the request but felt obligated, as a Council member, to ensure that due process was in place, she said. Council Member Gu proposed moving forward with a standard for the next time the Council had to make a decisions regarding the use of public properties.

Council Member Bell expressed enthusiasm for the opportunity, but recommended addressing other investments that the Town might need to make as well to ensure the museum's success. She pointed out that Chatham County had been building its identity and said that the Council would have to "put a little extra shine on Chapel Hill" to keep it new and desirable with things that other places did not have.

Council Member Parker said that the museum would be a wonderful opportunity and gift to the Town and region and that the Council would be shortsighted to not accept it.

Council Member Oates agreed that Kidzu was a valuable member of the community and pointed out that it was supported by people who knew how to get things done. That made her a little uncomfortable, though, because she liked to see a level playing field, she said. She pointed out that the Town had heard from the community about many possible uses for the Legion Road Property and said she would like to go through a similar process for the parcel in question. If the Council accepted Kidzu's request, she wanted to make sure that the Town knew what it was refusing, she said.

Mayor Hemminger said that Kidzu represented community values and that it fit in with many of the Task Force's recommended categories. A great community use of Town property could come out of the partnership, she said. She proposed exploring the possibility of adding another floor for the Town's own cultural arts programs. Mayor Hemminger pointed out that such opportunities do not often come knocking and sometimes come when processes are not quite in order. She did not want to miss the opportunity and was eager to move forward with the non-binding letter of intent, she said. Meanwhile, the Town could work on the process for listing criteria, she said.

Council Member Parker moved to authorize the Town Manager to sign the letter of intent, subject to review by the Town Attorney, and then have a proposal for a process that would include public hearings. Mayor Hemminger asked for a friendly amendment regarding continuing to investigate a process, and Council Member Parker accepted that.

Council Member Oates clarified with the Mayor that some other entity could still come forward and present a different project for the site.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that the Town Manager be authorized to sign a Letter of Intent (reviewed by the Town Attorney) [non-binding] with Kidzu to continue to work with them, and to investigate our process development in this area. The motion carried by a unanimous vote.

**11. Chapel Hill Downtown Partnership Annual Report.**

**[\[18-0537\]](#)**

Meg McGurk, executive director of the Chapel Hill Downtown Partnership, gave a PowerPoint presentation on the Partnership, which she characterized as being a bridge between Town, UNC, and Downtown businesses. She provided details on the Partnership's goals and activities. She said that an annual survey had discovered ongoing public concerns about traffic and parking, but that bike and pedestrian access had scored higher this year. Citizens had expressed a desire for more retail options, she pointed out.

Ms. McGurk said that the Downtown Partnership was about half way into a strategic planning process that would take three years. In spring 2018, the board and local businesses had set priorities for the coming year, she said, and she reviewed some of those strategies. Ms. McGurk noted a current search for a new director, as she was taking a position with the Town and would be leaving her position as director. She thanked the Council for its unwavering commitment and support for the Downtown Partnership.

Council Member Parker thanked Ms. McGurk for all of the effort she had put into making Downtown a better place. The Town was looking forward to having her work more directly on its staff, he said.

Mayor Hemminger thanked Ms. McGurk as well. She said that there had been many recent positive changes in the Downtown and that the Town appreciated everything that Ms. McGurk had put into that.

This item was received as presented.

**12. Provide Guidance for Non-profits Affiliated with Town Departments and Activities.**

**[18-0538]**

Ms. Nirdlinger explained that the Chapel Hill Public Library Foundation, Friends of the Chapel Hill Public Library, and Friends of Chapel Hill Parks, Recreation and Greenways were three groups that had evolved over time to support Town goals. She noted the value of having a consistent approach to agreements and to the Town's role in maintenance and support of donations. She said that having a consistent process in place would allow the Town to be more responsive if other groups were to emerge in the future. She said that the three groups shared that understanding of the need to foster stability.

Ms. Nirdlinger said that staff had provided background on best practices and proposed a framework for Council consideration, she said. Proposed next steps would include working directly with the existing groups, developing performance agreements with their input, and returning to Council in the fall with a recommendation for those performance agreements, she said. Staff was currently looking for Council feedback on that proposed framework, Ms. Nirdlinger explained.

Mayor Hemminger directed staff to work with the three groups and proceed with performance agreements.

The item was received as presented.

**13. Receive Final Report and Consider the Recommendations of the Historic Civil Rights Commemorations Task Force.**

[\[18-0539\]](#)

Council Member Oates introduced the item regarding the "sobering and inspiring" story of the Chapel Hill Nine. She commented on how difficult it was to go against the crowd when everyone in power thinks another way, especially when your stance challenges the status quo. She explained that nearly 60 years ago, nine Chapel Hill teens had stood up for what they knew to be right and refused to stand down. Because of their temerity, tenacity, and courage, they had put the arduous process of desegregating the Town into motion, she said.

Council Member Oates said that the Historic Civil Rights Commemorations Task Force had met numerous times over the year to discern how to share that painful part of the Town's history. They would present their ideas for how to honor the nine citizens and show appreciation for how they had led by example, she said.

Molly Luby, special projects coordinator at the Chapel Hill Public Library, said that she felt honored to be a staff liaison to the Task Force, along with Jerry Neville, of the Public Works Department, and Assistant Town Manager Flo Miller. Ms. Luby said that the Task Force would present its report along with a timeline of the civil rights movement in Chapel Hill. She provided background information on the Task Force, including how its members had worked together to fulfill the charge.

Mayor Hemminger explained that the Task Force had been established in fall 2017 and given a charge to create a timeline that would identify significant people, places, and events in the civil rights struggle in order to commemorate those in historical context. That included the actions of nine Lincoln High School students who had conducted a sit-in at Colonial Drug when they were teens, she said.

Ms. Luby described the Task Force's make-up and thanked Council Members Bell and Oates, the Council's liaisons. She said that the Lincoln High School students had been found guilty of criminal trespass when they sat down for service in Colonial Drug in 1960. Only four of those nine were still living and the Task Force hoped to honor them during their lifetime, she said. Ms. Luby explained that the process had led to a timeline that was a living document -- a collaborative document that would be open to new information and revision.

Reginald Hildebrand, Task Force subcommittee chair, explained that the civil rights movement's mass action had begun in Town in February 1960

and lasted for most of that decade. The Town and nation had become new in many important ways since then, but it was only three years ago that a church pastor and eight church members had been killed at a prayer meeting in South Carolina because they were black, he pointed out. Dr. Hildebrand stressed the importance of recording and remembering the struggles and sacrifices that had made the Town stronger and more inclusive. The Town should strive to make that history as clear, complete, accurate, accessible and user-friendly as possible, he said.

Dr. Hildebrand said that the Task Force's goal had been to find people and events that might have been overlooked. The current phase of their project was complete, but the work would not end, he said. He explained that nine young men, whose families had been long-time community members, decided in 1960 to no longer allow their value to be dismissed or to be silent when they witnessed that happening to others. They insisted on being treated as human beings, and were arrested and became known as the Chapel Hill Nine, he said. Dr. Hildebrand pointed out that the arrest of those nine teens had ultimately affected everyone.

Danita Mason-Hogans, Task Force member, said she was the proud daughter of Dave Mason Jr., one of the Chapel Hill Nine. She called out the names of the eight others who were either present or present in spirit at Council Chambers and provided biographical information on each of them. The Chapel Hill Nine were: Rev. Albert Williams, James Merritt, Dave Mason Jr., William Cureton, Clyde Douglas Perry, Clarence Merritt, Harold Foster, Earl Geer, and John Farrington.

Ms. Mason-Hogans said that collecting and preserving history was a social justice issue and that the perspective from which it was told was at least as important as the history itself. She stressed the importance of collaborating with those who were still living and said that the result of that collaboration had become a collection of new, historical information for the Town's civil rights movement that clarified and corrected the popular narrative.

Ms. Mason-Hogans listed entities and organizations that had provided input and she characterized the result as a treasure trove of history that had not previously been explored or understood. She hoped to use the same process when speaking with veterans of the indigenous civil rights movement, she said. Ms. Mason-Hogans expressed her appreciation to all Task Force members and Mayor Hemminger for supporting the project.

Ken Broun, Task Force chair, recommended putting the timeline on the Town website, in the Public Library, and on display in various centers throughout Town. In addition, the Task Force was asking the Town to support having continued multi-generational discussions on the issues, he said. Mr. Broun asked the Council to authorize a continuation of the Task Force subcommittee and to also plan placement of a historical marker at the Colonial Drug location. He mentioned other community organizations

that had participated in the project and asked the Council to consider commemorating recently deceased Harold Foster at the Town's Peace and Justice Plaza.

Ms. Luby asked the Council to adopt Resolution 13, which would accept the Task Force's report, dissolve the full Task Force, authorize a subcommittee to continue and make recommendations in Fall 2018, and authorize the Manager and staff to review the report and plan next steps.

Council Member Buansi confirmed with Ms. Luby that the original time period for people to submit perspectives and experiences had expired, but it would always be open. The timeline was a living document that was designed to receive new information, Ms. Luby said.

Council Member Buansi asked how satisfied Task Force members had been with the stories and experiences they had received.

Ms. Luby replied that it was "pretty great," and Mr. Broun said they felt satisfied that they were getting as close to a true reflection of what actually happened as was possible.

Council Member Buansi said that the project had meant a lot to him, personally, as a student of history and as one who knew that he would not be sitting at the dais without the sacrifices that the Chapel Hill Nine and so many others had made during the civil rights movement. He wanted to express his personal gratitude for their service, he said.

Council Member Schaevitz thanked the Task Force and described the timeline as absolutely beautiful. She said she hoped it would be seen everywhere in Town and asked if there had been any conversations about how to use the report in the Chapel Hill-Carrboro School System.

Ms. Luby replied that the Task force had recommended in the report that the Town consider ways to make the history accessible.

Ms. Mason-Hogans said that she and Diane Jackson, an archivist, had made overtures to the School System, which had been very receptive to the idea of including the project in its K-12 curricula. The primary reason for exploring the history was to pass it along to students, Ms. Mason-Hughes said.

Mayor Hemminger proposed putting the timeline in senior centers as well.

Council Member Schaevitz confirmed with Ms. Luby that she would continue working with the Task Force.

Council Member Stegman expressed deep appreciation for the work and said she agreed with the plan to keep it going and updated with new information. She asked if the Task Force had considered sharing stories



from outside the time period, since some people had inquired about that.

Ms. Luby replied that considering that would be beyond their current charge. The Task Force had had many conversations about what could happen and were recommending that the Town make that decision, she said.

Mayor pro tem Anderson characterized the timeline as "gorgeous...really, really phenomenal." She said it was how history should be told and expressed strong support for placing it in schools, senior centers, and anywhere else it could be taken.

Ms. Mason-Hughes said that everything they had done was with an eye toward having the work be inter-generational and that she loved the senior center suggestion.

Council Member Gu pointed out that the timeline was very educational and said that she appreciated all the time and effort that had gone into putting the history together. Chapel Hill was a diverse Town, and having such stories was a big part of creating community identity, she said. She confirmed with Ms. Luby that discussions underway about putting it on the Town website but that a video was not yet available.

Mayor Hemminger said that the project had exceeded her expectations for something awesome and that the timeline was beautiful. She noted that the Chapel Hill Nine had been teens when they took the risk and stood up for what they believed in. "Bless them, and bless all of you for doing that," she said. She noted the importance of capturing the thoughts and stories of those who had lived through that time. Mayor Hemminger pointed out that being able to tell the Town's entire story was a wonderful gift that the Task Force had given the community and said that she wanted it to continue on.

A motion was made by Council Member Buansi, seconded by Mayor pro tem Anderson, that R-6 be adopted. The motion carried by a unanimous vote.

**14. Approve the Downtown Work Plan for FY 19 and 20.**

**[\[18-0540\]](#)**

Director of Organizational and Strategic Initiatives Rae Buckley gave a PowerPoint presentation on the FY 2019-2020 Downtown Work Plan. She explained how the idea for a short-term work plan had developed as a way to help the Council organize its priorities for that area. Ms. Buckley said that the Chapel Hill 2020 Comprehensive Plan had identified Downtown as a future focus area. She proposed that the Town decide in 2020 whether that would be a good time to start a master planning process.

Ms. Buckley pointed out that the Work Plan was constantly evolving and that Council approval would not set it in stone. She described how the process included working in partnership with many other Town entities and said the work was organized by the following four categories:

Development Patterns, Access, Variety, and Public Realm. She asked the Council to adopt Resolution 7, approving the Work Plan, and asked for feedback from the Council on whether the approach and plan were what it wanted.

Downtown Project Manager Sarah Poulton gave examples of projects included in the four categories that Ms. Buckley had mentioned: Development Patterns included West Rosemary Street Development Guide, Four Corners Planning; Access included way-finding, parking, traffic flow, re-striping, bike and pedestrian improvements, art crosswalks, new parking meters); Variety included activating the 140 West plaza, the International Festival; and Public Realm included activating spaces, improved sidewalks, alleyway improvements, Old Post Office renovation.

Ms. Poulton discussed how the Tanyard Branch Trail traversed the Northside Neighborhood and discussed reducing regulatory barriers to sidewalk dining, food trucks, and special events. She said that the Planning Commission had recommended approval of the Work Plan and that several issues raised at public input sessions had been incorporated into it.

Mayor Hemminger asked which category would address the "feel" of downtown, and Ms. Poulton replied that they all did, but Variety did in particular.

Mayor Hemminger mentioned a current opportunity to put mini solar lights in trees. She said that she would like to see more welcoming-looking railings, rather than the institutional-looking ones that were currently in the Downtown area.

Don Tise, an architect based on Franklin Street, encouraged the Council to approve the Work Plan and to create a sense of place Downtown by refining it with all of the details being discussed. He urged the Town to create cross-connectors between Rosemary Street, Franklin Street and Cameron Avenue so that Downtown would be blocks rather than linear streets.

Council Member Parker recommended thinking about how the 100 block of East Rosemary Street would evolve as the Town develops a four-corner strategy, and said that much from the West Rosemary Design Guidelines would be applicable. He encouraged staff to think about ways to tie the 140 West plaza to the new open space at Carolina Square and create a larger community space for special events. Council Member Parker said he had seen examples of benches that people could not loiter on. He proposed making Downtown a place to linger but not necessarily camp out in overnight.

Council Member Anderson said that she loved the Work Plan's emphasis on place-making and wanted the Town to do that everywhere. She expressed

enthusiasm for the notion of having lights in trees and praised the idea of activating spaces and making them destinations and places where people could be. She agreed about the benches, but said she hoped the community would move past trying to hide homelessness. She was not sure about having benches that would send a message about who was welcome and who was not, she said.

Council Member Gu pointed out that having a unified theme seemed to set towns apart. That could mean repeating a pattern or planting bed from block to block, she said, explaining that such repetition in design would create a unified sense of identity in the Downtown. Council Member Gu said that the Town needed more cultural and recreational events as well, so that people would know Downtown was a welcoming place for families.

Council Member Schaevitz agreed with the recommendations for more events. She praised the Work Plan and also the suggestion for lights in trees. She said that she had heard a desire from several sources to have events that would draw people from far away to stay in Town hotels and eat in Town restaurants for a day or two. Council Member Schaevitz proposed finding out what other towns were doing in that respect.

Council Member Stegman pointed out that people travel to and stay in towns for music festivals. She mentioned that people say they miss the music scene that was part of the Town's culture in the past.

Mayor Hemminger said that she liked the idea of pulling people in from farther away and was interested in what other Towns had been doing for their local residents, such as holding First Friday events. She said that Wake Forest had been holding events with food trucks, music, and open containers. That had been so successful that it had paid for itself, she said. Mayor Hemminger agreed with Council Member Gu on the value of having a repeated theme. She noted that "Festifall" had once included a huge art component but the Town had then moved more toward selling than showing art. Mayor Hemminger mentioned placing visual art at places where trees could not be replaced and she offered several suggestions for ways to encourage more pedestrians.

Mayor pro tem Anderson agreed with the suggestions for more events and said that people in the City of Greensboro knew that something fun would always be happening there on weekends. Knowing that something cool would be happening if you just went downtown was what made the difference, she said.

Council Member Bell reminded the Council that the Town once had "Apple Chill," a music festival that covered the Downtown area from the Old Post Office to Robeson Street. She wondered how the Town could get that back, she said, pointing out that Carrboro was not concerned about safety with respect to its music festival. Council Member Bell recommended that the Town find ways to get back some adult fun.

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A motion was made by Council Member Parker, seconded by Council Member Schaevitz, that R-7 be adopted. The motion carried by a unanimous vote.

**15. Initiate Stakeholder Discussions about 140 West Activation and the Relocation of the Exhale Sculpture.**

[\[18-0541\]](#)

Ms. Buckley presented the staff's response to the Council's interest in activating the 140 West plaza and the opportunity that might arise if the Exhale sculpture were relocated. She showed an aerial view of the area on a map and noted that the Council had discussed building a relationship between that plaza and the space at Carolina Square. She pointed out that the 140 West plaza was currently organized around Exhale.

Ms. Buckley explained that the retail space was owned by Asana Property, which had been receptive to the idea of creating a cohesive space between the retail area and the plaza. Asana Property had offered designs for the space and the response to those had been favorable when presented at a Council Committee on Economic Sustainability meeting, she said. Ms. Buckley recommended that the Council adopt Resolution 8, charging staff to gather community input and information and return with a report in the fall.

Susan Brown, executive director for Community Arts and Culture, gave a PowerPoint presentation about Exhale, which had been contracted by Ram Realty and the Town. The artist was Mikyoung Kim Designs, Inc. and the cost was \$527,000, she said. Exhale had several components and a significant and complex infrastructure underneath, she said.

Ms. Brown reported that some residents liked the sculpture and some did not. She did not know what other sites could accommodate a 65-foot long, 8-foot wide, 6-foot tall sculpture and she did not know how much it weighed, she said. Ms. Brown pointed out that there was always the option of just removing it. She had not obtained costs for removal or for repairing the plaza after a removal, she said.

Ms. Brown proposed that the Council charge staff to talk with the artist and also design some facilitated conversations with stakeholders and interested groups to get their input and perspective. Staff would initiate a feasibility review and return to the Council with a report for consideration, she said. Ms. Brown said that Resolution 8 would initiate a stakeholder input process and conduct a feasibility review.

Council Member Buansi confirmed with Ms. Brown that there had been conversations in many quarters about Exhale.

Council Member Stegman clarified with Ms. Brown that Ram Reality was no longer involved and that the Town owned the artwork.

Hayes Brown, representing Asana Partners, explained that Asana had

acquired the asset in 2016 and saw the plaza area as a great opportunity to activate something useful on a regular basis. He had worked with Town staff to gather opinions and was flexible with regard to solutions, he said. Mr. Brown said that Asana would be able to activate the space whether the sculpture stayed or went.

Ken Broun, president of the 140 West Homeowners Association, expressed strong support for the process and stressed the importance of consulting carefully with all stakeholders. Residents of 140 West would be eager to talk with anyone involved, he said, adding that probably no one would mourn the loss of Exhale. Mr. Broun said that 140 West residents thought that events were important but that the day-to-day commercial viability of that area was even more important. He asked the Council to keep in mind that 138 apartment units were in the building. Music bands were great, but event hours were important as well, he pointed out.

Council Member Schaevitz said that she had read that Exhale had been built to support the weight of people climbing on it. However, there were signs everywhere saying not to climb, she pointed out.

Town Manager Ralph Karpinos explained that it was a liability issue. The Town did not want people climbing on it, he said.

Council Member Schaevitz noted that the initial goal of Exhale was to have a place where kids could climb. She said that the fundamental problem was that the Town had a thing that was designed to be climbed on that could not be climbed on.

Council Member Bell said that she had been talking with people whose children did climb on Exhale. She liked it more when she thought of it as something that her child could play on, she said, adding that the Town would want something there that people could interact with. She asked if there were ways to build a different relationship with Exhale.

Ms. Brown replied that such a conversation would be part of the process. Staff would determine whether people liked Exhale or not, and why, she said. She pointed out that climbing on public art was "a thing," however. If the Council concluded that climbing was okay, and determined how to regulate it, then that could be folded into the process, she said. Ms. Brown explained that the proposed resolution included gathering information on how other communities address such an issue.

Council Member Stegman said that her children loved Exhale's light and its surprising and unexpected spray of mist. However, the prohibition against climbing was a huge barrier to the sculpture being everything the Town would want, she said. She wondered if it would make more sense with landscaping around it. Council Member Stegman said that she understood the reasons for considering moving it but would like to also look at ways to not do so.

Mayor pro tem Anderson said that the space with Exhale was cut off, awkward, and hard to maneuver around. She could envision a lot of different things that could be activating and also support retail in that spot, she said. The issue was not whether the Council liked the art, she said, and she expressed support for finding Exhale another home.

Mayor Hemminger asked staff to bring back information on whether it would be logistically possible to turn the space into a splash pad. The sculpture was beautiful, but it bisected the plaza and kept people from moving freely around, she said. Mayor Hemminger said she supported investigating further.

A motion was made by Council Member Bell, seconded by Council Member Schaevitz, that R-8 be adopted. The motion carried by a unanimous vote.

### *ZONING ATLAS AMENDMENT(S) and SPECIAL USE PERMIT(S)*

The development proposal(s) below involves two separate steps: a rezoning application and an application for a special use permit. These two hearings will be conducted separately. You may sign up to speak on each item.

### *ZONING ATLAS AMENDMENT(S)*

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

- 16.** Consider an Application for Zoning Atlas Amendment - 11Sixty5 Weaver Dairy Road.

[\[18-0542\]](#)

Senior Planner Kay Pearlstein gave a PowerPoint presentation on the zoning atlas amendment (ZAA) and the Special Use Permit (SUP) for 11Sixty5 Weaver Dairy Road and reviewed those processes.

She said that staff and all advisory boards had reviewed the project and that a public hearing had been held in April 2018. She showed the approximately two-acre parcel on a map and described surrounding properties. The Town's land use plan indicated a development opportunity at that location with an emphasis on mixed use/office, she said. She explained that the site was currently zoned MU-OI-1 and that the applicant was proposing rezoning to OI-3 to accommodate additional floor area.

Ms. Pearlstein recommended that the Council receive the report, hear additional comments, close the public hearing, approve Resolution 9, and enact Ordinance 2, approving the rezoning.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, to close the Public Hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that R-9 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that O-2 be enacted. The motion carried by a unanimous vote.

### *SPECIAL USE PERMIT(S)*

Special Use Permit: The Application for a Special Use Permit is Quasi-Judicial. Persons wishing to speak are required to take an oath before providing factual evidence relevant to the proposed application.

Witnesses wishing to provide an opinion about technical or other specialized subjects should first establish that at the beginning of their testimony.

17. Consider an Application for Special Use Permit - 11Sixty5, Mixed Use Development, 1165 Weaver Dairy Road.

[\[18-0543\]](#)

Ms. Pearlstein explained that it was the end of the process and the Council could take action on 11Sixty5 Weaver Dairy Road. The SUP was proposing a three-story building with office, retail, and medical clinic uses, she said. There would be an attached 231-space parking deck behind the building, Ms. Pearlstein explained. She noted that the site had been rezoned to O/I-3.

Ms. Pearlstein gave a PowerPoint presentation in which she showed pictures of the proposed building, parking deck, and plaza. She explained the request for modifications to landscape buffers and steep slopes and said that all Town advisory boards had recommended approval. The Planning Commission had added a condition regarding architectural cladding on the parking deck, she said. The Planning Commission had expressed concern about pedestrian safety through the deck, and staff was recommending a stipulation requiring that the passageway be constructed with an alternative material, she said. Ms. Pearlstein recommended that the Council close the public hearing and adopt revised Resolution 11, approving the SUP.

A motion was made by Council Member Parker, seconded by Council Member Schaevitz, to close the Public Hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Council Member Schaevitz, that R-11 be adopted as amended. The motion carried by a unanimous vote.

## **APPOINTMENTS**

- 18.** Appointments to the Chapel Hill Downtown Partnership. [\[18-0544\]](#)

The Council appointed Mimi Hock to the Chapel Hill Downtown Partnership.

- 19.** Appointments to the Chapel Hill Public Library Advisory Board. [\[18-0545\]](#)

The Council appointed Christopher Beal and Nicole Klett to the Chapel Hill Library Advisory Board.

- 20.** Appointments to the Grievance Hearing Board. [\[18-0546\]](#)

The Council appointed Lily Farel, Barry Nakell, and Matthew Tucci to the Grievance Hearing Board.

- 21.** Appointments to the Parks, Greenways, and Recreation Commission. [\[18-0547\]](#)

The Council appointed Christopher Daley, Jochen Schwarz to the Parks, Greenways, and Recreation Commission.

A motion was made by Council Member Parker, seconded by Council Member Bell, that R-13 be adopted as amended. The motion carried by a unanimous vote.

- 22.** Appointments to the Stormwater Management Utility Advisory Board. [\[18-0548\]](#)

The Council appointed Shugong Wang, Chad Pickens, and Mary Stowe to the Stormwater Management Utility Advisory Board.

## **ADJOURNMENT**

The meeting was adjourned at 10:49 pm.