



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 Karen Stegman
Council Member Rachel Schaevitz

Wednesday, April 24, 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 Director Ben Hitchings, Community Resilience Officer John Richardson, Business Management Director Amy Oland, and Deputy Town Clerk Amy Harvey.

OPENING

0.01 Successes Video: Near and Far Festival.

[\[19-0382\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m., and introduced a "Celebrating Successes" video about an upcoming Near & Far Festival at the 140 West Plaza on April 28, 2019 from 1:00-5:00 p.m. The video showed scenes from the multi-cultural event in 2018.

0.02 Proclamation: NAACP Appreciation Day.

[\[19-0383\]](#)

Mayor Hemminger introduced a proclamation for the 110th anniversary of the National Association for the Advancement of Colored People (NAACP), and each Council member read a clause. The proclamation stated that the NAACP had been a leading force for racial equality and social justice and outlined some of its ongoing work. Council members said that they fully endorsed the NAACP's stated mission and proclaimed April 24, 2019 to be NAACP Appreciation Day in Chapel Hill.

Anna Richards, NAACP regional president, thanked the Town for the

proclamation. She pointed out that the NAACP was the "oldest and boldest" civil rights organization in the world and provided background on what had led to its formation in 1909. Ms. Richards said she felt proud and honored to have participated in the organization for 60 years. She expressed appreciation to the Council and community members who had become involved and invited others to join as well.

0.03 Consider a Resolution in Response to Recent Acts of Racial and Ethnic Intimidation on the Campus of UNC-Chapel Hill.

[\[19-0384\]](#)

Mayor Hemminger discussed recent incidents of racial and ethnic intimidation at the University of North Carolina at Chapel Hill (UNC-CH) that had raised concerns throughout the Town. She said that the Council had been asked to consider a resolution in response to those events.

Council Member Buansi read the resolution, which noted how UNC-CH and the Town were working together to create a safe environment for all. The resolution mentioned the recent incidents on campus and expressed strong support for UNC-CH's efforts to address them. The resolution asked that the Campus Safety Commission provide opportunities for input from community members and it urged the University to press charges and issue trespass warnings against those who bring firearms onto the campus.

A motion was made by Council Member Buansi, seconded by Council Member Stegman, that R-0.1 be adopted. The motion carried by a unanimous vote.

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.

0.04 Jeff Charles Regarding Previously Submitted Petition Regarding Creation of a Senior Advisory Committee.

[\[19-0385\]](#)

Jeff Charles, a Chapel Hill resident, shared some thoughts and recommendations regarding his earlier petition to create a Senior Citizens Advisory Board. Such a board should include doctors and physical

therapists and be familiar with future transportation needs and infrastructure, he said. The board should also establish a relationship with the Orange County Board of Aging as well as UNC-CH, said Mr. Charles.

Mayor Hemminger replied that staff had gotten a little behind on the petitions list. She pointed out that the Town did have related groups and plans but said that it could definitely use more input.

This item was received as presented.

0.05 Anna Richards Thanks for Adopting R-0.1.

[\[19-0386\]](#)

Ms. Richards returned to the podium to thank the Council for the resolution regarding racial and ethnic intimidation at UNC-CH. She stressed the importance of communicating and working with the University. She had recently witnessed the University locking the door against students rather than discussing their demands, she said. Ms. Richards characterized the incident as a missed opportunity and said that all would benefit from having more voices at the table.

This item was received as presented.

0.06 Cobb Terrace Residents Petition Regarding Rooming Houses in the R-3 Zoning Districts.

[\[19-0387\]](#)

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.

0.07 Board of Adjustment Request Regarding Neighborhood Conservation District Ordinances.

[\[19-0388\]](#)

Town Attorney Ralph Karpinos explained that a Senate bill currently restricted local governments from regulating certain aspects of single-family and two-family dwellings. A current case before the Board of Adjustment had prompted it to make this request, he said.

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.08 Council Member Parker Regarding 22nd Annual Community Dinner.

[\[19-0389\]](#)

Council Member Parker noted that the Mildred Council Annual Community Dinner would be held on Sunday at 1:00 p.m. at McDougle Middle School. He urged people to attend and said that tickets were available at www.communitydinner.org.

0.09 Council Member Buansi Regarding Northside Festival.[\[19-0390\]](#)

Council Member Buansi announced a Northside Festival from 11:00 a.m. to 3:30 p.m. He said that residents from across the Town were encouraged to come and celebrate.

0.10 Council Member Bell Regarding Take One, Bring One Pan.[\[19-0391\]](#)

Council Member Bell said she was a member of the Jackson Center Compass Committee which was currently accepting food donations to help the Northside Festival.

0.11 Council Member Stegman Regarding Middle Schools' Science Olympiad.[\[19-0392\]](#)

Council Member Stegman pointed out that Smith Middle School and Phillips Middle School would both be competing in the state's Science Olympiad on Saturday at NC State in Raleigh.

0.12 Council Member Stegman Regarding Citizens Climate Lobby.[\[19-0393\]](#)

Council Member Stegman mentioned an event at the Chapel Hill Public Library on Sunday, from 12:00 to 2:00 p.m. regarding local lobbying action regarding climate change.

0.13 Mayor Hemminger Regarding Honoring Howard Lee.[\[19-0394\]](#)

Mayor Hemminger said that the Council would honor Howard Lee with a reception on May 1st at 6:15 p.m. at Town Hall followed by a proclamation at the Council meeting that evening. Mr. Lee had been the Town's first African American mayor as well as a state senator and many other things, she said.

0.14 Mayor Hemminger Regarding Past, Present, Future of Southern Chapel Hill Meeting.[\[19-0395\]](#)

Mayor Hemminger announced a community meeting at Christ United Methodist Church in Southern Village on April 25th from 6:00-8:00 p.m. The meeting was being held to discuss the southern part of Town and to gather information for a Council discussion later in the spring, she said.

0.15 Mayor Hemminger Regarding Downtown Partnership Annual Breakfast.[\[19-0396\]](#)

Mayor Hemminger said that information about the Downtown Partnership's annual breakfast meeting on Friday was available on its website.

0.16 Mayor Hemminger Regarding Near & Far Festival.[\[19-0397\]](#)

Mayor Hemminger noted that the upcoming Near & Far Festival had been discussed earlier in the meeting.

0.17 Mayor Hemminger Regarding Lewis and Clark Great American Circus.

[\[19-0398\]](#)

Mayor Hemminger announced that the Lewis and Clark Great American Circus would be at Homestead Park on May 3rd through May 5th. More information about times and tickets was on the Town Calendar, she said.

0.18 Council Member Buansi Regarding Journalist Talk Regarding Dr. King's Visit to Chapel Hill.

[\[19-0399\]](#)

Council Member Buansi announced that a talk about Dr. Martin Luther King's visit to Chapel Hill in the 1960s would be held on Sunday at the Chapel Hill Public Library from 3:00-5:00 p.m.

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.

1. Approve all Consent Agenda Items. [\[19-0369\]](#)

2. Adopt the Recommended 2019-2020 Community Development Block Grant Program Plan. [\[19-0370\]](#)

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

3. Adopt the Recommended 2019-2020 Capital Fund Plan for the Town's Public Housing Program. [\[19-0371\]](#)

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

4. Authorize the Town Manager to Begin Negotiations with Potential Development Partners for the Redevelopment of the Trinity Court and Craig Gomains Public Housing Neighborhoods. [\[19-0372\]](#)

Mayor Hemminger explained that this authorized the Town Manager to change the words from "begin negotiations" to "explore options". All information would come back to Council for any action, she said.

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

5. Adopt the 2019 Municipal Retention and Disposition Schedule. [\[19-0373\]](#)

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

INFORMATION

6. Receive Upcoming Public Hearing Items and Petition Status List.

[\[19-0374\]](#)

DISCUSSION

7. Consider Staff Response to Environmental Stewardship Advisory Board Rooftop Solar Petition.

[\[19-0375\]](#)

Community Resilience Officer John Richardson gave the staff's response to an Environmental Stewardship Advisory Board (ESAB) 2018 petition, which had recommended that the Council consider modifying the Town's energy policy. He reviewed the Town's 2007 energy policy and said that the ESAB had recommended adding an 80 percent rooftop solar component.

Mr. Richardson compared expanding the Town's current energy policy with amending its Land Use Management Ordinance (LUMO). In a PowerPoint presentation, he showed how rooftop solar could work for new and existing construction. He displayed a photo of the Town Hall rooftop and described its solar potential as well as various financing scenarios. Mr. Richardson asked for feedback on what, if any, additional steps should be taken.

Council Member Parker asked about the differences between having an energy policy or amending the LUMO with regard to enforcement.

Mr. Richardson replied that it would be voluntary with a policy and would be part of the Council's decision. With an amended LUMO, it would operate like an incentive where the applicant might pursue rooftop solar in exchange for a density bonus or permit rebate, he said.

Council Member Anderson asked if there were places in Town where adding solar could interfere with an environmental interest.

Mr. Richardson replied that a property owner of a heavily wooded site might prefer to maintain trees to shade the property.

Mayor pro tem Anderson asked about carbon savings derived from different types of activities, and Mr. Richardson explained that some sites might be better suited to geothermal, or a developer might have a great idea for a building that would achieve a high level of energy efficiency through insulated windows, for example. Trade-offs regarding the amount of money saved and the amount of carbon emissions reduced might vary, depending upon the site and the type of project, he said.

Mayor pro tem Anderson confirmed with Mr. Richardson that a policy or ordinance that allowed flexibility to maximize carbon savings on every site would be practical if carbon reduction was the Town's primary goal. She asked if there could be a menu for assessing carbon savings associated with various activities that would include the price and amount of carbon reduced.

Mr. Richardson replied that such a menu could be created. However, there could be inherent site trade-offs where solar might not be good for a building, he said, noting that technologies continue to change. It would be more beneficial to creating standards focused on the ultimate goal of carbon reduction and to give flexibility in how to achieve that, he said.

Council Member Stegman asked if software existed that could model the different examples. Mr. Richardson said that the typical procedure was to work with an applicant on getting a licensed engineer to provide a certified energy model with data that showed how the building would perform relative to Town expectations.

Council Member Stegman confirmed with Mr. Richardson that the software the Town used for climate action planning and modeling would not allow detailed inputs such as the thickness of insulation. That was where the engineering models helped, he said.

Council Member Bell asked if there was a way to define the end goal of having 80 percent solar rooftops. She proposed that staff develop plans for particular sites to meet Council goals rather than having a policy that specified exactly how it should be achieved.

Mr. Richardson pointed out that a Council resolution stated that the Town would uphold its commitment to the Paris Accord, which was 26-28 percent reduction by 2025. That reflected what Council Member Bell was saying, but that he still thought that elements of a policy or ordinance could state the Town's preferences for energy efficiency and renewable energy, he said.

Council Member Gu commended setting a goal for reducing carbon emissions, but stressed the need for a coherent framework to evaluate and compare different approaches. She pointed out that a developer might opt to contribute to an alternative transit system or bike lanes, and the Town should encourage ingenuity and innovation. Council Member Gu recommended creating a framework that would include flexibility.

Mr. Richardson replied that he had not meant to suggest that staff would be unable to evaluate broad categories. The Town could certainly create measures for evaluating different approaches, he said.

Council Member Gu said that the Council would need to define the goal and clearly state its expectations.

Mayor pro tem Anderson asked if there was reason to prefer solar over other carbon reduction strategies. Would it be okay if the Town offered options and then everyone chose the same one, she asked.

Mr. Richardson said that resilience was a factor, pointing out the value of solar if the grid were to go down.

Mayor pro tem Anderson said that the Town might want to think about how to incentivize different methods when creating the framework.

Mayor Hemminger said that the Council could state its preference, and Mayor pro tem Anderson replied that the developer might want to please the Council but their bottom lines would be the ultimate deciding factor. There needed to be a financial incentive to do what the Town wants, she said.

Tom Henkel, ESAB vice-chair, explained that petitioners were not advocating for cutting down tall trees to allow solar roofs. He pointed out a recommendation for waiving stipulations for a building that integrated non-carbon energy technologies that produce greater carbon reduction than the solar energy technology identified in the policy. He pointed out, however, that it was very easy to compute the carbon reduction capabilities of metered rooftop solar systems.

Council Member Schaevitz said that the proposed policy would send a clear message to developers that the Town was prioritizing carbon reduction. She expressed support for allowing alternative options as well but said she was concerned about alternatives not being equivalent to what was required. She spoke in favor of having a menu of choices and recommended that staff explore whether it had the resources to maintain that and that the options were equivalent.

Council Member Schaevitz asked for information on whether other communities had similar policies. She asked what the Town could do to have options that were equivalent and relatively non-negotiable. She wanted all new development to improve upon the carbon reduction goals that the Town had set 10 years ago, she said. Council Member Schaevitz said that "eligible roof" seemed like a potential loophole and suggested looking at tying options to an external measure that could be constantly updated.

Council Member Stegman said that she liked the idea of requiring a certain amount of energy savings and having solar as one of the choices. She suggested that "eligible" be defined more specifically in terms of roof

area, tree removal, and other factors. She confirmed that parking lots and shelters could be included as well.

Council Member Stegman asked about the possibility of giving incentives for retrofitting current parking lots, and Mr. Richardson replied that the petition addressed parking decks that are adjacent to buildings.

Council Member Stegman asked about surface lots, and Mayor Hemminger replied that discussions with Duke Power had not yet reached the point where a developer could get credit back for offsite solar buildings.

Council Member Parker said he preferred outcome goals to process goals and wanted very specific carbon reduction targets. He pointed out that solar roofs were more difficult to construct on taller buildings and recommended that the policy allow other options to meet targets. He stressed the importance of having an overlay that stated goals and recommended indexing those targets to reflect better future technologies and more rigorous needs. In general, he would like an approach that started from a target such as solar but allows other options, he said. Council Member Parker said that the Town should have a goal and leave it up to developers to prove how they will meet it.

Mayor pro tem Anderson agreed with what others had said. The Council wanted to expand upon the ESAB's petition and find out what other options might be available to provide developers with, she said. She agreed with Council Members Schaevitz and Parker with regard to having a standard that could be ratcheting up in the future, and she proposed determining how the policy would fit in with the LUMO rewrite. Mayor pro tem Anderson stressed the importance of having clear reasons for the implementation steps and for proactively stating why the policy would benefit developers as well as the broader community.

Council Member Oates said it would be helpful to know how much various options would cost, noting that developers had argued in the past that they could not afford the Town's policy regarding affordable housing. She did not want to pit affordable housing against energy efficiency during the rezoning process, she said. She suggested that the Planning Department make it known that the Council was equally concerned about both.

Council Member Gu emphasized the need for data on which energy-saving approaches would have the most impact as well as a way to compare different approaches. Otherwise, stating expectations would be somewhat arbitrary, she said.

Council Member Buansi agreed with what others had said and stressed the importance of letting it be known that the Town was interested and invested in both carbon reduction and affordable housing. He emphasized

the need to ensure that options were clearly defined. It was important that the public understand that addressing climate change was one of the Town's top priorities, he said.

Mayor Hemminger said that she wanted to see more solar on existing buildings. She noted that some cities were offering inspection rebates for putting solar on existing roofs and that some were giving a list of solar and environmental companies to developers who come in with applications. She cautioned against promoting only rooftop solar, stressing the need for a menu of options. She mentioned an "energy positive" building that she had seen in Grand Rapids, which contributed more energy back into the system than it was taking in.

Mayor Hemminger said she did not think the Town was at the point to create a policy. She pointed out that Council members had asked for more options and additional information about how to incentivize adding solar to existing buildings.

Mr. Richardson said, in summary, that the Council was asking staff to look at the policy rather than the ordinance option. Council members were also requesting a response to their comments and questions and would like staff to work with the ESAB before returning to Council, he said.

This item was received as presented.

8. Consider a Memorandum of Understanding and Agreement for Sharing Costs for Improvements to High School Road in Conjunction with the Chapel Hill-Carrboro City Schools Chapel Hill High School Redevelopment and Maintenance Building Projects.

[\[19-0376\]](#)

Town Manager Maurice Jones provided information on a memo of understanding (MOU) and cost-share agreement between the Town and Chapel Hill-Carrboro City Schools (CHCCS) regarding improvements to High School Road. Those improvements were associated with a Chapel Hill High School renovation project for which the Council had granted CHCCS a special use permit in May 2018, he said.

Mr. Jones gave a PowerPoint presentation in which he described a proposed road, bike lane, pedestrian pathway, and bus shelter improvements along High School Road. He explained that it was a state road but that NC Department of Transportation (NC DOT) was not responsible for funding improvements because it had not required them. However, NC DOT had agreed to fund additional turn lanes in the area, he said.

Mr. Jones said that the Town had identified a less expensive way to achieve improvements, which included a 10-foot multi-use path along the

south side of the road. The estimated cost of the improvements was \$400,000 to \$425,000, but the MOU capped the Town's portion at \$200,000, he said. Mr. Jones recommended that the Council approve the MOU and agreement and enact a budget ordinance to allocate the Town's share of up to \$200,000.

Mayor pro tem Anderson clarified with Mr. Jones that the Town's \$200,000 share would come from anticipated savings in the current year's budget.

Council Member Stegman asked if there would be enough space to build a 12-foot multipurpose lane, rather than the proposed 10-foot one.

Mr. Jones replied that 10 feet had been a compromise, but he agreed to check with the Town's traffic engineer regarding that.

Council Member Oates asked if people heading west on Homestead Road would have to take any difficult crosswalks to traverse High School Road.

Mr. Jones replied that people would have to cross at the intersections to get to the multi-modal path if they were coming from the north. He could not attest to how dangerous it would be, but it would not be life-threatening, he said.

Mayor Hemminger pointed out that a sidewalk project in that part of Town was expected to be completed in summer 2019, and there would eventually be a path or sidewalk on the other side, she pointed out. She acknowledged, however, that one would still need to cross the intersection to get to that path.

CHCCS Assistant Superintendent Patrick Abele clarified the location of the High School's main entrance and pointed out that approximately 74 school buses come in and out of a transit facility on High School Road each day. For safety reasons, CHCCS did not want any crossings other than those currently being planned at both ends of High School Road, he said.

Mr. Abele said that NC DOT had agreed to make an estimated \$148,000 worth of road improvements. He pointed out that the original estimate for improvements on both sides of the road had been \$1 million and said that sharing a \$400,000 cost with the Town was a great collaboration and savings. Mr. Abele said that designs that would be sent to the School Board soon included 10-foot easements which would need to be changed if the preference was for 12 feet.

Mayor Hemminger commended the Town Manager, Town Attorney and staff for working through the state law change, collaborating with CHCCS, and saving money. The multi-modal path would be a tremendous community benefit, she pointed out.

Council Member Schaevitz praised the improved plan for getting bicycles

off the roadway and into a separate space.

Mayor pro tem Anderson described the plan as a good and reasonable one that addressed safety and connectivity goals.

Council Member Stegman said that the plan improved the area and was a great compromise. She stressed the importance of thinking about safety at intersections and crossings. It was important to prioritize young drivers, young bikers, and young pedestrians over cars, she said.

A motion was made by Council Member Parker, seconded by Council Member Schaevitz, that R-6 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-3 be enacted. The motion carried by a unanimous vote.

9. Discuss Draft Financial Policy Guidelines.

[\[19-0377\]](#)

Business Management Director Amy Oland gave a PowerPoint presentation on the following draft financial policy statements: Debt Policy, Fund Balance Reserve Policy, Cash Management and Investment Policy, Other Post Employment Benefit (OPEB) Funding Policy.

Ms. Oland described each policy statement and asked the Council for feedback on strategies and measures within those statements. She explained the rationale for having formal policies that staff could show to bond rating agencies and the Government Finance Officers Association. Such policies solidify the Town's good financial standing, she said.

Ms. Oland pointed out that Davenport and Company, the Town's financial advisers, had spoken with the Council about why the Town should consider adopting financial policies. She said that the goal was to adopt the policies in June so that they could be in place prior to the Town issuing a good amount of debt in 2020.

Mayor pro tem Anderson asked about a Capital Maintenance Policy, and Ms. Oland explained other policies such as that would be forthcoming. The policies being presented were the ones that rating agencies focused on, so they were being presented as a first step, she said.

Council Member Gu confirmed with Ms. Oland that staff was recommending payout rates at the lower end of the AAA range in order to have the flexibility to take on more debt. She asked if there should not be some cushion in case of an economic downturn.

Ms. Oland replied that Davenport and Company had thought the payout rates were comfortable and that the Town had cushioned itself from any economic blow by setting aside a portion of its tax rate for debt. Ms. Oland expanded upon the plan and said she thought the ratios being

presented were fair and in line with what bond rating agencies were expecting. They could always be modified if they no longer meet needs, but it was a good starting place, she said.

Council Member Gu said that the numbers were showing ceilings and bottoms. It would be more reassuring if staff could provide three different scenarios for the next five years that would show an optimistic, a likely, and a pessimistic economic outlook, she said. Ms. Oland agreed to return with that.

Mayor pro tem Anderson confirmed that debt falling off within the next five years would create capacity to take on new debt.

Mr. Jones commented that the Town could also delay capital improvement projects to get capacity in the case of an economic downturn.

Mayor Hemminger recommended that staff post a spreadsheet with a 10-year window on the Town's website. It would be helpful if the public could see the Town's total outstanding debt and what was rolling off, so citizens could understand why certain projects could not be done at the current time, she said.

Mr. Jones expressed support for that idea as long as the information included the caveat that it was subject to change.

Council Member Schaevitz commented that many people do not understand spreadsheets. She suggested a simple, straightforward visual representation, and Mayor Hemminger pointed out that staff had presented such a bar graph at the retreat.

Council Member Gu proposed also including a visual prediction, such as a curve, that would show what debt would mature at what time.

Council Member Oates requested that staff check on development projects, such as 140 West and Carolina Square, and determine whether numbers were meeting the expectations that the Town had when they were being built.

ADJOURNMENT

The meeting was adjourned at 9:32 p.m.