

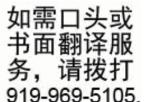
Council Member Camille Berry Council Member Melissa McCullough **Council Member Paris Miller-Foushee** **Council Member Elizabeth Sharp** Council Member Karen Stegman

6:00 PM RM 110 | Council Chamber Wednesday, November 20, 2024

Language Access Statement

For interpretation or translation services, call 919-969-5105.

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Para servicios de interpretación o traducción, llame al 919-969-5105.

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In-Person Meeting Notification

View the Meeting

- View and participate in the Council Chamber.
- Live stream the meeting https://chapelhill.legistar.com/Calendar.aspx
- Spectrum is replacing 1998 encoder that transmits programming to cable channel
- 18. It remains offline until complete.
- The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council meetings.

 Participate in a voluntary demographic survey before viewing online or in person https://www.townofchapelhill.org/demosurvey

Parking

• Parking is available at Town Hall lots and the lot at Stephens Street and Martin Luther King Jr. Boulevard.

See http://www.parkonthehill.com for other public lots on Rosemary Street

• Town Hall is served by NS route and T route, and GoTriangle Routes of Chapel Hill Transit.

Entry and Speakers

• Entrance on the ground floor.

- Sign up at the meeting starting at 5:30 PM with the Town Clerk to speak.
- If more than 14 people sign up for an item, Council will reduce speaking time from
- 3 minutes to 2 min./person.
- Please do not bring signs.

ROLL CALL

All Council Members were present.

Present:9 - Mayor Jessica Anderson, Mayor pro tem Amy Ryan, Council
Member Camille Berry, Council Member Paris
Miller-Foushee, Council Member Adam Searing, Council
Member Karen Stegman, Council Member Theodore Nollert,
Council Member Melissa McCullough, and Council Member
Elizabeth Sharp

OTHER ATTENDEES

Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Executive Director for Strategic Communications and Marketing Susan Brown, Media Relations Manager Alex Carrasquillo, Affordable Housing and Community Connections Director Sarah Viñas, Zoning Administrator Corey Liles, Principal Planner Tas Lagoo, Planning Director Britany Waddell, Fire Marshal Wells, Police Officer Osborn, Police Officer Lloyd, Police Officer Chamber, Assistant Town Clerk Brenton Hodge, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Anderson called the meeting to order at 6:00 p.m. and reviewed the agenda.

0.01 Proclamation: Small Business Saturday

Council Member Sharp read a proclamation that declared November 30, 2024, to be Small Business Saturday in Chapel Hill. The proclamation pointed out that small businesses represent 99.7 percent of US firms with paid employees. Small businesses create jobs, boost the local economy, and preserve community, she read. The proclamation urged Town residents to support small businesses on November 30th and throughout the year.

Ramesh Dahal from MOMO's Master Restaurant, Michael and Jamie Fiocco from Fly Leaf Books, and Gaussen Hamner from Glass Box Shop received the proclamation.

0.02 Proclamation: OWASA's Care To Share Day

Council Member Berry read a proclamation regarding an Orange Water and Sewer Authority (OWASA) program, called "Care to Share", through which OWASA had been providing community members with financial assistance

<u>[24-0555]</u>

[24-0556]

since 1997. The proclamation said that an estimated 19 percent of the Town's households had incomes below poverty level and that OWASA had provided more than \$26,000 in utility bill support in 2023. It declared November 21, 2024, to be Care to Share Day in Chapel Hill and encouraged everyone who could to support the program by making a one-time or monthly donation.

OWASA's Customer Service Manager Denise Battle received the petition.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.03 Mayor Anderson Regarding Last Week's Arbor Day Celebration.

Mayor Anderson praised community members who had planted trees throughout Town for Arbor Day. She thanked the Parks and Recreation Department for doing an amazing job of arranging for Estes Hills Elementary School students to plant new trees on their campus. The Town was currently planting street trees along Estes Drive and volunteers had helped to plant some along Bolin Creek as well, she said.

0.04 Mayor Anderson Regarding Thanksgiving Holiday.

Mayor Anderson wished the community and staff a Happy Thanksgiving and said that the Council's next regular meeting would be on December 2, 2024.

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.

0.05 Public Comments in Support of or Against the Removal of "The Power of Good Trouble" Art Displayed at Peace and Justice Plaza. [24-0559]

The Council heard public comment regarding the Town Manager's removal of an art installation from the Peace and Justice Plaza. Part of that installation, by Sadie Rose, depicted a Palestinian woman wearing a hijab under her graduation cap and included a Palestinian scarf called a kufiyah. <u>[24-0557]</u>

[24-0558]

Most of the discussion centered around speakers' conflicting opinions of what that banner symbolized.

Six Chapel Hill residents spoke in favor of returning the banner to the Peace and Justice Plaza: Myri Prause said that the banner art was not anti-Semitic but showed solidarity with Palestinian resistance to Israeli actions in the region. Erik Valora argued that the purpose of public art was to provoke thought, challenge perspectives, and spark conversation. Hashem Amiroh said he feared that his Palestinian identity was not being valued, and he asked what the Town's reaction would have been if the banner depicted a sombrero.

Stella Thurman said that the kufiyah was a symbol of struggle against occupation and apartheid and that removing it was undemocratic and Islamophobic. Jake Solomon, who is Jewish, characterized the banner as inspiring and hopeful and said that the kufiyah was a symbol of the Palestinian struggle for justice and equality. Sam White read a statement from Susanna Zyotts, a Chapel Hill resident who is Jewish, that characterized the banner a courageous act by students who were protesting against genocide. Mr. White concurred with the others who had said that a kufiyah was not a symbol of violence.

Six Chapel Hill residents spoke in support of the banner's removal. Amy Rosenthal pointed out that Chapel Hill resident Keith Segal was still being held captive by the Islamic militant group Hamas. The kufiyah was an anti-Semitic symbol of violence that was aimed specifically at Jewish civilians, she said. Josh Ravitch told the Council that Hamas's charter called for the extermination of all Jews and that using the words "Good Trouble" to evoke sympathy for Islamic terrorists dishonored Congressman John Lewis's civil rights legacy.

Kathryn Wolf characterized the banner "an abomination" and said that the kufiyah's pattern was based on the colonization and enslavement of Africans by Arabs. Leora Fields thanked the Council for choosing "love over hate and inclusion over prejudice" and not letting artistic expression be an excuse to spread propaganda. Maria Shatz, who had lived in Israel for 20 years, said she saw the kufiyah as a symbol of terror, violence and blood. Jennifer Griffith argued that the right to free speech should end when it affects others adversely.

Because some attendees would not remain in order, Mayor Anderson called for a five-minute break in the meeting. After the meeting resumed at 6:38 p.m. and the following nine people then spoke in favor of restoring the banner.

Emma Weiss Holyst, who is Jewish, said that she found conflating anti-Semitism with anti-Zionism and criticism of Israel's policies deeply troubling. To call for the liberation and self-determination of the Palestinian people was not being anti-Semitic and a banner depicting a kufiyah was not a threat to the Jewish people, she said. Gwen Pritchard told the Council that seeing the banner had given her a sense of pride and that taking it down had put the Town on the wrong side of history.

Gabriel Fernadez said that the kufiyah was an affirmation of Palestinian existence and that removing the banner was an insult to the Town's legacy. Christian Roberts Wall said that he had felt proud when he learned that the Town had put the banner up and felt incredibly sad when he drove by and saw workers taking it down. Jamie Andrews stated that protest, dissent and critical public art were essential to protecting marginalized communities. He hoped the Town would choose freedom, dissent, and potentially uncomfortable conversations over suppressed speech, he said.

Nizar Wattad, who is Palestinian, told the Council that more than 100 members of his extended family had been killed by Israel over the past year. By removing the banner, the Town had contributed to the erasure of Palestinians, symbolically and literally, he said. He said that the kufiyah - - which depicted fishing nets, olive trees and roads that had connected Palestine to other cities in the ancient world -- was an item of intangible cultural heritage, according to UNESCO.

Mibeen Quadanri asked the Council to not let bigotry and hatred succeed. Annie Goldberg, who is Jewish, pointed out that many protests of the past had eventually been found to be morally correct positions. Equating anti-Zionism with anti-Semitism did not protect Jews and served no purpose other than to silence legitimate criticism of Israel, she said. Leila Dagher, co-president of UNC's Arab Student Organization, said that the kufiyah was a symbol of historical and cultural significance in Arab communities and that removing the banner was a violation of free speech. The banner had been meant to stand in solidarity with innocent lives lost and none of its elements were intended to be anti-Semitic, she said.

Council Member Miller-Foushee said that she had always been in favor of the Council putting forward a ceasefire in Gaza resolution. She had been clear that she wanted the banner to remain, she said. She pointed out that part of the installation honored the civil rights activist TT Foushee, who was a member of her family. There was a time when some would have asked for his image to be taken down, she said.

Council Member Sharp read an email that she had sent to the more than 800 members of the Jewish community who had contacted the Council about their discomfort with the banner. In the letter, she expressed sympathy for their feelings but said that she was not in favor of removing the banner or enacting a policy that would restrict future art installations. Her reason was to protect the sanctity and freedom of artistic expression and avoid a potentially dangerous precedent of censorship, she said.

Council Member Nollert expressed support for putting the banner back up

and said that the Town had broken with its process for selecting artwork by taking it down.

Mayor Anderson said that there were many decent, good-hearted people who had different perspectives on the issue. She had received more than 1,000 emails on the topic, including two violent threats, she said. She commended the artist for her talent and said that she was owed an apology for having her piece taken down after it had been commissioned. The Town needed to make careful decisions about what it displays on public property and consider the best interests of the community, she said. She pointed out that art should spark conversation but that the piece being discussed had not led to people talking to each other.

The audience interrupted the Mayor's comments with loud responses and chanting but eventually left the room.

This item was received as presented.

CONSENT

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

Approval of the Consent Agenda

A motion was made by Mayor pro tem Ryan, seconded by Council Member Nollert, 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	<u>[24-0530]</u>
	This resolution(s) and/or ordinance(s) was adopted and/or enacted.	
2.	Appoint Donovan Livingston as the Town of Chapel Hill's Poet Laureate for 2025-2026	<u>[24-0531]</u>
	This resolution(s) and/or ordinance(s) was adopted and/or enacted.	
	Award the Same Pay Increase Approved for all Employees to the Town Attorney	<u>[24-0548]</u>
	This resolution(s) and/or ordinance(s) was adopted and/or enacted.	
DISC	USSION	
3.	Council Consider Disbanding Certain Advisory Boards and Commissions	<u>[24-0518]</u>
	Director of Strategic Communications and Marketing Susan Brown summarized the review process for Town boards and commissions (B&Cs)	

that had begun when some Council Members signed a petition to have B&C's roles reconsidered. The nine Town B&Cs were: Community Policing Advisory Committee, Cultural Arts Commission, Environmental Stewardship Advisory Board, Housing Advisory Board, Human Services Advisory Board, Library Advisory Board, Parks, Greenways and Recreation Commission, Stormwater Management Utility Advisory Board, and Transportation and Connectivity Advisory Board.

Ms. Brown summarized previous discussions between staff and the Council on the matter and outlined what staff had learned during the review process. She pointed out that eight of the nine B&Cs had been created by ordinance. Only the Community Policing Advisory Board had been created by resolution, she said.

Ms. Brown said that staff had met with B&C members as well as staff liaisons to those boards and had applied an equity lens to all B&Cs. Staff had also talked with peer municipalities and had presented to the Council four times during the 14 months since they first received the Council petition, she said. She discussed a community interest in having meaningful and diverse public input, equitable community engagement, good stewardship of staff and community resources, and a common understanding of roles and responsibilities. Current B&Cs had serious challenges in meeting those shared interests, she said.

Community Engagement Manager Rebecca Buzzard said that a variety of policies and procedures, which the Town had implemented to increase board diversity, had not made a significant difference. There continued to be high barriers to public participation and inserting equity band-aids on inherently inequitable structures could not make them equitable, she said.

Ms. Buzzard said that scope creep had blurred roles and led to frustration for both B&Cs and Town staff. She said that the Town's estimated expenditure of \$120,000 annually on staffing support for B&Cs had not been achieving the desired outcomes for equitable engagement.

Ms. Buzzard proposed three alternative options for addressing the Town's inequitable B&C structure: 1) maintain all boards and apply standards and equity processes; 2) reduce the number of boards; 3) disband all boards and rely on staff-led equitable engagement, as needed. She recommended Option 3, which would include the types of issue-oriented taskforces and working groups that staff had described at a prior Council meeting. She pointed out that B&C members would still be able to participate in the public processes.

Ms. Buzzard discussed barriers to participation and described the groups of community member that were typically underrepresented. She said that the most effective way to get more diverse participation would be to go into communities and talk with people face-to-face. She described how such an approach could be designed with equity woven into it. The investment of staff and community resources would still be significant, but the process would lead to more impactful and equitable outcomes, she said.

Ms. Brown then presented an overview of the powers, duties, issues and challenges of each B&C. She shared key insights regarding B&C charges and highlighted those that were tied to scope creep and/or unclear roles. She recommended that the Council consider enacting Ordinance 1, which would repeal sections of the Town Code, and adopt Resolution 9, which would disband the Community Policing and Advisory Board, which had been created by resolution.

Marcella Twanley, the Parks Recreation and Greenways Commission chair, said that she had joined the Commission to advocate for an inclusive park and other improvements that would benefit those such as her disabled daughter. She spoke about the Commission's accomplishments and offered to lead the charge to make it more equitable.

Josh Rosenstein, a former Public Arts Commission member, recommended that the Town change the problematic boards but not eliminate all of them. He said that the Public Arts Commission should have been involved in the decision that had led to the "Power of Good Trouble" discussion earlier in the meeting.

Jaya Dayal, a UNC student, questioned whether ad hoc engagement would sufficiently replace the accountability that B&Cs provide. The purpose of each B&C was to represent the unique, lived experiences that people have, she said.

Council Members thanked staff for all their hard work and for doing what had been asked of them. After discussion, though, they were not able to reach unanimous agreement on whether or not to disband the B&Cs.

Council Members Nollert and McCullough spoke in favor of eliminating all B&Cs and switching to a different model that would get input from the broadest number of people possible. Council Member Nollert proposed switching to a taskforce model. Council Member McCullough said that staff was more qualified than B&C members in many of the areas that B&Cs had been tasked to address.

Council Members Searing, Ryan and Sharp agreed with the need for major reform but expressed reluctance to eliminate all boards without more discussion. Council Member Searing spoke against eliminating all at the same time. Mayor pro tem Ryan pointed out that there were challenges with taskforces and ad hoc groups as well. Council Member Sharp said she was not yet seeing a framework for alternate types of engagement that would make her feel comfortable with eliminating all of the current B&Cs, and she proposed having one more Council work session on the matter. Council Members Miller-Foushee and Stegman agreed with the staff's recommendations. Council Member Miller-Foushee said that she wants to stop going in circles, trying to prop up a system that was inequitable. Council Member Stegman noted that many attempts had been made over the past 10 years to get more diverse and equitable input. The underlying issue was about access to systems and structures of power, she said.

Council Member Berry said that the Council agreed that it wanted meaningful, diverse public input and equitable community engagement, which the Town did not have. She had observed that the public rarely attended B&C meetings and rarely spoke when they did, she said. She was ready to discuss how to increase community engagement and did not want to try and rework the current inequitable structure, she said.

Council Member Berry proposed that the Council consider O-1 and R-3, but Council Member Sharp asked the Town Attorney about the procedure for proposing an alternative. Attorney Ann Anderson said that eliminating all but one board, for example, would require a motion to approve O-1, as amended to delete whichever section pertained to that board. She explained potential processes beyond but said that the only real rule was to consider one motion at a time.

Mayor pro tem Ryan confirmed with Attorney Anderson that Ordinance 1 would need 6 affirmative votes to be effective at the current time. That did not mean that only 5 votes would defeat it, though, because the Council could vote again at the next meeting, where a simple majority of 5 would carry, Attorney Anderson explained.

Council Members expressed various opinions about how to move forward. Council Member Nollert proposed voting on Resolution 3, as written, which would sunset the Community Policing Advisory Board. However, Council Member Searing, Council liaison to that board, said that he wholeheartedly agreed with the board chair's request to continue.

Council Member Sharp asked if there was any interest in exempting some boards from being disbanded. Other Council Members proposed continuing the discussion at a work session, and Attorney Anderson pointed out that doing so would pause the current legislative session. The legislative session would need to be restarted at a later time, she said.

Mayor Anderson said, in summary, that Council Members agreed that B&Cs were not working the way they needed to and that they were taking up too much staff time. B&Cs had not been functioning well for a number of years and she was in support of streamlining them to be more policy- or task-oriented, she said. She proposed that a way forward could be to figure out if there were boards that the Council could agree to sunset.

However, she was not sure that all of that could be done at the current meeting, she said.

Attorney Anderson suggested that the Council act on any motions that Council Members want to make.

A motion was made by Council Member Nollert, seconded by Council Member Berry, that the Council adopt R-3. The motion carried by the following vote:

Aye:8 - Mayor Anderson, Mayor pro tem Ryan, Council Member
Berry, Council Member Miller-Foushee, Council Member
Stegman, Council Member Nollert, Council Member
McCullough, and Council Member Sharp

Nay: 1 - Council Member Searing

A motion was made by Council Member Nollert, seconded by Council Member Miller-Foushee, that the Council voted to approve O-1 on first reading on November 20, 2024. The ordinance was carried over to the next Council meeting on December 02, 2024 where only 5 votes would be needed to enact the ordinance on second reading. The motion carried by the following vote:

- Aye: 5 Council Member Berry, Council Member Miller-Foushee, Council Member Stegman, Council Member Nollert, and Council Member McCullough
- Nay:4 Mayor Anderson, Mayor pro tem Ryan, Council Member
Searing, and Council Member Sharp
- **4.** Rewriting Our Rules A Land Use Management Ordinance (LUMO) Update

[24-0532]

Principal Planner Tas Lagoo presented a report on four topics that staff had been addressing while rewriting the Town's Land Use Management Ordinance (LUMO): Equity Analysis, Concept Plans, Special Use Permits, and Administrative Decisions.

Mr. Lagoo said that examining the LUMO through an equity lens was central to staff's work. Some of the equity concerns raised through that analysis could be addressed through the LUMO rewrite while others would require other creative means of addressing them, he said.

Mr. Lagoo raised questions about whether or not concept plan review was a meaningful part of the Town's development review process. He proposed not include them in the new LUMO because they perpetuated the kind of project-by-project decision-making process that was not equitable, dis-incentivized development, and was not the approach that the Town's Complete Community strategy was taking. He pointed out that the Town had other practices in place that could advance those interests -- such as staff consultation and review early and often and the formal legislative process that allowed the Council and public to comment.

Mr. Lagoo proposed that the new LUMO assign Special Use Permits (SUPs) to the Board of Adjustment, which was already tasked with making such quasi-judicial decisions. Doing that would create a much clearer set of expectations and would move projects through the process in a more efficient way, he said. He pointed out that future SUP requests would be for narrower projects that the Board of Adjustment would be able to easily handle.

Mr. Lagoo also proposed that the new LUMO give staff the responsibility for making administrative decisions regarding subdivisions, site plans, and alternate buffers. The underlying concept was that the Council adopts rules and staff administers them but that those lines had become blurred which caused issues for decision-makers and applicants, he said. He explained that staff review would be based solely on compliance with the LUMO and other relevant standards. Putting those decisions in staff's hands would promote equity, predictability and transparency, he said.

Planning Director Britany Waddell summarized the LUMO rewriting process thus far. She said that staff's goal was to create a high-quality draft that represented best practices, implemented the Town's Comprehensive Plan, and advanced community priorities. Staff had been taking all feedback into consideration and would use its best judgement to incorporate that in a transparent manner, she said. She pointed out that the Council would have another opportunity to share thoughts and concerns in December, but that staff would not yet be asking for any decisions or a formal consensus at that time. The plan was to return in early 2025 to discuss affordable housing and building design standards, she said.

Council Member Miller-Foushee asked about incorporating the Community Design Commission (CDC) into the Planning Commission. Ms. Waddell replied that the Council would need to delegate that. The CDC's role could be clarified during the LUMO rewrite, she said.

Mayor pro tem Ryan and Mr. Lagoo talked about including more thorough environmental discussions in future presentations. Mayor pro tem Ryan emphasized the importance of having high-level environmental rules that could be applied equitably throughout Town.

Mayor pro tem Ryan and Mr. Lagoo discussed ensuring that the Town's interest in completing greenways would be met through administrative approval. Mr. Lagoo said that the legal requirements would be the same regardless of who met with the applicant, but she emphasized the importance of putting such important things into administrative standards as requirements, if possible.

Mayor pro tem Ryan asked if a developer of an apartment building would choose whether to use an SUP process rather that Conditional Zoning process. Mr. Lagoo replied that it would depend on how the ordinance was drafted. He pointed out that the Town had broadened SUPs' scope over the decades but was now poised to turn them back to the original intent. By state law, any extraordinary use would automatically go through a quasi-judicial process, which is often the Board of Adjustment, he said.

Mayor pro tem Ryan said that she wanted to ensure that SUPs could not be used as an easy administrative route through the system. Attorney Anderson commented that her goal would be that SUPS have the narrow scope that had been intended.

Mayor Anderson asked if there were aspects of projects that the Council typically negotiated during concept plan review that staff would not be able to address. Mr. Lagoo replied that staff had already been advocating for such things, and Ms. Waddell pointed out that projects would still go through a regulatory process in which the Council would have a final vote.

The Council expressed general support for staff's recommendations. Council Members Miller-Foushee, Berry and Nollert said they supported all of them. Council Member Miller-Foushee asked for more information on what having the Planning Commission handle CDC functions would look like.

Council Member Sharp expressed a strong preference for keeping the concept plan review. Council Member Searing spoke in favor of doing so as well, and Mayor pro tem Ryan proposed that the Town review concept plans until there was a much more specific land use map and when Complete Community rules had been embedded in Town plans. Council Member McCullough said she needed to study the issue further, and Council Member Stegman was undecided but thought concept plans were not very useful and could perhaps be optional.

Council Members McCullough, Stegman, Searing and Sharp said they agreed with the recommendation to have the Board of Adjustment review SUPs, as long as it followed the very narrow scope that the Town Attorney had described. Mayor pro tem Ryan said she agreed in general and ascertained from Ms. Waddell that projects that had received previous SUP modifications would come back to Council.

The majority of Council Members said they were okay with administrative approval by staff. Mayor Anderson wondered if there was a way without updated Town plans in place for the Council to get granular information -- such as natural areas information -- prior to staff's full review. Mr. Lagoo

discussed staff's ability to give developers good information early on and pointed out that the Council would still make the final decisions.

Mayor pro tem Ryan said that she was okay with a proposed Minor Works Exemption if it restricted projects to the Resource Conservation District (RCD) outer zones only. Mr. Lagoo clarified that the proposed exemption would not allow anything that had not already been allowed. Council Member McCullough said that she wanted to study that exemption further.

This item was received as presented.

APPOINTMENTS

5.	Appointment to the Chapel Hill Downtown Partnership.	<u>[24-0533]</u>
	The Council appointed Antoine Puech to the Chapel Hill Downtown Partnership.	
6.	Appointment to the Community Design Commission	<u>[24-0534]</u>
	The Council appointed Patrick Brennan to the Community Design Commission.	
ADJ	OURNMENT	

Mayor Anderson wished everyone a Happy Thanksgiving and a Happy Indigenous Peoples Day, and the meeting was adjourned at 9:51 p.m.