



# TOWN OF CHAPEL HILL

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

## Town Council

### Meeting Minutes - Final

Mayor Pam Hemminger  
Mayor pro tem Karen Stegman  
Council Member Jessica Anderson  
Council Member Camille Berry  
Council Member Tai Huynh

Council Member Paris Miller-Foushee  
Council Member Michael Parker  
Council Member Amy Ryan  
Council Member Adam Searing

Wednesday, January 5, 2022

6:30 PM

Virtual Meeting

#### 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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#### Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend. The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council business meetings and work sessions. Please participate in a voluntary demographic survey <https://www.townofchapelhill.org/demosurvey> before accessing the Zoom webinar registration. After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 899 2852 0599

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#### ROLL CALL

**Present:** 8 - Mayor pro tem Karen Stegman, Council Member Jessica Anderson, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Tai Huynh, Council Member Michael Parker, Council Member Amy Ryan, and Council Member Adam Searing

**Absent:** 1 - Mayor Pam Hemminger

### Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Planning Director Colleen Willger, Stormwater Engineer Mary Beth Meumann, Planning Manager Bergen Watterson, Downtown Special Projects Manager Sarah Poulton, Engineer Chris Roberts, Business Management Director Amy Oland, Principal Planner-Land Use Diedra McEntyre, Planning Manager-Long Range Planning Corey Liles, Transit Director Brian Litchfield, and Deputy Town Clerk Amy Harvey.

### OPENING

Mayor pro tem Stegman opened the virtual work session at 6:30 p.m. and explained that Mayor Hemminger was absent because she was not feeling well. She outlined the evening's agenda and pointed out that it was the first Council meeting of 2022 and included three new Council members.

Mayor pro tem Stegman called the roll and all Council Members replied that they were present.

### ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Pro Tem Stegman Regarding Middle School Students Injured on New Year's Eve.

[\[22-0015\]](#)

Mayor pro tem Stegman said that the Council members wanted to extend its thoughts and prayers to two middle school students who had been badly injured on Estes Drive on New Years Eve. Council members felt devastated by the incident, which had had a traumatic impact on the community, she said. She pointed out that extensive bike and pedestrian improvements were planned for that area and said that the Town was looking at taking steps in the meantime to provide more safety. She encouraged residents to reach out to the Town's Crisis Unit for support.

0.02 Mayor Pro Tem Stegman Reminder On Three Upcoming Meetings: CCES; PIM Aspen Heights; PIM Jay Street.

[\[22-0016\]](#)

Mayor pro tem Stegman announced three upcoming meetings: The Council Committee on Economic Sustainability at the Police Station site on Martin Luther King Jr. Boulevard at 8:00 p.m. on January 7th; a public information meeting regarding an Aspen Heights Student Housing Project at 701 Martin Luther King Jr. Boulevard at 5:15 p.m. on January 10th; and a public information meeting regarding a Jay Street affordable housing

project at 5:25 p.m. on January 13, 2022. All meetings would be virtual and additional information was available on the Town website, she said.

## AGENDA ITEMS

### 1. Provide Guidance on Options for Franklin Street Downtown.

[\[22-0003\]](#)

Transportation Planning Manager Bergen Watterson reviewed how the Chapel Hill Downtown Partnership had petitioned the Town in 2019 to consider putting bike lanes on West Franklin Street prior to an NC Department of Transportation (DOT) plan to resurface that street in the summer of 2020. She described how those plans had been delayed due to the COVID-19 pandemic and how the Town had installed a temporary walkway and barrier in the road in August 2020.

Ms. Watterson said that the DOT resurfacing project had again been delayed in May 2021 because of a project in Carrboro and the Town had made adjustments to its temporary walkway in September. In October 2021, the Downtown Partnership had submitted another petition that asked the Town to explore transferring the maintenance for Franklin Street from DOT to the Town, she said.

Ms. Watterson discussed options for reallocating lanes on West Franklin Street, from Columbia Street to Merritt Mill Road. She showed a design that DOT had previously approved for that, as well as an alternative option that DOT had not yet approved that would have bike lanes run adjacent to the curb. She outlined the advantages, disadvantages, requirements, and costs for each option and said that the Town would need to let DOT know its decision by March 2022. She pointed out that the sloped, temporary multi-use path would require work to make it ADA accessible.

Downtown Special Project Manager Sarah Poulton provided estimates on the cost of taking over on Franklin Street from Raleigh Road to Merritt Mill Road. She explained what would change and pointed out that the "crowned" street configuration would require significant reconstruction in order to comply with ADA guidelines. She said that one-time expenditures would probably be about \$2,699,350 and that estimated annual costs were approximately \$190,400. However, these amounts were hypothetical since no funding source had been identified, she said.

Ms. Poulton outlined one option that had two scenarios: 1) Continue with the plan for DOT to resurface the street in summer 2022 (the multi-use path would not be possible); 2) Town takes over maintenance and resurfacing and levels the street (the multi-use path would be more possible). If the Town decided to keep its current arrangement with DOT, it would need to submit a re-striping plan by March 2022 and contribute

funds toward that project, she said.

The Council expressed support for taking over the road and for trying to have DOT address stormwater issues before doing so, or sharing the cost of that with the Town. Most Council Members spoke in favor of the having curb-running bike lanes, and they confirmed that there probably would not be space for both a multi-use path and a bike lane unless on-street parking were eliminated. Council Members discussed options and costs for correcting the slope (or "crown") problem.

Council Member Anderson stressed the importance of taking over Franklin Street to the vision that the Town had for its future downtown area. Council Member Parker and others recommended that staff try to negotiate better conditions for doing so with DOT, however.

Ms. Watterson said that DOT representatives had characterized re-crowning the slope as a "scope jump," which would mean cancelling its summer contract to resurface the street. However, that was not off the table and Council Member Ryan encouraged staff to pursue it.

Council Members discussed the big changes that the Town could make to the downtown area if it controlled Franklin Street and several expressed confidence that the obstacles could be overcome. Most Council Members said that they wanted to move forward, but Council Member Searing expressed concern about taking over those costs when the Town had deferred maintenance of its parks and elsewhere.

Council Members Searing and Huynh commented on the need to coordinate visions for Franklin and Rosemary Streets with respect to how those bike lanes would impact each other. Council Member Huynh mentioned that a petition from the Downtown Partnership regarding loading zones would need to be addressed as well.

In response to a request from Council Member Parker for an opinion on curb-running lanes, Ms. Watterson said that she was generally a proponent but had concerns about those on Franklin Street due to the number of driveways and intersections along that road. She said that those concerns could be addressed and that the Council's vision was doable.

Council Member Parker confirmed with staff that Franklin Street's stormwater issue would need to be addressed within five years. Staff expected DOT to make those repairs but probably not anytime soon, Ms. Poulton said.

Council Member Berry ascertained from Engineer Chris Roberts that the stormwater controls would continue to function adequately if some of the

crown were lowered. She confirmed with Ms. Poulton that DOT probably would agree to let the Town take over the road at any point in time because it was in its self-interest to do so. Council Member Berry expressed concern about biker safety, however, and asked for more information on whether barriers between parked cars and bike lanes would be movable.

Council Member Ryan pointed out that adding bike lanes would mean losing the extended sidewalks that had been added during the pandemic, but Ms. Poulton pointed out that the infrastructure would be removed anyway when DOT resurfaced the street unless the Town took over maintenance and told DOT not to resurface.

Ms. Watterson said that she was hearing direction from Council to proceed with a design consultant for the curb-running bike lanes, to have DOT do the resurfacing in summer 2022, and to explore what taking over the road would entail.

This item was received as presented.

## 2. FY 2021 Excess Fund Balance Appropriation

[\[22-0004\]](#)

Director of Business Management Amy Oland said that FY 2021 had been stronger than expected due to the Town's conservative budgeting, unexpected sales tax growth, and personnel savings from a hiring freeze. The overall Fund Balance was up by \$7,028,454, with Available Fund Balance at \$21 million, up by \$5.9 million, she said.

Ms. Oland said that the Town had \$7.9 million available for appropriation, and she explained how staff had arrived at that number. She emphasized that factors, such as budget cuts and the hiring freeze, should be considered when deciding how to appropriate that money. How much of the Fund Balance to appropriate was the Council's decision, but staff recommended reducing the available amount to \$4.5 million in order to ensure that the Town ends FY 2022 with a General Fund Balance at, or just above, 22 percent, she said.

Ms. Oland urged the Council to consider those needs that had been identified and recently presented in its five-year budget strategy. These included one-time funding that would enable the Council to address interests in climate action, affordable housing, organizational needs such as maintenance, pay-go capital, vehicle replacement, and pandemic recovery, she said.

Town Manager Maurice Jones proposed allocating roughly \$1 million for vehicle replacement and \$500,000 each for climate action project, affordable housing, classification and compensation study/compression issues, building maintenance, street improvements, one-time budget

add-ons, and a place-holder for possible splash pad(s). He asked for Council guidance on those recommendations.

Mayor pro tem Stegman confirmed with Mr. Jones that he did not have a timeline in mind for some of the decisions. However, the Town had been deferring maintenance for a long time and a decision regarding the classification and compensation study needed to be made by the end of January 2022, he said.

Council Members praised staff for working so hard and keeping the Town in great shape during such a difficult time. They emphasized the importance of repaying what had been cut and/or deferred and they agreed with the importance of the classification and compensation work. They expressed some concern about using money from a one-time windfall on ongoing expenses. Several Council Members asked for more guidance on the differences between what excess Fund Balance and American Rescue Plan Act (ARPA) funds could be used for.

Council Members Miller-Foushee and Huynh emphasized the need to address a public housing maintenance and repair backlog. Council Member Miller-Foushee proposed increasing that to more than \$500,000, and she asked staff to provide additional information on what that backlog looked like, how far back it went, and what needed to be done.

Council Member Parker asked if the excess funds could be used for projects in the Town's Enterprise Funds, and Ms. Oland replied that those typically generate their own funds to pay for expenditures. She recommended being cautious about that because available sources for funding general services were so limited. Mr. Jones pointed out that the Transit Fund, for example, had a number of other sources that it could tap into.

Council Member Searing showed photos that he had recently taken of broken lights and rotting wood at a Town skate park. That was only one project at the place where he happened to be, he pointed. He said that many Town parks had similar needs, which raised safety concerns, and that he wanted to focus on that first.

Mr. Jones agreed that Parks and Recreation had many needs and said they were part of the Council's five-year budget strategy.

Council Member Parker verified with Mr. Jones and Ms. Oland that the round numbers being proposed were estimates based on feedback from department heads and other factors. Staff had more specific figures that it could present as well, Ms. Oland said.

Council Member Berry proposed that the splash pad not be included, since

maintenance should come first, but Council Member Anderson said that it should be prioritized due to the community's interest and the trajectory. She was not concerned about which funding source, but did not want to lose momentum, she said.

Council Member Berry explained that she did not mean to remove the splash pad from consideration, but did not want to fund it with money that had been saved because other items had not been funded. If the excess Fund Balance was the only funding source for it, then she would be happy to consider it, she said.

Mr. Jones explained that staff had set \$500,000 as a placeholder for the splash pad because they did not yet know what type or how many splash pads the Town would want. The Council might be able to use ARPA funding for that, depending on where the splash pads are located, he said.

Mayor pro tem Stegman commented that Town staff and the public had been asked to do more with less and that it was not sustainable. She thought there were ways to simultaneously meet multiple goals with some of this funding, she said.

This item was received as presented.

#### 4. Long Range Planning Initiative

[\[22-0006\]](#)

Mr. Jones explained that the Town's Long Range Planning Initiative would include holding community meetings, finding a consultant to help lead that effort, and preparing a technical analysis of where and how the Town could grow. He emphasized that the plan would include underrepresented groups.

Mr. Jones said that work probably could begin after February and that staff would request proposals from consultants who might lead this process. Staff wanted to get the Council's thoughts on what the engagement process would look like, he said. He mentioned a proposal to have the Council lead that process.

Rod Stevens, principal consultant with Business Street, discussed the Town's need to produce 35 percent more housing over the next 20 years than it had over the last 10 years, including the "missing middle" and others. He outlined three options that the Town could pursue: 1) No growth, in which housing costs would continue to rise higher than rest of the region; 2) Build comprehensively planned neighborhoods that link housing, jobs and services in a walkable fashion; and 3) No change from the current course. Option 3 (status quo) would be the worst option, he said.

Mr. Stevens recommended a three-to-six month community process that

would put options on the table and build consensus for which approach (no growth, smart growth or status quo) to take. The proposed two-part process would include a technical analysis and public outreach, he said. He proposed identifying leaders in groups that were not being heard in current processes. The citizen involvement process would include a series of community workshops with face-to-face dialogue regarding options, he said.

Mr. Stevens described a scoping phase that would identify what needed to be done, what skills needed to be brought in, what the process would be, and what it would cost. At the end of that phase, a technical committee would present a process that would include what the work products would be and what it would take in terms of time and money, and the Council would decide whether or not to move forward, he said. He characterized his proposal as a front-end investment in time and money to determine what it would cost to do it right.

Council Members generally agreed that the proposed process was important and should move forward as soon as possible. They raised questions, however, about how it would fit with the Land-Use Management Ordinance (LUMO) rewriting process, which would be happening at the same time.

Mr. Jones replied that staff believed that the two could continue on their separate paths and then converge, but some Council Members said they remained concerned about effectiveness of doing so.

The Council emphasized the need to address equity issues and they emphasized the importance of including all community voices in the process. They asked for a holistic and proactive approach to assessing needs across Town and stressed that the technical analysis should include all viable options.

Council Member Parker and Ryan, who had been co-chair of the Chapel Hill 2020 process, mentioned some of the shortcomings of that community-driven process. Council Member Parker commented on problems associated with trying to promise everything to everybody and then having a significant number of people feel let down. Council Member Ryan said that community discussion was important but she did not see opening up policy decision-making to a community vote.

The Council expressed strong support for authentic community engagement, and Council Member Anderson said she was disappointed that no contract was yet in place after eight of nine Council Members had petitioned staff to start the first phase in September.

Mr. Jones asked Council Member Anderson if she wanted to talk more



about the Council-led process that she had proposed. She replied that she thought it was the right approach because it was the Council that was accountable to the community and because policy-making was the Council's job. She was not advocating for having the Council facilitate, but wanted Council Members to be involved, listening, and allowing people to have fair and authentic conversations with their elected officials, she said.

Mr. Jones said that it would be helpful to know where the entire Council stood on that, so it could be built into the consultant's work. Mr. Stevens proposed that the person who would conduct the community outreach phase meet with Council Members to determine what roles each of them were comfortable with and what support they needed. The community dialogues would be structured to allow them to participate as much or as little as they wanted, he said.

Mayor pro tem Stegman confirmed that Mr. Stevens thought a small and active Council subcommittee would be necessary after the scoping phase had been completed.

Council Member Parker confirmed with Mr. Stevens that the technical analysis would be wide-ranging and would look at every part of Town. He also confirmed that the focus of the work would be on how and where the Town builds good housing and good neighborhoods. He stressed the importance of having dialogue with the Planning Department and its LUMO consultants. He thought he would understand how everything would fit together once it was all down on paper, he said.

Mr. Jones said he was not sure there had been clear guidance from Council regarding a Council-led approach, and Mayor pro tem Stegman replied that there had been agreement to leave that until the Council could know more about what it would be leading.

This item was received as presented.

**3. Update on Land Use Management (LUMO) Rewrite and Community Engagement Process.**

[\[22-0005\]](#)

Planning Director Colleen Willger opened the staff's PowerPoint presentation on the LUMO rewrite and public engagement process. She said that staff members had been working with Mr. Stevens to determine how to coordinate their efforts with his long-range planning initiative. Staff had been trying to focus on a core principle for engagement with historically disadvantaged groups and was trying to understand how equity could be embedded throughout all of the different deliverables, she said.

Planning Manager Corey Liles described the criteria that staff had used in its request for proposals that led to Skidmore Owings & Merrill (SOM); an

interdisciplinary team of architects, designers, engineers and planners; being selected.

Chris Hall, urban strategy leader with SOM, described a plan to collaborate with the many studies and processes that the Town already had underway. He said that SOM begins every project by bringing together expertise from many disciplines in order to holistically address sustainability at multiple scales. Other SOM team members said that racial equity would be a key part of every process. They gave a list of elements that would lead to equitable transit-oriented development (TOD) and described projects that they had completed in other communities.

Mr. Liles pointed out that the Council had charged staff with integrating planning along the bus rapid transit line with the vision for the Unified Development Ordinance (UDO), as the new LUMO would be called. He said that they had crafted the request for proposals and selected the team with an eye towards creating an integrated approach that would combine work on those processes wherever possible, and he displayed a chart that showed a scheme for doing that.

Ms. Willger said that staff would soon bring a plan for public engagement to the Council that would include multiple events and opportunities for input. The goal would be to build relationships with underrepresented groups using a community connections strategy that the Affordable Housing and Community Connections Department had put forward, she said, and described some of that.

Eric Orozco, an architect and urban planner with Neighboring Concepts, addressed the goal of reaching historically marginalized populations. He described a schedule that would include holding open houses in April, polling the community in June, and creating a vision with community input in October 2022. He talked about attending street festivals, meeting with community organizations, and running a project website with online tools.

Both Town staff and SOM team members discussed major schedule milestones, an implementation plan, visioning reports, and the importance of having Council input from the start. Ms. Willger said that items for Council discussion included a schedule for Council engagement that would fit with Mr. Stevens' work as well. She gave examples of how multiple initiatives might merge together to avoid contradictions and overlaps. The two processes would be looking at some of the same issues, informing each other, and advancing the collective work, she said.

Council Member Anderson asked about the end product, and Mr. Hall replied that the Town would get very clear reports, frameworks, images, directions, quantities and metrics around what future growth would be within the bus rapid transit corridor and how sites could be used to meet

different Town objectives over the 5-15 years.

Mr. Hall said that the process would begin to lay out design frameworks and forms that address street connections, bike connections, public realm connections, and the nature of development across residential, retail, community service and employment realms. It would develop a design and physical vision of what significant components of the future growth areas would look like, he said.

Council Members Anderson, Parker and Ryan expressed concerns about repeating the Chapel Hill 2020 experience of getting extensive input and not being able to satisfy everyone's expectations. They cautioned against having duplicate technical studies and dueling analyses and said that more work was needed to integrate the LUMO rewrite with the work that Mr. Stevens was proposing.

Mayor pro tem Stegman emphasized the Council's desire to have thoughtful engagement that is relationship-driven. She also said that "infusing density" was an important part of what the Town needed to be doing.

Council Member Parker recited a list of elements that he thought should be included in the plan. He and Council Members Anderson and Stegman questioned the emphasis on focus areas, considering that the Council wanted to take a holistic view of the Town.

Council Member Anderson asked how the process would ensure that the public is given realistic trade-offs and that the Council is able to make policy decisions at the right times with the information it needs to make choices. She would want concrete information regarding pros and cons, costs and benefits, and options when decisions needed to be made, rather than merely endorsing plans along the way, she said.

Council Member Parker agreed, and said that the process ought to have a hierarchy of decision-making with the larger policy decisions being made first. Council Member Ryan also emphasized that the Council should be making policy decisions, not merely attending open houses and listening.

Council Member Ryan expressed concerns about the LUMO rewrite being combined with transit oriented design work. Additionally, she pointed out that some of the updates to Council were being scheduled for times when the Council would be gone for summer recess.

This item was received as presented.

**REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR**

**LITIGATION MATTERS**

A motion was made by Council Member Parker, seconded by Council Member Anderson, that the Council be entered into closed session as authorized by General Statute Section 143-318.11318.11(a)(3), to consult with the Town Attorney to preserve the attorney-client privilege. At the conclusion of the closed session, the Council will adopt a single motion to end the closed session and adjourn the meeting without taking further action. The motion carried by a unanimous vote.

**ADJOURNMENT**

The council recessed the meeting at 9:39 p.m. and adjourned the meeting at the conclusion of the closed session.