

0.03 Mayor Hemminger Regarding Upcoming Advisory Board Meetings. [\[20-0448\]](#)

Mayor Hemminger said that information about advisory board meetings, dates, times and locations were on the Town's website. Those virtual meetings were open to the public, and public comments could be provided by email or by signing up to speak remotely, she said.

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

1. Approve all Consent Agenda Items. [\[20-0439\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
2. Receive the Final Finding on Ordinance Development from the Short-Term Rental Task Force and Dissolve the Short-Term Rental (STR) Task Force. [\[20-0440\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

3. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0441\]](#)
This item was received as presented.

DISCUSSION

4. Update on Town Efforts to Respond to the COVID 19 Crisis. (no attachment) [\[20-0442\]](#)
Emergency Management Coordinator Kelly Drayton provided updates on local, state and federal COVID-19 responses and directives. She said that the Orange County Water and Sewer Association (OWASA) FY 2021 budget would not include a rate increase and that OWASA was extending its suspension of disconnection for lack of payment until July 29, 2020. The NC Department of Public Instruction had outlined three options for reopening schools, and the US Department of Health and Human Services had announced a one-time allocation of \$35 million for local health departments, she said.

Ms. Drayton described local COVID-19 initiatives such as expanding contact-free pickup service at the Chapel Hill Public Library and distributing food on Wednesdays at the Eubanks Road Park and Ride lot. She noted the Town was asking for voluntary compliance with making Orange County face coverings a mandate, and had begun distributing masks at fire stations 1 and 3.

Ms. Drayton said that the Town was accepting donations of face coverings, and had recently received more than 600 in one day. She described a Town-initiated "Spread Kindness Not Illness" campaign that encouraging people to remember the three Ws: Wash hands frequently. Wear a face covering. Wait six feet apart.

Mayor Hemminger said that the Town would increase its containment efforts if it saw an increase in COVID-related hospitalizations. She said that the Town had been in discussions with the University of North Carolina (UNC) about working together when students return to Town after summer break. Community members had expressed concerns about how that transition would be implemented, she said.

This item was received as presented.

5. Approve the Affordable Housing Bond and Affordable Housing Development Reserve Funding Plan. [\[20-0419\]](#)

Executive Director for Housing and Community Loryn Clark presented a staff recommendation to use \$5.25 million from the Affordable Housing (AH) Bond and the AH Development Reserve for several projects that would be developed in partnership with outside agencies.

Ms. Clark provided background on the Town's support for AH, which included establishing an AH Investment Plan for building and preserving affordable units. In 2015, the Council had established the AH Development Reserve, which annually allocated about \$688,000 of local funds to support AH development in the community. In 2017, the Council created the AH Investment Plan, the cornerstone of which was a \$10 million AH bond approved by Chapel Hill voters, she said.

Ms. Clark said that Chapel Hill had seen a significant increase in AH units over the last five years and anticipated building 400 and preserving 300 additional units over the next several years. The Town had been making progress toward its targets by supporting development of 190 units and preservation of 229 others through the third quarter of the current year, she said.

Affordable Housing Manager Nate Broman-Fulks outlined a proposed funding plan for the first cycle of bond funds that included \$5 million in bond funds and \$250,000 from the AH Development Reserve. He said that

the Town's Housing Advisory Board (HAB) had recommended making \$1.75 million available to outside agencies and setting the remaining \$3.5 million aside for Town-initiated projects.

Mr. Broman-Fulks said that staff had begun requesting proposals from outside agencies in mid-March and those agencies had requested a total of \$2.3 million, which left a gap of \$600,000. He explained that the recommended funding plan would fully fund CASA and PeeWee Homes projects, partially fund a Habitat for Humanity project, and would not fund an EmPOWERment project at the current time. It would also provide the full \$3.5 million for a Town-initiated project at 2200 Homestead Road, and staff anticipated that funding for the Town's Trinity Court redevelopment project would be available in the next cycle, he said.

Mr. Broman-Fulks provided additional information on the agencies' proposed projects, the amounts they requested, and the reasoning behind the HAB's recommendations. He said that the recommended funding plan would support development of 270 new AH units, leverage about \$46 million from outside sources and would provide long-term affordable units near transit stops. He recommended that the Council approve Resolution 4.

Council Members raised questions about the CASA project for which Carrboro would pay \$350,000, and the Town would pay \$950,000, even though the development would be on the town line with an equal number of units in each town.

Mr. Broman-Fulks mentioned that the HAB had not expressed any concerns and proposed that the council ask CASA about that. Ms. Clark said that it was a matter of how much funding was available to each town for AH, and Mayor Hemminger pointed out that fair housing laws did not require a person to reside in a town in order to apply for housing there.

The Council confirmed that EmPOWERment Inc. had already acquired one parcel and had officially asked the Town to convey the other one to them for their project.

Mr. Broman-Fulks said that EmPOWERment could apply for additional funding in the next funding cycle, but some Council Members posed the idea of shifting \$150,000 from the Town's Homestead Road project to EmPOWERment and having the Town apply for that money during the next funding cycle.

Ms. Clark replied that she was not aware of any additional requests for those funds in the fall and said the Town would likely have a good chance of getting funding during that cycle.

Mayor Hemminger noted that the Town had contributed to the CASA project by not charging development review fees, and she suggested

determining whether Carrboro had done the same. She asked for a rough guess of what those fees were, and staff members replied that Self Help might have an answer.

Mary Jean Seyda, CEO of CASA, but speaking as the HAB chair, said that the unequal distribution of funding for the CASA project was related to Carrboro having a very limited amount of money for AH. CASA had applied to Chapel Hill because of the Town's available bond funding, and Orange County bond funds were also invested in the project, she said. Ms. Seyda said that she would provide an answer later to the Mayor's question about development review fees.

Council Member Gu asked if there was data on how many of the applicants currently lived in Town, and Ms. Seyda replied that she was not sure but did know that about 300 lived in Orange County.

Council Member Anderson commented that AH projects make the Town accessible to people who would not otherwise be able to live in Chapel Hill, so that the Town could be a more diverse and inclusive community.

Mayor Hemminger determined from Ms. Seyda that CASA currently had 12 duplexes in Chapel Hill. It had 24 efficiency apartments for people with disabilities and 5 other units in Carrboro, she said.

Danita Mason Hogans, an EmPOWERment Inc. board member, told Council Members about her inability to find affordable housing in Chapel Hill even though her family had lived in Town for seven generations. She remarked that a town's budget revealed who and what the town valued, and she expressed concern about EmPOWERment being left out of consideration. Ms. Mason Hogans said that EmPOWERment had a long waiting list of people who needed help, and she urged the Council to reevaluate EmPOWERment's funding status.

Delores Bailey, executive director of EmPOWERment Inc., noted that her agency served people who were homeless, low income, veterans, and voucher holders. She explained that EmPOWERment had used its construction reserve funds to help tenants with rental payments due to COVID-19. Ms. Bailey objected to the criteria that the HAB had used, and she asked that its funding recommendations be reorganized to include EmPOWERment's Johnson Street Project, which would create much needed affordable rentals in the Pine Knolls community. She showed an outline of what the eight units would look like and said she had sent Council members a letter listing reasons why EmPOWERment should be included in the current funding cycle.

Council Member Huynh proposed an alternate resolution to move \$200,000 from the Town's 2200 Homestead Road project to EmPOWERment for its project, and the Council voted unanimously to approve the amendment.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that R-3 be adopted as amended. The motion carried by a unanimous vote.

6. North-South Bus Rapid Transit Update. [\[20-0421\]](#)

Transit Director Brian Litchfield gave a PowerPoint update on the recommended local preferred alternative (LPA) for the Town's North-South Bus Rapid Transit project. He reviewed the project's history from 2011 to its receipt of a favorable rating from the Federal Transit Authority in February 2020. He explained that deciding on the LPA was the critical next step toward obtaining federal funding and moving through the environmental, engineering and design phases of the process.

Mr. Litchfield outlined the findings of a recent traffic engineering study and said that they were consistent with NC DOT recommendations. He displayed a map and identified areas of the route that would be either constructed or converted. He asked the Council to confirm the staff's recommendation to convert a dedicated curb lane between Weaver Dairy Road to Westminster Drive, construct a dedicated curb lane from Westminster to Umstead Road/Hillsborough Street, and convert a dedicated curb lane from Umstead/Hillsborough to North Street. The remainder of the LPA would be consistent with what was adopted in 2016 and reaffirmed in 2019, he said.

Mr. Litchfield explained that next steps, if the LPA was approved, would be to finish an environmental review, finish 30 percent design, resubmit the project in the fall and try to improve its rating. He said that the staff's recommendation was consistent with that of the Town's funding partners (UNC-CH and Town of Carrboro) and its technical and policy committees. Mr. Litchfield recommended that the Council adopt Resolution 4, authorizing staff to submit the revised LPA to the Durham/Chapel Hill/Carrboro Metropolitan Planning Organization.

Council Members commented on their desire to have the road feel like a boulevard with narrower lanes and slower traffic.

Mr. Litchfield replied that planners were looking at ways to decrease the size of crosswalks and were working with NC DOT to narrow lane widths.

Council Members stressed their desire for urban design elements and medians with green space where possible. Council Member Ryan asked for clear diagrams of where median widths would change, and Mayor Hemminger recommended that staff make sure that the placement of variable sign messaging would not conflict with road design.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that R-4 be adopted. The motion carried by a unanimous vote.

7. Update on Land Use Management Ordinance and Town Code Amendments Related to North Carolina General Statutes Chapter 160D. [\[20-0443\]](#)

Principal Planner Corey Liles gave a PowerPoint presentation on a proposed Land Use Management Ordinance (LUMO) update based on a new section of NC statutes (Chapter 160D) regarding rules for local land use. He said that Chapter 160D had been established under Session Law 2019-111, enacted by the NC General Assembly, and signed by the Governor on July 11, 2019. LUMO coordinates and other Town regulations would need to be brought into compliance with state law, he said.

Mr. Liles pointed out that Chapter 160D would go into effect in the summer of 2021 and he advised the Council to start the process soon. The current goal was to share some high level information about how regulations and procedures would change, he said.

LUMO Project Manager Alisa Duffey Rogers said that Part 1 of Session Law 2019-111, did not require amendments to the LUMO but did make two noteworthy changes regarding Special-Use Permits (SUPs): 1) conditions and safeguards imposed on SUPs shall not include requirements for which the Town does not have the authority under NC law to regulate, nor requirements which the courts have held to be unenforceable; and 2) the applicant and landowner must consent in writing to any conditions placed on SUPs.

Ms. Duffey Rogers provided details regarding Conditional Zoning (CZ) as well. She noted the contrast between conditions that could be placed on SUPs and those that could be placed on CZs. While the Town was expressly prohibited from placing conditions on SUPs that exceed its basic zoning authority, it could do so with CZ if the applicant and the landowner consent in writing, she said.

Ms. Duffey Rogers said that the Town would need to be mindful when writing ordinances of whether or not it had authority to regulate, interpret, or add conditions to SUPs. Failure to recognize its limitations could result in the Town being mandated to pay attorney's fees, she said. She discussed "expanded permit choice" and noted that the Town would be required to pay attorney's fees to any aggrieved party if the court were to find that its actions violated permit choice statutes.

Ms. Duffey Rogers said that staff hoped to schedule small group Council discussions in the fall to discuss and explain the very technical changes related to Part 1 of Session Law 2019/111 in more detail.

Mayor pro tem Parker asked if the changes regarding conditions would likely drive applicants toward SUPs more than CZs, and Ms. Duffey Rogers

replied that those who do not want to be constrained by the quasi-judicial process might choose CZs while those who do not want to negotiate with the Town might move toward SUPs.

Council Member Stegman said she wondered about the impact on AH since the CZ was the application of choice when negotiating for something beyond what would be permissible under state statute.

Mr. Liles said that Part II of Session Law 2019-111 included Chapter 160D, which required the Town to update its code before next summer. There was a long list of provisions, and staff had been making a list of topics for Council consideration, he said. He gave a detailed summary of those changes and discussed implications for policy choices. He proposed a process and schedule for making changes by spring, prior to the Chapter 160D effective date of July 1, 2021.

Mr. Liles recommended that initial public engagement/education meetings take place over the summer. He proposed holding small Council groups as well and then moving through the text amendment process. Staff would return in the fall to talk about Part II changes and where opportunities exist for policy choices, he said.

The Council confirmed with Ms. Duffey Rogers that the changes would allow the Planning Commission (PC) to review SUPs but the Council's decisions would need to be based on information presented at public hearings. According to the law, the PC could hold a forum, but its recommendation could not sway the Council's ultimate decision, she explained. Ms. Duffey Rogers pointed out that the Council would have an opportunity in the fall to evaluate the PC's ongoing role.

Council Members raised the idea of involving the UNC School of Government in the public presentations. They confirmed with Mr. Liles that the practice of linking SUP and rezoning processes would no longer be an option under state law. Ms. Duffey Rogers pointed out that the ability to condition a project would still exist under the CZ tool, however.

Mayor Hemminger said that most Council Members appeared to want small group Council discussions. Perhaps some videos and tools from the School of Government could be made available to the Council and public, she said, adding that the PC and other boards needed to look at the changes as well. The Council needed to understand how the new law would work before providing feedback, Mayor Hemminger said. Then she confirmed with Council Member Buansi that the law could be changed or rescinded if the state legislature were to turn over this year.

This item was received as presented.

8. Continue a Public Hearing for the Rosemary Redevelopment [\[20-0444\]](#)

Economic Development Agreement to June 24, 2020.

The Council voted unanimously to continue this item to June 24, 2020.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-5 be adopted. The motion carried by a unanimous vote.

9. Open the Public Hearing: Conditional Zoning at 125 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning (TC-2-C). [\[20-0438\]](#)

This item was continued to June 24, 2020.

This matter was referred to the June 24, 2020 Council meeting.

10. Authorize the Town Manager to Finalize Arrangements for Construction of the Elliott Road Extension Project. [\[20-0445\]](#)

This item was removed.

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

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that Council enter into a closed session as authorized by General Statute Section 143-318.11(a)(3) to consult with the Town's attorney and General Statute Section 143-318.11(a)(4) to consider an economic development matter. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 9:16 p.m.; the Council went into closed session and the meeting adjourned at the end of the closed session.