



# TOWN OF CHAPEL HILL

## Town Council

### Meeting Minutes - Draft

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

Mayor Pam Hemminger  
Mayor pro tem 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, May 17, 2023 7:00 PM RM 110 | Council Chamber

#### 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 in the Council Chamber.
- Please do not bring signs.
- Live stream the meeting - <https://chapelhill.legistar.com/Calendar.aspx>
- View on cable television channel at Chapel Hill Gov-TV ([townofchapelhill.org/GovTV](http://townofchapelhill.org/GovTV))
- 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 COVID-19 Protocols

- Entrance on the ground floor.
- Visitors and employees will self-screen. Do not enter if you have these symptoms: Fever, chills, cough, sore throat, shortness of breath, loss of taste or smell, headache, muscle pain

#### ROLL CALL

**Present:** 9 - Mayor Pam Hemminger, 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

#### OTHER ATTENDEES

Interim Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Affordable Housing and Community Connections Director Sarah Viñas, Planning Director Britany Waddell, Assistant Business Management Director Matthew Brinkley, Strategic Operations Manager Ross Tompkins, Community Connections Manager Rebecca Buzzard, Community Connections Coordinator Zequel Hall, Community Connections Coordinator Katelyn Robalino, Fire Marshal Chris Kearns, Technology Solutions Director Chris Butts, Library Director Susan Brown, Police Chief Celisa Lehw, Emergency Management Coordinator Kelly Drayton, Manager of Engineering & Infrastructure Chris Roberts, Parks and Recreation Director Atuya Cornwell, Human Resources Director Cliff Turner, Fire Chief Vence Harris, Purchasing and Contracts Specialist Sally Shader, and Communications and Public Affairs Director/Town Clerk Sabrina Oliver.

#### OPENING

Mayor Hemminger opened the meeting at 7:00 p.m. and reviewed the agenda. All Council Members were present.

#### ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Work Session Format. [\[23-0438\]](#)

Mayor Hemminger explained that work sessions provided a less formal format in which Council Members look into topics more deeply. Those topics then come back to formal Council meetings, which include public comment, she said.

0.02 Mayor Hemminger Regarding Bikes and Kites Day. [\[23-0439\]](#)

Mayor Hemminger announced that GoChapelHill would be hosting Bikes and Kites Day on May 20th at 3:00 p.m. in the Carmichael Street parking area.

0.03 Mayor Hemminger Regarding Downtown Mobility Planning [\[23-0440\]](#)

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**Events.**

Mayor Hemminger said that the Town would hold a series of planning events, including open studios, on Monday through Thursday of the following week. More information and details about the Downtown Mobility Plan could be found on the Town's webpage, she said.

**0.04 Mayor Hemminger Regarding Future Council Meeting.**[\[23-0441\]](#)

Mayor Hemminger said that the next Council meeting would be held in Council Chambers on May 24th at 7:00 p.m.

**0.05 Mayor Hemminger Wishes Council Member Stegman an Early Birthday.**[\[23-0442\]](#)

Mayor Hemminger pointed out that Mayor pro tem Stegman's birthday was coming up and wished her a happy one.

**AGENDA ITEM(S)****1. FY 2023-24 Manager's Recommended Budget Discussion. (no attachment)**[\[23-0431\]](#)

Interim Town Manager Chris Blue gave a PowerPoint presentation on the recommended FY 2023-24 Town budget, which proposed a 5-cent tax increase. He compared that with a 4-cent increase and explained how 5 cents would advance Town priorities and goals. He noted that the Council had asked staff to take a longer view of Town finances and had made a commitment to catching up on deferred maintenance and staffing shortages. That had led to a budget based on hard truths and various tax scenarios, he said.

Mr. Blue pointed out that a 4-cent tax increase would provide meaningful pay increases and compression adjustments for current staff but would only allow five new positions. He said that about 80 new positions would be needed over the next five years to execute the Council's key goals. An additional penny could make a significant difference, he said, adding that a 4-cent tax increase would not provide enough revenue to launch the Town's Complete Communities Initiative in a meaningful way.

Mr. Blue displayed a chart that compared the impact of 4-cent and 5-cent tax increases on Town priorities (staffing, operations, facilities, fleet, parks, fire, affordable housing, greenways) as well as Town goals and initiatives. He said that the 5-cent "getting ahead" scenario would address the Town's entire \$30 million backlog.

Mr. Blue showed the annual impact of 4- and 5-cents on taxpayers whose properties were valued at different ranges. Someone with property valued at \$150,000 would pay \$60 more per year with a 4-cent tax increase and \$75 more with a 5-cent increase, he said. He explained that a taxpayer

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with property valued at \$10 million would pay \$4,000 or \$5,000, respectively, for 4-cent and 5-cent increases. The rate would be the same for both commercial and residential properties, he said.

Mr. Blue asked the Council to provide feedback on the proposed 5-cent tax increase. He outlined a potential budget calendar, which ended with budget adoption on June 14, or possibly June 7, 2023.

The Council's reaction to the proposed tax increase was mixed. Council Members Parker, Miller-Foushee, Huynh, Stegman and Berry said they leaned toward a 5-cent tax increase, while Council Members Anderson, Ryan, Searing and Mayor Hemminger expressed more hesitancy. They all agreed, however, that accommodations would need to be made for low-income taxpayers at either level of tax increase.

Council Member Anderson asked how additional revenue would affect Town plans, considering that there was a potential for federal funding as well. Deputy Town Managers Mary Jane Nirdlinger and Loryn Clark explained that even projects that qualified for grants needed to have shovel-ready designs in order to be competitive, including affordable housing projects.

Council Member Ryan and Mr. Blue discussed the strategy behind staff's "front-loading" proposal, and Mr. Blue pointed out that there was no guarantee that future Councils would follow the Town's current five-year plan. Council Member Ryan asked that 4 cents remain on the table. Spreading the shock out a little could be useful to the community and to businesses that need to plan, she said.

Council Member Parker pointed out that the primary impact on taxpayers would come from jumping from 0 to 4 cents, and that the difference between 4 and 5 cents was not very great. He was inclined toward a 5-cent increase based on what that additional penny could do, he said.

Council Member Searing said that the Town should be more responsible with its spending before asking residents for a 5-cent, or even 4-cent, increase. Telling people that the 5 cents would go toward a backlog rather than toward improving the Town's parks system would be a "tough sell", he said.

Council Member Miller-Foushee pointed out that the increased monthly rate would cost her about the same amount as her monthly Netflix fee. Staff had done a good job of creating a budget that reflected Town goals and aligned with Council objectives, she said.

Mayor pro tem Stegman acknowledged that Chapel Hill taxpayers' combined bill was high, but she pointed out that residents did need to pay for Town services. She asked staff to return with a clarification on whether "A Penny for Parks" included greenways. Additionally, she wanted to better understand the Town's strategy regarding the Partnership to End

Homelessness and Vision Zero programs, she said.

Council Member Huynh listed several of the Town's accomplishments and said that expenditures had been responsible and based on Town values. He pointed out that the Council had made an intentional decision to not raise taxes during the COVID-19 pandemic. Yet, Town staff had shown up every day and delivered services throughout that pandemic, and the Town owed them a pay increase, he said.

Council Member Berry said that the Council should look at 5 cents seriously if it really wanted to make an impact and turn things around. It was not easy to tell people that they have to pay more, but the Town and its staff were worth it, she said.

Mayor Hemminger commented that she wanted to do everything that was on the staff's list but was struggling with how a 5-cent increase would affect business owners and people living on fixed incomes. She proposed looking at ideas such as staggering some of the Town's hiring or maybe doing only portions of projects. She pointed out that new companies were coming on line that would bring in about \$750,000 a year in new revenue beginning in 2026. Although she was not comfortable with 5 cents, she did understand that there was a huge backlog of things that had been put off, she said.

The Mayor and Council discussed the need to mitigate the impact on low-income residents. They spoke about negotiating with Orange County about that and other topics, and Mr. Blue agreed to do so. Council Member Searing suggested that the Town ask its state legislative delegation to consider expanding the current requirement that counties provide property tax relief. Council Member Berry cautioned that administering any new program would be an additional burden on Town staff.

This item was received as presented.

## 2. Update on the Legion Property Project

[\[23-0432\]](#)

Strategic Operations Manager Ross Tompkins showed an aerial view of the 36.2-acre Legion Road site and indicated where its steep slopes and stream buffers were located. He said that the property was adjacent to an approximate 12-acre Ephesus Park, so the entire Town-owned property was about 50 acres.

Mr. Tompkins reviewed how the Council had taken action in December 2022 to retain full ownership of the 36.2 acres and to allocate 8-9 acres of that for affordable housing (AH). The plan had been to combine the remaining land with Ephesus Park to create a new town park, he said. He said that the Council had approved having the status of a pond on the site evaluated in order to inform its decisions about uses.

Mr. Tompkins discussed staff's guiding goals for AH development on the property. He said that staff expected to send out request for proposals (RFQs) from potential AH partners over the summer and to select a development partner in fall 2023. He said that immediate next steps would be to select the AH development partner and move forward with pond recommendations.

Mr. Tompkins said that staff was in favor of using some of the funds that were allocated in the Manager's recommended FY 2023-24 budget for Parks to update the Parks Master Plan. That process would provide information that could be used to inform a future park on the Legion Road site, he said.

Mr. Tompkins pointed out that all options for the Legion Road property required draining the pond. He pointed out that the permitting process alone would take at least a year. He reviewed key issues pertaining to the pond, noted several unknowns regarding the dam, and explained how remediation could affect the AH development schedule. He recommended that the Council continue to evaluate pond options, move forward with the RFQ process, begin the dam maintenance permitting process, and gather more information regarding future development options once the pond has been drained.

Bernie Garrett, of Garrett & Moore, summarized his Dam Engineering Report. He explained that water from the dam was being discharged into an intermittent stream that flowed south to Ephesus Church Road. He showed pictures of a significantly eroded pipe and said that extensive tree growth, overly steep slopes, and extensive erosion at the outlet raised concerns regarding the condition of a downstream culvert at Clover Drive.

Mr. Garrett said that the NC Dam Safety Act had classified the dam as a high hazard, primarily because a failure would cause damage in excess of \$200,000, he said. The Town's options for bringing it into compliance with NC Dam Safety Law were to either repair or remove it, he said. He described what would be required for each option and reviewed the environmental rules that would apply.

Mr. Garrett said that repairing the dam would require a 12-month review with the Army Corp of Engineers. The cost of repair would be an estimated \$800,000 and would take about 24 months from the initial RFQ to completion, he said. He explained that removing the dam could cost \$600,000 and take 24 months. That removal schedule would include a six-month, post-construction phase during which the stream and wetland could reemerge, he said.

Mayor Hemminger confirmed with staff that a fence would need to be placed around the pond if housing were located in that area. However, pond use would not need to be restricted, Mr. Tompkins said. Council Member Parker verified that the pond could be reduced in size as long as

it was repaired. However, that would add cost and many subjective criteria would factor in to whether the Army Corp of Engineers would approve that, Mr. Garrett said.

Council Member Ryan questioned the assertion that site work needed to wait for the Parks Master Plan. She pointed out that the Town had already done much park planning and had ideas at a high level. She asked for more information on whether there was an optimum time to drain the pond with respect to breeding cycles and migrations, and Mayor Hemminger pointed out that September and November tended to include hurricanes and large public events.

The Council confirmed with AH and Community Connections Director Sarah Viñas that the site would be highly competitive for a 9 percent low-income housing tax credit (LIHTC). Staff had been contemplating doing two LIHTC projects there since the acreage could accommodate up to 150 units, Ms. Viñas said.

Council Member Searing confirmed with Mr. Garrett that a spring that was likely feeding the pond probably would re-form and create wetlands. Filling the pond in would address that but getting a permit to do so would require going through regulatory hurdles, Mr. Garrett said. Council Member Searing requested that staff determine whether the Town had ever done a risk assessment of the pond and dam at Meadowmont.

Council Member Searing said that draining the pond and building AH first could mean not starting to think about building a park there until after two years, but Council Member Anderson pointed out that the Town had or was working on a Parks Master Plan, a Greenways Master Plan, and an Open Space Plan. She confirmed with Mr. Tompkins that representatives from parks, environmentalism, sustainability, greenways, and housing were all staying coordinated.

Council Member Searing explained that he meant that the Town could be doing many additional things to demonstrate that it was moving forward on the park as well. Council Member Miller-Foushee pointed out, though, that the Town could not move forward with AH or the park without addressing the pond.

In response to questions from Council, Mr. Garrett said that the pond was classified as "high hazard" and needed to be drained. The dam should be addressed regardless of what the Town decided to do with the property, he said.

Mayor Hemminger asked about a stream determination for Ephesus Park and Mr. Tompkins showed that intermittent stream, steep slopes and buffers on the map. He also showed an overlay of the entire area that

showed how the AH would need to extend into other parts of the property to reach 8-9 acres if the pond remained.

Mayor Hemminger said that she had hoped to also see a cost estimate for reducing the size of the pond. She pointed out that either option would require a permit, and Mr. Tompkins recommended applying to the Army Corp of Engineers for only one of the options.

Mayor Hemminger commented on possibly siting a pond somewhere else on the site, and she noted that there probably would be the need for a stormwater feature in the lower portion. She said that relocation had previously been discussed and she asked the Town's stormwater staff to prepare a report on that. She verified with Manager of Engineering and Infrastructure Chris Roberts that the east side of the property probably would be the best location for such a pond.

In response to a request from the Council, Ms. Viñas reviewed a probable two-year process for building AH that included selecting a development partner and applying for 9 percent LIHTC. The Town would not be ready to consider submitting the tax credit application until 2026, which would allow for concurrent planning with the Parks and Recreation component over the next couple of years, she pointed out.

Mayor Hemminger said that the Council was interested in seeing an estimate for a smaller pond, wanted to know the best time of year to drain the pond, and had asked for a risk assessment of the Meadowmont pond as well. Council Members wanted to locate a pond somewhere on the site and the options were to either reduce or relocate, she said.

This item was received as presented.

**3. Discuss the Report and Recommendations from the Gaps Analysis and Engagement Study.**

[\[23-0433\]](#)

Ms. Viñas presented a short video in which members of Town staff described a recent Gaps Analysis and Engagement Study that had been focused on residents that the Town had not been reaching. The study found that *Trust and Accountability, Communication, and Inclusivity* were the primary barriers to engagement, Ms. Viñas said. The video depicted Town efforts to address those barriers.

Following the video, Ms. Viñas summarized what staff had learned and said that some community members did not feel that they were being listened to. The evening's presentation would be a step toward demonstrating that the Town valued those voices, she said. She asked the Council to receive the report, which aligned with the Council's goals, the One Orange Racial Equity Framework, and the Complete Community Equitable Engagement Framework, she said.

Community Connections Manager Rebecca Buzzard explained staff's goal of identifying segments of the population who were not engaged with the Town and determining the reasons for that lack of engagement. She described an approach for reaching under-engaged community members that included interviews with community partners, discussions with Town staff, analysis of internal data, and community-led conversations.

Community Connections Coordinator Zequel Hall reported that staff had identified several groups of under-engaged Town residents: Blacks/African Americans; immigrants/refugees; and low-income people (seniors on fixed income, public housing residents, manufactured home residents, students, young adults and renters). These populations were not mutually exclusive since some people identified with more than one group, she said.

Ms. Hall explained that *Trust and Accountability* had emerged as the overarching barrier to participation. Residents felt that the structure of public meetings permitted limited interactions with Town leaders, and they had not seen where their participation in similar past surveys had had any impact, she said. Moreover, participants said that they had often been asked about highly technical matters that were not relevant to them or their communities, she said.

Ms. Hall said that compensating them for their time led residents to feel that the Town valued their opinion. Participants had also suggested that Town meetings be held at times and locations that were more convenient for them. They recommended that the Town set clear expectations and be transparent about how their input would impact Town policies, she said.

Community Connections Coordinator Katelyn Robelino addressed the *Communications* findings. She explained the distinct ways in which different groups of Town residents prefer to receive communication and described the difficulties that some had with understanding Town communications. Some Participants had suggested tailoring information to fit the needs of targeted audiences, she said, and she provided a list of ways to do that.

With regard to the *Inclusivity* findings, Ms. Robelino said that some community members felt that the Town valued homeowners and white residents more than them. Some thought that governmental spaces symbolized institutional exclusion, she said. She said that participants had recommended expanding incentives for participation -- such as providing food, transportation, childcare, digital support, and offering paid engagement opportunities. Participants wanted to have more say in designing programs and policies that directly impact their communities and they wanted Town marketing materials, staff and events to reflect their voices and backgrounds, she said.

Ms. Viñas showed a list of steps that staff had taken since completing the

engagement study in March 2023. She described new communication tools and said that the video the Council had just seen was available in multiple languages. Community facilitators and others were helping to spread the word about the work that staff had been doing, and the Town had purchased new technology tools in response to residents' preferences, she said.

Ms. Viñas stated that staff had been increasing its consistent presence in locations where under-engaged populations live. She described staff efforts to deepen Town work regarding language access. Her team was hoping to roll out a language incentive for Town employees who speak languages other than English and were willing to use that skill on the job, she pointed out. She said that staff had been mapping out a plan for expanding a paid engagement pilot. Staff wanted to discuss ideas, such as changing Council meeting time and including virtual input options, with Council Members, she said.

Ms. Viñas thanked a list of individuals and groups who had helped with the study. She acknowledged Dr. Irma McClaurin, a world-renowned anthropologist, who had been the Town's consultant and thanked community facilitators. She asked the Council to provide feedback on the report and said that staff would continue implementing its recommendations.

The Mayor and Council thanked Ms. Viñas and her team for the great work that they had done. They praised them for caring so much and encouraged them to continue reaching out and meeting people where they are. The Council spoke in favor of offering paid engagement, holding meetings in communities, and looking at recreating a neighborhood liaison program that the Town once had during a water crisis.

During Council comments and questions, Ms. Viñas proposed providing multi-lingual language accommodation resources at Council meetings. Such headsets had been successfully used at a recent People's Academy session, she pointed out, noting that having simultaneous interpretation acted as an equalizer.

With regard to Council questions about equity, Ms. Vinas said that staff had been envisioning a template that would provide the Council with information about public engagement efforts. That information would include a demographic summary of participants and explain how it compared with the overall community, she said. She pointed out that staff had been exploring ways to partner with the School System, and Council Member Huynh mentioned a new apprenticeship program that trained high school students to be interpreters.

The Council emphasized the importance of having a feedback loop that lets participants know how their responses impact Town processes and

decisions. Council Members acknowledged that speaking at meetings could be intimidating and some made suggestions regarding that. Council Members supported having further conversations about paid participation and asked for more information on where and when residents wanted the Council to engage with them.

The Council emphasized the importance of broadening public input, and they talked about having informal meetings based on community agendas. They confirmed with Ms. Viñas that Public Housing was heavily using a language line that was available around the clock.

Mayor pro tem Stegman proposed that Town notices be sent to renters as well as property owners when the subject pertains to something happening near their homes. Council Member Parker asked for a future presentation on how staff was measuring success and asked to see where this investment was in the Town budget.

Council Member Ryan commented on the high-quality work that Ms. Viñas and her team had been consistently doing. The Council recognized and appreciated that, she said, and both she and Mayor Hemminger commented on how there was no need to tell Ms. Viñas how to prioritize.

This item was received as presented.

#### **ADJOURNMENT**

This meeting was adjourned at 10:02 p.m.