



# TOWN OF CHAPEL HILL

## Town Council

### Meeting Minutes - Final

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

Mayor Jessica Anderson  
Mayor pro tem Amy Ryan  
Council Member Camille Berry  
Council Member Melissa McCullough  
Council Member Paris Miller-Foushee

Council Member Theodore Nollert  
Council Member Adam Searing  
Council Member Elizabeth Sharp  
Council Member Karen Stegman

Wednesday, March 20, 2024

6:00 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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如需口头或  
书面翻译服  
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919-969-5105.

#### 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

**Present:** 8 - Mayor Jessica Anderson, Mayor pro tem Amy Ryan, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Adam Searing, Council Member Theodore Nollert, Council Member Melissa McCullough, and Council Member Elizabeth Sharp

**Absent:** 1 - Council Member Karen Stegman

## OTHER ATTENDEES

Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Planning Manager Corey Liles, Planning Director Britaney Waddell, Executive Director for Strategic Communications and Marketing Susan Brown, Fire Marshal Ryan Campbell, Police Officer Danny Lloyd, Stormwater Engineer III Robert Gehris, Manager of Engineering & Infrastructure Chris Roberts, Senior Stormwater Engineer Sue Burke, Assistant Planning Director Judy Johnson, and Deputy Town Clerk Amy Harvey.

## OPENING

Mayor Jessica Anderson called the meeting to order at 6:00 p.m. and reviewed the agenda. Council Member Stegman was absent, excused. Council Members Sharp and Nollert arrived at 6:02 and 6:04 p.m., respectively.

## ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Anderson Regarding Creek Week.

[\[24-0163\]](#)

Mayor Anderson urged residents to check the Town Calendar for Creek Week events (March 16-23) in Chapel Hill and Orange County. Creek Week would be a good opportunity learn about local and streams and how to protect them, she said.

0.02 Mayor Anderson Regarding The 'Meet The Planners' Series.

[\[24-0164\]](#)

Mayor Anderson said that Town planners would be at the Farmers Market from 10:00 a.m. to noon on March 23rd as part of the Town's "Meet the Planners" series. She urged residents to stop by and ask questions.

0.03 Mayor Anderson Regarding LUMO Update Meeting.

[\[24-0165\]](#)

Mayor Anderson announced that Town Planning staff would be hosting a meeting on the Town's Land Use Management Ordinance rewrite at 6:00

p.m. on March 26th at the Chapel Hill Public Library. Childcare would be available, she said.

#### 0.04 Mayor Anderson Regarding Vision Zero and Safe Routes to Schools Community Conversation.

[\[24-0166\]](#)

Mayor Anderson announced that the Office of Mobility and Connectivity would hold a community conversation at the Chapel Hill Public Library on March 28, 2024, beginning at 6:00 p.m. The discussion would focus on how Vision Zero and Safe Routes to Schools could make Town roads safer for all users, she said.

#### 0.05 Mayor Anderson Regarding Public Engagement in April.

[\[24-0167\]](#)

Mayor Anderson said that there would public engagement opportunities in April 2024 regarding Parks and Recreation, the Land Use Management Ordinance rewrite, the Town budget, and the Downtown streetscape. Information was available on the Town Calendar and through the Town's social media, she said.

#### 0.06 Mayor Anderson Regarding Council Member Ryan's Birthday.

[\[24-0168\]](#)

The Mayor and Council wished Mayor pro tem Ryan a Happy Birthday.

#### 0.07 Council Member Miller-Foushee Regarding Ramadan and Interfaith Iftar.

[\[24-0169\]](#)

Council Member Miller-Foushee announced that an Interfaith Iftar would take place at 6:45 p.m. on March 26th at Holy Trinity Lutheran Church on East Rosemary Street. The Chapel Hill/Carrboro NAACP, Marian Cheek Jackson Center, Middle East Refugee Aid would host the event, and some members of Town staff had been helping with planning, she said. She said that people of all faiths were invited to participate.

### **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.

1. Madison Haley, Haw River Assembly, Share Trash Trap Program initiative.

[\[24-0129\]](#)

Madison Haley, a UNC graduate student who works at Haw River Assembly, gave a brief PowerPoint presentation on local initiatives to protect water resources. She discussed the problem of litter in waterways in particular and provided information about a collaboration among NC municipalities to install trash traps in local streams. She outlined several ways in which the Town could be a leader in plastic and litter reduction policies.

This item was received as presented.

1.01 Public Comment on Affordable Housing.

[\[24-0170\]](#)

Alice Jacoby, representing both the Orange County Affordable Housing Coalition and Habitat for Humanity, urged the Council to move forward with a 2024 Affordable Housing (AH) Bond. She gave examples of why it would be incorrect to think that projects scheduled for 2027, or later, did not have current subsidy needs. She said that the cost of building had increased by 87 percent over the last 10 years and that AH providers could not deliver without subsidies over the entire scope of the development processes. AH providers expected the Council to fully fund its AH Plan, which laid out multiple pathways to obtain \$50 million over five years, she said.

Mike Nicholson, a Vineyard Square resident, thanked Council Members for their AH efforts and encouraged them to keep the momentum going by putting the AH Bond referendum on the November 2024 ballot. He said that 58 percent of Chapel Hill renters were cost burdened, as were 88 percent of those who earn less than \$50,000 per year.

Mayor Anderson confirmed with staff that a petition for the AH Bond had already been submitted. She thanked the speakers for continuing to raise the topic and said that the Council would be looking at various opportunities, including a bond, to fill the funding gap. The goal was to secure the needed funding and the Town Manager would be bringing options, she said.

This item was received as presented.

## **AGENDA ITEMS**

These items 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 Council Member Berry, seconded by Council Member Miller-Foushee, that R-1 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[24-0130\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Approve a Sole Source Breathing Air Compressor Purchase [\[24-0131\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Approve a Chapel Hill Police Sole Source Purchase [\[24-0132\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Award a Bid for Street Patching, Milling, Resurfacing, and Re-Striping on Town-Maintained Streets. [\[24-0133\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
6. Execute of a new encroachment and lease agreement with T-Mobile South, LLC for the maintenance and operation of existing wireless communications facilities in Northern Community Park [\[24-0134\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
7. Approving A Resolution Limiting the Scope of the Modification to Aura Chapel Hill [\[24-0135\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
- 7.1 Amend the 2023-24 Council Calendar. [\[24-0145\]](#)  
Mayor Anderson pointed out that this resolution was being revised to replace an April 12th Council Committee on Economic Sustainability meeting with the Council's Annual Legislative Breakfast. The Council unanimously adopted Resolution 1, as amended to include that change (Item 7.1).  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

## **DISCUSSION**

### *ZONING ATLAS AMENDMENT(S)*

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers

public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

8. Open the Legislative Hearing: Aura Chapel Hill Conditional Zoning Lighting Modification

[\[24-0136\]](#)

Andrew Houck, representing Trinsic Residential Group, explained the request to modify Aura Chapel Hill's offsite lighting plan in an area along its northern property line. He said that changing to higher quality light fixtures would result in .3-foot candles in some areas. However, the new fixtures would provide better sidewalk lighting and would not affect the neighboring single-family homes, which were 80 feet away, he said.

Planning Manager Corey Liles said that the requested modification would meet Complete Community standards and that staff was recommending approval. He said the owner of the adjacent Shadowood Apartments had expressed support, as had the Planning Commission. He recommended that the Council open the legislative hearing, receive and provide comments, and continue the hearing to April 17, 2024.

Council Member McCullough clarified that the proposed light fixtures would adhere to the Town's dark sky regulations.

A motion was made by Mayor pro tem Ryan, seconded by Council Member Berry, that the Council continued the Legislative Hearing to April 17, 2024. The motion carried by a unanimous vote.

*CONTINUED DISCUSSION*

9. Open the Public Hearing and Consider a Request to Close the Unmaintained and Unpaved Public Right-of-Way Portion of Old Hargraves Road.

[\[24-0137\]](#)

Public Works Engineer Rob Gehris described a request for permanent closure of an approximate 1,200ft x 12ft, unmaintained right-of-way (ROW) adjacent to the Hillcrest neighborhood. He showed the location on a map and summarized state procedure for closures. He said that a property owner had formally requested the closure and that neither the Town nor Orange Water and Sewer Authority (OWASA) needed the ROW. He pointed out that the 17 adjacent parcels would still have access if the ROW did not exist. He recommended that the Council open and close the public hearing and adopt Resolution 7 for approval.

In response to a question from Council Member Searing about possibly using the ROW for access to nearby trail heads, Council Member Sharp said that she lived nearby and struggled to figure out where it even was. Council Member Berry pointed out that one reason for the closure request was that the ROW was not being used.

James Baubert, an adjoining property owner, asked how the proposed change might affect the ability of adjacent property owners to divide their land. Mr. Gehris offered to find out if it would affect some of the larger parcels, and Council Member McCullough and Mayor Anderson commented on how the new LUMO might have new rules about subdividing lots.

Park Valley Drive residents Anneliese Long and Nate Kelly said that the ROW, which runs behind their houses, had never connected anything and that no one ever walked through there. Whit Brummel, the petitioner, said that the 80-year-old ROW had been put in place for a development that never occurred. He had started the closure effort in 2010 in order to get rid of the rampant bamboo, he said.

Council Member Berry thanked Mr. Brummel for sticking with his request for 14 years. She thanked the other neighbors as well for helping the Council understand the property better.

This public hearing was closed.

A motion was made by Council Member Berry, seconded by Council Member Nollert, that the Council adopt R-7. The motion carried by a unanimous vote.

### **LAND USE MANAGEMENT TEXT AMENDMENT(S)**

- 10. Open the Legislative Hearing to Consider Land Use Management Ordinance Text Amendments to the Stormwater Management Requirements.**

**[\[24-0138\]](#)**

Senior Stormwater Engineer Sue Burke presented three text amendments (TAs) to Stormwater Management criteria in the Town's Land Use Management Ordinance (LUMO). She said that several Council Members had presented a petition in June 2021 that requested a comprehensive review of Stormwater regulations. Council petitioners had been concerned about regulations not addressing increasing precipitation, intensity and frequency of storms, she said.

Ms. Burke said that a subsequent review of Stormwater regulations, by Skidmore Merrill and Owings and the SRF Group, had been completed in April 2023. Those consultants had recommended three TAs (two clarifications and one addition) that would add the 100-year/24-hour storm event to a peak rate requirement and clarify runoff volume for a water quality requirement, she said.

Ms. Burke pointed out that a Booker Creek Workgroup, which had presented its final report to the Council in June 2023, had recommended that the 100-year/24-hour storm be included in Town regulations. A November 2023 Council Member petition to the Council had then



requested that the 100-year storm be added to the regulations ASAP, and the Council called the current hearing, she said.

Ms. Burke told the Council that Town staff had hosted two public information meetings in February 2024 and that the Planning Commission and Stormwater Management Advisory Board had both unanimously recommended approval of the three TAs. She said that more comprehensive revisions would be part of the larger LUMO rewrite. She asked the Council to open the legislative hearing, receive and provide comments, and continue the hearing to May 1, 2024.

Mayor pro tem Ryan noted that there had been a memo from developer Phil Post about the potential difficulty of the proposed standards for very small projects. She asked Ms. Burke to return with information about what might be done to avoid putting onerous burdens on such small projects. In response, Planning Director Britany Waddell pointed out that the proposed TAs were intended to address specific concerns raised in the petition. Staff could look at addressing such additional concerns during the LUMO rewrite, she said.

In response to a request from the Mayor, Ms. Burke explained that 25-year and 100-year storms were determined by the probability that they would occur in any given year. A 25-year storm meant a 4 percent chance that it would occur, and a 100-year storm meant a 1-percent probability, she said.

Mayor Anderson confirmed that staff was recommending that the Council pass the proposed TAs and then look at adding more nuance before passing the new LUMO in November 2024.

A motion was made by Mayor pro tem Ryan, seconded by Council Member Berry, that the Council continued the Legislative Hearing to May 1, 2024. The motion carried by a unanimous vote.

## **ADJOURNMENT**

This meeting was adjourned at 6:55 p.m.