



# 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, June 21, 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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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>
- 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

### Speakers

- Sign up at the meeting starting at 6:30 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.
- Council may set an overall public comment limit per item.
- Please do not bring signs.

### ROLL CALL

**Present:** 9 - Mayor Pam Hemminger, Council Member 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, Assistant Planning Director Judy Johnson, Planning Manager Corey Liles, Senior Planner Tas Lagoo, Principal Planner of Historic Preservation Anya Grahn-Federmack, Affordable Housing and Community Connections Director Sarah Viñas, Business Management Director Amy Oland, Community Safety Public Information Officer Alex Carrassquillo, Parks and Recreation Director Atuya Cornwell, Senior Manager of Planning and Park Operations Kevin Robinson, Recreation Division Manager Nikiya Cherry, Business Operations Division Manager Monica Rainey, Senior Planner Katherine Shor, Police Chief Celisa Lehew, Community Relations Manager Shay Stevens, Assistant Town Clerk Brenton Hodge, and Deputy Town Clerk Amy Harvey.

### OPENING

#### 0.01 Celebrating Successes Video

[\[23-0576\]](#)

Staff presented a "Celebrating Successes" video in which Diversity Equity and Inclusion Officer Shenekia Weeks, Human Resources Director Cliff Turner, Deputy Town Manager Loryn Clark and others described Town efforts to weave DEI into all of its hiring and training practices. Ms. Weeks said that 42 staff members involved with hiring had recently completed a year-long recruitment, retention and promotion academy to learn best practices. She discussed the goal of increasing diversity at the middle management level and said that the Town was committed to welcoming all.

Mayor Hemminger expressed pride in the work that the Town was doing and thanked Ms. Weeks, Mr. Turner and the Town's entire management team for leading the way and putting DEI values into action.

#### 0.02 Proclamation: Parks and Recreation Month.

[\[23-0577\]](#)

Mayor pro tem Stegman read a proclamation that emphasized the role that Parks and Recreation (P&R) played in improving residents' physical and mental health. She read that P&R was also essential to ensuring the Town's ecological beauty and resiliency in the face of natural disasters and climate change. The proclamation declared July 2023 to be Parks and Recreation Month in Chapel Hill and urged everyone to take advantage of the Town's P&R Department's programming over the summer and throughout the year.

Director of P&R Atuya Cornwell thanked the Council for the proclamation and said that his entire team was excited about P&R Month. The theme would be "Where Community Grows" and staff would be highlighting community partners and members who had used P&R facilities and programs, he said. He invited everyone to attend, and to share success stories online at chapelhillparks.org. That website would also include information regarding a P&R tour on July 16th and an upcoming Parks and Recreation Professionals Day, he said.

Mayor Hemminger praised Mr. Cornwell and his team for taking the Town's "Food for the Summer" program to the next level by creating more summer camp opportunities for youth. She had heard many positive comments about pop-up events at public housing communities, she said, and she thanked Chapel Hill resident Jeanne Brown as well for that effort.

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

#### 0.03 Mayor Hemminger Regarding The Huegrich Bike Ride.

[\[23-0578\]](#)

Mayor Hemminger commented on the late Jim Huegerich's long career with the Town and pointed out that he had been its first ombudsman. Those interested in participating in The Huegerich Bike Ride were invited to meet at the Chapel Hill Community Center on South Estes Drive and ride along the Bolin Creek Trail on June 10th from 6:00-8:00 p.m., she said.

#### 0.04 Mayor Hemminger Regarding July 4th Fireworks.

[\[23-0579\]](#)

Mayor Hemminger announced that this year's Fourth of July fireworks event would be held at Southern Community Park, beginning at 7:00 p.m. The fireworks display would begin around 9:00 p.m., she said.

#### 0.05 Mayor Hemminger Regarding the Town Manager Search.

[\[23-0580\]](#)

Mayor Hemminger said that the Council was in the final stages of its

search for a permanent Town Manager and hoped to have an announcement soon.

## **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. Council Member Miller-Foushee's Request to Assess the Town's Advisory Boards and Commissions.

[\[23-0547\]](#)

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council received and referred the petitions to the Town Manager and Mayor. The motion carried by a unanimous vote.

### 0.06 BJ Warshaw Regarding Development in Southern Area of Chapel Hill.

[\[23-0581\]](#)

BJ Warshaw, representing the Southern Entryway Alliance (SEA), responded to a recent petition from Aaron Nelson, president and CEO of the Chamber for a Greater Chapel Hill and Carrboro, that asked the Town to investigate extending the urban services boundary along the Chatham County line. Mr. Warshaw pointed out that similar requests had led to public meetings in 2019 that had showcased near unanimous opposition from residents, which had resulted in that area not being included as a focus area in the Town's Future Land Use Map. He said that extending that boundary would lead to sprawl, commercial development, increased impervious surface, flooding, traffic and the destruction of wildlife habitats within a vital watershed. SEA was formally asking that Mr. Nelson's petition be denied and that the Council pledge to keep the existing agreements and boundaries, he said.

This item was received and referred to the Town Manager and Mayor.

### 0.07 John Weis (Community Design Commission) Requests Affordable Program for Blue Hill District.

[\[23-0582\]](#)

John Weiss, Community Design Commission (CDC) chair, read a letter from the CDC about a 348-unit shortfall of affordable housing (AH) in the Town's Blue Hill District. He said that the District's form-based code had

exempted AH but that a provision in the Town's Inclusionary Zoning Ordinance allowed developers to voluntarily agree to a rental AH performance agreement under specific conditions. The CDC was requesting that the Council ask staff to create an AH program for the Blue Hill District (BHD), he said.

This item was received and referred to the Town Manager and Mayor.

#### 0.08 Delores Bailey Regarding the Peach Apartments.

[\[23-0583\]](#)

Delores Bailey, executive director of EmPOWERment, Inc., displayed a large poster of Peach Apartments, a 10-unit apartment building on Johnson Street that would be dedicated to those earning at, or below, 30 percent of the area median income. The project was debt free and would be breaking ground in August or September 2023, she said. She thanked Council Members who had supported the project and said that a donation from Mayor Hemminger had put it over the top.

This item was received and referred to the Town Manager and Mayor.

#### 0.09 Jon Mitchell (Planning Commission) Request Regarding Parking Policy.

[\[23-0584\]](#)

John Mitchell, speaking on behalf of the Planning Commission (PC), petitioned the Council to consider a set of parking policy recommendations that were designed to bring the Town's current standards into alignment with its Complete Communities Framework. He said that the PC's two main recommendations were: 1) abolish parking minimums Townwide and convert existing minimums to maximums; and 2) require developers to unbundle the cost of parking from the cost of housing. Those changes would promote lower housing costs, transportation alternatives, and better uses of land and the PC saw them as an essential step toward implementing the Town's Complete Community Framework, he said.

This item was received and referred to the Town Manager and Mayor.

#### 0.10 Eugene Farrar Requests Traffic Calming Near Hargraves Center.

[\[23-0585\]](#)

Eugene Farrar reminded Council Members that he had recently raised concerns about cars speeding in the Hargraves Community Center area and had asked the Town to install speed bumps there. He noted that children's programs were currently in session and stressed the importance of addressing the issue as soon as possible.

Mayor Hemminger pointed out that installing traffic calming at that location was Item 6 on the evening's agenda. "We hear you," she said, and she mentioned that sidewalks on nearby Homestead Road were being improved as well.

This item was received and referred to the Town Manager and Mayor.

1.06 Jesus Armando Gonzalez Ventura on Need To Eradicate Poverty. Petitioner missed speaking earlier in the meeting. Mayor Hemminger called him up later during item 15.

[\[23-0586\]](#)

Mayor Hemminger told Mr. Ventura that he could comment accordingly during discussing Item 15, consider modifications to the Good Neighbor Plan.

This item was received and referred to the Town Manager and Mayor.

## **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 Ryan, seconded by Council Member Anderson, that R-1 be adopted as amended with amended item #9 and new item #9.01, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items.

[\[23-0548\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted as amended.

3. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2022-23.

[\[23-0549\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

4. Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program.

[\[23-0550\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

5. Amend Chapter 21 of the Town Code of Ordinances to Remove Stop Signs on Redbud Road at Honeysuckle Road and Redbud Lane at Honeysuckle Road and Add Yield Signs at these Locations.

[\[23-0551\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

6. Authorize Staff to Install Traffic Calming Devices on North Roberson Street between West Rosemary Street and Mitchell Lane.

[\[23-0552\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

7. Endorse a Modification to the State Highway System Along a Portion of Hayes Road and a Portion of 15-501 Service Road [\[23-0553\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

8. Authorize the Town Manager to Execute Agreements with the North Carolina Department of Transportation to Transfer Town-owned Property or Provide Easements on Town Property to Support the Widening Project of I-40 near NC-86 (NCDOT # I-3306A) [\[23-0554\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

9. Receive Final Report from the Booker Creek Working Group. [\[23-0555\]](#)

Mayor Hemminger commented on an additional Item 9.01, which authorized the Town Manager to accept an AARP Community Challenge Grant to support Vision Zero efforts. It would allow him to make necessary assurances that would enable the Town to accept the grant and initiate the projects over the summer, she explained.

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

- 9.1 Authorize the Manager to Accept the AARP Community Challenge Grant and to Make All Necessary Assurances. [\[23-0575\]](#)

This resolution(s) and/or ordinance(s) was adopted and/or enacted.

## **INFORMATION**

10. Receive Upcoming Public Hearing Items and Petition Status List. [\[23-0556\]](#)

This item was received as presented.

11. Staff Update: Rewriting Our Rules - A Comprehensive Update of the Chapel Hill LUMO. [\[23-0557\]](#)

This item was received as presented.

12. Receive Update on the Building Integrated Communities Initiative. [\[23-0558\]](#)

This item was received as presented.

## **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.

**13. Close the Legislative Hearing and Consider a Conditional Zoning Application for UNC Health Eastowne.**

[\[23-0559\]](#)

Interim Town Manager Chris Blue presented the Conditional Zoning application for UNC Health's Eastowne campus and summarized the opportunities that the project would present for the Town. He said that the application met the objectives of the Town's Complete Community Framework, the 2020 Comprehensive Plan, and the Council's strategic interests.

With regard to prior discussions about the cost of Town services for Eastowne, Mr. Blue said that UNC Health would continue to supply many of its own services and that direct impacts to the Town would likely remain negligible. He encouraged Council Members to focus on the opportunity that UNC Health's offer of an AH Loan Fund would provide. Staff believed that the \$5 million contribution could be leveraged into a \$20 million to \$40 million loan fund, he said.

Mr. Blue reported that UNC Health was committing to preserving at least 12 of the Northern 20 acres (N20), even though it could, by right, tear it all down and build there if it chose to do so. In addition, a condition requiring dedication of an easement or ROW across the N20 had been removed, he pointed out. He recommended that the Council close the legislative hearing, adopt Resolution 9 and enact Ordinance 5, for approval.

Janet Hadar, UNC Hospitals president, reminded the Council about a man who had testified about being able to receive medical care at Eastowne and how it had changed his life. She said that UNC Health's mission was to serve and promote the health and well-being of all North Carolinians in that way. She expressed appreciation to the Council for its willingness to collaborate and said that she was confident that the Town and UNC Health would be able to mutually agree upon the "ideal proposal".

Simon George, vice president for Real Estate Development at UNC Health, expanded upon what Mr. Blue had said and asked the Council to approve the Conditional Zoning request. He expressed confidence that UNC Health would be able to preserve a minimum of 12 of the N20 acres. It could be more, but they were reluctant to commit to more than that until a full engineering study had been completed, he said. He said that UNC Health was happy to support the \$5 million zero interest affordable housing (AH) loan but had presented \$3 million and \$4 million alternatives for Council consideration as well.



Council Member Anderson asked about the relative benefits to the Town of the \$5 million loan fund versus the \$4 million and \$3 million scenarios, and Business Manager Amy Oland explained that the one-time \$5 million loan would have the most impact. Council Member Anderson confirmed with Director of Affordable Housing and Community Connections Sarah Viñas that towns and counties typically contribute toward a match, but that UNC Health's contribution was not contingent upon the Town doing so.

Anthony Henage, an Environmental Stewardship Advisory Board (ESAB) member, pointed out that the N20 was the area's last remaining upland hardwood community connected to an ephemeral stream basin. He reminded the Council that the ESAB had proposed a resolution and a process for preserving those acres. Every environmental group that had looked at the N20 agreed about its value in its current unmolested state, he said, and he asked Council Members to vote based on their values.

Mayor pro tem Stegman asked about the potential effect on the N20 of NC Department of Transportation (DOT) plans for the area, and Mayor Hemminger replied that DOT's current proposal included a lot of paved surfaces throughout that area. She and others were hopeful that the land could be preserved in a way that would make it more difficult for NCDOT to do that, she said.

All but Council Member Searing expressed support for approval and expressed their gratitude to UNC Health for preserving 12 of the N20 acres even though it had a legal right to build there. Council Member Searing said that he would vote against the project because building a parking garage in the middle of a conservation area would be a mistake.

Mayor pro tem Stegman talked about the need to balance priorities and said that having the AH loan would be a "game-changer" for the Town. Council Member Miller-Foushee said that access to clean, affordable housing was a health issue and that the project would provide a great benefit. Council Member Anderson said that holding the project up would not make sense and that the proposed trade-offs were reasonable. Council Member Parker pointed out that the AH proposal marked the first time that UNC had shown willingness to work with the Town to mutually solve the AH crisis.

Council Member Ryan said that she had lobbied hard for protecting the N20 but understood the current proposal. She was pleased with the commitment to preserve two additional acres and to move the parking garage, if needed, as close to US 15-501 as possible, she said. Council Member Berry said that, to him, being in favor of the project meant also taking responsibility for trying to improve traffic so that a parking deck on the N20 would not be needed.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that the Council closed the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Berry, seconded by Council Member Parker, that the Council adopted R-9. The motion carried by the following vote:

**Aye:** 8 - Mayor Hemminger, Council Member Stegman, Council Member Anderson, Council Member Berry, Council Member Miller-Foushee, Council Member Huynh, Council Member Parker, and Council Member Ryan

**Nay:** 1 - Council Member Searing

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that the Council enacted O-5. The motion carried by the following vote:

**Aye:** 8 - Mayor Hemminger, Council Member Stegman, Council Member Anderson, Council Member Berry, Council Member Miller-Foushee, Council Member Huynh, Council Member Parker, and Council Member Ryan

**Nay:** 1 - Council Member Searing

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

- 14.** Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 1, 2, 3, 4, 5, 6, and 7 and Appendix A Regarding Housing Regulations and Housing Choices for a Complete Community

[\[23-0560\]](#)

Principal Planner Anya Grahn-Federmack said that the Land Use Management Ordinance (LUMO) Housing Choices Text Amendment (TA) process had begun in fall 2022 and included several meetings with the Council and Town advisory boards and commissions. There had been a public outreach campaign in spring 2023, and staff was currently presenting the TA for possible action, she said. She reviewed how the proposed TA would update setback and height exceptions, diversify housing types, increase housing production, encourage compatible infill, and promote gentle density.

Ms. Grahn-Federmack provided answers to questions and responded to prior Council requests for additional information. She said that staff was

proposing to increase tree canopy coverage to 40 percent for attached and detached two-family developments. She discussed creating a pattern book that would allow applicants to choose from specific house plans. The Town had recently been accepted into the National League of Cities Capstone Project and would be working with AIA Architects over the summer and fall to explore that pattern book, she said.

Ms. Grahn-Federmack told the Council that staff would need additional time and funding in order to do an economic analysis of student demand for rentals. She explained that state statutes would not allow the Town to prohibit demolitions in the historic districts. Staff would continue working on developing a tool for monitoring the TA's impacts and would report to the Council with periodic updates, she said.

Ms. Grahn-Federmack reviewed the proposed housing types and said that the proposed change would allow both attached and detached accessory apartments to be up to 1,000 square feet. The proposal would also allow two-family attached or detached units in all Residential zoning districts, she said, noting that duplexes already were allowed in Residential-2 zones and up. She said that "single family plus a cottage" would be a new permitted use in Residential-1, and up. Three- and four-family units would only be allowed where multi-family currently was, but they would now be able to receive administrative approval rather than going to the Council for approval, she explained.

Ms. Grahn-Federmack recommended that the Council close the legislative hearing, adopt Resolution-11, and enact Ordinance-6, approving the Housing Choice TA. In response to a question from Mayor Hemminger, she agreed to find out if the terms "duplexes" and "twin tower homes" were legally interchangeable.

Chapel Hill residents David Adams, Jeffrey Hoagland, Ed Burke, Anne Hartley, Robin Langdon, Linda Brown and Joe Patterson said that they were against the TA.

Mr. Adams read a letter with 14 signatures that asked the Mayor and Council to stop considering the current proposal and appoint a taskforce to find solutions that would not cause irreversible harm to affected neighborhoods and residents. Mr. Hoagland warned that approval would lead to renters being evicted so that new buildings could be constructed. Mr. Burke said that the TA would not produce new housing for middle incomers and would not address housing inequality. It excluded some neighborhoods, and it could become a welcome mat for out-of-town tax shelter investors and developers, he said.

Ms. Hartley argued that the proposed TA would eliminate restrictive, single-family zoning and she recommended that the Town analyze community impact and how to mitigate community concerns before proceeding. Ms. Langdon said that there had been no meaningful analysis

of unintended consequences, such as modest homes being torn down and replaced with lucrative student rentals.

Ms. Brown objected to the Council introducing new wording on the eve of a vote and said that such actions had compounded the anger and strengthened the resolve of "targeted neighborhoods". Mr. Patterson raised concerns about wealthy parents of UNC students outbidding other potential renters in neighborhood near campus and driving property prices up. Failure to exempt those neighborhoods from the proposed legislation would irreparably damage residents' most valuable assets, he said.

Phil Lyons, Preservation Chapel Hill president, said that he and other trustees feared that the proposed changes would increase incentives to demolish historic structures. He requested that the Council exempt the Town's three historic districts and all of the properties that were on the National Register.

Chapel Hill resident Stephen Fleck said that he was in favor of taking advantage of available land for sensible development but had concerns about the lack of guardrails and a potential increase in property values and taxes. He asked the Council to delay voting until questions about the TA's real effects could be answered.

Chapel Hill resident Susan Smith urged the Council to allow time for the Planning Department and public to continue their efforts to create a more balanced piece of legislation. She said that the TA needed guardrails, such as enforceable parking limits, better tree canopy standards, and exemptions for historic districts.

Chapel Hill residents David Anderson, Michael Beauregard, Theodore Mollert, Angus Ewington, Leif Rasmussen, Maria Palmer, Daren Campbell and Jordan Wilkie said that they supported the TA.

Mr. Anderson characterized the TA as a good and necessary first step toward making the Town more inclusive and open. Mr. Beauregard said that the Town needed to build many more duplexes and other affordable homes. Mr. Mollert said that the Council was moving in the right direction and should go further and faster.

Mr. Ewington described his struggle to find an affordable apartment and said that the Town should not keep people out of the housing market while claiming to be benevolent and inclusive in other arenas. Mr. Rasmussen talked about the need to improve walkability and the need for densification to do so. Ms. Palmer urged the Council to move forward and keep the Town a vibrant place for future generations.

Mr. Campbell said there was a dire need for those who were not affluent to have a safe place to live in Town and that the TA should have been passed months ago. He implored the Council to pass the resolution and

get people into housing they can afford. Mr. Wilkie said that not listening to staff recommendations and the expert analysis of how to address the housing crisis would be a strategic and moral failure.

Chapel Hill resident Nancy Watkins, who was disabled, described herself as one of the casualties of the Town's lack of safe, decent and affordable housing. She detailed her experience of having to move nine times since 2010, in an effort to find a safe, decent and affordable home. Council Members' actions would show their priorities and beliefs, she said.

Chapel Hill resident Christie Osborne told the Council that residents had never received notices about the TA.

Council Members praised and thanked staff for its hard work and each made lengthy comments about their positions regarding the Housing Choice TA.

Council Member Anderson said that the Town had been moving toward being a denser urban community and had shifted its focus toward building more middle housing. She spoke about the Climate Action Plan and the importance of planning for a sustainable future. Good policy was a delicate balance and she hoped that the TA would lead to an effective and tailored policy that would help the Town reach its goals for the overall sustainability and health of the community, she said. She spoke about other Town plans as well and emphasized that the Housing Choice TA was not a one-off initiative. "Change is coming...and we all need to adapt," she said.

Council Member Ryan said that she supported infill density and was in favor of rectifying the historical injustice of exclusionary zoning. She liked many other things about the proposal as well but said that she continued to have concerns about the lack of guardrails to prevent "student-stuffers", potential parking issues, and the lack of protections for historic districts. She supported the effort but wanted to make sure that the Town got it right, she said.

Council Member Parker pointed out that the TA had been modified significantly since first being introduced. It was a well-thought-out set of proposals, and it was time for the Council to make a decision, he said. He said that change was hard, but inevitable, and characterized some of the concerns about historic districts as "overblown" and "disturbing". He did not want to send the message that those with the most affluent homes could be exempt or that providing benefits to the community at large was not something that any segment needed to be protected from, he said.

Council Member Miller-Foushee said that she agreed with all that Council Member Parker had said and thought that the TA was an investment in a

brighter future for Chapel Hill. She acknowledged that a TA alone could not fix economic and racial segregation but said that amending land use rules was one important tool that could be used to address institutionalized discriminatory policies. The enormous costs of exclusionary land use and housing systems had been disproportionately borne by vulnerable populations, she said. She stated that continuing the status quo would continue the decline in homeownership rates among African Americans and Latino community members.

Mayor pro tem Stegman expressed agreement with the sentiments that Council Members Parker and Miller-Foushee had expressed. Implementation of the TA would be incremental and gradual, which would provide opportunities for the Town to learn and adapt as it went along, she pointed out. She emphasized that the Council's strategy had never been an affordable housing one but was to increase housing supply and diversity in order to meet a variety of needs. She said that the existence of exclusionary land use and zoning rules did not necessarily mean that homeowners who had benefitted from those were racists. However, it was important to reconcile with that history despite the discomfort, she said.

Council Member Searing said that he did not support the TA because it was a flawed proposal that would not apply to all equally since those with homeowners associations and neighborhood conservation districts would be exempt. "Now we're considering exempting the historic districts," he said. Moreover, research had shown that such policies led to an increase in housing for some of the highest income residents but no change for those at the middle- or lower-income ranges, he said. He pointed out that the Town was on track to grow 20 to 25 percent in the next few years with what was already in its pipeline. "It's silly to think we need to do this, even though it has these flaws, just to grow more housing," he said.

Council Member Huynh said that he strongly believed that the TA would result in a community that he could be proud of. For decades, Chapel Hill had intentionally made it as difficult as possible for people to build housing, he said. He characterized the proposal as a small, but significant, step toward creating a more just future where more people from many different backgrounds and needs would have an opportunity to call Chapel Hill their home.

Council Member Berry pointed out that teardowns already occur in historic districts and that monstrosities had been built in their place. She said that many of the homes that would be built as a result of the TA would be rentals, which would give people opportunities they would not otherwise have to live in some neighborhoods. She expressed support for parking minimums and said that the Town would need to be mindful of how it monitored and enforced those.

Mayor Hemminger said that Chapel Hill, like many other communities, was facing housing, climate and traffic crises and needed to take bold steps and make real change. Creating an inclusive and sustainable community for the future meant finding ways to have different kinds of housing and good local jobs, she said. She pointed out that studies had shown that the Town needed more diverse, accessible and affordable housing in all ranges. Chapel Hill would need to pull many different levers to create opportunities and change its direction away from becoming an exclusive and expensive bedroom community, she said.

Mayor Hemminger said that residents had become stirred up over misinformation and lack of information. She pointed out that the proposed TA would not yield a great number of units in the short term and said that she agreed with the need for guardrails that would help ensure that neighborhoods do not become overwhelmed with parking concerns. She also agreed with the need for adequate tree canopy standards and expressed support for having check-ins after one and two years.

Council Member Huynh moved O-6 and Council Member Miller-Foushee seconded. Council Member Ryan proposed two friendly amendments, but Council Member Huynh accepted only the first one, which was to change the parking minimums in accordance with the Planning Commission's recommendations. Town Attorney Ann Anderson clarified that the intent was to reduce the number of spaces that people would be required to build. Ms. Grahn-Federmack verified that the Council wanted no minimum and a maximum of four spaces per duplex.

Council Member Berry argued that parking would be necessary for some renters, but the majority of Council Members agreed with the friendly amendment. Council Member Parker clarified that any landlord who wanted to build parking would be able to but that the Council was not mandating it. Council Member Anderson added that the hope was that parking would not be needed in the future.

A motion was made by Council Member Huynh, seconded by Mayor pro tem Stegman, that the Council closed the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Council Member Miller-Foushee, that the Council adopted R-11. The motion carried by a unanimous vote.

A motion was made by Council Member Huynh, seconded by Council Member Miller-Foushee, that the Council enacted O-6 as amended . The motion carried by the following vote:



**Aye:** 6 - Mayor Hemminger, Council Member Stegman, Council Member Anderson, Council Member Miller-Foushee, Council Member Huynh, and Council Member Parker

**Nay:** 3 - Council Member Berry, Council Member Ryan, and Council Member Searing

### *CONTINUED DISCUSSION*

**15. Consider Approving Modifications to the Good Neighbor Plan.**

[\[23-0561\]](#)

Director of Affordable Housing and Community Connections Sarah Viñas presented a proposal from the Interfaith Council (IFC) to modify its Good Neighbor Plan (GNP). She said that the request for modifications was in response to a March 2023 report from the Orange County Partnership to End Homelessness that proposed that the IFC's Community House men's shelter be aligned with national best practices for emergency shelter services.

Ms. Viñas outlined the process for modifying the GNP. She said that the IFC had indicated that the GNP made access to Community House extremely complex and restrictive by creating a variety of barriers for those seeking shelter. She also pointed out that the IFC had not been eligible to pursue various funding opportunities because GNP restrictions were no longer aligned with national best practices.

Ms. Viñas said that the proposed modification would simplify GNP provisions and bring policies and procedures more in line with national best practices. The IFC's board of directors had approved the changes, which would not require amending their Special Use Permit, she said. She recommended that the Council consider approving the proposed modification to the GNP as outlined in Resolution 13.

Council Member Searing characterized the proposal as an extensive rewrite of the GNP and confirmed with staff that the IFC had not held any meetings with neighbors about it.

Jesus Armando Gonzalez Ventura told the Council about his recent experience with homelessness and emphasized the need to eradicate poverty. He spoke about various social issues and said that he would be a write-in candidate for mayor in Chapel Hill's 2023 election.

Mark Peters, whose property is located about 120 feet from Community House, raised concerns about instituting a change in use without going through any Town process. He said that other neighbors were not present at the meeting because they had not received notifications. Several of them had written to the Council, he said, and he quoted from some of those messages.

Chapel Hill resident Nancy Oates said that Community House was the only place in the Triangle where people with serious mental illness could receive help transitioning to conventional housing. If the IFC wanted to change its mission and "get rid of" the GNP then the Council should make that a public conversation, she said.

Council Member Searing said that the reasons for the proposed changes did not seem unreasonable, but he thought that the Town should make some effort to talk to neighbors before changing the GNP.

Council Member Anderson asked for input from the Chapel Hill Police Department (CHPD) and the Town Attorney.

Police Chief Celisa Lehew reported that calls to the CHPD had been stable and low in number. Those calls had not been driven by any single person and had primarily involved trespassing and simple assaults or disturbances, she said. Council Member Anderson asked about calls resulting from the shelter being there, and Chief Lehew replied that patrol efforts in the area were mainly around traffic safety.

Attorney Anderson explained that modifying the GNP was a standalone process that would not include a SUP modification, unless the changes were inconsistent with the SUP. The two required procedural steps were that the IFC Board of Directors and the Council approve the changes, she said. She pointed out that the current item was not a public hearing even though the Council was accepting public comments.

Council Member Ryan confirmed that staff had reviewed the changes and that an earlier iteration had been revised. She emphasized the importance of being able to deliver services in an effective manner and recommended that the Town notify neighbors if a similar renegotiation occurred in the future.

Mayor Hemminger commented on how COVID-19 had increased the need for shelter service and access. Best practices had changed nationally, and Chapel Hill needed to be willing to adapt in order to help the most people, she said.

Council Member Berry reminded Council Members that they had heard testimony from a Community House employee who had been required to turn a homeless person away during a snowstorm due to GNP regulations. The harm done to that employee and the person she turned away was incomprehensible, she pointed out.

A motion was made by Mayor pro tem Stegman, seconded by Council Member Miller-Foushee, that the Council adopted R-13 with plan. The motion carried by a unanimous vote.

### 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.

**16. Open the Legislative Hearing and Consider a Modification to Conditional Rezoning at 7300 Millhouse Road**

[\[23-0562\]](#)

Senior Planner Tas Lagoo introduced a Conditional Zoning Permit (CZP) request for several new permitted uses at a Light Industrial Zoning District on Millhouse road. Those included a supply yard, recreational facility, public use facility, place of worship, place of assembly, maintenance area, storage area, child daycare facility, and public service facility, he said. He explained an additional request to modify the Town's Sign Ordinance to allow a larger development identification sign at the location. The Planning Commission had voted (7-0) to recommend approval and staff was recommending that the Council open and close the legislative hearing, adopt Resolution-14, and enact revised Ordinance-7, for approval, he said.

Jessica Hardesty, a planner with McAdams Company, reminded the Council that the project had an approved Conditional Zoning Permit (CZP) and had already been built. The requested new uses were permitted in the Light Industrial Zoning District, she said. She showed an example of the type of sign that the applicant, Merritt Properties, was requesting.

The Council confirmed with Mr. Lagoo that the requested uses were permitted in the Light Industrial Zoning District but had not been part of the project's original. Mayor Hemminger said that the buildings looked great, and the project was exactly what the Council had hoped for at that location.

A motion was made by Council Member Parker, seconded by Council Member Miller-Foushee, that the Council close the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Council Member Miller-Foushee, that the Council adopt R-14. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Council Member Berry, that the Council enact O-7 as amended. The motion carried by a unanimous vote.

### CONCEPT PLAN REVIEW(S)

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Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

As a courtesy to others, people speaking on an agenda item are normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.

17. Concept Plan Review: The Reserve at Blue Hill, 1320 Ephesus Church Road. [\[23-0563\]](#)

This matter was deferred.

## **APPOINTMENTS**

18. Appointments to the Community Design Commission. [\[23-0564\]](#)

The Council Appointed Heather Washburn to the Community Design Commission.

19. Appointments to the Community Policing Advisory Committee. [\[23-0565\]](#)

The Council Reappointed Devin Ceartas and Nikkima Santos to the Community Policing Advisory Committee.

20. Appointments to the Housing Advisory Board. [\[23-0566\]](#)

The Council Reappointed Robert Dowling, and appointed Joelle Permutt to the Housing Advisory Board.

A motion was made by Council Member Berry, seconded by Council Member Parker, that the Council adopt R-17. The motion carried by a unanimous vote.

21. Appointments to the Justice in Action Committee. [\[23-0567\]](#)

The Council appointed Ty Chapman, Danielle Anderson, and Tyshunn Steele to the Justice in Action Committee.

## **ADJOURNMENT**

This meeting was adjourned at 10:22 p.m.