



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 10, 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 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)
- 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 with the Town Clerk to speak at the meeting.
- Individuals may speak for 3 minutes maximum, unless more than 14 people sign up for an item. Council may reduce time to 2 min./person.
- Please do not bring signs.

ROLL CALL

Mayor Hemminger called the meeting to order at 7:00 p.m. and reviewed the agenda. Council Member Anderson arrived at 7:03 p.m. All other Council Members were present.

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, Business Management Director Amy Oland, Affordable Housing and Community Connections Director Sarah Viñas, Planning Director Britany Waddell, Assistant Planning Director Judy Johnson, Transportation Manager Bergen Watterson, Planning Manager Corey Liles, Public Housing Director Faith Brodie, Library Director Susan Brown, Director of Technology Solutions Chris Butts, Public Works Director Lance Norris, Cliff, Assistant Business Management Director Matthew Brinkley, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, Parks and Recreation Director Atuya Cornwell, Senior Project Manager Sarah Poulton, Assistant to the Town Manager Ross Tompkins, DEI Officer Shenekia Weeks, Community Relations Manager Shay Stevens, Police Chief Celisa Lehew, Fire Chief Vence Harris, Economic Development and Parking Services Director Dwight Bassett, Transit Development Manager Matt Cecil, Transit Director Brian Litchfield, Emergency Management Coordinator Kelly Drayton, Assistant Town Clerk Brenton Hodge, Fire Marshal Justin Matthews, Police Officer Johnny Britt, and Deputy Town Clerk Amy Harvey.

OPENING

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Police Officer Mike Mineer and Condolences to His Family and Colleagues. [\[23-0423\]](#)

The Mayor and Council expressed condolences to the family, friends and colleagues of Chapel Hill Police Officer Mike Mineer, who had recently died

in a tragic car accident. Officer Mineer had been known for his commitment to his family and for the care and expertise that he had put into his 19 years of service with the Town, Mayor Hemminger said.

0.02 Mayor Pro Temp Stegman Reads Resolution in Support of Safe and Legal Health Care. [\[23-0424\]](#)

Mayor pro tem Stegman read the resolution, which emphasized that access to a full range of reproductive care options, including safe and legal abortion, was a fundamental human right. It noted the Town's history of providing full access to safe and legal reproductive healthcare and said that the Council strongly rejected NC Senate Bill 20 (SB 20) and other laws that would lead to limiting or denying access to abortion care.

The proclamation commended the Town's legislative delegation for voting against SB 20 and expressed support for Governor Roy Cooper's decision to veto it. It encouraged members of the NC General Assembly to uphold the Governor's veto and to prioritize the healthcare needs of residents.

Mayor Hemminger pointed out that state legislators had recently filed the most bills ever during any legislative session in NC's history. Much of the proposed legislation was aimed at further limiting local control, she said.

A motion was made by Mayor pro tem Stegman, seconded by Council Member Anderson, that the Council adopted R-0.01. The motion carried by a unanimous vote.

0.03 Proclamation: Police Week and Peace Officer Memorial Day. [\[23-0425\]](#)

Chapel Hill Police Department (CHPD) Chief Celisa Lehew and several CHPD police officers joined Mayor Hemminger at the podium while she read a proclamation for Police Week, which the Town had celebrated in May since 1962. The proclamation noted the CHPD's essential role in safeguarding Chapel Hill residents' rights and freedoms and proclaimed May 15, 2023, a Peace Officer Memorial Day, in gratitude to those officers who had died or been disabled while performing their duties. The proclamation also declared that week to be Peace Day Week in Chapel Hill in appreciation for the dedication and service of the entire CHPD, Mayor Hemminger said.

0.04 Proclamation: Provider Appreciation Day. [\[23-0426\]](#)

Mayor Hemminger read a proclamation that honored childcare providers and pointed out how the COVID-19 pandemic had illuminated how indispensable they were. Pointing out that the future relied on the quality of early childcare, the proclamation deemed May 12, 2023, to be Provider Appreciation Day in Chapel Hill. It urged everyone to thank childcare providers for their contributions to the community and to support them in

the important work that they do.

0.05 Proclamation: Kids to Parks Day. [\[23-0427\]](#)

Council Member Huynh read a proclamation for National Day of Outdoor Play, which was celebrated annually on the third Saturday of May. The proclamation encouraged everyone to lead active lifestyles and pointed out the positive affect that outdoor time had on children's mental health. It proclaimed May 20, 2023, as Kids to Parks Day in Chapel Hill and encouraged everyone to explore local parks and green spaces on that day and throughout the year.

Mayor Hemminger noted that the Parks and Recreation Department had posted an online list of self-guided activities.

0.06 Mayor Hemminger Regarding NC3C Award and Goodbye to Ran Northam. [\[23-0428\]](#)

Mayor Hemminger announced that NC City and County Communicators had recognized the Town with three awards for Excellence in Communications. She said that the Town's Communications team had received a first-place award for a Celebrating Successes video and two second place awards for a Crisis Emergency Communication Plan and a Let's Talk Town initiative. The Mayor congratulated all but said that the moment was bittersweet because Communications Manager Ran Northam was leaving his position with the Town. She wished Mr. Northam and his family well.

0.07 Mayor Hemminger Regarding Downtown Mobility Study. [\[23-0429\]](#)

Mayor Hemminger announced that the public was being invited to participate in open studio design sessions during May 22-25, 2023, as part of a Downtown Mobility Study. Those sessions would provide opportunities to work with designers on what Downtown Chapel Hill would look like and how it would function in the future, she said.

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.

0.08 Libby Ludington Request Regarding Eno-New Hope Landscape Conservation Group. [\[23-0430\]](#)

Libby Ludington, a Chapel Hill resident, explained the Eno-New Hope Landscape Conservation Group's goal of connecting wildlife within the Eno-New Hope region in order to protect its biodiversity. She discussed the Group's professional backgrounds and asked the Council to permit them to present their study in the near future. The Group was also hoping that Town staff would work with them on the project, Ms. Ludington said.

This matter was received and referred to the 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 Anderson, seconded by Mayor pro tem Stegman, that R-1 be adopted as amended to add item 5.5 and 5.6 and remove item 5, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[23-0398\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
2. Adopt the Recommended 2023-2024 Community Development Block Grant Program Plan. [\[23-0399\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Approve the 2023-2024 HOME Investment Partnership Program Annual Plan. [\[23-0400\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Amend the Joint Planning Land Use Plan regarding 2106 Mt. Carmel Church Road and Authorize the Town Manager to Execute the Agreement. [\[23-0401\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Call a Legislative Hearing to Consider Amending the Future Land Use Map Designation of Properties Along Huse Street and Pope Road on May 24, 2023. [\[23-0402\]](#)
This item was removed from the consent agenda and no action taken.

- 5.5 Amend Chapter 21 of the Town Code of Ordinances for No Through Trucks on East Rosemary Street from Boundary Street to Henderson Street. [\[23-0418\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
- 5.6 Amend the 2022-23 Council Calendar. [\[23-0419\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

6. Receive Upcoming Public Hearing Items and Petition Status List. [\[23-0403\]](#)
This item was received as presented.
7. Receive the Public Housing FY23 Quarter 3 Report [\[23-0404\]](#)
This item was received as presented.
8. Receive the Third Quarter Fiscal Year (FY) 2023 Affordable Housing Report. [\[23-0405\]](#)
This item was received as presented.
9. Receive Quarterly Update on Climate Action Implementation. [\[23-0406\]](#)
This item was received as presented.

DISCUSSION

10. Presentation: Recommended Budget for FY 2023-24. [\[23-0407\]](#)
The Mayor and Council thanked the many staff members who were present for the budget presentation, and Interim Town Manager Chris Blue pointed out that department directors were among the group. Those directors had been involved in every budget conversation and the "Manager's Budget" was really a team effort, he said.

Mr. Blue stated that the recommended budget for FY 2024 totaled \$143,696,978 and included approximately \$85.5 million for the General Fund. The budget represented an 11 percent increase from FY 2023 and proposed 5 cent tax increase, which would bring the property tax rate up to 57.2 cents, he said. He pointed out that the budget included a 5 percent of market pay adjustment for employees.

To explain the impact of a 5-cent tax increase on commercial and residential property owners, Mr. Blue presented a chart that listed properties at increasing valuations and showed the annual impact on each level. For example, a \$150,000 property would pay an additional \$75

annually and \$10 million property would pay and additional \$5,000, he pointed out.

Mr. Blue said that the proposed tax increase would provide a strong start to addressing Town priorities, which were people, services, facilities, fleet and housing. He discussed challenges related to each priority and provided details on how the proposed budget would begin to address those and others, such as greenways. He showed how the budget would align with the Council's five-year budget strategy. It would provide a strong start to addressing Council priorities and would build a good foundation for what needed to be done in the future, he said.

Director of Business Management Amy Oland presented information on the Town's four Enterprise Funds. The Transit budget was up 2.2 percent over the current year's budget and was balanced, she said. Federal and state funding had increased during the pandemic, but Transit Partners (Town, UNC and Carrboro) would need to discuss funding for FY 2025 and beyond, she said.

Ms. Oland said that the Parking Fund budget was down 0.5 percent due to a smaller transfer from the Debt Service Fund when those funds were needed for the East Rosemary Street Parking Deck. Staff anticipated that the Deck would not need that transfer after opening, she said, and she noted that demand throughout the parking system was continuing to grow. Staff would take parking counts and determine whether to increase on-street parking fees in 2024, she said.

Ms. Oland said that the Public Housing budget was up 7 percent, and she explained how increases in federal subsidies and tenant rents were offsetting an increase in personnel costs. She said that the Stormwater budget had increased by 1.6 percent and that staff was not proposing an increase in Stormwater Fees. However, additional funding would likely be needed in FY 2025 and beyond to meet costs associated with National Pollutants Discharge Elimination System permits, she said.

Mr. Blue said that the Town had not had a significant tax increase in several years while the cost of doing business had been increasing. He pointed out that the Council had some big, bold goals and said that the proposed budget prioritized employees and the core services that they provide. He outlined a budget calendar, which included two work sessions, a Council meeting in May, a possible third work session in June, and adoption of the budget on June 14, 2023.

Council Member Ryan asked Mr. Blue to elaborate on the recommended budget with respect to others in recent years. Mr. Blue replied that the Town's "Covid budgets", which had attempted to hold the line while people were struggling, had followed a number of years in which the economic climate had also required the Town to hold the line. As a result, budgets had essentially gone backwards as the Town absorbed continually

rising costs, he said. The Town needed to catch up and the proposed increase was part of a series of increases that staff would propose for the next five years, he said.

Council Member Searing verified that Town employees had received a pay increase in 2022 and that the Town had not added any new positions in the last six months. He confirmed with staff that \$1.2 million had been allocated for a consultant to help rewrite the Land Use Management Ordinance. He verified with Ms. Oland that the Town had not rolled the tax rate back to neutral following a 2022 property revaluation and had added 0.8 cent for Transit to the tax rate in FY 2023.

Sue Hunter, Housing Advisory Board (HAB) chair, emphasized the impact that increasing property taxes would have on low income, elderly and long-time homeowners. She said that Orange County had started a Long-time Homeowner Tax Assistance for eligible residents based upon their income, tax burden and length of time living in their home. The cities of Charlotte, Durham and Asheboro had similar programs and the HAB was recommending that the Council investigate doing so as well, she said.

Breckany Eckhardt, a Chapel Hill resident, asked what the actual cost of the increase would be on a median income couple living in a median house in Chapel Hill.

The Council thanked staff members for their hard work and collaboration. They expressed interest getting into the details, being able to understand the implications for future years, and seeing how long it would take to reach a point where everything was being kept current. They discussed how they would need to make the case for the tax increase, and they asked for more information and options regarding the HAB's recommendation.

Council Member Searing said that he did not think the Council had made responsible spending decisions in recent months. He referred to a decision to use excess funds on things such as consultants and land rather than addressing maintenance needs.

Mayor Hemminger commented that there was a huge difference between one-time monies and continuing budget funds. In response to Ms. Eckhardt's request, she asked Mr. Blue to reshoot the slide that listed how a 5-cent increase would affect tax bills for different property values. She then pointed out that the tax bill for a property valued at \$150,000, for example, would increase by \$6.25 per month. She asked Mr. Blue to bring back information on how those amounts would change if the increase were only 4 cents.

Mayor Hemminger said that it was sometimes better to increase the tax rate over a couple of years, and she pointed out that landlords pass large increases on to tenants. Even though the Town's tax rate was in the middle when compared to other towns, the Council needed to look at the total tax when Orange County and School System taxes were included as well, she said.

Mayor Hemminger said that she agreed with the HAB's recommendation to look at tax relief. She noted that some hiring could be deferred to later in the year and said that maybe some of the lapsed positions could be recategorized.

This item was received as presented.

11. Consider American Rescue Plan Act (ARPA) Funding for Community-Based Budgeting Projects. [\[23-0408\]](#)

Ms. Oland explained that all of the Town's \$10.7 million in American Rescue Plan Act (ARPA) funding had been allocated, except for \$500,000 for community-based projects. Projects in that category that had been helped thus far included ten Town projects and six with community partners, she said.

Senior Project Manager Sarah Poulton outlined the community-based budgeting process and said that eight Town departments had submitted 21 total projects with costs that ranged from \$50,000 to \$200, she said. She described an extensive outreach process that included 52 hours of live events and an online survey.

Ms. Poulton recommended that the Council enact Ordinance-4, which would authorize \$142,000 for electric leaf blowers and mowers; \$100,000 for ADA sidewalk repairs; \$200,000 for a Tanyard Branch affordable housing neighborhood connector; and \$72,000 for an ADA van for summer camps and field trips.

Ms. Poulton said that those four projects would help the following: people who were affected by current environmental and noise pollution; greenway users in the Northside area; Parks and Recreation program users with disabilities; and sidewalk users throughout Town. The total cost of \$514,000 would be paid for by the \$500,000 in remaining ARPA funds plus \$14,000 in unused OWASA funds, she said.

Council Member Parker ascertained from Ms. Poulton that \$100,000 would not be enough to fix all of the Town's sidewalks but would address some key areas.

Mayor Hemminger thanked staff members for their hard work.

A motion was made by Council Member Anderson, seconded by Council Member Miller-Foushee, that the Council enacted O-4. The motion carried by a unanimous vote.

12. Close the Legislative Hearing and Consider Adopting Shaping Our Future: A Transportation and Land Use Initiative as an Amendment to the Town's Comprehensive Plan, Chapel Hill 2020. [\[23-0409\]](#)

Transit Planning Manager Caroline Dwyer gave a PowerPoint presentation on Shaping Our Future (SOF): A Land Use and Transportation Initiative, which established a vision and policy framework for implementing transit-oriented development (TOD) in Town. She said that SOF would apply specifically to areas in and near the north-south bus rapid transit (NS BRT) corridor, transit station areas, and other areas identified as focus areas on the Town's Future Land Use Map. It would apply only to locations that were suitable for TOD and would include multiple modes of transportation, she said.

Ms. Dwyer said that SOF enjoyed broad community support and was aligned with the Council's short- and long-term goals. She pointed out how the initiative was consistent with the Town's Complete Community (CC) plan in several key ways and said that it supported implementation of all pillars of the CC strategy.

Ms. Dwyer said that Shaping Our Future would help to provide a starting point for discussions related to the Future Land Use Map up-date. She recommended that the Council close the legislative hearing and consider adopting Resolution 7, which would add Shaping Our Future: A Land Use and Transportation Initiative to the Chapel Hill 2020 Comprehensive Plan.

Jeffrey Hoagland, a Chapel Hill resident, asked if adding bike racks would be part of the Plan, and Mayor Hemminger said that staff would get back to him with that information.

Council Member Searing said that he opposed SOF because it included a recommendation to remove single-family zoning requirements and allow construction of duplexes, triplexes and small multi-family buildings in areas throughout Town. His constituents were opposed to that, so he would not vote for what he thought was otherwise an excellent plan, he said.

Mayor Hemminger pointed out that SOF applied only to the half-mile on either side of the transit corridor. It was not a plan for all over Chapel Hill, she said.

Council Member Anderson confirmed with Ms. Dwyer that SOF would not

make any changes to the Town's Land Use Management Ordinance or regulating plan. The recommendations that it provided would need to be operationalized through a legislative act, Ms. Dwyer said.

Council Member Searing said that he understood that SOF was not binding but thought that it endorsed gradually increasing density across Town.

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

Aye: 8 - Mayor Hemminger, Mayor pro tem 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 Parker, seconded by Council Member Anderson, that the Council adopted R-7. The motion carried by the following vote:

Aye: 8 - Mayor Hemminger, Mayor pro tem 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

13. Close the Legislative Hearing and Consider Adopting the Complete Community Strategy as an Amendment to the Town's Comprehensive Plan, Chapel Hill 2020. [\[23-0410\]](#)

Assistant Planning Manager Judy Johnson presented a text amendment that would add the Complete Community (CC) strategy to the Town's Comprehensive Plan and mark the end of a process that had begun in December 2022 when the Town hired a consult to introduce the CC project. She provided an update on CC activities and presented a graphic that showed the CC Strategy as a visionary document over the Comprehensive Plan.

Ms. Johnson said that staff was continuing to work on a Natural Areas Map and would most likely present that for adoption into the CC strategy in early fall 2023. She recommended that the Council close the hearing and adopt Resolution 8, which would update the Comprehensive Plan to include the Complete Community Strategy.

Ms. Eckhardt commented on the possible property tax increase and other

Town initiatives that she disagreed with.

Council Member Ryan said that getting CC into the Comprehensive Plan and then moving ahead on implementation was a big step forward for Town planning and visioning. As the Town used more of its land to accommodate denser growth it would also strengthen protections for remaining natural spaces, she said. She stressed the importance of finishing the Natural Areas Plan and encouraged staff to ask for additional resources, if needed. She asked to see the Design Manual prior to its approval.

Council Member Searing said that the CC plan lacked clear goals for building new parks and open space to accompany housing development. He said that he had requested those goals in the past and he characterized the lack of them as a fatal flaw in the plan.

A motion was made by Council Member Parker, seconded by Council Member Miller-Foushee, 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 Berry, that the Council adopted R-8. The motion carried by the following vote:

Aye: 8 - Mayor Hemminger, Mayor pro tem 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

14. Open a Legislative Hearing to Adopt the Connected Roads Plan as an Amendment to the Town's Comprehensive Plan, Chapel Hill 2020. [\[23-0411\]](#)

Transportation Planning Manager Bergen Watterson said that the Town had recently secured federal funding for a Connected Roads Plan, which Stantec, Inc. had been working on since November 2022. Staff was asking the Council to opening the legislative hearing and discuss adopting that Plan into the Comprehensive Plan on June 14, 2023, she said.

Timothy Tresohlavy, a senior transportation planner with Stantec, Inc., said that the purpose of the Connected Roads Plan was to have a consistent approach to street connections based on best practices for connecting communities through all modes of travel. He said that the Plan had a direct relationship with the CC strategy and was under its umbrella. He described a three-step process that had narrowed 78 potential connections in Town down to 40.

Mr. Tresohlavy discussed the direct and indirect benefits of the Plan. He said that six developed and/or high-growth areas had been identified as focus areas. He said that Town residents had been involved in that process in multiple ways, such as focus groups, an online survey, an interactive web map, and two rounds of public meetings.

Mr. Tresohlavy said that a survey had identified 179 residents' three top priorities: improving walkability, eliminating fatal/severe injury crashes, and environmental sustainability. An interactive map had revealed 78 points of interest, 32 of which were related to the need for connectivity, he said. He summarized the total response as follows: Residents value walkability and safety and want to prioritize greenway connections. They believe that residential cul-de-sac streets should be off-limits and that no buildings should be impacted. Traffic noise and speeding cars were potential issues as well.

Council Member Parker confirmed with Ms. Watterson that the Connected Roads Plan would become part of the Comprehensive Plan and that the Stantec team was putting together a set of policy recommendations that staff anticipated incorporating into the Land Use Management Ordinance rewrite as well.

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council continued the Legislative Hearing to June 14, 2023. 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.

- 15.** Open the Legislative Hearing for Modification to Conditional Zoning for Columbia Street Annex, 1150 South Columbia Street. [\[23-0412\]](#)

Planning Manager Corey Liles introduced a Conditional Zoning Modification (CZM) application for Columbia Street Annex that specifically pertained to an interchange on-ramp. He said that a Mixed Use-Village-Conditional Zoning District had been approved for the 4.07-acre site in March 2021, but the need for a modification had been identified in November 2022 and requested in January 2023.

Mr. Liles reminded the Council that the project was comprised of up to 60 units in 4-5 story buildings. Nine units would be affordable housing and the project included 2,000-3,000 square feet of nonresidential space, he said. He noted that the Planning Commission had recommended approval

and proposed that the Council open the legislative hearing, receive and provide comments, and then continue the hearing to June 14, 2023.

Wendi Ramsden, a landscape architect with Thomas and Hutton, gave a brief history of the project and the changes that had been made as it went through the Town's approval process. She presented a comparison of the plan that had been approved in 2021 and current proposed plan. She presented a chart that summarized the impacts of the Town's modification request and said that lowering buildings had led to an increase in impervious surface.

Ms. Ramsden emphasized the applicant's effort to keep that increase within the managed and upland zones of the Town's Research Conservation District (RCD). She requested that the Council approve the request to: increase impervious surface within the upland and managed RCD zones; increase of overall impervious surface; and change the unit count to 58-60 rather than "up to" 60.

Council Member Berry confirmed that none of the affordable units had been changed in size and that they would be indistinguishable from the other units.

Council Member Ryan asked about the incursion into the RCD being considered "no disturbance", and Ms. Ramsden replied that they were already disturbing a certain area in order to get all of the program onto the site, and she described several other changes that they had made in order to adapt. Council Member Ryan said that she was always sorry to see RCD disturbances but was grateful for the applicant's effort to restore the stream.

Mayor pro tem Stegman said that the project was a good example of tradeoffs that must occur when people push against height. She preferred the original design, she said, and Council Member Ryan agreed that more height would have been better in this case.

A motion was made by Council Member Parker, seconded by Council Member Berry, that the Council continued the Legislative Hearing to June 14, 2023. The motion carried by a unanimous vote.

- 16.** Open the Legislative Hearing: Conditional Zoning Application for Starpoint Refuel at 1950 U.S. 15 501. [\[23-0413\]](#)

Mr. Liles introduced a Conditional Zoning application for Starpoint Refuel, a new gas station and a convenience store proposed for a 1.26-acre site at corner of U.S. 15-501 and Smith Level Road (SLR). The site was currently zoned Neighborhood Commercial/Conditional Zoning District, and the applicant was asking to rezone it to Neighborhood Commercial/Residential Low Density-1, he said.

Mr. Liles outlined the applicant's proposal for 3,270 square feet of commercial space, a new covered pump station, entrances from both US 15-501 and SLR, and a turn-lane realignment on SLR. He reviewed a list of requested modifications to setback, buffer and sidewalk regulations.

Mr. Liles said that a rezoning would trigger NC Department of Transportation (NC-DOT) requirements for additional pedestrian improvements if sidewalks were provided on the site. He said that staff believed there was an opportunity to improve pedestrian connectivity in the area even if the applicant did not meet the full ordinance requirement.

Mr. Liles said that Town advisory boards and commissions had recommended that the applicant provide sidewalks and that the Transportation and Connectivity Board had recommended denial without them. He proposed that the Council open the legislative hearing, receive and provide comments, and continue the hearing to June 14, 2023.

Jessie Hardesty, a planner with McAdams Company, provided additional details on the application. She said that an existing gas station and retail at the site were not attractive or up to code. The site encroached on setbacks and buffers, contained little-to-no vegetation, and included several easements on it that constrained the developable area, she said.

Ms. Hardesty described Starpoint Refuel's plans to redesign and simplify the site in a way that would pull structures away from adjacent properties, provide a vegetative buffer, preserve a cemetery, add landscaping along a retaining wall, and plant street trees along the frontage. The plan would reduce impervious surface from 70 percent to less than 55 percent, she said. She reviewed changes that had been made in response to advisory board comments but said that building a sidewalk along SLR would be too costly considering the additional NC-DOT requirements.

Council Member Miller Foushee expressed concern over the lack of an EV charging station, and Ms. Hardesty replied that the applicant had been evaluating whether that would be feasible. Council Member Parker pointed out, however, that a Level 3 charger probably would be cost-prohibitive and that no one would be in favor of having cars sitting there for two-three hours waiting for a Level 2 charger.

The Council asked about the fate of a mural depicting UNC "coaching legend" Dean Smith, which had been painted on an existing brick wall. Ryan Robinson, a senior manager with Starpoint Refuel, explained that they proposed an opportunity to either protect or relocate it, but that UNC had not really supported that. Refuel had also reached out to both the artist and Dean Smith's family, but there had been no active participation, Mr. Robinson said. Mayor pro tem Stegman commented on the possibility

that some people might be interested in crowdsourcing to preserve the mural.

Mayor Hemminger said that she understood the applicant's argument regarding building a sidewalk along the SLR retaining wall but wondered about putting it along that entrance drive. Council Members understood the site's constraints, but they also wanted walkability, she said.

Spencer Christensen, a civil engineer with McAdams Company, replied that the sidewalk could, in theory, do what the Mayor was suggesting. The economic feasibility would depend on whether it would require curb and gutter or storm and sewer modifications, he said.

Mayor Hemminger said that a sidewalk there should be considered for safety reasons as well as the Town's walkability goals. She also recommended that the proposed street trees be shade-giving ones and asked the applicant to provide more details about the proposed buffers at the next meeting.

Council Members Berry, Ryan and Searing agreed with the Mayor's comments about the need for more pedestrian connectivity in the area. Council Member Berry raised the possibility of a payment in lieu of sidewalks, and Council Member Ryan urged the applicant and staff to continue discussions with NC-DOT. The DOT would eventually need to make crosswalk improvements in the area, she said, adding that it seemed "a little nuts" to expect Refuel to bear the brunt of those costs. Mayor Hemminger said that the Council did not expect the applicant to pay for that crosswalk, but she would like to hear what DOT had to say about it.

Council Member Miller-Foushee said that she understood the applicant's position, since people did not currently walk in the area. Council Member Anderson said that she wanted to better understand where people would be using a sidewalk. Council Members Parker and Huynh asked to see data that showed a significant unmet need for a sidewalk at that location. Mayor pro tem Stegman agreed that it was important to understand if pedestrian safety needed to be addressed.

Mayor Hemminger noted that the Council's opinion was mixed regarding the need for a sidewalk. She pointed out that there would be bus rapid transit at that location in the future and that other neighborhoods in that area could develop as well. She emphasized that the Refuel site needed to be traversed safely, but said she agreed that the applicant should not have to pay for an entire crosswalk. She asked staff to think about what safe pedestrian access would look like and about what would be feasible at that location.

A motion was made by Council Member Anderson, seconded by Council Member Parker, that the Council continued the Legislative Hearing to June 14, 2023 . The motion carried unanimously.

APPOINTMENTS

17. Appointments to the Environmental Stewardship Advisory Board. [\[23-0414\]](#)
The Council appointed Marirosa Molina, Kunal Khaware, and Boone Williams to the Environmental Stewardship Advisory Board.
appointed.
18. Appointments to the Grievance Hearing Board. [\[23-0415\]](#)
The Council appointed Michael Delafield, William Talley, and Matthew Tulchin to the Grievance Hearing Board.
19. Appointments to the Human Services Advisory Board. [\[23-0416\]](#)
The Council appointed Bethany Parrish, Pamela Ryan, and Riley Sullivan to the Human Services Advisory Board.
20. Appointments to the Planning Commission. [\[23-0417\]](#)
The Council appointed Geoffrey Green, Elizabeth Losos, Jonathan Mitchell, and E. Strother Murray-Ndinga to the Planning Commission.

Mayor Hemminger pointed out that there still were openings on Town boards, and she urged people to apply.

ADJOURNMENT

The meeting was adjourned at 8:32 p.m.