



TOWN OF CHAPEL HILL

Town Council Meeting Minutes - Draft

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, September 11, 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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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: 9 - Mayor Jessica Anderson, Mayor pro tem Amy Ryan, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Adam Searing, Council Member Karen Stegman, Council Member Theodore Nollert, Council Member Melissa McCullough, and Council Member Elizabeth Sharp

OTHER ATTENDEES

Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Executive Director for Strategic Communications and Marketing Susan Brown, Planning Director Britany Waddell, Senior Planner Jacob Hunt, Zoning Administrator Corey Liles, Police Officer Danny Lloyd, Media Relations Manager Alex Carrasquillo, Police Chief Celisa Lehw, Fire Chief Jay Mebane, Fire Marshal Chris Wells, and Assistant Town Clerk Brenton Hodge.

OPENING

Mayor Jessica Anderson called the meeting to order at 6:00 p.m. and reviewed agenda. All Council members were present.

0.01 Council Member Stegman Requests Adoption of Resolution [\[24-0440\]](#)
Advocating the Right of All North Carolinians to Safe and Comprehensive Reproductive Health Care as A Human Right.

Mayor Anderson said that Chapel Hill was among a growing number of local governments across the country that were upholding the right to comprehensive reproductive health care. The Town Council would uphold those rights for its own constituents and for those who come to Chapel Hill for healthcare, she said.

Council Member Stegman read the resolution, which condemned the criminalization of abortion and affirmed the right of access to high quality healthcare without fear of government interference or punishment. The resolution stated that reproductive rights were human rights and urged North Carolina's state, county and local municipalities to repeal laws that criminalize or restrict abortion.

Dr. Anu Kumar, president and CEO of IPAS, said that abortion restrictions were in direct conflict with international human rights laws. IPAS had documented human rights violations related to sexual and reproductive healthcare access and the UN Human Rights Committee in Geneva had

said there was a public health crisis related to abortion access in the US, she said. She summarized some of the Committee's recommendations and explained how the proposed resolution aligned with those.

A motion was made by Council Member Berry, seconded by Council Member Miller-Foushee, that the Council adopt R-0.01. The motion carried by a unanimous vote.

0.02 Proclamation: Patriot Day and Day of Public Service

[\[24-0441\]](#)

Mayor Anderson reminded everyone that nearly 3,000 people had died during the September 11, 2001, terror attacks on the United States. She said that 343 firefighters and 23 police officers had died as a result and that many others were still suffering or had passed away due to related illnesses. The Town proclamation declared September 11, 2024, to be Patriot Day and Day of Service in the Town of Chapel Hill and urged everyone to pay tribute to those who had died or were living with grief, she said.

Mayor Anderson called for a moment of silence to honor the victims and heroes. She then pointed out that 200 first responders currently serve with the Chapel Hill Police and Fire Departments. Lieutenant Joe Haywood, who had served in the US Marines following the attack, received the proclamation.

This item was received as presented.

0.03 Proclamation: Co-Responder and Crisis Responder Week

[\[24-0442\]](#)

Mayor pro tem Ryan read a proclamation that outlined the challenges associated with mental health and substance abuse issues and noted the Town's 50-year commitment to providing additional resources for those in crises. She said that the Chapel Hill Police Department's Crisis Unit had been working with others in the Triangle to provide mental health services and care. The proclamation deemed the week of September 15, 2024, to be Co-Responder and Crisis Responder Week in Chapel Hill and urged residents to honor and thank those professionals for the services they provide.

This item was received as presented.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.04 Mayor Anderson Regarding Bond Referendum on November Ballot.

[\[24-0443\]](#)

Mayor Anderson reminded everyone that a \$44 million bond referendum on public safety facilities, affordable housing, greenways, parks and sidewalks would be on the November 2024 ballot. More information about that was on the Town website, she said.

0.05 Mayor Anderson Regarding NCDEQ Public Meeting.

[\[24-0444\]](#)

Mayor Anderson announced that a public meeting regarding a Brownfields agreement for 828 Martin Luther King, Jr. Boulevard would be held at 6:30 p.m. on September 18th at the Chapel Hill Public Library. The NC Department of Environmental Quality would be there, and the meeting would be live streamed, she said.

0.06 Council Member Berry Regarding Petition Responses from March 6, 2024.

[\[24-0445\]](#)

Council Member Berry said that she was looking forward to seeing the staff's responses to two petitions that had been submitted in March 2024. One pertained to a name change and the other was about Downtown restrooms, 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.

1. Petition Regarding Enforcement of Quality-of-Life Laws in the Community

[\[24-0426\]](#)

Chapel Hill residents Daren Campbell, Tom Fenn, Alyssa Hinton, Donna Carrington, Madeleine Wales and Loretta DiFranco-Feiffer spoke in opposition to a "Quality of Life" petition that had been presented to the Town.

Mr. Campbell questioned the petition's validity, stating that one of the petitioners had passed away and another had no knowledge of the petition. Mr. Fenn spoke about the plight of those who were homeless and said that the petition's approach would not solve the issues. Ms. Hinton argued that the proposed policy would force law enforcement to apply harsh responses with little or no consideration to personal circumstances.

Ms. Carrington, executive director of Community Empowerment Fund, said that the community was obligated to care for its unhoused members, not

criminalize them. Ms. Wales urged the Council to protect individuals' right to feel safe from ideas such as those presented in the petition. Ms. DiFranco-Feiffer stressed the importance of building community rather than criminalizing those who are unhoused.

The Council voted unanimously to receive the Quality-of-Life petition and Mayor Anderson said that no further action would be taken. The Town was proud of its commitment to public safety and Town staff was working every day to address the root causes of unsafe conditions for everyone, she said.

A motion was made by Council Member Stegman, seconded by Council Member Berry, that the Council received and filed the petition. The motion carried by a unanimous vote.

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 Mayor pro tem Ryan, seconded by Council Member Miller-Foushee, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items [\[24-0427\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Enact the Annual Budget Ordinance Amendment to Re-Appropriate Funds for Prior Year Encumbrances and Other Commitments. [\[24-0428\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Award a Bid and Authorize the Town Manager to Execute a Contract for the Reconstruction of the Six Tennis Courts at Cedar Falls Park. [\[24-0429\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Adopt Minutes from March 6, 13, and 20, 2024, and April 15, 17, 24 and 26, 2024, Meetings [\[24-0430\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

DISCUSSION

SPECIAL USE PERMIT(S)

Special Use Permit: The Application for a Special Use Permit is Quasi-Judicial. Persons wishing to speak are required to take an oath before providing factual evidence relevant to the proposed application.

Witnesses wishing to provide an opinion about technical or other specialized subjects should first establish that at the beginning of their testimony.

6. Convene an Evidentiary Hearing for a Special Use Permit at 207 and 209 Meadowmont Lane [\[24-0431\]](#)

Assistant Town Clerk Brenton Hodge affirmed the oath with Perry Aycock, Scott Murray, Jessie Hardestay and Jacob Hunt.

Senior Planner Jacob Hunt introduced the Special Use Permit (SUP) application for Overlook at the Cedars, which was located on Meadowmont Lane and part of Meadowmont's master land use plan. He proposed that the Council open the quasi-judicial hearing, receive evidence, close the hearing, and consider adopting Resolution 4, which would approve the SUP.

Mr. Hunt explained that the parcel had previously been approved for eight units across two buildings. The applicant was currently seeking approval for 10 units and to increase the number of parking spaces from 18 to 21, he said. He said that staff had found no conflicts with the Town's Land Use Management Ordinance. Council approval should be based on Four Findings of Fact outlined in the Town's Comprehensive Plan, he said.

Perry Aycock, The Cedars president, expressed support for approval and spoke about the high demand for senior housing.

Jessie Hardesty, a planner with McAdams Company, provided information on the .6-acre site and surrounding area. She reminded the Council that half of Overlook at the Cedars had already been built but that the SUP had expired. She showed a concept plan for two buildings with five units in each. She described plans for landscaping, stormwater treatment and parking. She said that the few people who had attended a neighborhood had not commented or asked questions. The project did meet the Four Findings of Fact and staff had found it to be consistent with Town regulations, she said.

A motion was made by Council Member Berry, seconded by Council Member Miller-Foushee, that the Council closed the evidentiary hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Miller-Foushee, seconded by Council Member Berry, that the Council adopt R-4. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEW(S)

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.

7. Concept Plan Review: 860 Weaver Dairy Road

[\[24-0432\]](#)

Zoning Administrator Corey Liles indicated the approximate 45-acre site at 860 Weaver Dairy Road (WDR) on a map and noted its proximity to the Chapel Hill North Shopping Center and the Carol Woods Retirement Community. He pointed out that the Council had seen other proposals for the same site in the past. He recommended that the Council hear the proposal, provide comments, and then adopt Resolution 6, which would transmit its comments to the applicant.

Developer Ernie Brown (EB Capital Partners) gave as PowerPoint presentation on his plan, which would include townhomes, mixed housing and apartments spread over three main sections. He commented on site constraints and asked the Council to provide guidance on potential use of the Interstate 40 (I-40) buffer. He also asked for Council feedback on tree removal, setbacks, and density.

Mr. Brown described his vision for a non-residential, central area that would develop organically over time. He envisioned that as a flexible space that would bring all quadrants together and tie them to other developments in the area, he said. He asked Council Members for feedback on whether a Conditional Zoning application that included a bubble plan for that flexible area would be acceptable.

Mr. Brown pointed out that the project would add density near bus routes and would add more than a mile of multi-purpose trails. It would address

the Council's Complete Community goals by adding to and completing the area's existing retail, office and housing, he said.

Mayor pro tem Ryan confirmed with Mr. Liles that Conditional Zoning could include Council expectations for the flexible space's use and design. The Mayor and Council ascertained that the large apartment building would be 475,000 square feet, but Mr. Brown said that it would feel like four buildings to a pedestrian walking through. The Council confirmed that a buffer between the townhomes and an existing townhome development would be about 10 feet wide. They asked about the proximity of a proposed pathway to high tension power lines, but Mr. Brown replied that it was too early in the process to determine that.

Five Chapel Hill residents provided public comment. Hank Elkins, a health researcher, warned against developing near I-40 due to air pollution being the world's leading risk factor for mortality and morbidity. Albert Howlett, Dave Schaeffer, Lois Howlett, and Brian Grimwood, all Coventry residents, expressed concerns about noise and air pollution, tree loss, building density and scale, traffic, and stormwater runoff.

Mayor pro tem Ryan commented that there had been existing flooding in the area, and she stressed the need for a robust staff analysis of the applicant's stormwater proposal. Mayor Anderson pointed out that the Town would not approve a project that did not manage its stormwater. Council Member Berry said that she hoped the project would actually improve the area's stormwater situation.

Most Council members expressed support for the proposed flexible center section. They liked the idea of providing different size housing units. Mayor pro tem Ryan suggested also including smaller, starter sizes units and Council Member Stegman proposed adding some cottage courts as well.

The Council was fine with part of the parking deck being in the I-40 buffer and emphasized the value of having as much buffer there as possible. The Mayor and Council proposed that the applicant work with staff and others to address air, light and noise pollution issues.

Several Council members said they were okay with the proposed density. Council Member Nollert proposed that the density even be increased, but Council Member Berry asked for less density along the entrance from WDR. Mayor Anderson asked the applicant to return with information on whether the one large building could be taller and narrower instead.

Council members said they liked the connectivity plan. Several expressed a desire to preserve existing trees and retain the natural environment as part of the site. Council Member Searing asked the applicant to make

more of an effort to buffer an existing development south of the site, and Council Member Berry recalled that a prior applicant's concept plan for that land had made concessions to the Coventry community regarding the road's location.

Council Member Sharp said that she would like to see some creative thinking about how to make the flex area attractive to businesses. Council Member Berry and Mr. Brown discussed the potential of having food trucks there at the start.

Mayor Anderson expressed appreciation to those who had come to speak and assured all that there would be many processes and opportunities for public input regarding stormwater and traffic. She thanked Mr. Brown for presenting a project that was responsive to the Council's overall vision and the needs of the Town.

R-6 was adopted by consensus.

ADJOURNMENT

The meeting was adjourned at 8:16 p.m.