



TOWN OF CHAPEL HILL

Town Council Meeting Minutes - Draft

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

Mayor Pam Hemminger	Council Member Hongbin Gu
Mayor pro tem Michael Parker	Council Member Tai Huynh
Council Member Jessica Anderson	Council Member Amy Ryan
Council Member Allen Buansi	Council Member Karen Stegman

Monday, August 30, 2021	7:00 PM	Virtual Meeting
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Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

<https://us02web.zoom.us/join/91012020000> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 822 6494 5437

View Council meetings live at <https://chapelhill.legistar.com/Calendar.aspx> – and on Chapel Hill Gov-TV (townofchapelhill.org/GovTV).

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Town Attorney Ann Anderson, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director and Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger convened the virtual meeting at 7 p.m. She welcomed the Council and staff back from their summer recess and said that a facilitator who had planned to attend could not be present due to an accident. At the Mayor's invitation, the Council and several staff members described some of the

highlights of their vacations.

Mayor Hemminger called the roll and all present Council Members replied that they were present.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Parking Deck Groundbreaking. [\[21-0671\]](#)

Mayor Hemminger said that the Town would need to reschedule the Rosemary Parking Deck groundbreaking celebration because the original date conflicted with a Jewish holiday.

0.02 Mayor Hemminger Regarding Upcoming Meetings. [\[21-0672\]](#)

Mayor Hemminger said that a Council Committee on Economic Sustainability (CCES) meeting had been moved to September 10th due to the Labor Day weekend and that CCES meetings would stay virtual through the fall. She said that a public forum on stormwater in the Lower Booker Creek area would be held in the fall as well.

0.03 Mayor Hemminger Regarding COVID Update. [\[21-0673\]](#)

Mayor Hemminger said that most meetings would continue to be held virtually due to the ongoing COVID-19 pandemic. She then provided an update on COVID-19 and said that everyone, including those at the University of North Carolina at Chapel Hill (UNC-CH), was trying to figure out the best way forward in the face of the more highly contagious Delta variant.

Mayor Hemminger said that everyone was trying to figure out the best way forward regarding football games and other large events. She discussed UNC's recommendations to students regarding vaccinations and masks and said that she and U.S. Congressman David Price had written UNC-CH officials a letter strongly recommending that they institute a mask mandate.

Mayor pro tem Parker said that the Town's conversation with UNC-CH should include a request to make vaccinations a requirement for entry into large events. He said that Duke University had imposed greater restrictions and that the Town should keep pushing UNC-CH to be as rigorous as possible.

The Council discussed North Carolina's COVID positivity rate, which had reached 14.5 percent, and expressed concern about UNC football games bringing large numbers of visitors to Chapel Hill. They recommended asking the Downtown Partnership to post signs that publicize Town guidelines.

The Council also discussed making students more aware of free testing sites in Chapel Hill, Hillsborough and the Orange County Health Department. They raised the idea of having on-site testing and vaccination at an upcoming football game. Some Council Members pointed out that the Chapel Hill-Carrboro City School System and local pharmacies had been able to get COVID test results back quickly.

AGENDA ITEMS

1. Introductions/Goals for Session. (no attachment) [\[21-0667\]](#)

Mayor Hemminger outlined a potential fall schedule that would include a Rosemary Parking Deck groundbreaking, a Council Committee on Economic Sustainability meeting, and a public forum on the Lower Booker Creek area.

Mayor Hemminger said she had hoped to present a process for Council petitions but that she and staff felt that it still needed a little more work. It would be on the fall agenda, she said.

2. Procedures for Filling Council Vacancies. [\[21-0668\]](#)

Mayor Hemminger said that the Town's Clerk's office had been getting applications for Council vacancies slipped under its door and that some of those had contained names but no addresses. As a result, staff created a more standard application that worked much better. However, the Council's process for filling vacant Council seats still needed more discussion, she said.

Town Attorney Ann Anderson pointed out that the NC General Assembly had stated that a vacant Council seat "shall be filled by appointment of the city council". She said that the two recognized methods for doing that across the state with a simple motion and majority vote, or nomination and ballot. From a legal perspective, the latter was more in keeping with Robert's Rules of Order and NC law and was the method the Town had been following, she said.

Ms. Anderson summarized the state statute and read the Town's ordinance. She outlined the process for filling a Council seat from the time a vacancy occurs. If the Council did not appoint someone at its meeting, then it would have to follow the same process at each subsequent meeting until the seat was filled, she said.

Council Members verified with Ms. Anderson that five Council votes were required to appoint a nominee and that it was in the Council's discretion to decide what constituted a review of applications. They all agreed that having a more standardized application was a good idea.

Mayor Hemminger pointed out that the Council had wanted to discuss possibly reducing its size from nine to seven members but had not known how to move that idea forward in a virtual setting. She said that having the item on every agenda but not discussing it could be confusing and frustrating for all, and she asked if the Council was interested in changing the process.

Ms. Anderson pointed out that there was a requirement to fill a vacancy. Changing the process would tweak rather than eliminate that requirement, she said.

Council Members asked about just waiting and letting the public decide in a municipal election, and Ms. Anderson replied that both the Town's charter and the NC General Statute included the phrase "shall be filled". It was clear in both that a vacancy that occurred very close to an election would get filled, she said. She said that she did not think the General Assembly would have been that specific if it meant to allow the Council the discretion to leave it open until the next election.

Ms. Anderson told the Council that she had not found any other towns in North Carolina that had charters similar to Chapel Hill's. Most did not set a process in their ordinances or even in their procedures manuals, she said. She characterized the Town's process as a specific and well-thought-out one that could be made more flexible by tweaking.

Council Member Buansi said that much in the Town's charter could be clarified by setting deadlines and changing "mays" to "shalls," and Mayor Hemminger confirmed with Ms. Anderson that language could be added that would let the Council decide whether not to remove the item from an agenda. She also confirmed with Ms. Anderson that there could be subsequent rounds of applications if no one were appointed.

Council Member Ryan proposed changing the consideration requirement to "at least once a month," rather than "every meeting," and Ms. Anderson said that was well within the range of things the Council could do.

The Council discussed several ideas for adding flexibility such as keeping the item off the agenda, requiring fewer votes to approve a candidate, reopening the process, getting more nominations, having a mechanism to fill the vacancy if the Council did not do so within a certain number of days, or requiring just a plurality at the end of 60 days, to name a few. They also talked about what to do in the case of a 4-4 vote, and they discussed reducing the number of Council Members to seven.

Some on the Council proposed waiting until the election and letting the voters decide, but Council Member Buansi argued that it was the Council's statutory obligation under the state to hold a formal vote on applicants by

the end of 60 days. He would prefer an election than having to choose, but there should be a firm deadline for filling a vacancy absent a soon-to-be election, he said.

Ms. Anderson agreed but pointed out that there was not currently a specific deadline. A deadline was something the Council could impose upon itself, if it chose to do so, she said.

Mayor Hemminger proposed that the Council could vote on whether or not to reopen the application process if it could not reach a decision within 60 days after the close of applications.

Ms. Anderson asked how not being able to make progress would be determined. Mayor Hemminger replied that it could be when the seat had stayed open for 60 days, the Council had voted, and no applicant had received a majority of the votes. The Council could then vote on whether to open applications up again, said Mayor Hemminger.

Ms. Anderson said that if a majority on the Council decided that it needed to have another application round and could not choose on the second round, it could either let the voters decide or impose a deadline on itself. After additional discussion, the majority of Council Members agreed with that idea, and Mayor Hemminger suggested having Ms. Anderson bring back a proposed process.

3. Overview of Fall Council Session. (no attachment)

[\[21-0669\]](#)

Mayor Hemminger noted that a number of extenuating circumstances had led to the upcoming fall meetings being rearranged, and she mentioned some of the items that would be coming forward. In the interest of having shorter Council meetings, there would be no reading of proclamations and a "Mayor's Salute" would be substituted for some celebrations, she said.

Mayor Hemminger said that updates on certain items, such as UNC-CH project updates, would be written reports only because of the full agenda. However, UNC-CH would make a presentation which would include its climate action plans, she said. She listed several of the larger items and presentations that would be coming before the Council in the fall session.

Mayor Hemminger asked Council Members to share two things they would like to see the Council accomplish. Responses related to American Rescue Plan funding, ReVive Recovery Plan execution, Re-imaging Community Safety Task Force recommendations, mobile home park challenges, various stormwater issues, and getting the LUMO rewrite process back on track.

Some Council Members said they hoped to see a master plan for Town

parks, trails and greenways. Council Member Stegman proposed making the current \$100,000 increase in Human Service funding permanent, and Town Manager, Maurice Jones, replied that doing so would be the Town's approach unless something drastic happened.

Mayor Hemminger pointed out that meetings in the spring had been too long and too many, and she commented on the "perfect storm" of events that had led to that. She said that she and Mr. Jones were striving to be more efficient and to finish Council meetings before 10:30 p.m., if possible. She asked for the Council's help in finding ways to be more efficient while still being inclusive and hearing all voices.

Council Member Anderson pointed out that the Council had discussed imposing a three-minute time limit on their own comments, and Mayor Hemminger noted the difficulty of facilitating meetings virtually. It would help to get hand signals from Council Members rather than text messages, the Mayor said.

Council Member Buansi noted that some jurisdictions set timers. Council Member Huynh said that Zoom included ways to make loud sounds that could be used for that. Mayor Hemminger confirmed with Council Members that they considered staff responses to their questions to be outside their own three-minute limits.

Council Member Anderson suggested limiting the number of questions from people who haven't submitted them beforehand, and Council Member Stegman recommended not repeating a question that had already been asked and answered.

Council Member Gu said that one purpose of public hearings was to keep the public informed. She hoped there would be some objective way to make sure that any rule would be implemented evenly and fairly, she said.

Mayor Hemminger said that Town staff tried hard to incorporate answers to Council Members' questions in presentations and that this was another way the public could get information. She said that a future topic would be about restructuring public comments to make it more impactful.

Mayor Hemminger said that the Council would need to make a decision soon regarding the Multiple Services Center building. She pointed out that some NC cities were purchasing solar farms through public/private partnerships and were using that to generate power for their towns. She would like to explore those opportunities for Chapel Hill, she said, characterizing such a move as a huge, progressive step forward.

ADJOURNMENT

This meeting was adjourned at 9:01 p.m.