



# 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 Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

Council Member Nancy Oates  
Council Member Michael Parker  
Council Member Karen Stegman  
Council Member Rachel Schaevitz

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**Wednesday, May 8, 2019**

**7:00 PM**

**RM 110 | Council Chamber**

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### Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

### Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Communications Specialist Mark Losey, Planning Director Ben Hitchings, Assistant Town Manager Mary Jane Nirdlinger, Business Management Director Amy Oland, Budget Manager Matt Brinkley, Interim Parks and Recreation Director Linda Smith, Adapted Recreation Coordinator Marian Kaslovsky, Police Chief Chris Blue, Police Officer Phil Smith, Fire Chief Matt Sullivan, Budget Analyst Anna Hawksworth, Planner I Becky McDonnell, Planner II Jake Lowman, and Deputy Town Clerk Amy Harvey.

### OPENING

0.01 Successes Video: Kids to Parks Days in Chapel Hill.

[\[19-0449\]](#)

Mayor Hemminger opened the meeting at 7:00 p.m. and introduced a Celebrating Successes video which highlighted upcoming Parks and Recreation Department events. These included Kids to Parks Days, Community Pop-ups, Sib Shops, and a Hike and River experience. Such events are a lot of fun and a great way to celebrate the community by engaging children and families in Town programs, said Parks Commission Chair Wesley McMahon.

0.02 Proclamation: Kids to Parks Day.

[\[19-0450\]](#)

Mayor pro tem Anderson read a proclamation encouraging families to visit national, state and local parks. She noted the physical and mental health benefits of having an active lifestyle and being connected to neighbors. It

proclaimed May 18, 2019 to be Kids to Parks Day in Chapel Hill and said that the Mayor and Council urged citizens to visit parks on that day and throughout the year.

Mr. McMahon noted that May was also Mental Health Awareness Month, and he pointed out the benefits of getting away and being at peace in nature. He pointed out that the Town tries to be a welcoming and inclusive community and said that programs such as Kids to Parks Day highlighted that. He then introduced several staff and commission members and their families, who accompanied him in accepting the proclamation.

#### 0.03 Proclamation: Peace Officers Memorial Day and Police Week.

[\[19-0451\]](#)

Mayor Hemminger said that Chapel Hill was joining other cities and towns across the country in showing gratitude to law enforcement professionals by designating Police Week in Chapel Hill. She also congratulated retired Chapel Hill Police Officer Phil Smith on being awarded the Order of the Long Leaf Pine.

Council Member Buansi read the proclamation which stated that the federal government had established Peace Officers Memorial Day and Police Week in 1962. The proclamation described the many ways in which Police Department members help to strengthen the community and said that the Chapel Hill Police Department had a reputation for preserving the rights and security of all citizens.

Council Member Buansi said that the Council declared May 15th as Peace Officers Memorial Day and the week of May 12-18 as Police Week in the Town of Chapel Hill. The proclamation called upon all citizens to show appreciation to the Town's dedicated peace officers and to honor those who have lost their lives or become disabled in the performance of duty, he said.

Mayor Hemminger said that three police officers had died in the line of duty in the past week, including one in North Carolina. She offered condolences to their families and to the law enforcement community. The Town would continue to advocate for common sense laws to address the problem, she said.

#### 0.04 Order of the Long Leaf Pine to Officer Phil Smith.

[\[19-0452\]](#)

Mayor Hemminger, accompanied by Police Chief Chris Blue, read a proclamation that the Governor of North Carolina had awarded to Officer Phil Smith in February for his extraordinary service to the state. That proclamation described Officer Smith's coordination of the police response for all special events within Town, his coordination of police officers' appearances at court proceedings, and his leadership with the Police

Department's efforts to support the Special Olympics of North Carolina since 1995. Officer Smith had helped raise \$1.4 million for the Special Olympics and had carried its torch at the 2019 World Summer Games, she said.

Officer Smith thanked the Mayor, Council and others for the honor and privilege of serving. "Stay as you are. Stay safe. Go home to your families and take care of each other," he told his fellow officers. Mayor Hemminger said that the Town was very proud and grateful for all he had done.

### **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.

0.05 Joe Patterson Request to Speak about the R-3/Boarding House Issue.

[\[19-0453\]](#)

Joe Patterson, a Chapel Hill resident, petitioned the Town to take rooming houses out of the Residential-3 approved uses. He said that rooming houses allowed up to nine small lodging units and that there was no cap on the number of tenants allowed per unit. A single or two-family dwelling of approximately 3,000 square feet, which had been converted to a rooming house, could house as many as 36 unrelated people in nine four-person units, he pointed out. Mr. Patterson asked the Council to place a moratorium on site plan applications until that "loophole" had been addressed in the Land Use Management Ordinance (LUMO).

Mayor Hemminger said that the Council had received the petition at a previous meeting and was looking into it. Council members would be talking about short-term rentals at a June meeting, she said.

This item was received as presented.

1. Philip Klemmer Request to Speak About the R-3/Boarding House Issue.

[\[19-0442\]](#)

Philip Klemmer, a Historic District resident, addressed what he called "a sardine can approach" of boarding house rentals. He said that the

University of North Carolina at Chapel Hill (UNC) was happy to cut overhead costs by having students move off campus. A small town with a big university created an "opportunity zone and opportunity for deep pocket investors," Mr. Klemmer said.

This item was received as presented.

#### 1.01 Shelley deFosset Regarding Boarding Houses.

[\[19-0454\]](#)

Shelley deFosset, a Hillsborough Street resident, introduced several others from her neighborhood and said that they had all been expressing concerns about rooming houses for the last couple of months.

Mayor Hemminger repeated what she had told Mr. Patterson about how the Council was in the process of addressing the issue. She explained that "opportunity zones" were intended only for commercial development and that any proposal in the Historic District would need to go through the Historic District Commission. Such a proposal would also need to be rezoned by the Council which did not plan to do that anytime soon, she said.

Mayor Hemminger pointed out that opportunity zone offers were complex financial agreements that work for commercial developers. The Council had been interested in that idea for Franklin Street, and other possible areas, but had never intended to include the Historic District, she said. She thanked citizens for bringing it to the Council's attention and said that it would be discussed as soon as the Council had more information.

This item was received as presented.

#### 1.02 Rebecca Cerese Regarding Resolution in Support of HR1384.

[\[19-0455\]](#)

Rebecca Cerese asked the Council to adopt a resolution in support of HR 1384, the "Medicare for All Act", which would expand Medicaid to cover people from birth to death, expand services covered by Medicare, and have no co-pays, deductibles or premiums. She argued in favor of the bill for moral and financial reasons, adding that the United States spends twice what other countries do on healthcare but has worse outcomes. Ms. Cerese said that 87 million Americans were uninsured or under-insured and that the U.S. was the only developed country that did not view Healthcare as a right.

Mayor Hemminger thanked Ms. Cerese for bringing the petition forward and for advocating for the legislation. She said that it would go through the Town's process and would include input from the Council at its next meeting.

A motion was made by Council Member Parker, seconded by Council Member Buansi, that this Petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

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**1.03 Livy Ludington Regarding Southern Area of Chapel Hill.**[\[19-0456\]](#)

Livy Ludington, a Chapel Hill resident, reported on a recent meeting regarding the Southern area of Town. She said that many had attended the meeting, and she urged those who had not attended to watch the video. Ms. Ludington expressed hope that the Urban Service Boundary in that part of Town would remain as it was. She recommended thinking of that area as a Town asset to be protected.

This item was received as presented.

**1.04 Consider a Resolution in Support of North Carolina's Working People and their Families. (R-0.1)**[\[19-0457\]](#)

Council Member Stegman explained that Resolution 0.1 would urge the Town's legislative delegation to support the Families First Act (HB 696), which would provide paid family leave for workers who want to take parental leave, care for a sick family member, or meet other important family needs. The resolution would also ask the legislature to support the Raising Wages for NC Workers Bill (HB 366) and the Restore Bargaining Rights Bill (Senate Bill 575), she said.

A motion was made by Council Member Stegman, seconded by Council Member Schaevitz, that R-0.1 be adopted. The motion carried by a unanimous vote.

**ANNOUNCEMENTS BY COUNCIL MEMBERS****1.05 Mayor Hemminger Regarding National Clerks Week.**[\[19-0458\]](#)

Mayor Hemminger thanked members of the Clerk's Office for all they do and congratulated them on their 50th anniversary.

**1.06 Mayor Hemminger Regarding Eastowne Development Agreement Negotiation Session.**[\[19-0459\]](#)

Mayor Hemminger said that the first meeting between UNC Healthcare and the Council's negotiating sub-committee regarding the Eastowne Development would be held on May 8th from 1:00 to 2:30 p.m. at the Chapel Hill Public Library. Staff would update the Town's webpage for those who want to follow the 18-month process and there would be many opportunities for public input, she said.

**1.07 Mayor Hemminger Regarding Public Information Meeting on Changes to Blue Hill Form Based Code.**[\[19-0460\]](#)

Mayor Hemminger announced that a meeting to discuss possible changes regarding stormwater management and affordable housing would be held on May 13th from 5:15 to 6:30 p.m. at Town Hall. More information was available on the Town website, she said.

1.08 Council Member Schaevitz Regarding UNC Commencement.

[\[19-0461\]](#)

Council Member Schaevitz pointed out that UNC's commencement ceremony would be held at 9:00 a.m. on May 12th at Kenan Memorial Stadium. She congratulated all graduates on behalf of the Council.

## 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 Anderson, seconded by Council Member Parker, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items.

[\[19-0443\]](#)

3. Call for a Public Hearing to Consider Renaming the Portion of U.S. Highway 15-501 South between Fordham Boulevard (NC 54) and Dogwood Acres Drive to "South Columbia Street."

[\[19-0444\]](#)

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

## INFORMATION

4. Receive Upcoming Public Hearing Items and Petition Status List.

[\[19-0445\]](#)

This item was received as presented.

## DISCUSSION

5. Open the Public Hearing: Recommended Budget for FY 2019-2020. (no attachment)

[\[19-0446\]](#)

Town Manager Maurice Jones gave a PowerPoint presentation on a condensed version of the FY 2019-2020 budget that he had presented the prior week. He noted that the \$113 million budget represented a 3.7 percent increase. He showed a comparison of the Town's tax rate with peer NC cities and towns. Mr. Jones said that the budget was an extension of the Town's mission and the Council's strategic goals, and it reflected the community's values.

Mr. Jones pointed out that there were no proposed changes in core service levels. He said that drivers for the proposed increase included environmental sustainability and an urban design position. The budget also included a 3 percent market pay adjustment, maintained compliance

with Orange County Living Wage standards, addressed a modest increase in medical insurance, covered an increase in the retirement system contribution, and kept the Town competitive in its recruitment and retention of high-quality police officers, he said.

Mr. Jones gave a status update on the Town's stormwater, transit, parking and housing funds. He said that staff was reviewing potential budget amendments regarding funding agreements with the Downtown Partnership, the Food Council, Community Home Trust, and the Project to End Homelessness. The total cost of those additions would be \$62,438, and the Council would discuss those amendments at its next budget work session, he said.

Mr. Jones explained that the next steps in the budget process would include budget work sessions on May 18th and June 5th and a possible budget adoption on June 12th. He noted that the staff planned to begin developing a five-year budget plan and said he would discuss that with the Council and community in the fall. Mr. Jones pointed out that all information regarding the budget was available at [www.townofchapelhill.org/budget](http://www.townofchapelhill.org/budget).

Council Member Gu clarified with Mr. Jones that the additional requests he mentioned did not go through the regular process, because they were additions to longstanding, separate agreements between those organizations and the Town. Mr. Jones confirmed that those organizations do request increases from the Council in a process that is different from other agencies that go through the Human Services Advisory Board.

Robert Dowling, executive director of Community Home Trust, thanked the Council for its support and said that his request for an additional \$5,370 was based on a formula that was determined by the number of Home Trust units in Chapel Hill. Mr. Dowling listed the new and anticipated homes in the Trust's inventory and pointed out that the Trust had also acquired a 58-unit rental development in Carrboro.

Mayor Hemminger thanked Mr. Dowling for being willing to get into the rental market as well. She said that it had been a lot of work for Community Home Trust but was very successful from the Council's point of view.

This item was received as presented.

- 6.** Consider Convening a Focus Group to Provide Input to Inform Future Council Decisions in the Area Near the Southern Village Park and Ride Lot.

[\[19-0447\]](#)

Planning Director Ben Hitchings gave a PowerPoint overview of conversations regarding a Kidzu development project in an area near the Southern Village Park and Ride. He showed the proposed study area on a

map and noted that it was all within the Town's Urban Services Boundary (USB) and not part of an Extraterritorial Jurisdiction (ETJ) area that had been under discussion. Mr. Hitchings explained that adopting Resolution 3 would convene a Southern Village Focus Group to review information and provide input to help inform future Council decisions regarding land use and infrastructure in the area.

Mayor pro tem Anderson asked why the proposed focus area included more than the Park and Ride and the Kidzu Museum.

Mayor Hemminger replied that looking at the Kidzu project and a Christ United Methodist Church proposal in isolation did not make sense. The goal was to look at what was going on around that area as well, she said.

Mayor pro tem Anderson asked why the focus group would look at property that was outside the Town's incorporated area but within its Urban Services Boundary and another area that included two Town-owned properties.

Mr. Hitchings pointed out that affordable housing and the Kidzu Museum were both being considered on Town-owned land and that there had been interest in discussing and understanding how those projects might relate to each other.

Mr. Hitchings continued his PowerPoint presentation and described a composition for the focus group that Mayor Hemminger and staff was recommending. The proposed group would include a variety of seats for people who live and/or work in the area or have institutional knowledge, he said.

Mayor Hemminger explained the reasoning behind the recommended composition and said that Council Members Stegman and Buansi would be liaisons to the group.

Mr. Hitchings suggested holding six focus group meetings between June and November 2019 with a presentation to Council in January 2020. He discussed staff resources that would be needed to support the group and said that adopting Resolution 3 would convene it.

Council Member Parker asked about the group's specific charge, and Mr. Hitchings replied that potential topics for study could include how the different projects relate to each other and possible opportunities to connect facilities or projects. He said that high level input might include the detail provided by principles listed in the Obey Creek Compass Committee's report. The Council might want to provide guidance regarding the level of detail it wanted to obtain, Mr. Hitchings said.

Mayor pro tem Anderson expressed confusion about why most of the land other than Kidzu's would be part of the focus area, and Mr. Hitchings replied that the Council could decide how focused or expansive it wanted the exploration to be.

Mayor pro tem Anderson asked Mr. Hitchings to confirm that Obey Creek was not suggesting changes to its development agreement or that anyone was planning to build in the middle of an area with single-family homes.

Mr. Hitchings replied that he did not anticipate those things happening but that it would be up to the Council to discuss it.

Mayor Hemminger commented that looking at Kidzu in isolation did not make sense. She explained that the proposed group's goal would be to study the larger context, such as how areas would connect and flow together, what the best use would be, and what would and would not make sense.

Council Member Oates said that the proposal seemed as though it would duplicate the Future Land Use Map (FLUM) but fast-tracks some parcels.

Mr. Hitchings replied that the FLUM, as currently structured, did not include any part of the two areas being discussed.

Council Member Buansi confirmed with Mr. Hitchings that meetings could be recorded and that a location for the meetings had not yet been determined.

Benjamin Warshaw, speaking on behalf of Southern Entryway Alliance, asked the Council to hold a public meeting concerning responses to a recent "Past Present and Future Southern Chapel Hill" session before making any decisions about changing the USB or the ETJ. He questioned some of the proposed language and asked for clarification of several points.

Mr. Warshaw asked the Council to limit the study group to within current city limits only and to not have it assess issues involving development of the ETJ or changes to the USB. The resolution, as written, had the potential to overreach into surrounding areas, he said.

Claudia Fernandez said she agreed with Mr. Warshaw's comments. She submitted a letter from a group of citizens expressing concern that Kidzu leaving University Mall would contribute to the decay of the heart of Town while promoting sprawl and reducing green space around Southern Village. She asked how citizens could have confidence in new agreements when the Town turns its back on old ones. Ms. Fernandez proposed that the Council examine why agreements for the area had been made, what the

principles had been, and how the Town could continue to honor those principles.

Julie Coleman, a Chapel Hill resident, described what one would see walking through the area and invited Council members to come and experience it in person. She expressed concern about affordable housing done by developers rather than Community Home Trust and said that the area's water and sewer lines could be impacted by what the Town was considering.

Mayor pro tem Anderson said she agreed that looking at the Southern Village Park and Ride and Kidzu was an excellent idea but not the other areas that were indicated on the map. She said that the Town should also look at its own property for affordable housing, but that the study group, as proposed, did not include the right people to address that. Having a more limited scope and a narrower area, and looking at the area in context, would be helpful, she said.

Council Member Parker agreed and said that the group needed a more specific charge. He said that the Town should revisit a plan that it already had a consultant develop for the Southern Village Park and Ride. The proposed group could focus on what would be a good solution for the area, given the Kidzu proposal, and what the Church wanted to do, he said.

Council Member Oates said that she had envisioned stakeholder input being just a community meeting, not an entire focus group that would last for six months. She agreed with the others that the study area was too big and listed several reasons why it was not needed. It did not seem as though the Council had questions that it wanted a study group to answer, said Council Member Oates.

Council Member Schaevitz agreed with what other Council members said, but added that the group, if convened, should include someone who is part of Kidzu's educational component.

Council Member Buansi also agreed with the others about having a more specific charge and limiting the scope of the focus area. He noted, however, that the Town had been trying to find a place to relocate mobile home residents and that staff had indicated a potential site in that area. That should be part of the conversation and was worth specifying in the charge, he said. Council Member Buansi stressed the importance of ensuring a diverse focus group that would include new people.

Council Member Stegman confirmed with Council Member Buansi that he was referring to Town-owned property on Bennett Road and that the Town had assessed it as a potential area for people displaced from mobile home

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parks.

Mayor Hemminger commented that it was not feasible for any of those Bennett Road properties to have water and sewer, so they had been removed as possible relocation spots.

Council Member Parker said he thought the Bennett Road property was still being considered. However, the Town's Property Task Force had looked at a 10-acre parcel outside of the USB and had found that it was not feasible to place water and sewer there, he said.

Council Member Stegman agreed with others that narrowing the focus area made sense. However, doing so made the group's purpose less clear, she pointed out.

Council Member Gu also agreed that the charge and area should focus on Kidzu and the Southern Village Park and Ride. She asked how the idea for a focus group had come about and how it related to other ongoing conversations and processes.

Mayor Hemminger replied that the Council had asked staff to gather input when it directed them to research the Kidzu proposal but said the direction had been vague. Discussions had ultimately led to the idea of getting a small diverse group of people who had already studied the area together to talk about potential projects and make recommendations, she said. It was an attempt to create a framework for what the Council meant when it said to go gather input from the community, Mayor Hemminger explained, noting that the group's meetings would be open to the public.

Mayor pro tem Anderson confirmed that the group would not be asked to determine whether or not the Town should approve Kidzu. The Council was hoping to determine things such as what else might be around it, or how would it work if the Park and Ride could be re-situated or reconfigured, she said.

Council Member Bell expressed interest in coming up with a cohesive narrative about what could go on several parcels and how that would fit in with the Council's goals. However, it seemed as though the current conversation was about policy, she said, adding that it was not clear what the Council would be asking the group to study. She understood that staff was responding to what it thought the Council had asked, but the Council did not seem to have any clear questions, she said. Council Member Bell suggested not doing anything at the current time.

Council Member Stegman agreed that Council Member Bell's comments made sense. It would be more productive to have an urban designer draft something that the Council could respond to and then solicit community

input, she said.

Council Member Buansi said that he was okay with not moving forward as well. He, however, stressed his earlier request that any group be diverse, and Council Member Oates underscored that sentiment. She wanted any group that might be formed to also include people of modest means, she said.

This item was received as presented.

### *ZONING ATLAS AMENDMENT*

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.

7. Open the Public Hearing: Application for Zoning Atlas Amendment - Fire Station Training Center, 6902 Millhouse Road.

[\[19-0448\]](#)

Planner Becky McDonnell gave a PowerPoint presentation on a proposal to rezone a 10-acre parcel on Millhouse Road from Mixed-Use Residential-1 to Office Institutional-1 in order to allow construction of a temporary fire station training center there. She showed an aerial view of the property, which was adjacent to the Town Operations Center, and a rendering of how the new structure would look.

Ms. McDonnell explained that the training structure needed to be purchased and installed by September 19, 2019. She said that the applicant, the Chapel Hill Fire Department (CHFD), had determined that the proposed site would be the best temporary location while they search for a more permanent one. She recommended that the Council open the public hearing, receive comments, and continue the public hearing to June 12, 2019 for possible Council action.

Fire Chief Matt Sullivan, president of the Orange County Fire Chiefs Council, explained that the current smoke house had deteriorated and could no longer be used as a live burn training facility. He showed slides of the type of containerized structure being proposed and said that it would be funded by a grant through the White Cross Volunteer Fire Department. The proposed facility would likely be at the Millhouse Road location for at least five years, he said.

Mayor Hemminger thanked Chief Sullivan and White Cross Volunteer Fire Department Chief J. Phillip Nasserri for working together and obtaining the grant.

Mayor pro tem Anderson confirmed that the current classroom and drill tower could be used for some training but that all training might be moved

to the new site.

Council Member Oates ascertained from Chief Sullivan that the new site could become a permanent location if the Council chose to go in that direction. However, some of the partners were posted far out in Orange County, Chief Sullivan pointed out. He also noted that the Town might want to use that tract of land for something else in the future.

Council Member Oates confirmed that a new structure could be built next to the current fire station if that were to be redeveloped.

Council Member Buansi asked if the other partners had expressed any location preferences, and Chief J. Phillip Nasserri said that some would prefer to have it in the Hillsborough area but that the location's issues had prevented that. Others were willing to come to Chapel Hill which was the better of two final options because of its proximity to Highway 86, he said.

Mayor Hemminger confirmed that cell service would be adequate in the area. She encouraged Chief Sullivan to work with staff on a cooperative arrangement to use meeting and exercise rooms at the nearby Town Operations Center.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Buansi, that this Zoning Atlas Amendment be continued to June 12, 2019. The motion carried by a unanimous vote.

## **ADJOURNMENT**

This meeting was adjourned at 9:19 p.m.