



# TOWN OF CHAPEL HILL

## Town Council

### Meeting Minutes - Final

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, October 18, 2023**

**7:00 PM**

**Library Meeting Room B**

#### 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

Changes in Meeting Material content

- We are trying something new this fall to make our Agenda packets clearer and easier to navigate. You'll notice streamlined reports and more hyperlinks to supporting documents.
- Staff presentations will be posted after the meeting, not as drafts in the packet, to allow more time to prepare high-quality presentations.
- We will also produce an "information items" packet periodically, to share items that don't require Council action, but are important to the Council and community. Those packets will be published on our website.

View the Meeting

- Public attendance is welcome, and limited to room capacity
- We will not live stream the event, but will provide the Post-Meeting Video <https://www.townofchapelhill.org/councilvideo/>
- 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 and Entry

- Parking is available at the Library lots. The Library is served by CL Route, D Route, and GoTriangle Routes of Chapel Hill Transit
- Meeting Room B is to the right from the main entrance.
- Please do not bring signs.

### ROLL CALL

- Present:** 8 - Mayor Pam Hemminger, 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
- Absent:** 1 - Council Member Karen Stegman

### OTHER ATTENDEES

Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Senior Planner Tas Lagoo, Planning Director Britany Waddell (by phone), Police Officer Schick, Economic Development and Parking Services Director Dwight Bassett, Library and Community Arts and Culture Director Susan Brown, Planning Manager Corey Liles, and Governance Services Director/Town Clerk Sabrina Oliver.

### OPENING

Mayor Hemminger called the work session to order at 7:00 p.m. and reviewed the agenda. Mayor pro tem Stegman was absent.

### ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Congratulates Dolores Bailey and EMPOWERment on the Peach Apartments.

[\[23-0755\]](#)

Mayor Hemminger congratulated EmPOWERment Inc. on its recent groundbreaking for Peach Apartments in the Pine Knolls Neighborhood. That project, which would provide 10 new affordable housing units, had been a long time in coming and had involved many, including the Town's Housing and Community Connections staff, she said.

0.02 Mayor Hemminger Regarding Celebration of Renaming of Northside Gymnasium.

[\[23-0756\]](#)

Mayor Hemminger announced that a renaming of the Northside gymnasium and basketball court would take place on October 22, 2023, at 2:00 p.m. The gym and court would be named in honor of community resident Nate Davis Sr. and the late Fred Battle, respectively, she said. She pointed out that both men had been long-term Town employees and community

advocates.

0.03 Council Member Huynh Regarding Staff and Language Access.

[\[23-0757\]](#)

Council Member Huynh praised Town staff for being national leaders in the area of language access.

0.04 Council Member Parker Regarding Festifall.

[\[23-0758\]](#)

Council Member Parker noted that the Festifall street fair would occur over the following two Saturdays at 140 West, with an afterparty at The Garden Spot.

Mayor Hemminger announced that the Chapel Hill Public Library Director Susan Brown had been chosen as the Town's new communications manager.

0.05 Council Member Anderson Regarding Flu and COVID Vaccines.

[\[23-0759\]](#)

Council Member Anderson urged residents to get vaccinated against COVID and influenza, both of which were currently circulating.

## AGENDA ITEM

1. Rewriting Our Rules - A LUMO Update and Policy Discussion

[\[23-0744\]](#)

Planning Director Britany Waddell began an update on staff progress toward adding the Complete Community Framework (CCF) to the Town's Land Use Management Ordinance (LUMO). She said that rewriting the LUMO presented a powerful opportunity to translate the CCF into actionable policies and regulations that could be applied in a holistic manner. Staff would present information on specific provisions and amendments that would be required to align those two documents, she said.

Assistant Planning Director Judy Johnson said that staff had felt more empowered to negotiate with developers since the spring of 2023 when the Council adopted the CCF, which outlined Town priorities. Staff's current questions concerned whether community benefits -- such as affordable housing, EV readiness, parking, and stormwater performance -- should be mandated, incentivize, or negotiated, she said. She proposed that the Council prioritize what should be codified in the LUMO.

Ms. Johnson commented on the difficulty of weighing various elements. For example, how should staff balance an offer of 100 percent affordable housing with a simultaneous request to encroach into a stream buffer, she

asked. She also asked how the Council wanted staff to balance Town priorities, such as impervious surface versus steep slopes.

Council Member Anderson said that the CCF had been based on prioritizing what was missing from a given area of Town. However, affordable housing (AH) was a priority everywhere, she said. Council Member Ryan agreed and said that the CCF was about setting up nodes and creating connections. Once staff had layered all the Town's plans over how the Town was divided, staff would understand what an area needed when a proposed project came in, she said.

Council Member Parker agreed as well, but pointed out that some things, such as stormwater, were requirements, not community benefits. He would like to see a level of economic analysis regarding a developer's ability to create a project, he said, but Mayor Hemminger later pointed out that most developers would not be willing to show a pro forma.

Council Member Huynh said that staff should be empowered to negotiate and pointed out that other jurisdictions create generic in-house financial models that can be presented to applicants. Council Member Miller-Foushee stressed the importance of making progressive decisions based on national best practices and future expectations.

Mayor Hemminger said she agreed with Council Members' comments but thought that staff was looking for more specific guidance. She pointed out that Council Members agreed that the 100-year stormwater rule should be absolute, and she proposed that staff provide them with percentages regarding impervious surface. Bundling stormwater with impervious surface, tree canopy and maybe steep slope regulations would be helpful, she said.

Mayor Hemminger recommended a system in which staff would negotiate items prior to Council meetings and the Council would not negotiate. Rules regarding sustainability and energy efficiency were changing, but there must be a way to set a standard without having to keep updating the LUMO, she said. She pointed out the need for some kind of standard that would require projects to be solar ready. She also said that the Council needed guidance from staff regarding best practices.

Council Member Ryan proposed asking developers to present community benefits packages, once the Town had set a vision and developers understood it. Council Member Parker emphasized the importance of future Councils not overriding staff if they want staff to negotiate, and the LUMO needed to provide the authority to make staff's requests stick and not be just interesting conversations, he said.

Mayor Hemminger commented on how density bonuses had not been an

effective means of getting AH. She mentioned the need to incentivize missing middle housing, and Council Member Parker proposed creating a few new zones that only allow that.

Ms. Johnson replied that staff had expertise in creating such ordinances. As they rewrite the LUMO, staff could create new zoning districts and make those that already exist more specifically focused, she said. Council Member Ryan agreed with that idea, but emphasized the need to first analyze priorities, opportunities, gaps, and how all the plans fit together.

Council Member Anderson said that having commercial retail components made an area complete. She pointed out that not every parcel had to do everything but that the overall area did.

Ms. Johnson explained that staff had not yet reached the level of strategically creating zoning districts that fulfill the CFF vision. The CCF had provided clarity and direction on Council expectations, and staff was currently seeking policy guidance, she said. She discussed the Town's Natural Areas Map and provided updates on a tool that combined several maps into a composite that showed, for example, areas that were least suitable for preservation and areas where the Town would want to focus development. Such tools would ultimately be used in staff conversations with developers prior to bringing projects to the Council, she said.

Ms. Johnson said that the Town had recently established an Office of Mobility and Greenways and had secured a \$1.3 million Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant to study about 25 miles of Everywhere-to-Everywhere Greenways. That project would include community engagement and would achieve an approximate 15 percent design plan, she said. Staff hoped to issue a request for quotes soon for a Parks Master Plan and to have a consultant under contract in early 2024, Ms. Johnson said.

Council Member Miller-Foushee mentioned a federal grant program that looked at affordable housing in conjunction with the RAISE program, and Ms. Waddell said that staff would definitely look into that.

This item was received as presented.

## 2. Planning Department Administrative and Initiative Updates

[\[23-0745\]](#)

Assistant Planning Director Tas Lagoo opened a discussion on the following topics: development intensities; having a more holistic planning process; including small scale commercial in mixed-use development; parking standards and leveraging new single-family developments. He suggested that the Council discuss: the general direction that the Town should move in; tradeoffs that were of most concern; if the Town should take specific actions; and what additional information was needed. A

foundational element of the LUMO rewrite should be to ensure that it and the zoning map aligns with development intensities that the Future Land Use Map (FLUM) calls for throughout Town, especially in focus areas, he said.

Council Member Parker questioned whether the 2021 FLUM still accurately reflected where the Town wanted to go, and Mr. Lagoo characterized it as staff's "north star" regarding development intensities. However, it would likely need to be adjusted, location by location, he said.

Council Members spoke about a need to look holistically at areas' needs rather than approving LUMO changes for individual projects. They emphasized making sure that the FLUM and CCF were aligned with each other. They stressed the importance of having the public understand the Town's new approach in which plans might shift to meet Town goals rather than being absolute rules about what could happen in a location.

Several Council Members said that they viewed the CCF, not the FLUM, as the "north star" and that everything should align under that. They stressed the importance of having community support for proposed changes and spoke about the need for good public communication regarding rezoning.

Mr. Lagoo said that the LUMO rewrite was providing an opportunity to adopt a culture of continuous improvement and that staff could look at amending the FLUM when it was out of sync.

Council Member Huynh pointed out that the CCF ensured a holistic set of uses across projects and suggested adding a mechanism to the FLUM that would address its limitations. For example, the Council wanted to find ways to allow small commercial within residential developments, he pointed out.

Council Member Parker questioned the value of some FLUM standards, such as making height the primary factor when deciding what should go where. Council Member Ryan agreed, adding that intensity might be a better metric to use. She also proposed reexamining the Town's 20/40 rule regarding square footage.

Mr. Lagoo pointed out that the Council had directed staff to move away from deciding project-by-project with a conditional zoning mindset. Staff was looking for support for at least rethinking conditional zoning and creating alternatives to having the Council approve projects that are well aligned with Town interests, he said.

Council Member Ryan said she would be fine with the Council not negotiating, and Council Member Miller-Foushee said that she had not seen anything come before Council that staff could not have negotiated, with the exception of AH. Other Council Members raised examples,

though, of instances where the Council had negotiated "megaprojects". Those would always need to come before the council, but smaller projects that meet specific requirements might not over time, they said.

Ms. Waddell said that staff wanted to know the Council's comfort with having staff approve projects that meet specific requirements. That idea could be explored and did not have to be all or nothing, she said.

Mr. Lagoo said that staff would explore alternatives to conditional zoning and ways to improve the conditional zoning process. They would look at the right balance of approaches to achieve that and present some of their recent work at the Council's November 13, 2023, work session, he said.

Mr. Lagoo and the Council discussed revising the LUMO to allow more options, such as retail, in mixed-use projects, but Council Member Parker said that doing so would mean requiring particular design elements from the start to enable success.

The Council talked about amending use tables in the short term. Mr. Lagoo expressed reluctance to do so without taking a comprehensive look at the potential consequences, but Mayor Hemminger and Council Member Ryan said that they thought it was worth looking into.

Council Members spoke about having more flexible standards regarding neighborhood retail, and Mayor Hemminger pointed out that succeeding with retail required having at least 500 rooftops and being directly off an auxiliary road, according to the Town's consultant. Council Member Parker said that zoning could permit, but not compel, and that the Town needed to create an environment through its CCF that would help retail succeed.

Council Member Miller-Foushee said that the LUMO had been written in a way that inhibited growth and that the Council would need to make a cultural shift. She hoped the community was aware of the Town's efforts and the thoughtfulness had already gone into that work, she said.

Mr. Lagoo asked for feedback on lowering or removing parking minimums where it made sense to do so. Most Council Members said that the Town did not have a minimum problem, but Council Member Berry said that she wanted to know more about the potential consequences of eliminating minimums. She pointed out that it was not possible to reach some places in Town without a car.

Council Member Ryan said that the areas in Town where minimums had been eliminated had more of an urban infrastructure and a capacity for transit. Mayor Hemminger acknowledged that there had been problems with people parking on streets when developments had too few parking spaces, however.

Mr. Lagoo pointed out that the state had exempted single-family homes from many of the development regulations that apply to other forms of development. However, the Council had wanted to consider building single-family homes, in developing areas, that would contribute better to overall environmental and CCF goals, he said.

Council Member Berry and others raised questions about "teardowns", which remove trees from single-family lots in order to build much larger homes. Council Member Ryan said that she was interested in knowing what new rules would mean for teardowns and for the 80 percent of Town that was made up of single-family neighborhoods. Council Member Parker questioned whether pursuing that interest would be worth the effort if it did not address teardowns or if a specific area at the southern part of Town were not going to be developed.

Council Member Searing commented that the Council should be more consistent and require large developers to preserve mature trees as well, but Mayor Hemminger pointed out that large developers were required to replant trees while single-family homeowners were not.

Council Member Miller-Foushee proposed that the Council look at multi-family housing as well. She also cautioned against using terms such as "character", "protection" and "property values", which mean different things to different people.

The Mayor and several Council Members praised staff for the impressive presentation and for facilitating a helpful, free-flowing conversation. Ms. Waddell said that staff would meet with the Town's LUMO consultant and return to the Council with more information on November 13, 2023.

This item was received as presented.

## **ADJOURNMENT**

The meeting was adjourned at 9:23 p.m.