



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

Wednesday, January 13, 2021 7:00 PM Virtual Meeting

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/98012345678> After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 886 8876 0980

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 Florentine Miller, Town Attorney Ann Anderson, Planning Director Colleen Wilger, Assistant Planning Director Judy Johnson, Emergency Management Coordinator Kelly Drayton, Fire Chief Vencelin Harris, Executive Director for Community Safety and Police Chief Chris Blue, Principal Planner Corey Liles, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and announced the agenda.

Mayor Hemminger's internet connection was briefly lost. Mayor pro tem Parker called the roll, and all Council Members replied that they were present. Mayor Hemminger soon returned.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding MLK Celebrations. [\[21-0030\]](#)

Mayor Hemminger announced that the University of North Carolina at Chapel Hill (UNC) would hold a virtual memorial banquet in honor of Dr. Martin Luther King Jr. at 6:00 p.m. on January 17, 2021. N.C. Superior Court Judge Carl Fox would speak at the event and residents could register through UNC's website, she said.

Mayor Hemminger said that the local NAACP would host Reverend William Barber to speak at 11:00 a.m. on January 18th. She encouraged residents to register online and attend the celebration of Dr. King's life and legacy.

0.02 Mayor Hemminger Regarding Peoples Academy. [\[21-0031\]](#)

Mayor Hemminger said that the People's Academy would hold a four-week, virtual session on Saturday mornings in March. Participating would be a good way to learn about Town services, connect with Town leaders and others, and learn how to become involved with Town government, she pointed out. Information on how to apply was on the Town's website, she said.

0.03 Proclamation: National Mentoring Month. [\[21-0032\]](#)

Council Member Buansi summarized the proclamation declaring January 2021 to be National Mentoring Month. He mentioned some local mentoring programs and pointed out that supporting networks for young people was especially important during the current pandemic. He then shared his personal experience of being mentored as a child and then becoming a mentor himself later in life.

0.04 Council Member Gu Regarding Inauguration Day. [\[21-0033\]](#)

Council Member Gu announced that a caravan of community members would walk from University Place down to Weaver Street Market on January 20, 2021 to celebrate the inauguration of President Joe Biden and reconfirm their faith in democracy. Anyone was welcome to meet at University Place at 10:00 a.m. and join in, 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.

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 Council Member Huynh, that R-1 be adopted as amended, which approved the Consent Agenda as amended. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[21-0010\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
2. Approve a Request for Limited Review of a Special Use Permit Modification at Signature Health, 1602 E. Franklin Street. [\[21-0011\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Approve a Request for Limited Review of a Special Use Permit Modification at Murray Hill at Meadowmont, 201-213 Meadowmont Lane. [\[21-0012\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Defer Consideration for Conditional Zoning - Phi Gamma Delta at 108 W. Cameron Avenue from Office/Institutional-1 (OI-1) to Office/Institutional-3-Conditional Zoning District (OI-3-CZD) to March 10, 2021. [\[21-0013\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Designate a Voting Delegate to Vote on the Proposed NC League of Municipalities Legislative Goals. [\[21-0014\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

6. Amend the 2020-21 Council Calendar. [\[21-0015\]](#)

The Council voted unanimously to approve the agenda, with the addition of its January 25, 2021 legislative breakfast. In addition, Mayor Hemminger pointed out that an Assembly of Government's meeting had been postponed due to technical difficulties related to meeting virtually.

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0016\]](#)
This item was received as presented.
8. Update on the Historic District Design Standards [\[21-0017\]](#)
This item was received as presented.

DISCUSSION

9. Orange County Health Department COVID-19 Vaccination Planning and Implementation. (no attachment) [\[21-0018\]](#)

Orange County (OC) Health Director Quintana Stewart gave a PowerPoint update on the county's response to the COVID-19 pandemic and its vaccine distribution plan. She reported that OC currently had 5,839 confirmed COVID-19 cases and 68 deaths. The current percent of positive cases was around 10.1 percent, she said.

Ms. Stewart said that OC was conforming to the state's amended stay-at-home order and vaccination plan, which she outlined. She discussed a new variant viral strain and said that current vaccines appeared to be effective against it. She encouraged everyone to continue practicing the 3Ws (wear a mask, wash hands regularly, wait a safe distance apart) even after being vaccinated.

Council Members asked questions about equitable access to the vaccine, and Ms. Stewart described OC's online registration process and its efforts to reach out to those who did not have online access. The Council confirmed with her that language interpreters were available and that OC had been working on setting up registration links in different languages.

The Council verified with Ms. Stewart that citizens could not get leftover doses of vaccine even though there was a state mandate to not waste any. Any unused vaccine was being given to vaccination site volunteers at the end of the day, Ms. Stewart said. She pointed out that OC still needed both medical and non-medical volunteers.

Mayor Hemminger thanked Ms. Stewart for her presentation and for being

a steady and competent hand at the helm. She reminded citizens to keep practicing the 3Ws, even after being vaccinated, and said that there was light at end of tunnel.

This item was received as presented.

10. COVID-19 Update - UNC's Spring Semester Planning. (no attachment)

[\[21-0019\]](#)

UNC Director of Emergency Management and Planning Darrell Jeter gave a PowerPoint presentation on UNC's spring semester plans. He explained that undergraduates would attend classes remotely for the first three weeks and there would be no traditional spring break. Residence halls would have single occupancy and there would be fewer than 3,500 students living on campus, he said. He pointed out that expanded quarantine and isolation spaces would be provided as well.

Mr. Jeter explained that UNC planned to encourage student compliance with community standards and adherence to the 3Ws and that students would sign an acknowledgement stating that they understood. There would be consistent and equitable enforcement processes and disciplinary actions, which could include restricted access to campus facilities, removal from campus housing, transition to remote only instruction, and/or dismissal, he said.

Mr. Jeter stated that UNC continued to collaborate with county and local partners on a COVID-19 response. He encouraged community members to seek information regarding those efforts at the "Carolina Together" website. The University had been participating with OC's vaccination taskforce and had also applied to be a vaccination provider, he said.

In response to questions from the Council, Mr. Jeter said that UNC's Office of Student Affairs and its Campus Police would collaborate with community partners regarding off-campus sororities and fraternities. Those students would have twice-a-week asymptomatic testing, and measures were in place for any who did not conform, he said. In addition, students who live in off-campus apartments would be tested once a week and any violations would be posted on the Carolina Together website, he said.

The Council also confirmed that UNC would provide free, asymptomatic testing for students, faculty and staff at three different locations, with a once or twice a week mandatory requirement. Graduate and professional students and doctoral fellows who live in the local area could be voluntarily tested once a week, he said.

In response to Council questions, Mr. Jeter said that UNC was discouraging travel but would test any students who must do so before they leave and when they return to campus. The Council verified with him

that quarantine and isolation areas would primarily be for on-campus students, but UNC would work closely with off-campus students to ensure that they have isolation or quarantine resources, if needed.

The Council asked about steps taken to ensure that students living in Greek houses would not repeat their fall semester behavior, and Mr. Jeter said that students clearly understood the consequences for non-compliance. Mayor pro tem Parker pointed out, however, that problems in the fall had been the result of student non-compliance elsewhere and bringing COVID-19 back to their dormitories. Why, therefore, was UNC planning to keep students out of the classrooms rather than out of the dormitories, he asked.

Mr. Jeter replied that changing to single-occupancy dorms would minimize close contact and that housing rules and regulations would be strictly monitored and enforced. In addition, UNC had made staffing and technological adjustments that would engage, track and follow up with students in order to encourage good behavior, he explained. He said that non-compliance could lead to a loss of housing privileges.

Council Members stressed the need to strongly encourage students to stay on campus, or in an off-campus bubble, for the entire spring term. They pointed out that off-campus behavior had a huge impact on the Chapel Hill community in the fall and that some neighborhoods had been hit harder than others. They urged UNC to take an off-ramp quickly if it finds itself in the same situation again in the spring.

Mayor Hemminger asked Mr. Jeter to provide information on the total number of students who would be living in Chapel Hill and Carrboro, including those living in dormitories. She expressed appreciation for UNC's constant communication at different levels and for how it had reached out to obtain fact-based information. Chapel Hill loved and welcomed its students but needed to keep its residents safe, she said.

This item was received as presented.

11. Consider Amending Chapter 10 of the Town Code to Add a Non-Discrimination Ordinance.

[\[21-0020\]](#)

Mayor Hemminger explained that the Council was considering amending Chapter 10 of the Town Code to add a non-discrimination ordinance that would protect LGBTQ residents from discrimination. She pointed out that Chapel Hill had traditionally demonstrated strong support for matters of equality, inclusion, and fair access for all. The proposed ordinance would provide protections for LGBTQ people who worked in places that supply goods and services to the public, she explained.

Mayor Hemminger thanked Carrboro Mayor Lydia Lavelle for her leadership

on the issue and said that local attorneys had work hard on the amendment as well. She thanked the gay and lesbian elected officials who had helped and noted that NC Equality had been working to make North Carolina an inclusive and safe place for all. The towns of Hillsborough and Carrboro had already passed similar ordinances and Orange County would vote on its ordinance the following week, she said.

Terri Phoenix, a UNC employee, who is one of approximately 3,000 Chapel Hill residents who identified as LGBTQ, described some of the ways in which he, a transgender parent, had been discriminated against. He shared data about discriminatory and abusive treatment of LGBTQ individuals and said that the proposed ordinance would send a message that they were a valued part of the community. The ordinance would also provide legal recourse for those who experience harassment and discrimination, he said.

Dawna Jones, president of the Chapel Hill-Carrboro NAACP, read a statement expressing support for marginalized groups and opposition to discrimination in all its forms. The NAACP stood firmly in support of the proposed ordinance and urged the Council to extend nondiscrimination protections to LGBTQ citizens living and working in Town, she said. She stressed that no individual should be discriminated against based on their sexual orientation, gender ID, or gender expression.

Orange County Clerk of Court Mark Kleinschmidt, former Mayor of Chapel Hill, provided historical information on local municipalities' recognition of gay and lesbian relationships. He said that local governments in Orange County were leading the state in that respect and that the current moment was intensely personal for him. He spoke about "the hospitality of Christianity" and said that local communities were living that doctrine by breaking down barriers and being open to all.

Former Council Member Lee Storrow emphasized the historical importance of the moment and thanked the Council and the other elected officials who had made it happen. He agreed with previous speakers' comments and said that discrimination against people with marginalized identities could lead to negative health outcomes that include higher rates of HIV and suicide. Passing such non-discrimination ordinances would help prevent that, he said.

Council Member Stegman thanked Mayor Lavelle and other local and state leaders for moving the issue forward. She mentioned how proud she would be to tell the LGBTQ community, her wife, and her children that they would now be welcome, safe and protected in Chapel Hill.

Several Council Members praised Council Member Stegman and other local officials for their leadership regarding the ordinance. Mayor pro tem Parker said that the moment felt like closing a circle by undoing the

discriminatory HB2 bill that the N.C. General Assembly had passed four years prior. Council Member Gu noted the importance of changing housing, land use, transportation, and other policies as well.

Mayor Hemminger spoke about her gay son, who had been putting his life on the line every day as an emergency room resident who was treating people with COVID-19. She was proud of him and proud of how Chapel Hill had worked collaboratively to allow everyone to have the respect they deserve, she said. The proposed ordinance was the Town's opportunity to take a stand, show that it cared, and reverse the discriminatory policies brought on by HB2, she pointed out.

Town Attorney Ann Anderson thanked the Council for allowing her to be part of a process that would benefit many, including many in the legal profession.

A motion was made by Council Member Stegman, seconded by Council Member Buansi, that O-1 be enacted as amended. The motion carried by a unanimous vote.

12. OWASA's Long-Range Water Supply Plan Update. [\[21-0021\]](#)

OWASA (Orange Water and Sewer Alliance) Planning and Program Manager Ruth Rouse gave an update on work completed to date on the OWASA Long Range Water Supply Plan. She said that the risk of the Chapel Hill area running out of water over next several decades was very low but the possibility of an extended drought should be addressed.

Ms. Rouse explained that Orange County's sources of water included Cane Creek Reservoir, University Lake, and Quarry Reservoir. Since 1988, the OC had also had an allocation from Jordan Lake for use during water shortages. However, that access was based on mutual aid agreements and was not guaranteed, she pointed out.

In a PowerPoint presentation, Ms. Rouse showed fluctuations in the area's water use over the years. She described an OWASA/UNC partnership regarding reclaimed water and explained OWASA's water recycling system. She discussed expected demand over the next 50 years and said that the long-term alternatives for addressing that included conservation and/or expanding supply.

Ms. Rouse pointed out that residents already had been conserving water. She said that other options -- such as expanding the quarry, getting water from deeper depths, treating waste water to make it drinkable -- would be very costly or not legal in N.C. Therefore, being able to access water from Jordan Lake appeared to be the most cost-effective option for increasing resiliency, she said.

Ms. Rouse said that OWASA would begin a community engagement process to develop guiding principles in late spring or early summer 2021. It would then choose a preferred alternative, draft a long-range plan, and present that plan to the community before adopting a final one, she said.

Council Member Buansi confirmed with Ms. Rouse that Orange County had only accessed its Jordan Lake allocation when testing its ability to do so. The Town had received water from the City of Durham when its water main had broken and when there had been a problem with fluoride overfeed, Ms. Rouse said.

Council Member Ryan verified with Ms. Rouse that "the western intake" would be the best approach if the Town wanted guaranteed access in a crisis. However, that arrangement did not yet exist and Cary was not currently interested, Ms. Rouse said.

Mayor Hemminger noted the importance of collaboration. She said that Chapel Hill had learned a lot from its 2006 drought and had forged better partnerships since then. She commended OWASA for being willing to collaborate stating that doing so would be the way to solve any future problems.

This item was received as presented.

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.

13. Concept Plan Review: 150 East Rosemary Redevelopment. [\[21-0022\]](#)

Planner Cory Liles gave a PowerPoint presentation on a concept plan from Grubb Properties for a development project at 150 East Rosemary Street. He said that the proposed project would be on a Town-owned site, which was zoned Town Center 2 and included a 309-space parking deck. He

outlined the plan to demolish the deck and construct a 250 square-foot office building with lab space in its place. The building would be six to eight stories tall, and the project would include some below street parking, he said.

Mr. Liles described the applicant's plan to include a town green at the corner of East Rosemary and Henderson Streets. He discussed existing conditions, boundaries, and an adjacent alleyway. He said that the Grubb Properties had expressed interest in following a Conditional Zoning process.

Mr. Liles pointed out that the concept plan was the first one proposed in Town since the Council adopted its new Future Land Use Map (FLUM) in December 2020. The FLUM included a range of primary uses considered appropriate for the site, he said. He explained how the proposed plan would conform with those uses and also to several other Town plans.

Mr. Liles said that the Historic District Commission (HDC) and the Community Design Commission (CDC) comments were included in Council Members' materials. In general, the two commissions preferred six or seven stories and design elements that would break up massing, he said. They had also recommended that the design fit in with surrounding historic buildings, that it have pedestrian-friendly ground-floor elements, and that it use the alley as a pedestrian link, Mr. Liles said. He noted that commission members had offered mixed opinions about the importance of saving a large magnolia tree versus grading the town green area.

Michael Stevenson, an architect with Perkins Eastman, provided additional information about the site's topography, the proposed streetscape and town green, and the alleyway. He pointed out that modern architecture could be done in a way that was sensitive to historic surroundings. He showed examples of materials that might be used such as terracotta, brick, glass, and wood.

Mr. Stevenson argued that it was better to grade a successful urban space than to try and keep one magnolia tree that would not likely survive construction. He pointed out that designers view the public realm as being as important as the building.

Mr. Stevenson said that the parking layout had primary access from the alley with minimum access from East Rosemary Street. He showed images of how structures of different heights would appear from Franklin and East Rosemary Streets and noted that the East Rosemary Street side would be only four-stories at the street.

Council Members expressed a preference for six or seven stories, but

Mayor Hemminger asked for a more accurate rendering of what eight stories would look like if it were mostly glass. Council Member Ryan asked for a more realistic view of what six and seven stories would look like from the perspective of one standing across from it on Franklin Street. The Council asked for a more visible entryway on East Rosemary. They urged the applicant to "go bold" and said they liked the modern design.

The Council confirmed with Mr. Stevenson that there would be 150-170 parking spaces, and he said that Grubb Properties wanted to use the existing split-level excavation for parking. He explained that there would be no above grade parking on Rosemary Street but there would be at least one point of access there. Several Council Members stressed the importance of having as few curb cuts there as possible.

Several members of Council commented on how the magnolia tree might need to be sacrificed in order to create a great town green. Mayor pro tem Parker asked about the effect of the town green on the nearby Post Office parking area, and the applicant replied that Town staff was working on an arrangement with the Post Office.

Council Members stressed their desire to have a welcoming, accessible, and active space that would draw people in from the street. They discussed the possibility of having stadium-like seating, and Mayor Hemminger recommended eliminating parking along Henderson Street and widening the sidewalk there.

Mayor Hemminger confirmed with Mr. Stevenson that a rooftop terrace was still being considered, and she inquired about the possibility of having retail on the first floor. Mr. Stevenson said that doing so would be physically possible and Joe Dye, of Grubb Properties, noted the importance of not having something there that would compete with other businesses in the area.

Mayor pro tem Parker raised the idea of having an art gallery on the first floor that people walking by could view. Council Member Ryan mentioned potentially collaborating with UNC Arts Everywhere and having exhibits there that were thematically connected to what was going on inside the building. Council Member Gu suggested including uses that would draw people downtown after 5:00 p.m. Mayor Hemminger recommended having an entrance to the building on the town green so that people who work inside would have access.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-7 be adopted. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 10:21 p.m.