



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, June 10, 2020

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.

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https://us02web.zoom.us/webinar/register/WN_cvczqZHTQjaNxaoG7P4PdA After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 832 4137 0396

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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 Ralph Karpinos, Executive Director for Community Safety/Police Chief Chris Blue, Fire Chief Vencelin Harris, Business Management Director Amy Oland, Housing and Community Executive Director Loryn Clark, Executive Director for Technology Scott Clark, Emergency Management Coordinator Kelly Drayton, Assistant Police Chief Jabe Hunter, Police Senior Legal Advisor Tiffanie Sneed, Planner II Michael Sudol, Interim Planning Director Judy Johnson, Planner II Becky McDonnell, Senior Planner Jake Lowman, Senior Planner Anya Grahn, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the meeting at 7:00 p.m. and reviewed the agenda. She noted that Items 8, 10, 12 and a presentation from Christ Community Church had been moved to upcoming Council meetings.

ROLL CALL

1. Update on Town's Policing Protocols and Community Assistance Initiatives. (no attachment)

[\[20-0412\]](#)

Mayor Hemminger introduced NC Senator Valerie Foushee, the Town's representative to the state and pointed out that she had been a former community leader in Chapel Hill and an employee of the Town's Police Department. Mayor Hemminger said that Senator Foushee fought every day for equity and inclusion at the state level.

Senator Foushee said that tragedies resulting from the current COVID-19 pandemic and the racism that continued to undermine society were inextricably linked. She named several black individuals (George Floyd, Ahmaud Arbery, Breonna Taylor, Tamir Rice, Eric Garner and Trayvon Martin) who had died at the hands of police in recent years. The feelings of fear, hopelessness, and heartbreak had been deeply personal for many people of color, but those feelings were not new, she said.

Senator Foushee said that the United States was on the precipice of change and that it was incumbent upon lawmakers at every level to work to ensure that what evolved would reflect the ideals of a just and equitable Democracy. She called on those in positions of power to examine every decision, policy and practice through an equity lens and to identify the impact on marginalized people. Senator Foushee asked leaders to call out practices and policies that allowed inadequate housing, substandard wages, and no access to healthcare, all problems that were being worsened by COVID-19.

Mayor Hemminger thanked Senator Foushee for her leadership, her commitment to representing all people, and her willingness to listen.

Town Manager Maurice Jones gave an update on the Town's policing protocols and its efforts to promote diversity, equity and inclusion in Chapel Hill. He said that the current period in the nation's history had been incredibly challenging and painful. Recent killings had sparked a movement born of disappointment, anguish and righteous anger over ongoing racism, discrimination, and police brutality, he said. He said that staff would address concerns related to diversity, inclusion and economic opportunity for vulnerable populations.

Chapel Hill Police Department (CHPD) Chief Chris Blue gave a PowerPoint presentation on the PD's commitment to addressing systemic racism. He said that the Town had been talking about racial disparities in policing for some time. He believed that Chapel Hill could lead the way to reform

since it approached policing a little differently from most other towns, he said.

Chief Blue explained that the Town's Police Crisis Unit (PCU) was often called when mental health professionals or social workers would have been more appropriate and safer for all involved. Despite their training in crisis intervention and first aid, police officers did not take the place of mental health professionals, he said. He said that officers consistently requested PCU assistance to support crime victims. They helped un-sheltered people connect with resources, respond to mental health related calls, and more, he pointed out.

Chief Blue said that the PCU was currently administering a pilot program that covered court costs and fees for those who were unable to pay. He described an annual Good Neighbor Initiative, which had been established with community partners in 2004 that included having police officers go door-to-door to inform students and others about local laws and ordinances.

Chief Blue acknowledged the importance of listening to community feedback. In 2015, the Orange County Bias-Free Policing Coalition had submitted a list of recommendations for addressing racial disparities and those had informed a number of CHPD policies and procedures, he said.

Chief Blue said that Town policies had led to reduced charges for misdemeanor marijuana possession and non-safety-related traffic stops. He explained that the CHPD had been emphasizing warnings rather than charges, when possible, and was encouraging arrests only when necessary. He also described Orange County programs that connect some who commit low-level misdemeanor offenses with appropriate interventions. Criminal charges and use of force had both declined, he said.

Chief Blue said that CHPD programs were unique and among the best practices in criminal justice reform in the country. He invited the community to participate in the Community Policing advisory Committee (CPAC), the Community Police Academy (CPA), and the Justice In Action Committee (JIAC).

Chief Blue mentioned a recent initiative, called "8 Can't Wait", which would place the following eight requirements on policing: require de-escalation; have use-of-force continuum; ban chokeholds and strangleholds; require warnings before shooting; restrict shooting at moving vehicles; exhaust all other means before shooting; duty to intervene; and comprehensive reporting. He said that the CHPD's training, policies, and organizational culture largely captured those recommendations and was aligning its language with them.

Mr. Jones said that there had been some confusion about the proposed

CHPD budget for FY 2021. The budget was roughly \$16.1 million, which was about 14 percent of the Town's overall budget, he said. However, more than \$2 million of that was allocated to the Department of Building and Development Services, which happened to fall under Chief Blue's leadership, so the actual proposed budget was \$13.95 million, he said.

Mr. Jones said that CHPD personnel costs made up about 89 percent of its budget and operating costs were 11.3 percent. It was a 6.4 percent decrease from FY 2020, he said. The CHPD made up about 21 percent of the Town's General Fund budget and about 12.5 percent of all of the Town's budgets including its Enterprise Funds, said Mr. Jones.

Executive Director of Housing and Community Loryn Clark gave a PowerPoint presentation on community assistance initiatives that were underway. She said that progress toward creating 400 units of affordable housing (AH) over the next five years was due in part to a \$10 million AH bond that voters had approved in 2018.

Ms. Clark said that the Town owned and operated 336 units of public housing and was in the process of evaluating options to renovate and redevelop older properties to create more affordable rentals. Staff had also been evaluating Town-owned properties that might be suitable for AH and plans to develop three of those were underway, she said. She gave credit to several community partners for helping to coordinate AH work.

Ms. Clark described community programs that served lower income members of community. She said that the Town also provided financial and staff resources to non-profits that deliver vital community programs and services, and she named a few of the agencies that the Town had helped fund during the current year.

Ms. Clark reviewed a Town strategy to engage those who had been disengaged, disconnected, and/or historically marginalized. She discussed the Northside Neighborhood Initiative (a community effort to create a family-friendly, multi-generational community that balanced the needs of long-term residents, new owners, renters, and students). She described equity and inclusion initiatives that were underway throughout Town and noted that an AH development on Town-owned property was currently underway at 2200 Homestead Road.

Mr. Jones said that staff would continue to listen to the public and would do its best to eradicate discrimination and racism in the community. The public could contact the Town by email or at townofchapelhill.org; policeinfo@townofchapelhill.org; or housingandcommunity@townofchapelhill.org, he said.

Mayor Hemminger read a joint statement from the Council regarding racial equity and inclusion. She read that the Council, Manager and other community leaders shared citizens' anger and frustration over the lack of

progress toward dismantling structural racism in America. The Council was grateful to the thousands who had recently organized and protested and to those who had sent emails with powerful statements about the need for justice and change, she read. The statement expressed gratitude to the NAACP, Black Lives Matter, Orange County Bias-Free Policing Coalition, and other organizations that had been advocating, protesting, and litigating related issues all along.

"These are complex, systematic issues that require deep engagement and dialogue. Tonight we begin this process by listening, and next week, we will begin a community conversation with a Town Hall meeting," Mayor Hemminger said. She stressed that the Town Council was committed to making sure that the unprecedented energy and opportunity of the current moment would not be lost.

Megan Winget, a Chapel Hill resident and Chapel Hill Arts Commission member, read American Civil Liberties Union criteria for fighting police abuse in the community and asked several questions based on that. She said that the Town needed a separate civilian review board if the JIAC and/or CPAC did not meet those criteria. She asked for information on whether the CHPD provided quarterly reports on its officers' use of deadly force and if there were mechanisms for early detection of officers who used that.

Ms. Winget raised questions about the PD's collection of restricted material and an individual's ability to stop that collection through court action. She asked if JIAC or CPAC public meetings provided an adequate forum for public input and if the CHPD provided full data on training vis a vis state requirements. Ms. Winget asked where specific police employment information could be found, including specifics on certification and de-certification. If the CHPD was not accredited, then she wanted information regarding that decision, she said.

Forty-five additional members of the public spoke extensively on this item. Nearly all of them recommended reducing the CHPD budget. They suggested reallocating that money to social services and programs such as affordable housing, health care, mental health, equitable pay, public schools, the Public Library, black-owned businesses, historically black neighborhoods, youth programs, environmental justice initiatives, historically marginalized people, domestic violence, and substance abuse programs, to name a few.

Many of the speakers said that "8 Can't Wait" reforms were not adequate, and a majority of them asked the Town to eliminate security resource officers (SROs) from Chapel Hill's public schools. Some said that having SROs in schools resulted in a "school-to-prison" pipeline that targeted brown and black students. Many expressed support for Black Lives Matter.

Maggie Blunk, a Chapel Hill native, asked the Council to publicly state

what percentage of the CHPD budget would be reallocated to other services.

Kaori Sueyoshi, a Chapel Hill native and former JIAC member, asked the Town to move beyond a reform strategy and adopt a defunding strategy to replace it.

Rachel Collman, a graduate student at UNC-CH, said that national reforms such as 8 Can't Wait were insufficient. The current system did not serve and protect everyone equally and equitably and needed to be changed, she said.

Michael Conroy, a UNC-CH graduate, said that the majority of those who become incarcerated have experienced homelessness, addiction, mental illness, disability and/or trauma, and that police were being used to address every aspect of that public health crisis. Being in jail created lasting harmful impacts to employment, finances, and mental health, he pointed out, and he stressed the need to provide interventions beyond merely giving police officers extra training.

Alanna Davis, a Chapel Hill resident, said that many of the policies that Chief Blue had listed extended the reach of police violence and discrimination under the guise of progress. She offered reasons for why the Good Neighbor Initiative in the Northside Neighborhood might be an example of that. She asked the Council to ensure that COVID-19 budget cuts would not affect important community programs.

Jacob Robins, a PhD student at UNC-CH, provided historical context on policing from 1704 slave patrols to the institution of the 13th Amendment, which he said allowed the continuation of slavery through prison labor that continued to the present. He said that policing had been founded on something that was now broken and needed to be reevaluated.

Lindsay Soo, a UNC-CH graduate student, said that many of the CHPD's responsibilities could be eliminated. These would include all interactions with mental health crises, sexual assault reports, and interactions with the homeless, she said. Additionally, cash bail should be ended, police should not carry firearms, and every use of force should be reported and visible to the public, she said.

Austin Vo, a Chapel Hill resident, said that the CHPD was not really special since many American towns could describe themselves as progressive and say that their police forces are different. Chief Blue's statement that the PD was sometimes the only resource left to call was an indication of the problem, he pointed out.

Leah Abrams, a Chapel Hill resident, described her experience of growing

up in Chapel Hill and watching black and brown boys being pulled aside by SROs and administrators and then being expelled from the Town's predominately white schools. She said that continuing to retain armed police officers in schools and dedicating a plurality of the General Fund to the CHPD meant propping up a white supremacist social hierarchy.

Bailey Ingham, a junior at UNC-CH, described an experience she had in 2018 when attempting to remove a confederate statue from the UNC-CH campus. She said that police had escorted and protected white supremacists, whose intent was to cause harm to the very people that the PD had sworn to protect. Police officers who could not protect and serve everyone should not be on the force, she said, and she called on the CHPD to reform the way it treated citizens.

Roi Plotkin, a Chapel Hill resident, said that the Black Lives Matter movement had proposed a specific solution to a problem that the Council was pretending it could not solve. She encouraged Council Members to be creative and imagine the Town without policing.

Zak Johnson, a Chapel Hill native and Duke University student, reminded Council Members of when he and other high school students had asked them to support a school walk-out after a mass shooting in Parkland, Florida. It would be almost a heinous act for the Council to hear citizen requests and do anything less than defund the police, after having been so kind and encouraging to largely white, unaffected students just two years ago, he said. He said that violence and racism were intrinsic to the nature of policing in a racist society, and he asked the Council to abolish the CHPD.

Kai Nilsen, a rising senior at Carrboro High School, said that the Town's police reform efforts had not been sufficient to truly prevent discrimination. She proposed splitting the CHPD into several different institutions and expanding the Town's force of social workers. In that scenario, a crisis intervention team would address mental health issues, there would be a separate traffic police group, and a significantly reduced police force who would respond only to violent crimes, she said.

Delores Bailey, Executive Director of EmPOWERment, Inc., said that her family had lived in the Northside Neighborhood since 1975 and that she had started EmPOWERment in order to understand how the CHPD and Northside interacted with each other. She provided historical context from 2002 when the CHPD and the Northside community had created programs to address change and to help Northside take back its streets. She did not mean that everything was okay, but she felt confident that more positive changes would occur, Ms. Bailey said.

Sara Snyder, a Chapel Hill resident, said that violence becomes possible

where it had not previously existed when police are dispensed rather than mental health and social work professionals. She said that 8 Can't Wait measures did not go far enough to address structural problems and that the best way to avoid police brutality and discrimination was to abolish the police. She asked for more transparency around what CHPD funding was being used for.

Carter Hodge, a Chapel Hill resident and graduate student at UNC-CH, cautioned against thinking that the Town was more progressive than it really was. Reforms that had led to greater community engagement had not kept black people safer and direct contact between violent police and communities of color needed to be reduced, he said. Police in the United States served to protect property at the expense of black lives, said Mr. Hodge.

Flora Barrow, a Chapel Hill resident, spoke in favor of reallocating CHPD funds to something that builds community such as affordable housing and universal healthcare. She characterized the notion of reteaching police officers that they should not use choke holds or that they should warn people before shooting at them as absurd.

Grayson Harvey, a UNC graduate, suggested replacing the Town's SROs with trauma care specialists and asked that the CHPD end any and all collaboration with US Immigration and Customs Enforcement. She requested that the CHPD provide a detailed plan on how it would prevent racially-targeted traffic stops and ensure that all traffic stops were being properly documented.

Calvin Deutschbein, a CPAC member but speaking only for himself, asked the Town to immediately divest from CHPD recruiting and hiring efforts. Less policing would make everyone safer, and it was uniquely dangerous to welcome new officers into the community during COVID-19, he said. He asked the Council to divest from SROs and reinvest in community programs and to cease traffic stops for no seat belt/no license violations. Mr. Deutschbein listed reasons why CPAC was a poor substitute for police oversight and said that he was immediately resigning from that committee.

Nancy Oates, a Chapel Hill resident, shared a personal experience about when she came to understand the difference between how black and white Americans feel when the police arrive. She said that there needed to be a nationwide change in policing culture. Rather than defunding the local police, she would like the Town to teach de-escalation techniques and become a national leader in how to do policing correctly, she said.

Daniel Nuttall, a Chapel Hill resident, said that the Town's Housing budget seemed underfunded considering the Town's concerns about homelessness

and affordable housing. Diverting some money from policing to affordable housing would give a strong message, he said. He said that the Town could become a national leader by banning no knock warrants.

Melissa Plooster, a PhD candidate at UNC-CH, told the Council to defund the police budget in FY 2020-21. She noted that Minneapolis (where she had been born and raised) had recently voted to dismantle its PD. If a city of more than 400,000 people could do that, there was no reason why Chapel Hill could not do it as well, she said.

George Barrett, a Chapel Hill resident, said that the Council had the opportunity to show it was in solidarity with the movement for bold change. Black people were being oppressed by the apathy and fear of those with power and the Council had the responsibility to create a new system that would prioritize the health of black people, he said. The Town could not continue to preach that it is progressive while investing black taxpayer dollars in a police system that murders them, he said. As a black, gay man, he did not feel fully safe in Chapel Hill, he said.

Chloe Nash, a CH native and student, agreed with others' requests for restructuring and defunding the CHPD and investing that money into community health, safety and education services.

Tara Kelley, a CH resident and UNC-CH graduate, said that the Town should defund the police as a first step toward abolishing it.

Emile Charles, a Chapel Hill native and freshman at UNC, said that he had felt afraid when running or walking alone in Town for as long as he could remember. For him and other black residents, the obvious solution was to defund the police and work toward abolition and reinvestment in programs that include the black community and community-owned businesses, he said.

Savita Sivakumar, a Chapel Hill native, characterized 8 Can't Wait as a placeholder for achieving actual change. He said that such policies had been implemented in more than 40 states, had not shown any progress, and still endorsed violence. "Giving someone a warning before you shoot them is still shooting them," he pointed out. He said that 8 Can't Wait did not address the school-to-prison pipeline. Its policies were unenforceable and depended upon officer discretion, which could not be trusted, he said.

Christian Correa, a recent UNC graduate, said that the CHPD's community initiatives had been operating on the margins when there was capacity to make large structural changes. He asked whether Council Members honestly believed that those initiatives would eradicate racism. Or were they just a continuation of the kinds of reforms that had allowed black

people to be murdered for centuries, he asked. He requested that each Council member publicly post his/her position on defunding the police.

Idan Falek, a Chapel Hill resident, expressed agreement with the comments of others and said that there was data to prove that 8 Can't Wait did not work.

Carmel Falek, a senior at East Chapel Hill High, urged the Council to refocus the Town budget away from the CHPD and toward the Chapel Hill School System's massive achievement gap.

Danielle Dulken, a PhD candidate at UNC, called for immediately disarming police officers and removing SROs from schools. She agreed with others' comments about defunding the police and said that 8 Can't Wait had not prevented recent murders of black people by police officers nationally. Ms. Dulken gave several examples of the CHPD's inability to protect students when white supremacist had come to Town. Furthermore, a white supremacist symbol had been seen on the arm of CHPD officer in 2017-2018, she said.

Margaret Nemitz, a Chapel Hill resident, said that the CHPD had done more than most to reform, but the system of policing continued to be deeply rooted in slavery. The first step toward abolishing that was to significantly defund the police, she said. She recommended that the Town significantly cut the current police budget and create a plan to defund the CHPD.

Caleb Easterly, said that the CHPD was not doing enough to implement anti-racist reforms. He had seen a police officer defending a confederate monument while wearing the sign of a violent anti-government organization that had been implicated in racist violence, he said. He said that there had been no investigation or action taken and that Chief Blue had merely recommended that the officer cover the tattoo.

Hannah Schanzer, a Chapel Hill native, said that she was proud of the Town's climate action plan but that combating climate change without combating racial inequality was just an extension of white supremacy. She hoped the Council would put the same innovative spirit into re-imagining a public safety system that makes 100 percent of its citizens feel safe, she said. With respect to 8 Can't Wait, she said that its founders had already disowned it in favor of divesting from the institution of policing and investing in black communities.

Kirby Caraballo, a Chapel Hill resident and UNC graduate student, said that there was no reason why the CHPD should take up a much higher portion of the budget than the Department of Housing and Community. He urged the Town to invest in its Public Library, which was a safe space

for many vulnerable community members. He proposed bolstering trauma-informed care specialists and first responders, rather than having police be the answer to all of the community's problems.

Derrick Davis, a rising junior at UNC, agreed with what others had said and proposed that the Town put money into youth programs rather than the CHPD.

Sonya Disy, a Chapel Hill resident, called for a People's Assembly to help with a restorative justice process and community re-envisioning conversations. She asked the Town to give subpoena powers to such a group and to CPAC as well. Ms. Disy said that Assistant Police Chief Jabe Hunter had agreed to provide her with a more detailed and itemized budget for the CHPD, and she hoped the Council would make that information accessible on the Town website.

Devin Case, a UNC-CH student, requested an itemized breakdown of police expenses in the FY 2021 budget. She indicated parts of the Public Safety and Budget Summary sections that she thought needed to be more detailed and transparent.

Marc Besson, a PhD candidate at UNC-CH, agreed with others' comments and characterized the ratio of CHPD funding to Housing and Community funding as appalling and incredibly out of proportion. Additionally, he called for banning the use of public funds for the legal defense of police officers.

Molly Auten, a Chapel Hill resident and recent UNC graduate, said that the institution of policing existed because of white supremacy and had continued in order to uphold that. In order to eliminate racism, the country needed to work toward eliminating its police, she said, and she asked the Council to develop a long-term plan for defunding and abolishing the CHPD.

Theresa Allore, a Chapel Hill resident, proposed that \$75,000 in the PD's Special Events Division budget be reallocated to Housing and Community Development for families struggling in the COVID-19 environment. She pointed out that most public community events would probably not occur in the coming year due to the pandemic. She recommended reducing the PD staff by at least 10 percent and completely removing SROs from schools.

Ampson Hagan, a PhD candidate at UNC-CH, said that all of the community policing actions that Chief Blue had listed could be replicated by a community safety department and were being addressed by overlapping government services. The Town did not need a police force with military and tactical weapons to do community service work, he said.

Nikhil Rao, a rising senior at UNC-CH, recommended that Council Members look at the decades of work by black scholars and reach out to current black activists for information on how to transition to a system of prevention rather than response. He specifically recommended that they read *The End of Policing* by Alex Vitale.

Emily Shanzer, a senior at Chapel Hill East High asked why the Chapel Hill Fire Department budget was not increasing if the reason for increasing the PD budget was related to healthcare and pensions. Citing figures from the recommended budget, she said that the CHPD would receive \$2 million more than several other funds combined. Black and brown people, who were disproportionately affected by police arrests and violence, would benefit the most from reinvestment, she said.

Abigail Holdsclaw, a rising senior at UNC-CH, stated that Chapel Hill was not the extremely liberal Town that she had thought it would be when she arrived in Town in 2017. She said that the fact that non-white people had not been given the same protection that white supremacists at a Town demonstration should have been on Town leaders' consciences before the current historic moment. She asked Council Members to take positive actions that were long overdue.

Mayor Hemminger explained that the current forum did not allow interactive dialogue with Council Members, but the Council had wanted members of the public to share their thoughts. She said that Town advisory boards, including JIAC and CPAC, were currently meeting virtually but were always open to the public. The Town Council was planning a Community Town Hall that would allow more interaction, discussion, and presentation of data regarding the CHPD, Mayor Hemminger said.

This item was received as presented.

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.

2. Community Design Commission Request to Create a Downtown

[\[20-0413\]](#)

Design District.

Chris Berndt, Community Design Commission vice chair, petitioned the Council to require design review of any construction and renovation projects in the downtown area. She said that a historic building that was on the National Register had not been reviewed by any Town commission. The Community Design Commission had voted unanimously to request that the Council designate Downtown as a Special Appearance District and to refer projects for advisory board review, she said.

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

2.01 Mayor Hemminger Regarding Mandatory Face Coverings.

[\[20-0431\]](#)

Mayor Hemminger said that the decision to extend the facing covering mandate was a result of the World Health Organization saying that use of face coverings was one of the best ways to prevent the spread of COVID-19. She said that the Town had distributed more than 782 cloth masks and more than 4,000 disposable ones, and she thanked Council Member Gu for getting those out to people who needed them.

2.02 Mayor Hemminger Regarding Food for Students.

[\[20-0432\]](#)

Mayor Hemminger noted that Food for the Summer had been renamed to Food for Students. She said that the five-year project had provided more than 300,000 meals to students across the district just since March 2020. The Mayor expressed special gratitude to Liz Cartano, child nutrition director for the Chapel Hill-Carrboro School System, and PORCH, a local volunteer hunger relief organization.

2.03 Enact an Ordinance Amending Section 11-74 of the Town Code to Authorize the Mayor to Impose by Proclamation Additional Restrictions During a State of Emergency to Promote Public Health and Welfare.

[\[20-0433\]](#)

A motion was made by Council Member Anderson, seconded by Council Member Ryan, that O-1 be enacted. The motion carried by a unanimous vote.

2.04 Mayor Hemminger Regarding Upcoming Meetings.

[\[20-0434\]](#)

Mayor Hemminger reminded the Council that its 7:00 p.m. meeting on June 17th had been changed to a regular meeting and that a special meeting regarding the Town Attorney search process would be held at 2:15 p.m. on June 19th.

3. Update on Town Efforts to Respond to the COVID 19 Crisis. (no attachment)

[\[20-0414\]](#)

Emergency Management Coordinator Kelly Drayton gave a brief PowerPoint update on the Town's response to the COVID-19 pandemic. She shared details on new federal, state and local initiatives and said that the Federal Emergency Management Agency would extend emergency housing for InterFaith Council (IFC) residents while its shelter was being made safer.

Ms. Drayton said that staff had selected Haverty Consulting to help coordinate a long-term recovery plan and that more than 200 individuals and organizations had been identified as potential partners in that effort. On June 24, staff from the Town's Recovery Unit would bring the Council recommendations for CARES Act funding uses to further address COVID-19 impacts, she said.

Ms. Drayton noted that municipal leaders had issued a joint press release, mandating the use of face coverings in many public settings, beginning at 5:00 p.m. on June 12. She provided details of the rules and exceptions to that mandate. She reported that the Food Bank had served more than 471 households that day and said that staff had been working on a new communications campaign, called "Spread Kindness, Not Illness". That campaign would emphasize the 3 Ws: WEAR face coverings; WASH hands frequently; WAIT six feet apart, she said.

Ms. Drayton said that the Town would be distributing face coverings to the public at fire stations 1 and 3 on Wednesdays and Saturdays, from 2:00 to 5:00 p.m. and that details were on the Town's website. She said that the Town's call center was available to answer questions Monday through Friday from 8:30 a.m. to 5:00 p.m.

Sonia D. a Chapel Hill resident, suggested that the Town distribute masks at locations where they were required, and Mayor Hemminger replied that plans were being made to do that.

This item was received as presented.

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

carried by a unanimous vote.

4. Approve all Consent Agenda Items. [\[20-0415\]](#)

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

5. Donate 2001 Chapel Hill Fire Department Cargo Trailer to Orange County Safe Kids. [\[20-0416\]](#)

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

6. Adopt a Resolution Closing the Public Hearing for the Land Use Management Ordinance Text Amendment to Article 5 Regarding Parking Limitations in Town Center and Town Code Chapter 11A Regarding Off-Street Parking and a Council Policy on Parking. [\[20-0417\]](#)

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0418\]](#)

This item was received as presented.

DISCUSSION

8. Approve the Affordable Housing Bond and Affordable Housing Development Reserve Funding Plan. [\[20-0419\]](#)

This item was postponed.

9. Open the Public Hearing: Recommended Budget for FY 2020-2021. (no attachment) [\[20-0420\]](#)

Mr. Jones pointed said that COVID-19 had dramatically changed the Town's approach to the FY 2020-21 budget, which was now designed to protect services. As presented to Council on May 20, the proposed budget total was nearly \$111 million, with the General Fund making up \$66 million of that, he said. There would be no property tax rate increase and no employee pay increases in FY 2021, he pointed out.

Mr. Jones explained that the recommended budget did not propose making significant cuts in services or laying off any employee. The goal was to protect the Town's Fund Balance at 22 percent, he said. He pointed out that the Town would know more about the effects of the COVID-19 lock-down on local businesses and sales tax revenues when revenue numbers became available on June 15, 2020.

Mr. Jones said that the Town's prior 8.9 percent growth would help offset the more than 10 percent drop that was expected for the current year. The sales tax growth projection for FY 2021 had been amended to reflect a 9.5 percent decrease from last year, and he expected the property tax rate to grow at an average of 1.5 percent next year, he said.

Mr. Jones presented a list of items to eliminate with the hope of restoring them when the economy improved. He stressed the importance of maintaining core services and pointed out that he was not proposing any reductions in Affordable Housing or Human Services Agency funding.

With regard to citizens' comments in Agenda Item 1 regarding the budget, Mr. Jones pointed out that town budgets were complex and said he understood why there might be some confusion. He explained that the Public Housing Fund (\$2.17 million) was not shown in General Fund expenditures because it was an Enterprise Fund. The Town also had an additional \$688,000 reserve fund for AH, he said.

Mr. Jones explained that the Housing and Community budget was \$835,000 and that the department also received annual grants. Next year, Housing and Community expected to receive \$418,000 in Community Development Block Grant funds and a Housing Capital Grant of \$886,000. The Town had given \$454,000 to Human Service Agencies, and it also had performance agreements with some of them, he said. Mr. Jones said that the total spent on AH would be \$5.89 million in the next year's budget, not counting the \$10 million AH Bond.

Mr. Jones reviewed the Enterprise Funds. He said that the Transit Fund was strong with a stable outlook and anticipated a \$412,000 increase in state assistance and \$5.7 million in federal CARES Act funding. He explained that the Parking Fund had been struggling and that the Town had been looking at ways to address that such as using the Fund Balance to close that gap.

Mr. Jones said that the Housing Fund would be in solid shape if federal funding remained stable. The Stormwater Fund had a strong fund balance and stable outlook, and the Town was not proposing any increase in fees, he said.

Mr. Jones stated that the goal was to adopt the budget on June 24, 2020. All information could be found at www.townofchapelhill.org/budget, he said.

Mayor Hemminger suggested that staff include pie charts in future budget presentations, since some people had found the information difficult to understand. She also pointed out that the Town's fare-free transit system

was one of its largest expenditures.

Council Members confirmed with Mr. Jones that it would be difficult to make changes to the budget before June 24, but the Council could amend it at any point in the coming year. In response to a question from Council about capacity to cover Parking Fund shortfalls, Mr. Jones said that it would depend on how deep the shortfall was. The Town expected to resume charging for parking again in July and possibly changing the rate structures in August, but there would not be a clear sense of whether the Town would return to normal until later in the summer/fall, he said.

At Mayor Hemminger's request, Mr. Jones explained how residents could help others with rent and utilities expenses. He also said that the town had provided \$170,000 to help InterFaith Council residents live in hotels in order to help protect them from COVID-19. The Town had been flexible with regard to how non-profits steer Town funds toward pandemic-related issues, he said.

Nineteen members of the public commented on this item. Sixteen of them spoke at length about the same issues regarding the CHPD that residents had raised in Item 1. Their comments included requests to defund the police and reallocate funds to social services and other programs. Many asked the Council to eliminate SROs from public schools and several said that police reforms such as 8 Can't Wait, were inadequate. The following are brief summaries of their comments.

Eleanor Murray, a Chapel Hill resident and UNC-CH student, proposed gradually defunding the CHPD and using that money to create a COVID-19 relief fund for small businesses and individuals facing particular hardship during the pandemic.

Laura Cheney, a Chapel Hill native, said that defunding the police was necessary in order to make the Town safer for black and brown residents. She recommended removing SROs from schools, redirecting special events funding to other needs, and de-prioritizing enforcement of some small-level offenses.

Emmie McManus, a Chapel Hill resident, said that most equity training across the country was similar to the CHPD's and had not prevented assaults and deaths in black communities. Chapel Hill needed to adopt proactive measures, she said, and she recommended that the Town look at examples from communities that were doing better.

Sienna Zuco, a Chapel Hill native and UNC-CH student, said that Chapel Hill should support affordable housing and schools rather than violent and racist institutions. She recommended that the Town put its spoken values into action by funding social workers, mental health workers, and the

school system, which she said had the second largest achievement gap between black and white students in the country.

Leah Coffey, a Chapel Hill resident, said that more policing would not help the Town prosper in the ways its residents wanted. Decreasing the CHPD budget would give the Town more money to nurture the community and invest in community-led public safety, she said.

Kimberly Sanchez, executive director of Community Home Trust, thanked the Council for continuing to support affordable housing. She said that Community Home Trust had helped 24 Chapel Hill families over the last fiscal year and was looking at new and innovative ways to assist residents during COVID-19. Community Home Trust had been examining itself with respect to how it helped the Town's black and brown communities, she said.

Sydney McLean, a Chapel Hill High School student, said it was unacceptable that black students were 13.9 times more likely to be suspended from school than their white peers. Reforms such as racial equity training were not sufficient, she said, noting that fatal shootings had increased despite such training. Black, brown and Hispanic communities were being underfunded and systematically discriminated against in Chapel Hill, she said.

Dawn Culton, a CH native and UNC-CH junior, said that having police presence made black people uncomfortable and fearful for their lives. The Town should hire real social workers rather than increasing the CHPD budget so that police could address social work issues, she said. She told Council Members to "put the money where your mouth is" and apply the Town's proclaimed values regarding equity.

Sarah Hoffman, a Chapel Hill resident and law student at UNC-CH, said that police responding to mental health crises often exacerbated those problems. It would be better to invest in proper mental health assistance, expand Health Department hours to weekends, and to increase access to crisis and emergency health services, she said.

Kipp Williams, a Chapel Hill resident and UNC student, said that the Mayor and Council were not actually behind eradicating racism and were not comfortable talking about race. He recommended that the Town look to places that had radically different public safety models. He said that activists had been talking about defunding the police since the 1960s. Being silent or pushing for reforms when people were demanding more was being complicit in white supremacy, he said.

Abigail McNaughton, a Chapel Hill resident, made several suggestions for how CHPD funds could be reallocated. If the Town was reluctant to lay

police officers off, especially during the pandemic, demilitarizing the force, cutting the PD's Special Events and Operations budget, and abandoning the use of public funds for police officer legal defenses would free up funds that could be used for pandemic relief, she said. She also recommended ending quotas for traffic stops and arrests.

Daniel Nowell, a Chapel Hill resident, said he appreciated Chief Blue's pride in building a more progressive department that had procedures that probably did make it different from other places in the county. However, the only way to really lead was to figure out a safe way to decrease the number of police officers and supplies and to fund more important priorities, he said

Amelia Covington, a Chapel Hill resident, suggested that Council Members explore the details of the Black Lives Matter policy platform. She said that the Town had an opportunity to stand in solidarity with that group's call for divestment from exploitative forces and reinvestment in black communities. The achievement gap in Chapel Hill schools was an example of how the Town was not exempt from institutional racism, she said.

Lena Cohen, a Chapel Hill native, said that the PD budget was greater than Housing and Community, Parks and Recreation, Public Library, and Planning budgets combined and was scheduled to increase while other Town budgets were decreasing. She said that the reforms Chief Blue had mentioned had been tried in other cities for decades and had not been effective.

Natalie Troy, a Chapel Hill resident, asked the Council to consider which neighborhoods the police regularly spent time arresting and ticketing people. She rarely, if ever, saw a police car drive through her predominately white and well-resourced neighborhood, she said. She expressed hope that the Town would extend that sense of freedom and safety to its predominately black, LatinX, and LBGTQ communities, and to lower income neighborhoods in general.

Clara Hobbs, a Chapel Hill resident, said that Human Rights Watch had deemed 8 Can't Wait's goals meaningless and hollow gestures that would only serve to make white people feel as though improvements had been made. She recommended that the Police Crisis Unit be an independent entity through which social workers respond to health emergencies, and to create a system that protects and serves people, not property, she said.

Cordelia Heaney, executive director of Compass Center, thanked the Town for its consistent support of the Center's work, which focused on promoting economic justice and equity. She said that impacts from COVID-19 had included a 15 percent increase in the Center's number of domestic violence clients and a 116 percent in requests for emergency

housing. She expected the demand for domestic violence services to increase, she said, and described a plan to expand services that included emergency housing.

Amanda Padden, a Chapel Hill resident, said that continuing to fund police violence was unacceptable and unjust. Referencing the school achievement gap and the Town's lack of affordable housing, she said that the Council had the power to do better for the black members of its community. Reducing CHPD funding would not render the Town a less safe place to live, she said.

Maple Osterbrink, a Chapel Hill resident, requested \$100 to pay for refreshments at a meeting of a new committee on environmental justice that would meet once a month. She pointed out that the Town's Environmental Stewardship Board did not have the word "Justice" in its name.

Sergio Jimenez's comments were not audible due to a bad connection, and Mayor Hemminger suggested that he submit them to the Council in writing.

Mayor Hemminger pointed out that there had been an additional opportunity for the public to comment on the recommended budget at the Council's May 20th meeting. She said that such opportunities existed at every Council work session. The Council appreciated hearing from the public on this topic and looked forward to holding a Town Hall meeting in the near future that would allow more interchange, she said.

This item was received as presented.

- 10.** North-South Bus Rapid Transit Update. [\[20-0421\]](#)

This item was continued to June 17th.

- 11.** Continue a Public Hearing for the Rosemary Redevelopment Economic Development Agreement to June 17, 2020. [\[20-0422\]](#)

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that R-6 be adopted. The motion carried by a unanimous vote.

- 12.** Open the Public Hearing: Conditional Zoning at 125 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning (TC-2-C). [\[20-0423\]](#)

This item was delayed to June 17.

- 13.** Open the Public Hearing: Application for Zoning Atlas Amendment - 137 E. Franklin St. Innovation Hub [\[20-0424\]](#)

Planner Michael Sudol gave a PowerPoint presentation on a Zoning Atlas Amendment (ZAA) application regarding an Innovation Hub on a .66-acre site located on Franklin Street. He pointed out that the Council had previously seen a concept plan for the project and had passed a resolution for a limited scope Special-Use permit (SUP) and rezoning. However, COVID-19 had prevented the Council from holding the quasi-judicial SUP processes, so the rezoning had been decoupled from that, he said.

Mr. Sudol explained that the project exceeded the floor area ratio and height requirements of the Town Center-1 and TC-2 zoning districts. Rezoning to TC-3 would allow a 1,000 square-foot increase in floor area, he said. He listed the findings that ZAAs must meet, showed views of the site, and said that the Planning commission had recommended approval.

The Council voted unanimously to open the public hearing, receive comments for 24 hours, and enact the ordinance on June 24, 2020.

A motion was made by Council Member Anderson, seconded by Council Member Stegman, to close the public hearing. The motion carried by a unanimous vote.

- 14. Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Section 3.7 and Appendix A Permitting Flex Office in Town Center Zoning Districts and Expanding Definitions Related to Types of Retail.**

[\[20-0425\]](#)

Planner Anya Grahn gave a PowerPoint presentation on text amendments that would update the Land Use Management Ordinance (LUMO) use table to allow flex office as a permitted use in the Town Center (TC) zoning districts. She explained that the amendments were in response to a petition from Mayor Hemminger that had asked to include Experiential Retail among the land use types.

Ms. Grahn reviewed the intent of TC zoning and explained that the current LUMO definitions did not reflect the changing nature of the retail industry, in which Experiential Retail, such as wine and paint studios and escape rooms was a new type. The proposed TA would allow those uses in all zones currently allowed for general business, she said, and she provided details on the proposed revisions to three definitions.

Ms. Grahn said that the Planning Commission had recommended approval on April 7, 2020. She recommended that the Council open the public hearing, receive comments, close the public hearing, and enact Ordinance A on June 24, 2020.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, to close the public hearing. The motion carried by a unanimous

vote.

15. Open the Public Hearing: Conditional Zoning at Weavers Grove, 7516 Sunrise Road - Proposed Change from Residential-2 (R-2) to Residential-6 Conditional Zoning (R-6-CZ) and Neighborhood Commercial Conditional Zoning (NC-CZ).

[\[20-0426\]](#)

Mayor Hemminger apologized for addressing this item at such a late hour and pointed out that there would be other opportunities for the public to speak. She said that people could call or email the Council directly and pointed out that the Council would not vote on the item until its June 24, 2020 meeting.

Planner Becky McDonnell gave a PowerPoint presentation on a Conditional Zoning (CZ) application for Weavers Grove, a proposed 32-acre development on Sunrise Road. She showed the location on a map, presented an overview of the process thus far, and noted that the Town had annexed the property in fall of 2019.

Ms. McDonnell said that Habitat for Humanity of Orange County was proposing to rezone the property from Residential-2 to Residential-6, Conditional and Neighborhood Commercial Conditional, in order to allow the proposed uses. Nearby properties were zoned Residential-2 and Residential-5, she said.

Ms. McDonnell outlined the application for a residential community with an emphasis on affordable housing (AH). The plan included a small neighborhood commercial center with community amenities such as a cafe, community center, garden, and more, she said. She showed GIS views of neighboring roads, properties, streams and Resource Conservation District (RCD).

Ms. McDonnell displayed the site plan and discussed road access and the proposed building types, which included detached single-family homes, condominiums, townhouses, duplexes, and community buildings. She showed where the Conditional Zoning areas would be and reviewed highlights of the rezoning request.

Ms. McDonnell indicated the location of a proposed earth berm that would reduce the impact of noise from Interstate 40 (I-40). She pointed out that a stipulation required the applicant to work with the nearby Chandlers Green neighborhood regarding traffic-calming measures.

Ms. McDonnell said that various boards and commissions had reviewed the application and recommended approval. The Community Design Commission and the Environmental Stewardship Advisory Board had added some conditions, she said. She recommended that the Council open the public hearing, receive comments for up to 24 hours, close the public hearing, and schedule the item for possible action on June 24, 2020.

Council Member Ryan asked if a fence had been explored for noise reduction. Ms. McDonnell replied that she was not sure but believed that the applicant had proposed a berm as a more effective noise reduction measure.

Jennifer Player, president and CEO of Habitat for Humanity of Orange County, discussed the mixed-income community that Habitat hoped to create on the parcel. She said that Habitat had been working toward the project for more than a decade, and she shared its vision for a diverse community that would lead to economic and social benefits for the entire region.

Ms. Player said that the Habitat homeowners would be in the 30-80 percent of area median income (AMI) range and would live in 99 of the 236 homes being proposed. That would set a new precedent in Chapel Hill for diverse, mixed-income living she said. She discussed architectural design and stormwater and addressed frequently asked questions and concerns from the community.

Landscape Architect and Planner Scott Murray reviewed existing site conditions, the proposed layout, and circulation. He described traditional tree-lined streets with on-street parking, sidewalks and front porches and noted plans for a community center and open spaces. He said that the plan included a variety of housing types, numerous amenities, an 85-foot buffer, and a berm to block the noise from I-40.

Architect Jason Lettie, of Cline Design Associates, presented schematic images of the proposed residential buildings and community structures. He showed proposed designs for the townhouses, duplexes, condominiums and community structures and described how they would interact with each other and with the streets.

Richard Turlington, vice president of construction for Habitat for Humanity of Orange County, described the proposed two-story townhomes and duplexes. He said that Habitat had been committed to green building for about 20 years, and he noted several energy efficient standards to which they would adhere. Habitat held a silver certification with Home Greenbuilders, he pointed out.

George Retschle, president of Ballentine Associates, discussed the civil engineering and surveying services that his firm was providing. The proposed stormwater system would meet or exceed Town regulations and Town staff had concluded that it would meet Town requirements, he said. Mr. Retschle pointed out that five advisory boards had recommended approval, including a unanimous vote by the Stormwater Advisory Board.

Mr. Retschle said that the Council had asked Ballentine and Associates to mitigate and improve stormwater run-off toward an area where there had

been flooding problems in the past. The resulting state-of-the-art system would exceed Town requirements and control stormwater run-off in perpetuity, he said.

Project Manager Bruce Ballentine replied to citizens' previous comments about noise from I-40. He said that those, like him, who had chosen to live in the area, had decided to put up with some of that noise. The berm would be replanted with trees, and his firm had concluded that it would be a more effective noise barrier than a wall, he said.

Stavros Garantziotis, a Chandlers Green Homeowners Association (HOA) member, said that his neighborhood felt betrayed by the applicant putting forward a proposal that was in conflict with what had been agreed upon. He outlined the HOA's concerns regarding road access and stormwater and said that Habitat would be putting its own future homeowners at risk of noise pollution. Chandlers Green residents had negotiated with Habitat in good faith, he said, and he asked the Council to require Habitat to follow agreed-upon principles.

Ann Schall, a Chandlers Green HOA member, expressed concern about the proposed connectivity, which she said would burden surrounding neighborhoods with traffic and safety concerns. She asked the Council to maintain the agreement between Chandlers Green and Habitat and to designate Amesbury Drive as emergency access only.

Abby Zarkin, Chandlers Green HOA president, said that the proposed plan had too many flaws to support. Those flaws included exposure to high noise levels and fine particulate matter from I-40, she said. She stated that the NC Department of Transportation was predicting higher levels of noise exposure in the area after I-40 is widened. Those living in the Habitat homes would be the ones most exposed to it, she said.

Michael Murphy, a Chandlers Green HOA member, said that stormwater would be exported to the wettest part of the property and ultimately into a former stream area that would have three townhouses sitting on top of it. He cautioned that nature would revert and the stream would return. Compromises such as building houses on top of a stream or running a sewer through the middle of a wetland were bad ideas and compromises that should not be made, he said.

Barbara Redmond, a Duke University Hospital employee, shared her experience of raising three grandchildren in a Habitat for Humanity home. She said that Habitat had given her financial stability. Weavers Grove would provide safe, stable, and affordable home ownership for hardworking, deserving families, she said, and she encouraged the Council to approve the rezoning.

Daniel Noell, a Chapel Hill resident, said that Weavers Grove presented an opportunity for the Town to make strides toward becoming a more

accessible and diverse community. He stressed the urgency of providing affordable housing for those who make up the lifeblood of the Chapel Hill community.

Mayor Hemminger's internet connection went down, so Mayor pro tem Parker took over presiding in the interim.

Nancy Smythe, a Chandlers Green resident, expressed disappointment that the Council had not moved the item to another meeting, considering the packed agenda. She said that the rezoning was not an urgent matter and pointed out that the community had been discussing that Habitat site for almost 20 years. She had sent Council Members an email regarding their comments in November 2018 that had encouraged Habitat to have open communication with its neighbors. "We have had none of that," she said.

Ms. Smythe asked why Ballentine Associates had prepared the stormwater report after the Mayor had stated in 2018 that she wanted the Town's stormwater group involved. She needed more assurance that flooding in her front yard would be addressed, she said.

Anna Richards, a Chapel Hill resident, commented on the opportunity to develop a diverse community in a Town that she said had a legacy of housing discrimination. After 18 years of discussion, it was time for the Council to take a stand and move forward on the project, she said.

Rei Rei Wei, a rising senior at Guilford College, shared her experience of growing up in a Habitat home. She said that the ripple effect of affordable housing was that people could follow their dreams and build wealth for themselves and their families. Weavers Grove housing would be reparations for black, indigenous and people of color, she said, and she asked the Council to approve additional low-income housing as well.

Heather Brutz, co-chair of the Chapel Hill-Carrboro NAACP Housing Committee, read a statement in support of the CZ request. The statement pointed out that only 35 percent of housing units in Chapel Hill were affordable to people earning below 80 percent of AMI and that very little remaining Town land could support such a development. Weavers Grove would fill a vital need for affordable housing and would help support racial and socioeconomic diversity in Chapel Hill, she read.

Mayor Hemminger rejoined the meeting and said that she had been listening by phone.

Danny Benjamin, a Chapel Hill resident, emphasized that he and other neighbors were not saying, "not in my backyard". They had agreed to a previous proposal that had a higher fraction of affordable housing and were concerned about the 200 units of market-rate housing with the affordable houses clustered in a high noise area close to I-40, he said.

Mr. Benjamin said that the development would create more noise for current neighbors as well because of its topography.

Elam Hall, Habitat for Humanity board chair, said that a Council vote in favor of the rezoning request would mean that 100 families would be able to begin building wealth through home-ownership and would no longer be burdened by annual rent increases. He listed some of the benefits of living in a safe, affordable home and noted how access to public transportation and good schools could also help break the cycle of poverty. Studies had shown that outcomes were better for all in mixed-income communities, Mr. Hall pointed out.

Charles Humble, representing CHALT (Chapel Hill Alliance for a Livable Town), said that I-40 being above the level of homes in the east quadrant put at least 10 of those homes in danger of suffering negative health effects from noise. A berm could not be high enough and trees would not be the right kind of buffer to ameliorate the sound, he said. He said that a wall would be a much better solution and proposed eliminating the 10 homes closest to the highway.

Joan Guilkey, a CHALT member, agreed with what Mr. Humble had said and added that 10-12 of the homes would experience noise at 71 decibels when the acceptable standard was not more than 67. Moreover, that noise level would increase when I-40 was widened to six lanes, as expected, she said. She recommended finding out if the NC Department of Transportation intended to build a wall to protect Weavers Grove.

Julie McClintock, a CHALT member and former Stormwater Advisory Board chair, said that the proposed plan placed the affordable units on the wettest and noisiest part of the site. She said that CHALT was proposing the following design modifications: reduce the disturbance of RCD area; remove the 10 units subject to unhealthy noise; remove three townhomes that are placed on top of an ephemeral stream; get a new stream determination; ask the applicant to use alternatives to pervious pavement in an area that floods and; require a bond for the stormwater basins to protect five downstream homes.

Nancy Oates, a Chapel Hill resident and 40-year Habitat volunteer, said that the market rate homes would be clustered together on quiet, dry lots while the Habitat homes were being put on land that was marshy and close to a noisy highway. She proposed putting the market rate homes through the back of the property and the Habitat homes toward the front, closer to the Sunrise Road exit. She agreed with others that a solid wall would mitigate noise in a way that a berm could not, she said.

Patrick Smythe, a Chapel Hill resident, said that the community amenities would be built at the very end of the project and might not be built at all if Habitat were to run out of money. He said that some of the units were directly under power lines, and he raised concerns about the Fire

Department not being able to service those homes.

Martin Johnson, a Chapel Hill resident, expressed strong support for the project. He said that many of the complaints being offered had been heard and addressed in the past. He pointed out that Weavers Grove would add people from different socioeconomic backgrounds and help address some of the issues regarding lack of diversity in schools.

Danny Benjamin, a Chandlers Green HOA member, said that a berm could actually make noise worse for residents, and he stressed the importance of performing a noise study. He said that the affordable homes were welcome closer to his part of the neighborhood, where they would be on the highest ground with the best chance for success. He said that the neighborhood sincerely desired to see Habitat succeed. It was the high density of the market rate homes that was causing consternation, he said.

Gary Zarkin, a Chandlers Green resident, expressed strong support for increasing affordable housing and praised the proposed development. However, the proximity to I-40 would not only create noise issues but would expose people to fine particulate matter, he said. Mr. Zarkin argued that Town approval of the project, as is, would mean dismissing real equity issues and ignoring science. He recommended that the Council ask the applicant to make changes regarding stormwater impacts and move the affordable homes away from the highway.

Council Members commented on how the project had been through a thorough and transparent process. Habitat had done everything the Town had asked it to do and had even put its own funds toward a stormwater system that would be above and beyond Town requirements, they pointed out. The Council expressed enthusiasm over the prospect of having 99 more units of affordable housing in Town. They suggested that the applicant consider whether there was a way to mitigate noise without adding cost, but they unanimously agreed that the project was ready to move along.

Mayor Hemminger pointed out that the public would be able to send comments in for 24 more hours. The Council would vote on the rezoning at its June 24, 2020 meeting, she said.

A motion was made by Council Member Huynh, seconded by Council Member Stegman, to close the public hearing. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 1:14 a.m.