



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, September 1, 2021

7:00 PM

Virtual Meeting

Language Access Statement

For interpretation or translation services, call 919-969-5105.

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Para servicios de interpretación o traducción, llame al 919-969-5105.

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919-969-5105.

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/webinar/register/WN_Zr6AnTB8SUmM2DottbHknw After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 820 5489 5454

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

Roll Call

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

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, Principal Planner Corey Liles, Manager of Engineering & Infrastructure Chris Roberts, Senior Engineer Sue Burke, Planner II Becky McDonnell, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director and Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. She said that meetings would remain virtual through the end of September, and maybe longer, depending on the number of positive COVID-19 tests in the area.

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Video: Visitors Bureau: Just Do You.

[\[21-0679\]](#)

The Council watched a video produced by the Visitors Bureau, which showed the many ways that people could find or lose themselves in Town through music, dining, golf, biking, shopping, the arts, and more.

0.02 Mayor Hemminger Regarding September as Emergency Preparedness Month.

[\[21-0680\]](#)

Mayor Hemminger said that Chapel Hill was sending thoughts and prayers to communities along the Louisiana Coast that had recently been clobbered by Hurricane Ida. She pointed out that hurricane season was not yet over and that everyone should remain prepared. Residents should watch the Town's social media and "Orange County Alerts" for related information, she said.

0.03 Mayor Hemminger Regarding COVID Precautions at UNC.

[\[21-0681\]](#)

Mayor Hemminger discussed a letter that she and U.S. Representative David Price had sent to the University of North Carolina at Chapel Hill (UNC-CH) recommending a mask mandate for large gatherings such as football games, even if they are held outdoors. She said that the first home game would be on September 11th and that UNC-CH officials understood the ramifications of having 50,000 people together in one place. All options were on the table for further discussion, she said.

0.04 Mayor Hemminger Regarding Upcoming Meetings.

[\[21-0682\]](#)

Mayor Hemminger pointed out that upcoming meetings had been listed on the Town Calendar. She noted that one regarding the Glen Lennox Development Agreement would occur on September 2nd and that a public

forum to share information on the Lower Booker Creek Sub-Watershed Plan would be on September 13th.

0.05 Mayor Hemminger Regarding MPO Support for Vision Zero.

[\[21-0683\]](#)

Mayor Hemminger reported on a Metropolitan Planning Organization (MPO) discussion about transportation in the face of climate change. She said that MPO members had discussed the need for more multi-modal transportation and had talked about "Vision Zero", which she would explain at a future Council meeting. She said that more than nine-million pounds of litter had been removed from local waterways in spring 2021. People could volunteer for "Clean Sweep" in mid-September by going to a link on the Town's website, 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.

1. Laurin Easthom Request Regarding Gun Use Regulation on Land Owned by Multiple Jurisdictions.

[\[21-0649\]](#)

2. Joe Patterson Request for Modifications to the Town of Chapel Hill Noise Control Code.

[\[21-0650\]](#)

Joe Patterson, a Chapel Hill resident, summarized his petition regarding unsupervised crowds creating noise in his neighborhood. He said that Town staff had not made an effort to monitor or control such events despite his begging them for years to fix the defect in the Noise Ordinance. Owners and managers at Lark student apartments had chosen not to control the noise and violations would continue unless the Noise Ordinance was modified to hold those individuals accountable, he said. He said that prohibiting use of Lark's common areas might get their attention.

3. Tamra Finn Request to Amend Town Code to Permit Golf Cart Use on Neighborhood Streets.

[\[21-0651\]](#)

Tamra Finn, a Chapel Hill resident, explained her petition to allow golf carts on neighborhood streets. She said that the State of North Carolina had given approval but that each town or county must pass a related amendment. Such transportation would be safer and healthier than cars and requiring permits would bring revenue to the Town, she said.

Mayor Hemminger commented that there was some precedent for this in Town. She said that the police chief would investigate the requirements.

A motion was made by Council Member Ryan, seconded by Council Member Anderson, to receive and refer all of the petitions to the Manager and Mayor. The motion carried by a unanimous vote.

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 Mayor pro tem Parker, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

4. Approve all Consent Agenda Items. [\[21-0652\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Enact the Annual Budget Ordinance Amendment to Re-appropriate Funds for Prior Year Encumbrances and Other Commitments. [\[21-0653\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
6. Award the Same Pay Increase Approved for all Employees to the Town Manager. [\[21-0654\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
7. Receive and Approve the 2021-2022 Annual Percent for Art Plan. [\[21-0655\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
8. Amend Chapter 21 of the Town Code of Ordinances for On-Street Parking Regulations on Longview Street. [\[21-0656\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
9. Approve Council Naming Committee Recommendation for [\[21-0657\]](#)

Peace and Justice Plaza.

Mayor Hemminger said that the names of Reverend Robert Seymour and former Council Member Edith Wiggins would be added.

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

10. Approve a Request for Wayfinding Signage Plans Required by Glen Lennox Development Agreement. [\[21-0658\]](#)

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

11. Call a Legislative Hearing for a Land Use Management Ordinance Text Amendment to Section 3.11, Blue Hill Form District, Regarding Short-Term Rental Standards on September 22, 2021. [\[21-0659\]](#)

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

12. Call a Legislative Hearing for Land Use Management Ordinance Text Amendments - Proposed Changes to Sections 4.4 Zoning Amendments, 4.5 Special Use Permits, 4.7 Site Plan Review, and 4.8 Master Land Use Plan Related to Extending the Time Extension Periods Granted by the Town Manager on September 22, 2021. [\[21-0660\]](#)

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

INFORMATION

13. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0661\]](#)

This item was received as presented.

DISCUSSION

SPECIAL USE PERMIT

Special Use Permit: The Application for a Special Use Permit is Quasi-Judicial. Persons wishing to speak are required to take an oath before providing factual evidence relevant to the proposed application.

Witnesses wishing to provide an opinion about technical or other specialized subjects should first establish that at the beginning of their testimony.

14. Close the Evidentiary Hearing and Consider a Limited Scope Special Use Permit Modification -Tri-City Medical Office [\[21-0662\]](#)

Building, 5002 Barbee Chapel Road.

Mayor Hemminger explained that this item was merely for extending the construction date. She confirmed with Council Members that they did not need to see the staff presentation again.

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

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that R-8 be adopted. The motion carried by a unanimous vote.

ZONING ATLAS AMENDMENT

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

- 15.** On-going Legislative Hearing for Conditional Zoning -
Residence Inn and Summit Place Townhomes, 101-111 Erwin
Road, Mixed Use-Village-Conditional Zoning District.

[\[21-0663\]](#)

Planner Becky McDonnell gave a PowerPoint presentation on the continuation of a Conditional Zoning application hearing for Residence Inn and Summit Place Townhomes. She provided an update on all that had transpired since June regarding the 17-acre site on Erwin Road. She explained that the site was zoned Residential-3, Conditional Zoning, and Residential-2 and that the applicant was proposing a change to Mixed Use Village Conditional Zoning District. That change would allow the applicant to construct 52 townhouses and 54 additional hotel rooms on the site, she said.

Ms. McDonnell showed the site plan and described existing conditions. She said that the applicant, Summit Hospitality Group LLC, had requested two modifications: to increase the maximum number of allowed parking spaces; and to permit a greater steep slope disturbance than the Town normally allowed.

Ms. McDonnell said that changes since a June public hearing included a substantial increase in the buffer between the proposed development and Summerfield Crossing, an update regarding recreational space, additional measures to increase stormwater capacity, a more detailed tree and topographic survey, and minor changes that would reduce impervious surface.

Ms. McDonnell said that Summit Hospitality was planning to complete

additional studies in the next couple of weeks regarding a swale between it and Summerfield Crossing. She recommended that the Council recess the public hearing to October 13, 2021.

Designer Scott Radway, representing Summit Hospitality Group LLC, described his recent conversations with staff, neighbors and others. He expanded upon the changes that Ms. McDonnell had outlined and explained how Summit's proposal related to Land Use Management Ordinance (LUMO) standards regarding buffers and building set-backs. He showed three potential areas for stormwater discharge and discussed the flow rates and potential capacity of each.

Mayor Hemminger said that she had met with several nearby homeowners and had seen where the stormwater currently flowed downhill toward Summerfield Crossing. She confirmed with Stormwater Engineer Sue Burke that both staff and the Stormwater Advisory Board had been talking with Mr. Radway about potentially creating a swale that would divert water away from that neighborhood while continuing to provide screening.

Mayor pro tem Parker asked what the alternative would be if a swale were not feasible, and Ms. McDonnell offered to talk with staff about other possible options.

Council Member Gu expressed concern about the amount of steep slope disturbance, the proposed increase in the amount of impervious surface, and the removal of a pond.

Mr. Radway replied that total impervious surface for the two pieces of property would be 35 percent, which was substantially lower than what would be allowed in Residential and Mixed-Use Village districts. He said that all of the slopes were man-made and that the pond was just something that had been created for farm animals 40-50 years ago.

Mr. Radway said that about 60 percent of stormwater currently flowed from the site straight into Summerfield Crossing without any collection, management, or treatment. With Summit's proposal, stormwater would go into a retention control basin from which the speed of discharge would be dramatically lower, he said.

The Council verified with Ms. McDonnell that staff was working toward a compromise on a Dobbins Road easement and would bring a condition related to that to the October 13 meeting. They discussed tree and parking requirements with Ms. McDonnell and confirmed with Mr. Radway that the pond would be landscaped, but not as an amenity.

Council Member Ryan characterized not making the pond into an amenity as a lost opportunity. She confirmed with Mr. Radway that the

townhomes' front doors would be about 35 feet from the curb at Erwin Road. She verified that the price for market rate townhomes was currently between \$495,000 and \$695,000.

Council Member Stegman verified that the seven affordable units would all have two bedrooms. She confirmed with Ms. McDonnell that the Town's Inclusionary Zoning Ordinance required that the number of bedrooms be in approximately the same proportion as the market rate units.

At the Council's request, Mr. Radway described the proposed recreational space, which would include a hard surface active area, a softer surface play area, and a payment in lieu. He said that there would be benches and other places for people to sit and that none of the recreational areas would be illuminated at night.

The Council asked about proposed "dual purpose" parking, and Mr. Radway explained how some of the visitor parking spaces would be used for recycling pick-up one day a week.

Harvey Krasny, a Summerfield Crossing resident, said that the applicant was trying to remove stipulations that a previous Council had put in place to protect the residential neighborhood from Summit's expansion. He questioned the need for more hotel rooms and said that increasing the density with the townhomes was an inappropriate use of the land and would lead to overcrowding and additional stormwater issues.

Michael Hoppe, Rebecca Smith, Carol Hoppe and Emily Johnson, Windover Drive residents, expressed concerns about traffic, density, building height, and stormwater issues. Ms. Smith noted that residents had sent the Town a petition with 50 signatures expressing those concerns. Ms. Hoppe said that additional cars from the proposed development would increase the danger for pedestrians on Erwin Road.

Ivy Belsky and Linda Brown, Woodbridge Lane residents, described the stormwater issues that they had experienced and expressed support for constructing a swale. Ms. Brown said that a swale would handle at least 85 percent of the stormwater originating from the new development.

The Council said that the swale, stormwater plan, buffer improvements and townhomes were all in keeping with the Future Land-Use Map. Some Council Members raised concerns about insufficient connectivity and mobility, and the requested number of parking spaces. They asked for more clarity on potential traffic impacts. Council Member Buansi asked for information on the NC Department of Environmental Quality's evaluation of the pond and dam.

Council Member Stegman proposed a lower price point, noting that "the

missing middle" represented a lower range. Council Member Buansi asked for changes that would ensure a mix of layouts for the affordable units.

Council Member Ryan expressed concern about the townhomes' front doors facing Erwin Road and the site's internal circulation leaving so little outdoor space around people's homes. Council Member Gu said that she continued to have questions about traffic, connectivity and stormwater.

Mayor Hemminger asked the applicant to return with specifics on the length and location of the swale. She pointed out that having a side-path would be important for connectivity. She said that the proposal was better than others that the Council had seen for the area but that the applicant definitely needed to address the sidewalk and visibility issues.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that the Legislative Hearing be recessed to October 13, 2021. The motion carried by a unanimous vote. Council Member Anderson did not vote.

CONTINUED DISCUSSION

16. Consider Enacting Changes to the Town Noise Ordinance to Clarify Criminal Penalties.

[\[21-0664\]](#)

Town Manager Maurice Jones requested Council approval to amend the Noise Ordinance regarding violators who refuse to end offending noisy behavior. He described a recent situation in which party-goers had not been deterred by a \$500 fine. The amendment would allow criminal penalties as a last resort to end such violations, he said.

Mayor pro tem Parker asked about closing an establishment that did not comply. Town Attorney Ann Anderson replied that the proposed changes would allow the Town to get a court injunction or order of abatement under some circumstances. In most cases, that would be accompanied by some right of the Town to do what was necessary to make the noise stop, she said.

Council Member Buansi confirmed with Mr. Jones that police protocol would be clear and that the Chapel Hill Police Department would establish policy guidelines in consultation with the Town Attorney's Office. Mayor Hemminger emphasized that police officers would always give warnings and that additional steps would be taken only if the situation were not remedied.

The Council confirmed that criminal penalties would initially be \$25 but could increase to \$500 and that penalties could include jail time. Staff believed that the threat of criminal charges would be more of a deterrent than financial penalties alone, Mr. Jones said. He pointed out that the

Town had traditionally used a diversion program rather than sending people to jail.

Council Members confirmed with Mr. Jones that UNC-CH had been working closely with the Town to address noise and other nuisance issues caused by students. They verified that the Town would be able to keep track of repeat offenders.

Mayor Hemminger pointed out that music at a recent party had been so loud that the windows in neighboring houses had rattled. She said that the offenders had offered to write a check when police officers arrived. The proposed changes would strengthen the rules regarding noise at such large parties, she said.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that O-3 be enacted. The motion carried by a unanimous vote.

- 17. Authorize the Stormwater Management Utility Advisory Board to Review Qualifying Concept Plans.**

[\[21-0665\]](#)

Stormwater Engineer Sue Burke spoke about an October 2020 petition from the Stormwater Management Utility Advisory Board (Board) asking that it be allowed to provide input during concept plan reviews of sites that were five or more acres or contained Resource Conservation District (RCD). The Council had referred that request to the Committee on Boards and Commissions, which had recommended Council action, she said.

Ms. Burke explained that the Board was not requesting a change to its charter but merely seeking a way to provide more effective, timely and meaningful feedback to applicants and the Council. She outlined past and current processes and said that Board input typically occurred so far into the process that it was often too late for meaningful recommendations. Resolution 10 would authorize the Board to provide input before a formal application is made, she said.

In response to Council questions, Ms. Burke said that having earlier input from the Board would be helpful to the Council even if Town stormwater staff were able to provide earlier comments as well. The Board could go beyond staff's role of looking only at how plans do or do not meet Town regulations, she explained.

Council Member Gu asked if the Council might want the Board's opinion on the impact of stormwater on neighboring properties. Ms. Burke replied that Town regulations did not allow increases in the peak flow rate from a site onto adjacent properties. In recent years, the Council had asked the Board for input regarding larger sites and RCD encroachment, so that seemed like a good starting point and it meant that the Board would not be looking at every concept plan, she said.

The Council confirmed with Ms. Burke that the Board would look at plans that include the RCD, regardless of whether or not encroachment were being proposed. They confirmed that the proposed review would replace doing the traditional later one. Ms. Burke said that the Council would be able to more easily balance competing interests if it had more information earlier in the review process.

The Mayor and Council said that getting earlier Board input would be valuable for them and applicants, and they thanked the Board for the offer. They cautioned against making the process more expensive, however, and Mayor pro tem Parker proposed checking during the Land-Use Management Ordinance (LUMO) rewrite process to make sure that it was working well.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that R-10 be adopted. The motion carried by a unanimous vote.

- 18.** Open the Legislative Hearing for a Land Use Management Ordinance Text Amendment to Section 8.5 Revising Rules of the Community Design Commission.

[\[21-0666\]](#)

Principal Planner Cory Liles outlined a proposal to consider revising Community Design Commission (CDC) rules. He said that the CDC had submitted a petition in February, which the Council Committee on Boards and Commissions thought warranted Council consideration. Staff had begun in March to develop a LUMO text amendment. The current hearing would address the final steps in that process, he said.

Mr. Liles explained that the CDC wanted to reduce its nine-member requirement because having nine members meant that five must be present for a quorum and five must concur to take a formal action. He pointed out that there were currently three vacancies, and he discussed the time and effort required to recruit from a limited pool of people with design expertise. Having only six active members meant having to reschedule if more than one person does not attend a meeting and actions on formal applications cannot pass if more than one person does not vote in favor, he pointed out.

Mr. Liles outlined the CDC's recommendation to reduce its number of members to seven, with quorum set at a simple majority of all seats. Staff was also proposing that the Council consider moving the rules out of the LUMO and into the Advisory Board Membership Policy, he said. He recommended that the Council open the public hearing and receive comments, and said that the Planning Commission's recommendation would be included when the hearing continued on October 13, 2021.

Mayor Hemminger pointed out that the CDC was one of the gatekeepers

for Blue Hill District applications. It was important to have people there who could review those and have a quorum, she said.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, to recess the Legislative Hearing to October 13, 2021. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 9:30 p.m.