



# TOWN OF CHAPEL HILL

## Town Council

### Meeting Minutes - Final

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

Mayor Jessica Anderson  
Mayor pro tem Amy Ryan  
Council Member Camille Berry  
Council Member Melissa McCullough  
Council Member Paris Miller-Foushee

Council Member Theodore Nollert  
Council Member Adam Searing  
Council Member Elizabeth Sharp  
Council Member Karen Stegman

Wednesday, June 12, 2024

6:00 PM

RM 110 | Council Chamber

#### 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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#### In-Person Meeting Notification

View the Meeting

- View and participate in the Council Chamber.
- Live stream the meeting - <https://chapelhill.legistar.com/Calendar.aspx>
- Spectrum is replacing 1998 encoder that transmits programming to cable channel 18. It remains offline until complete.
- The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council meetings.
- Participate in a voluntary demographic survey before viewing online or in person - <https://www.townofchapelhill.org/demosurvey>

#### Parking

- Parking is available at Town Hall lots and the lot at Stephens Street and Martin Luther King Jr. Boulevard.
- See <http://www.parkonthehill.com> for other public lots on Rosemary Street
- Town Hall is served by NS route and T route, and GoTriangle Routes of Chapel Hill Transit.

#### Entry and Speakers

- Entrance on the ground floor.
- Sign up at the meeting starting at 5:30 PM with the Town Clerk to speak.
- If more than 14 people sign up for an item, Council will reduce speaking time from 3 minutes to 2 min./person.
- Please do not bring signs.

### ROLL CALL

**Present:** 8 - Mayor Jessica Anderson, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Adam Searing, Council Member Karen Stegman, Council Member Theodore Nollert, Council Member Melissa McCullough, and Council Member Elizabeth Sharp

**Absent:** 1 - Mayor pro tem Amy Ryan

### OTHER ATTENDEES

Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Town Attorney Ann Anderson, Executive Director for Strategic Communications and Marketing Susan Brown, Business Management Director Amy Oland, Planning Director Britany Waddell, Senior Planner Katherine Shor, Police Officer Johnnie Britt, Police Chief Celisa Lehew, Chief of Staff Jeanne Brown, and Deputy Town Clerk Amy Harvey.

### OPENING

Mayor Jessica Anderson called the meeting to order at 6:00 pm. She reviewed the agenda and pointed out that Item #10 had been postponed. Mayor pro tem Ryan was absent due to a death in her family.

### ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Anderson Regarding the Opening of Estes Drive.

[\[24-0374\]](#)

Mayor Anderson said that a newly redesigned Estes Drive would prioritize people rather than cars and represented a big step toward having a more connected and accessible Town. She thanked Town staff for their hard work and community members for their patience during construction.

0.02 Mayor Anderson Regarding Juneteenth Celebration.

[\[24-0375\]](#)

Mayor Anderson said that everyone was invited to a Juneteenth celebration of Black community and culture at the Hargraves Community Center on June 16th from 2:00-6:00 p.m.

0.03 Mayor Anderson Regarding June 17th Council Meeting.

[\[24-0376\]](#)

Mayor Anderson reminded Council Members that they would meet at 6:00 p.m. on Monday June 17th, rather than Wednesday of that week.

**0.04 Council Member Berry Regarding Diamond Heels.**[\[24-0377\]](#)

Council Member Berry expressed support for the UNC Diamond Heels baseball team, which would be competing against the Virginia Cavaliers in the College World Series on June 14th.

**0.05 Council Member Stegman Congratulates Recent High School Graduates.**[\[24-0378\]](#)

Council Member Stegman congratulated Chapel Hill's graduating high school seniors for their accomplishment, especially after having to confront the COVID-19 pandemic.

**PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS**

Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions to Council webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.

**0.06 Laurie Paolicelli Regarding Upcoming Soccer Matches.**[\[24-0379\]](#)

Orange County Tourism Director Laurie Paolicelli said that tourism in Chapel Hill had grown by 12 percent over the last year and was back on track following the COVID-19 pandemic. She said that Downtown businesses had been gearing up for a big European soccer match at Kenan Stadium on June 23rd. A free trolley would run continually between Chapel Hill and Carrboro from 1:00p.m. to 9:00 p.m. on June 22, 23 and 24, she said.

Ms. Paolicelli also mentioned that a popular Amazon show, called "The Summer I Turned Pretty", would be shooting in Chapel Hill on July 8th and was looking for extras.

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 Council Member Berry, seconded by Council Member McCullough, that R-1 be adopted as amended without item 6 and 7, which approved the Consent Agenda. The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[24-0334\]](#)

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

2. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2023-24. [\[24-0335\]](#)

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

3. Revised Memorandum of Understanding (MOU) for the Orange County Partnership to End Homelessness (OCPEH) [\[24-0336\]](#)

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

4. Approve the 2024-2025 HOME Investment Partnership Program Annual Plan. [\[24-0337\]](#)

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

5. Adopt a Calendar of Council Meetings through December 2024. [\[24-0338\]](#)

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

6. Adopt the Recommended 2024-2025 Community Development Block Grant Annual Action Plan. [\[24-0339\]](#)

Mayor Anderson pointed out that the Council would need to vote on Items 6 and 7 separately because those pertained to funding awards to the InterFaith Council and Porch Chapel Hill/Carrboro. Council Member Miller-Foushee would need to recuse herself from those votes because of her affiliation with the InterFaith Council, she said.

A motion was made by Council Member Stegman, seconded by Council Member Berry, that the Council recuse Council Member Miller-Foushee from item 6 and 7. The motion carried by a unanimous vote.

A motion was made by Council Member Berry, seconded by Council Member McCullough, that the Council adopt R-5. The motion carried by the following vote:

**Aye:** 7 - Mayor Anderson, Council Member Berry, Council Member Searing, Council Member Stegman, Council Member Nollert, Council Member McCullough, and Council Member Sharp

**Absent:** 1 - Mayor pro tem Ryan

**Recused:** 1 - Council Member Miller-Foushee

A motion was made by Council Member Berry, seconded by Council Member McCullough, that the Council enact O-5. The motion carried by a unanimous vote.

**Aye:** 7 - Mayor Anderson, Council Member Berry, Council Member Searing, Council Member Stegman, Council Member Nollert, Council Member McCullough, and Council Member Sharp

**Absent:** 1 - Mayor pro tem Ryan

**Recused:** 1 - Council Member Miller-Foushee

7. Consider Approving the Recommended Funding Plan for Human Services Agencies.

[\[24-0340\]](#)

A motion was made by Council Member Berry, seconded by Council Member McCullough, that the Council adopted R-6. The motion carried by the following vote:

**Aye:** 7 - Mayor Anderson, Council Member Berry, Council Member Searing, Council Member Stegman, Council Member Nollert, Council Member McCullough, and Council Member Sharp

**Absent:** 1 - Mayor pro tem Ryan

**Recused:** 1 - Council Member Miller-Foushee

## **DISCUSSION**

### *CONCEPT PLAN REVIEW(S)*

Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal

consideration.

As a courtesy to others, people speaking on an agenda item are normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.

**8. Concept Plan Review: Old Chapel Hill Road Apartments, 11 North White Oak Drive.**

**[24-0341]**

Senior Planner Katherine Shor introduced a concept plan for Old Chapel Hill Road Apartments, which would be located in Parkline East Village at Old Chapel Hill Road and White Oak Drive. The property was in Durham County but within Chapel Hill's planning jurisdiction and the concept plan was before the Council because it included more than 50 dwelling units, she said.

Ms. Shor showed the proposed project area on the map and described how it would fit in with two other projects that had already been approved for Parkline East Village. The site was in Sub-Area A of the North 15-501 Focus Area, which included typical building heights of up to four stories and allowed primary and secondary uses, she said.

Ms. Shor discussed Complete Community goals that inform staff reviews and said that Urban Designer Brian Peterson's comments on the concept plan were in the Council's packets. She said that adopting Resolution 7 would transmit comments to the developer and that any Conditional Zoning District application from the developer would need to include a response to those.

Ben Stevens, Director of Development Standards with ZOM Living, described ZOM's corporate objectives and showed examples of their work.

Jessica Hardesty, a project planner with McAdams Engineering, described the proposed four-parcel project, which would be built on an 11.6-acre site that included an ephemeral stream through the middle of the property. She described a plan that was focused on creating walk patterns, connecting green spaces, placing buildings along the edges of the two main roads, and providing multi-use trails and a greenway corridor throughout.

Susana Dancy, managing partner with Rockwood Development Group, said that the concept plan had been designed to connect internal streets and create places and include a green corridor. The current concept was for three to five buildings of varying heights that would include approximately 360 apartments made up of studios, 1-bedroom, 2-bedroom and

3-bedroom units, she said.

Ms. Dancy indicated where a strong, east-west corridor would be located along the creek. She said that the plan included multiple north-south pathways throughout. She showed a layout with one four-story and two five-story buildings, but asked for feedback on whether six-story buildings would be acceptable. She also asked where on the property the Town would want to see more height and/or density located.

Ms. Dancy said that the development team was committed to achieving National Green Building Standard and Green Globe certifications. She said that they could provide 10 percent affordable housing for residents making 80 percent of the area median income. She explained that some nearby residents felt attached to a historic gas station/market that was located on the property, and she asked for Council feedback on whether to incorporate that into the project or maybe move it.

Council Member Nollert asked about trade-offs regarding affordable housing, and Ms. Dancy replied that costs -- such as sustainability features, tree caliper requirements, or permeable pavement -- could be among those. Council Members confirmed that the rental apartments might range in size from 500 to 1600 square feet, and that there might be some townhomes as well. ZOM Living was not a "for sale" developer, Mr. Stevens said.

The Council asked about outdoor recreation space for children, and Mr. Stevens indicated potential areas for that on the plan. The Council confirmed that the development team intended to preserve as much tree canopy as possible. When asked what would be unique about the project, Seth Avant, Senior Vice President with ZOM, replied that it would be a very high-end project with various typologies, ample green space, and buildings that turn toward the creek. It was early in the process, but there was an opportunity to create almost three different sites at one location, he said.

Council Member Searing asked the applicant to respond to Urban Designer Brian Peterson's recommendation to scale down the four-story building on Old Chapel Hill Road. Ms. Dancy replied that she would like to "gently suggest" that considering what had already been approved, such as a five-story building to the site's immediate east.

Mayor Anderson commented that she had understood Mr. Peterson's recommendation to mean articulating the building in a way that would make it appear shorter. She confirmed that the development team saw the northern half of the site as the best location for a six-story building, if allowed. Ms. Shor interjected that it was too early in the process for staff to address that idea without reviewing the plan further.

The Council confirmed that the plan included sidewalk and street trees. Mayor Anderson and Ms. Dancy discussed how the intermittent stream was not exactly a babbling brook but would contain water at times. The plan was to have that stream become a preserved tree area that would include shaded trails, Ms. Dancy said.

Mayor Anderson confirmed with Ms. Hardesty that being able to acquire one additional parcel would lead to a more cohesive development. If acquired, that parcel probably would include multi-family units or townhomes and some form of greenspace, Ms. Hardesty said.

Mayor Anderson asked about the possibility of having some commercial or retail space on a corner -- or perhaps some flexible space that could be transitioned to commercial in the future. Mr. Stevens replied that ZOM Living had developed projects that included co-working spaces along their frontages.

Chapel Hill resident Charles Berlin expressed concern about building height and massing along Old Chapel Hill Road. He recommended turning the building 90 degrees clockwise and dropping the frontage to three stories.

Chapel Hill resident Michelle Hutchison described the current difficulties of walking along Old Chapel Hill Road and making left turns out of White Oak Drive. She asked for a pedestrian crossing and a traffic light or roundabout in that area and requested more information about plans to replace trees and treat the stream.

Arborist Adam Smith, a Parks and Recreation Department employee, warned that most trees die immediately or in the years following new construction. He urged the Council to do something to stop that from continuing to happen in Chapel Hill.

Chapel Hill resident Mimi Reid spoke about the effects of tree loss on human health and energy costs. She said that parking decks and garages were less harmful to the environment than paved parking lots were.

Chapel Hill resident Doris Smith urged Town staff to include neighbors in the planning process and welcome their opinions.

The Council's comments were generally favorable, and Mayor Anderson said that the project had a lot of promise. Council Members agreed that density was needed in order to minimize the environmental effects of past sprawl. Some Council Members expressed a preference for stepping frontages back from the road, but they deferred to Urban Designer Brian Peterson's expertise regarding that.



Several Council Members spoke in favor of preserving the historic store/gas station and creating a commercial/retail space or maybe a greenspace amenity at that location. Mayor Anderson said that having a retail component at that spot would be a "huge win" for the Town, but she and other Council Members asked the developer to provide more information regarding options and trade-offs.

The Council encouraged the applicant to save functional trees, add stronger ones, and have a plan for protecting all trees. They pointed out that having meaningful tree canopy, shade, and greenspace was a Town value.

Council Member McCullough said that the project seemed aimed at a luxury market but that it might relieve some pressure on single-family neighborhoods. Council Member Searing expressed a preference for townhomes, and Mayor Anderson agreed, "the more townhomes the better". Council Member Sharp noted that being able to put townhomes on an additional "undecided" parcel would help to blend the project into the adjacent one.

The Council urged the applicant to listen to all of Mr. Peterson's recommendations regarding height, massing, parking, gateway elements, location of density, street frontages, and coordination with the other projects regarding the greenway trail.

Council Members emphasized the importance of connectivity throughout the site and to the larger surrounding area. Several said that they wanted to see less parking, and Council Member Nollert asked the developer to return with their lowest possible parking ratio.

Council Member Miller-Foushee asked the applicant to present an affordable housing plan that was closer to 15 percent. Council Member Sharp said that she was okay with 10 percent and Council Member Nollert asked the developer to return with an explanation for that number. Council Member Stegman requested a better affordable housing plan and pointed out that having more smaller units would at least provide some affordability. Council Member Berry emphasized the importance of having the affordable and market rate units be comparable in style and size.

Mayor Anderson said that she was not familiar with the environmental certifications that Ms. Dancy had mentioned. However, the Town often allowed developers to meet such standards without obtaining the actual certificates in order to put that money toward other project components, she said.

A motion was made by Council Member Berry, seconded by Council Member

Miller-Foushee, that the Council adopt R-7. The motion carried by a unanimous vote.

### *CONTINUED DISCUSSION*

#### **9. Open a public hearing for building lease**

[\[24-0342\]](#)

Deputy Town Manager Mary Jane Nirdlinger reminded the Council that it had authorized the Manager to lease temporary space for the Chapel Hill Police Department (CHPD) while continuing to search for a permanent location. She said that 58,000 square feet of space, which had become available in a new building on Millhouse Road, would be a good location.

Ms. Nirdlinger said that first year rent at the Millhouse Road building would be \$1.3 million, which was within the Town's capacity. She said that a proposed 15-year lease would provide adequate time for the Town to find a permanent space. If the Council chose to proceed with the lease, the Local Government Commission would need to review its terms, she pointed out.

CHPD Chief Celisa Lehew reported that the current, 42-year-old PD building was in significant disrepair and was compromising employees' health and safety. She presented slides that showed leaks, mold, mildew, rot, failing toilets, and a failing HVAC system. She said that the 7300 Millhouse Road building would be a safe, sustainable, functional, accessible and welcoming location.

Ms. Nirdlinger recommended that the Council adopt Resolution 8, which would open and close the public hearing. The Town would then need to make findings of fact in support of a June 17th application to the Local Government Commission (LGC) to authorize the Town Manager to take the necessary steps to execute the lease, she said. She said that a ribbon cutting for the new location would likely occur about eight months after the lease had been signed.

Council Member Searing asked about the LGC process, and Attorney Bob Jessup, the Town's outside bond counsel, said that the point would be to ensure that the Town understands and can afford the lease. The LGC had no substantial concerns about the Town of Chapel Hill's ability to do so, he said.

In response to a question from the Council about the long-term solution for the CHPD, Town Manager Chis Blue said that staff would continue to look for a permanent location and would keep the Council apprised of those efforts.

Mayor Anderson said that the item would be on the Council's June 17,

2024, Consent Agenda for approval.

A motion was made by Council Member Berry, seconded by Council Member Miller-Foushee, that the Council adopted R-8, which opened the public hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Stegman, seconded by Council Member Berry, that the Council closed the public hearing. The motion carried by a unanimous vote.

**10. Boards & Commissions Assessment**

**[\[24-0343\]](#)**

This matter was deferred.

**REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS**

A motion was made by Council Member Stegman, seconded by Council Member Miller-Foushee, that the Council entered into closed session as authorized by General Statute Section 143-318.11(a)(6) to discuss a personnel matter and North Carolina General Statute 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. The motion carried by a unanimous vote.

**ADJOURNMENT**

The council recessed the meeting at 8:17 p.m. and adjourned the meeting at the conclusion of the closed session.