



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Draft

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

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, October 20, 2021 6:30 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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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_8gPzysglR-WtYKWz27wgqg 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 3081 0112

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, Parks and Recreation Director Phil Fleischmann, Park Maintenance Superintendent Kevin Robinson, Public Works Director Lance Norris, Stormwater Engineer Mary Beth Meumann, Community Education Coordinator Sammy Bauer, Manager of Engineering and Infrastructure Chris Roberts, Senior Engineer Ernest Odei-Larbi, Stormwater Analyst Allison Weakley, Communications and Public Affairs Director and Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the meeting at 6:30 p.m. and reviewed the agenda.

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Upcoming Petition to Have Staff Investigate TOCH Taking Over Downtown Franklin St. from NC DOT. [\[21-0805\]](#)

Mayor Hemminger told the Council about an anticipated petition from the Downtown Partnership that would ask staff to investigate taking the downtown portion of Franklin Street back from the NC Department of Transportation, making that area a Town street would allow the Town to retain the expanded sidewalks and outdoor dining that had evolved during COVID-19, she said.

0.02 Mayor Hemminger Regarding Upcoming Festifall Arts and Crafts Market. [\[21-0806\]](#)

Mayor Hemminger pointed out that Festifall 2021 would begin on October 27th with a twilight street arts and crafts market from 4:00-8:00 p.m. at 140 West Plaza.

0.03 Mayor Hemminger Regarding Police Station Public Meeting. [\[21-0807\]](#)

Mayor Hemminger said that an October 25th public meeting regarding the Police Station site had been postponed. She would announce the new date once it had been set, she said.

0.04 Mayor Hemminger Regarding Food Bank volunteers. [\[21-0808\]](#)

Mayor Hemminger praised and thanked Housing and Community staff for distributing food from the Food Bank to more than 230 families that day. She noted that different Town teams had been helping each week to care for people in need.

0.05 Councilmember Huynh Regarding Empowerment Annual Fundraiser. [\[21-0809\]](#)

Council Member Huynh pointed out that EmPOWERment, Inc. would be holding its annual fundraiser/25th anniversary on October 23rd at Carrboro Town Commons from 2:00-5:00 p.m. Everyone was invited to join the festivities, he said.

AGENDA ITEMS

1. Community Splash Pad Update. [\[21-0791\]](#)

Parks and Recreation Director Phil Fleischmann gave a PowerPoint presentation that responded to a September 22, 2021, petition from the public. The petition, which included 860 signatures, had asked the Council to investigate building a splash pad (SP) in Town, he said. He pointed out that the 2013 Parks Comprehensive Plan had outlined the need for a SP, and he presented several options for adding such a water feature to the Parks system.

Mr. Fleischmann said that the general response to the idea had been overwhelmingly positive. Having a SP in Town could provide equity and build community, he pointed out. He said that the Friends of Parks and Recreation and the Parks Greenways and Recreation Commission were both supporting the idea and that the Commission had pointed out the potential of partially funding it from American Rescue Plan Act (ARPA) funding. A Splash Pad Work Group, which included Council Member Anderson and Parks and Recreation staff with technical expertise, had been exploring the options, he said.

Kate Sayer, the Chapel Hill resident who spearheaded the petition, presented an overview of the Splash Pad Work Group's findings. She said that having a SP in Town would add value and noted that various local stakeholders supported the idea. She said that the Work Group had discussed various possible locations and had agreed on the importance of having the SP be centrally-located, if possible.

Parks Maintenance Superintendent Kevin Robinson described a field trip that some Work Group members had taken to the towns of Burlington, Mebane, and Pittsboro to look at SPs located there. He described various features of each SP park and provided information on related costs. Staff was hoping to see SP parks in Thomasville and Sanford as well, he said.

Mr. Fleischmann said that development costs could range from \$400,000 to \$1-million, depending on the size, number of features, amount of site work required, and level of support facilities needed. The Work Group had identified possible preliminary Town locations -- such as, Southern Community Park, Homestead Park, and the AD Clark wading pool, he said. He explained that staff wanted to do further exploration and vetting

before recommending a location, however.

Mr. Fleischmann said that community engagement and input would be vital to the process. He asked the Council for feedback on the direction being taken before staff began to look more closely at locations, costs, and budgetary options.

The Council expressed unanimous support for the initiative and verified that staff would work closely with Business Manager Amy Oland to determine eligibility for ARPA funding. Council Member Huynh said that he appreciated the racial equity lens that had been applied to the plan and he encouraged staff to continue involving diverse stakeholders. Mayor pro tem Parker proposed that staff develop and present a work plan that includes major milestones for when things would likely come before the Council.

Council Members confirmed with Mr. Fleischmann that the 2013 Parks Plan indicated a need for a SP and that he thought the new master plan would do so as well. Several said that they preferred the idea of having more than one SP in Town. Some proposed looking at more naturalistic SPs, and Council Member Ryan noted the popularity of a creek play area at the Museum of Life and Science.

The Council recommended that staff look for grants and find out if any current or future developers might want to be involved. The Council encouraged staff to talk with representatives from the Rena Community Center about their interest in having a SP located there. Council Member Huynh confirmed with Mr. Fleischmann that Umstead Park could be analyzed as a potential location as well.

Council Members commented on the advantages of locating a SP where some infrastructure (rest rooms, a water source, and picnic shelters) already existed. Some cautioned about the need to anticipate safety issues, such as imbalanced chemicals and hot or slippery pavement. In response to a question from the Council, Mr. Robinson described the typical maintenance costs that would be included in an operating budget. The Council discussed whether the vision should be for a regional destination or just a local amenity.

Council Member Anderson, liaison to the SP Work Group, raised the idea of building a SP in an economic center, such as University Place or Carraway Village. She wondered if there was a way to partner with some entity that had parking and could share in construction costs, she said. She pointed out that it was currently the right time to start asking Orange County and others if they want to participate.

Mayor Hemminger said that she and the Council wanted staff to go "full speed" and return on December 1st with additional information regarding costs and locations. She liked the idea of having a central location with

parking that was accessible and nearby, she said, and she asked staff to investigate the possibility of having pop-up SPs.

Mayor Hemminger proposed that staff figure out the potential and cost of doing something at the Rena Center, but she pointed out that putting a SP there would require a special agreement with Orange County. She stressed the importance of focusing on locations where people do not normally have access to pools or other water resources. It was worth talking about a possible partnership with any developer that might be able to help, she said.

This item was received as presented.

2. Booker Creek Working Group Update.

[\[21-0792\]](#)

Booker Creek Working Group (WG) Co-chair John Morris gave a PowerPoint update on the group's composition and progress to date. He presented a draft mission statement and said that the WG's recommendations would be consistent with the goals of the Town's Stormwater Management Plan, Climate Action and Response Plan, and Strategic Plan. He said that those recommendations would reflect full consultation with those community members who had been affected by stormwater flooding.

Mr. Morris displayed a list of potential agenda topics. This included defining probable flood damages based on the locations of flooded structures and the amount of damage they incurred, he said. He said that the WG planned to obtain information on the community's actions and experience with green infrastructure -- such as swales, downspout disconnection, and rain gardens. He pointed out that flood reduction is most successful when it uses a variety of means -- such as dams, channel improvements, flood proofing, and elevated structures.

Mr. Morris said that the WG would evaluate ideas and create an agenda to move them forward. They would define what the WG would do versus what Town staff would do and establish the best connection between the two, he said. He proposed that the Town designate a particular staff member that the WG could contact regarding its efforts.

Mr. Morris said that the WG would make some general recommendations and then pass the ball back to the Town. He believed that the process would be relatively short, he said, and he asked the Council for feedback on the draft mission statement and proposed topics for future meetings.

Mayor Hemminger thanked the WG for developing ideas for a mission statement and framework, as she had requested. She proposed that they invite Eastwood Lake Association members to talk with them as well. She confirmed that Mr. Morris did not feel the WG was lacking expertise in any particular area. The WG was looking for outside experts who could speak to its agenda and help out in a temporary way, he said.

Mayor pro tem Parker proposed that the WG think through what actual goals it was trying to meet. He confirmed with Mr. Morris that the WG believed that recommendations developed for Booker Creek could be applicable to other parts of Town. He proposed that the WG nail down a methodology that could be applied in other situations and outline steps that staff could use to put that together.

Mayor pro tem Parker said he felt confused about the WG's request for a link with Town staff, since several staff members were WG members. Mr. Morris replied that the Council had called for a change in direction, in some respects, and had charged the WG with making pertinent recommendations. WG members thought the first step toward figuring out the right way to work constructively was to have a liaison who could help them connect with staff in the correct ways, he said.

Deputy Town Manager Loryn Clark named several staff members who sat on the WG. She said that she had recently discussed staff's role with the co-chairs and leadership team and believed they had arrived at a resolution. Staff had expertise that could be brought to the table, when appropriate, and would be available as a resource to the group as needed, she said.

Mayor pro tem Parker emphasized, however, that staff was not just a "resource". Staff members were the ones who knew where all the flooding problems were and what solutions had been used in the past, he pointed out. He said that staff needed to be working collaboratively with the WG.

Council Member Ryan explained that the WG structure had community members as core voting members. Staff was there in a support position, but was not part of the decision-making team, she said.

Council Members Stegman and Huynh said they agreed with Mayor pro tem Parker's comments. Mayor Hemminger said that she thought the objective could be met by determining a staff champion or finding a collaborative way to bring recommendations forward. She pointed out that the WG's facilitator, Maggie Chotas, was highly skilled and recommended that WG co-chairs work with staff to resolve the issues.

Council Member Gu emphasized the importance of having any new cost/benefit analysis be comprehensive, based on data, include simulations, and so forth. She asked if the WG had the capacity to do that, or if it expected to identify needs and hire someone else to do the analysis.

Mayor Hemminger replied that she and the WG should be able to put forward some recommendations and then staff would look at how to do a cost/benefit analysis based on those ideas.

Council Member Gu said that she wanted to hear about the impact of

additional development on the Town's stormwater mitigation plan, which could give Planning staff direction regarding standards for evaluating new projects in the future.

Council Member Stegman recommended that WG members address a very specific, time-bound piece of work that the Council had identified and not duplicate the Stormwater Board's efforts.

Council Member Ryan said she did not see a reason for the WG to do a watershed by watershed analysis. Focusing on Booker Creek would reveal best practices that could be used elsewhere, she said. Council Member Buansi recommended that the intention be about including a diversity of input, such as reaching out to those who live in public housing in the low-lying South Estes area.

Mayor Hemminger praised the WG for moving quickly and said she was looking forward to hearing more. She hoped that staff would answer the need and determine a contact person, she said. She commented on devices and ideas that were being used in other towns to reduce impervious surface and control stormwater. Some areas were using a mixture of street-calming devices and green infrastructure, hollowed out cul-de-sacs with trees planted in them, and other similar approaches, she said. She recommended that the WG learn about that and perhaps try out some of those ideas in Chapel Hill before bringing back a final report.

This item was received as presented.

3. Review of Town Stormwater Regulations. [\[21-0793\]](#)

Stormwater Engineer Mary Beth Meumann gave a PowerPoint presentation in response to a June 2021 Council petition that had requested a review of the Town's stormwater regulations in the context of climate change. She provided a detailed explanation of the impacts of stormwater runoff and reviewed state and local regulations that require developers to manage it before it leaves their properties.

Ms. Meumann explained how state laws put limitations on how local governments may implement stormwater regulations. She said that NC Session Law 2018-145 prohibited the Town from requiring stormwater control for existing impervious areas. Session Law 2013-395 prohibited local governments from implementing nutrient reduction rules intended to reduce pollution from new developments in the Jordan Lake Watershed, she said. She noted that a budget bill currently under consideration at the state level included multiple changes to 160-D that would limit the Town's authority and prohibit it from implementing stormwater regulations that exceed state requirements.

Ms. Meumann addressed how climate change would impact stormwater management goals. She listed the stormwater regulation objectives that were contained in the Town's Land Use Management Ordinance (LUMO)

and said that those and other requirements could benefit from more precise language. She reviewed some of the changes that might be made to regulations and recommended that the Town hire a qualified consultant to do a technical evaluation of those changes and of LUMO and Design Manual revisions.

Ms. Meumann asked the Council for feedback on whether having such a technical study lined up with its interests. If it did, then staff would return with a resolution for adoption at an upcoming Council meeting, she said. She pointed out that a standalone study to review and revise stormwater ordinances could cost about \$100,000. She said that the Council had requested a completed report by the end of 2022 and that \$24,000 had been allotted to that effort.

Ms. Meumann told the Council that Planning Director Colleen Willger had suggested pursuing the technical study as part of the LUMO rewrite contract. She said that Sustainability Officer John Richardson had suggested coordinating it with a Green Infrastructure Ordinance, under the Climate Action and Response Plan. If the Council were to approve a technical study, and a funding source were solidified, then staff would obtain a consultant and provide a progress report in early 2022 with the goal of having recommendations by the end of the year, she said.

All Council Members expressed enthusiastic support for proceeding with a technical study. Council Member Ryan pointed out that the Town was creating more stormwater runoff at the same time that it was spending money mitigating it and it needed to look at that conflict with more granularity. She was especially interested in learning what could be done to strengthen Resource Conservation District regulations, she said.

Council Member Anderson suggested finding a way to integrate the study into an already-funded project. She proposed that staff determine what those options would be, how long it would take, and what it would cost. She recommended that the eventual ordinance contain some mechanism that would allow it to be updated based on changing environmental conditions.

Mayor Hemminger pointed out that the Town did have a Stormwater Fee Fund. Mayor pro tem Parker said that the estimated cost was much lower than he had expected, and he cautioned against trying to "do it on the cheap". Stormwater was one of the Council's top issues, he pointed out. He raised the idea of moving some of that work out of the LUMO and putting it into policies or manuals that staff could more easily update as things change.

Council Member Stegman said that she felt wary of adding to the scope of a request for proposals that had already gone out for the LUMO. She emphasized the need to coordinate stormwater work with the Town's climate, green infrastructure, LUMO, and housing goals and to make sure

that those synergies indicated clearly in the scope.

Council Member Gu and Ms. Meumann discussed the validity of the criteria and assumptions used in studies. Council Member Gu requested that the technical study address the effects of climate change and that any evaluation of stormwater control measures address the impacts of extreme storms.

Ms. Meumann asked if the Council was open to a staged approach in which things that were more realistic for the short term would be implemented but other things would be coordinated with the LUMO rewrite because of their zoning implications. The Mayor and Council agreed with that approach, and Mayor Hemminger noted that there was Council support for possibly doing the study as a completely separate project and forming it into a technical document that the LUMO would reference. The LUMO rewrite would take time and the Council wanted to move expeditiously on the technical stormwater document, the Mayor said.

Robert Beasley, a Chapel Hill resident, expressed support for the Mayor's recommendation to move the technical document out of the LUMO. It would give the Council more flexibility to move quickly if things were to change in the future, he pointed out.

This item was received as presented.

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

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that the Council go into closed session, as authorized by General Statute 143-318.11(a)(6) to discuss a personnel matter, and as authorized by General Statute 143-318.11(a)(3) to protect the attorney-client privilege. At the conclusion of the closed session, the Council will adopt a single motion to end the closed session and adjourn the meeting without taking further action. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was recessed at 8:48 p.m., the Council went into a closed session and the meeting adjourned at the ended of the closed session.