



# TOWN OF CHAPEL HILL

## Town Council

### Meeting Minutes - Final

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

Mayor Pam Hemminger  
Mayor pro tem Karen Stegman  
Council Member Jessica Anderson  
Council Member Camille Berry  
Council Member Tai Huynh

Council Member Paris Miller-Foushee  
Council Member Michael Parker  
Council Member Amy Ryan  
Council Member Adam Searing

**Wednesday, March 9, 2022**

**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 Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council business meetings and work sessions. Please participate in a voluntary demographic survey <https://www.townofchapelhill.org/demosurvey> before accessing the Zoom webinar registration. After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 893 0458 7600

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

#### OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. She pointed out that Item 15 had been moved to March 23, 2022.

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

## Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Karen Stegman, Council Member Jessica Anderson, Council Member Camille Berry, Council Member Paris Miller-Foushee, Council Member Tai Huynh, Council Member Michael Parker, Council Member Amy Ryan, and Council Member Adam Searing

## Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Director of Affordable Housing and Community Connections Sarah Viñas, Manager of Engineering and Infrastructure Chris Roberts, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, and Deputy Town Clerk Amy Harvey.

## ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Future Council Meetings and CCES Meeting.

[\[22-0210\]](#)

Mayor Hemminger said that Council meetings would continue to be held virtually until at least the end of March. The Council Committee of Economic Sustainability's "First Friday" meetings would remain virtual in the future, she said.

0.02 Council Member Ryan Regarding Creek Week.

[\[22-0211\]](#)

Council Member Ryan read a proclamation for Creek Week (March 12-19) that encouraged community members to help pick up roadside trash and prevent it from ending up in local creeks. Information about related activities and events was on Orange County's "Creek Week" webpage, she said.

Mayor Hemminger pointed out that Durham County had collected more than 160,000 pounds of trash during a similar event. Preventing trash from entering creeks results in a cleaner watershed and healthier drinking water for all, she said.

0.03 Council Member Searing Regarding National Disability Employment Month.

[\[22-0212\]](#)

Council Member Searing read a proclamation for Employment Awareness Month that called on local employers, schools and other organizations to advance the message that people with disabilities add value and talent to workplaces and communities. He said that Employment Awareness Month had been created in 1945 to educate the public about employment

disability issues and to celebrate the contributions of disabled workers.

Mayor Hemminger pointed out that it was Traumatic Brain Injury Awareness Month as well. She said that more than 200,000 people in North Carolina had such brain injuries.

#### 0.04 Mayor Hemminger Regarding Severe Weather Preparedness.

[\[22-0213\]](#)

Mayor Hemminger said that the Town had posted information on its social media pages that would help people plan for severe weather. There were helpful links on the Town's emergency webpage, she pointed out, and she encouraged people to assess their situations and be prepared.

#### 0.05 Mayor Hemminger Regarding Advisory Board Applications.

[\[22-0214\]](#)

Mayor Hemminger pointed out that there were openings on Town advisory boards. She said that most seats did not require experience, and she encouraged residents to apply. Information was available on the Town website and at Town Hall, she said.

#### 0.06 Mayor Hemminger Regarding Retreat Session #2.

[\[22-0215\]](#)

Mayor Hemminger said that the second part of the Council's annual retreat would focus on strategic goals and be held on March 16, 2022 at 4:00 p.m. at the Rizzo Center. The next regular Council Meeting would be held virtually on March 23, 2022, 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. Wayne Pein Request to Reconstruct Estes Drive with Alternate Bicycle Facilities.

[\[22-0189\]](#)

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that these items be received and referred. The motion carried by a unanimous vote.

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2. Steve Moore Request for Protection of Old Chapel Hill Cemetery. [\[22-0190\]](#)

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

3. Approve all Consent Agenda Items. [\[22-0191\]](#)

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

4. Authorize the Town Manager to Execute a 2022 Amendment to the Interlocal Agreement with Orange County and Town of Carrboro Related to the Historic Rogers Road Area Private Sewer Service Lateral Connection Installation for Qualified Low-to- Moderate Income Homeowners Cost Share. [\[22-0192\]](#)

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

5. Call Legislative Hearing for Bicycle and Pedestrian Payments-In-Lieu Text Amendment on April 6, 2022. [\[22-0193\]](#)

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

6. Amend the 2021-22 Council Calendar. [\[22-0194\]](#)

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

7. Adopt Minutes from June 9 and August 30 and September 1, 22, and 29, 2021 Meetings. [\[22-0195\]](#)

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

### INFORMATION

8. Receive Upcoming Public Hearing Items and Petition Status List. [\[22-0196\]](#)

This item was received as presented.

9. Blue Hill Semiannual Report #15. [\[22-0197\]](#)

This item was received as presented.

10. Receive 2021 University of North Carolina Annual Development Plan Report on Transportation. [\[22-0198\]](#)

This item was received as presented.

11. University of North Carolina at Chapel Hill Semi-Annual Campus Development Report. [\[22-0199\]](#)

This item was received as presented.

12. Staff Update: Expedited Review of Affordable Housing. [\[22-0200\]](#)

This item was received as presented.

- 12.01 Update on Plans for Assessing the Town's Planning Functions and Systems. [\[22-0209\]](#)

This item was received as presented.

## **DISCUSSION**

13. Orange County Partnership to End Homelessness Update. [\[22-0201\]](#)

Rachel Waltz, Partnership to End Homelessness manager, gave an annual update on Orange County's homeless services system. She said that the number of people experiencing homelessness had continued to rise. Orange County had housed 442 people since 2012, 145 in 2021 alone, she said.

Ms. Waltz reported a significant increase in the number of people served in shelters and transitional housing since 2020. An explosion in chronic homelessness during 2021 had erased all of the gains made in the previous decade, she said. Based on U.S. Department of Housing and Urban Development (HUD) performance measures, the number of people seeking emergency shelter and the length of homelessness had both increased by 10 percent between October 2020 and September 2021, she said.

Ms. Waltz pointed out, however, that an increase in federal funding during the COVID-19 pandemic had allowed more outreach efforts between October 2020 and December 2021. She said that the Partnership expected to receive \$941,362 for 2021 as well. She discussed local prevention efforts and noted that the Town had funded a fourth position for the Street Outreach Harm Reduction and Reflection Program.

In response to a question from Mayor pro tem Stegman about post-COVID funding, Ms. Waltz said that HUD appeared to be willing to extend funding for some services and that local programs, initiatives and matching grants

offered hope as well. For example, a \$100,000 grant from the Foundation for Health Leadership and Innovation had just been approved, she said.

Mayor pro tem Stegman proposed that local governments come together and discuss supporting a 25 percent match. She asked about possible plans for The Interfaith Council to shift to a Housing First model, and Ms. Waltz said that she did not know the status of that but it would be game-changer if it were to happen.

Mayor pro tem Stegman asked if the Emergency Housing Assistance Program would continue, and Affordable Housing and Community Outreach Director Sarah Viñas replied that American Rescue Plan Act (ARPA) and Community Development Block Grant funds were in place for the current fiscal year. Staff was also looking at the potential for ARPA, or some other funding source, to support the Program beyond the current fiscal year, she said.

Other Council members said Mayor pro tem Stegman had addressed their questions. They discussed how ending homelessness would save \$800,000 a year and stressed the need for a community-wide effort to do so.

Mayor Hemminger confirmed with Council Member Anderson, the Council's liaison to the Partnership, that the group included a representative from UNC Health and had much better and more diverse representation in general than it had in the past. Council Member Anderson expressed optimism about the direction and the potential for funding over the long term. She praised Ms. Waltz and her team for the work they had been doing and the connections they were making.

Mayor Hemminger emphasized the importance of having different ways of helping since people's needs were not all the same. She expressed enthusiasm about UNC Health being included, noting that many of the people who go to emergency rooms might not need to reach that point.

This item was received as presented.

- 14. Open and Close a Public Hearing to Consider Closing a Portion of Public Right-of-Way on Maxwell Road and Hamilton Road within the Glen Lennox Development.**

[\[22-0202\]](#)

Engineering and Infrastructure Manager Chris Roberts reviewed the requirements for closing a public right of way (ROW) and proposed that the Town take such action regarding Maxwell and Hamilton Roads in order to realign them. He showed the location on a map and said that there had been no opposition to the request for closure. He recommended that the Council open and close the public hearing and consider adopting Resolution 6, which would permanently close that ROW.

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

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

- 15.** Consider Authorizing a Memorandum of Understanding for the 828 Martin Luther King, Jr. Blvd. Redevelopment Project.

[\[22-0203\]](#)

This item was deferred to the March 23, 2022 meeting.

### *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.

- 16.** Concept Plan Review: Weaver Dairy Road Residential

[\[22-0204\]](#)

Assistant Planning Director Judy Johnson gave a brief overview of a concept plan for a residential development on Weaver Dairy Road that was currently zoned Residential 3. The plan included developing 311 apartments and 52 townhomes on approximately half of a 40-acre site.

Ms. Johnson reviewed some of the advisory boards' comments and requests for additional information. She said that the Stormwater Management Utility Board's had wanted to know more about the proposed underground stormwater facilities, LED lighting, water reuse, wetlands preservation, and the buffer's location. The Stormwater Board had pointed out that there should be no disturbance of the Resource Conservation District and/or Jordan Buffer and had wanted to see less impervious surface, she said.

Ms. Johnson said that the Housing Advisory Board had praised the effort to meet 15 percent affordable housing and had encouraged the applicant

to consider housing vouchers as well, she said. The Community Design Commission had discussed reducing impervious surface and the size of the building footprint and had wanted to see more open space and better connectivity to adjoining properties, she said.

Ms. Johnson discussed the Town's draft plan for the Chapel Hill North area and showed the property's location on the Future Land Use Map. She said that the site was located in the North Martin Luther King Jr. Boulevard (MLK) Focus Area D, which included multi-family residential, office, commercial, and green gathering spaces as primary uses.

Applicant David Helfrich provided background on his firm, Aspen Heights. Jessie Hardesty, a planner with McAdams Company, described the "Aspen-Weaver Dairy" concept. She said that the applicant would likely seek Residential-6 Conditional Zoning District. She showed artistic renderings of the site and concept plan and noted that MLK Focus Area D called for multi-family and townhomes as primary secondary uses, respectively.

Architect Michael Leopold, of Dwell Design Studio, pointed out the site's many challenges such as steep slopes, wetlands, streams, and electrical buffers. He described a proposed development that would include townhomes with garages in the back and stoops in the front. Then the development would become denser as it goes back into the property, he said. He explained that the buildings in the back would surround a courtyard and include community amenities, walking trails, sidewalks, and green spaces.

Mr. Leopold showed several views of two-story townhomes, which he described as having a contemporary farmhouse look. He showed renderings of the denser, four-story buildings in the back and said that a "motor court" approach there would be more like a walkable courtyard than regular parking spaces.

Mr. Leopold said that the average apartment size would be just over 1,000 square feet. There would be 154 one-bedroom, 124 two-bedroom and 55 three-bedroom units, he said. The Council verified with him that the average size for those units would be 800, 1,200, and 1,500 square feet, respectively. The townhomes would have two- or three-bedrooms and would range in size from 1,200 to 1,500 square feet, he said.

Mr. Helfrich said that 44 of the units would be split 50/50 between 80 and 65 percent area median income (AMI). Those units would have the same finishes, mixes, and amenities as the market rate units and would be spread proportionally throughout the property, he said. Council Member Berry confirmed with him that the affordable and market rate units would be the same sizes as well.

Council Member Parker asked how the concept plan addressed the Town's



missing middle income goal, and Mr. Helfrich said that it touched on all of the demographics, from millennials to mid-40s and families. Council Member Parker confirmed that the applicant intended to include resources for children and would study that further as the plan was developed.

The Council confirmed with the applicant that all of the townhouses would have underground parking but that the apartment buildings would have surface parking, estimated to be about 450 spaces. They verified that the proposed buffer between the project and the nearby Coventry Townhomes would be 10 feet.

Council Member Parker verified that the applicant and an adjacent property owner had agreed to pursue a connection between their properties. He spoke in favor of including some form of retail, noting that the two developments together might have enough density for a coffee shop, for example.

Council Member Anderson asked what the second means of ingress/egress would be if the connection with the neighboring property did not go forward. Mr. Helfrich replied that they would address that if a traffic impact analysis showed that the second access was necessary.

Council Member Ryan pointed out the close proximity of high transmission power lines to the buildings and said that the impact of that on people was a controversial issue. Mayor Hemminger commented that there were standards regarding how close children could live to those power lines.

Council Member Berry asked about moving the road to the other side of the townhomes, away from the Coventry neighborhood. Ms. Hardesty said that the power lines and tower prevented that but the applicant had been looking at running the road more central to that portion of the site.

Mayor Hemminger confirmed that stormwater drained east, west and south from the site and that the applicant intended to situate devices in all of those areas. She pointed out that the Town had been envisioning a greenway trail on the front of the property and said that she wondered if people would use one next to a highway, as was being proposed. She said that the Council had also envisioned a connection from WDR to Chapel Hill North, and Ms. Hardesty replied that the applicant had been discussing that issue with the Town's urban designer.

Carol Woods residents raised several objections to the concept plan. Gordon Whitaker warned that current drainage and flooding problems would worsen with the amount of impervious surface being proposed. George David Hughes discussed the effects of radiation from power lines on children and said it would be difficult to find a piece of land so ill-suited for the kind of housing being proposed. He said that the proposal violated federal and state regulations regarding highway noise.

Coventry Townhomes resident Mary Eldridge expressed concern about the amount of impervious surface and stormwater from the development draining into Coventry backyards. She said that the proposed access road, with parallel parking on both sides and no bike lanes, would be unsafe for cyclists. She and Coventry resident Peggy Schaeffer said that a 10-foot buffer would not adequately protect their homes from lights, noise, and exhaust fumes. Ms. Schaeffer said that having a massive apartment building, a dense block of townhomes, and a two-lane access road on the site would diminish her neighborhood's quality of life.

Coventry resident David Schaeffer recommended that the Council not develop the area until it received a plan that would not create flooding problems, would fit in with the neighborhood, and would make a meaningful contribution to affordable housing. A developer could still make a reasonable profit from that land with a less crowded design, he said.

Marianne Ratcliffe, a Carol Woods employee, said that the residents, board, and Carol Woods staff welcomed new neighbors but felt concerned about the proposed jump in density and wanted to see some consistency in the surrounding neighborhoods. She pointed out that having only a 10-foot buffer would create a stark contrast with the current experience from the back decks of Coventry homes.

Julie McClintock, a Chapel Hill resident, recalled when she and other former Council members had struggled to devise a master plan for that focus area. The problems included potential effects of noise and particulate matter from Interstate-40, risks from high-tension wires, the nearby Resource Conservation District, and stormwater challenges, she said. She recommended that Council Members consider whether or not it was possible to develop land with so many constraints and if they wanted to put housing next to a highway that exposes residents to a high degree of particulate matter.

Albert Howlett, a Coventry resident, said that turning most of that forest into impervious surface was not compatible with the Town's Climate Action Plan. The awkward piece of land in question had steep slopes and power lines on three sides and an interstate highway on the fourth and was no place for development, he said. He said pointed out the dangers that a four-lane road with parallel parking on both created for cyclists.

Robert Beasley, a Chapel Hill resident, said that the applicant had based its affordable housing plan on Raleigh's area median income (AMI), which was not the same as Chapel Hill's. He wondered if the proposal would yield 15 percent if it had been based on the correct AMI, he said.

Mayor Hemminger replied that the number was 15 percent of the units, and Mayor pro tem Stegman said that the numbers had been based on the Raleigh/Durham/Chapel Hill Metro Area AMI. Council Member Berry said

that she thought Chapel Hill's AMI did differ from Raleigh's and asked the applicant to make sure they were using the correct one.

The Council encouraged the applicant to return with a different concept, perhaps one with more townhomes or stacked units. They emphasized the Town's goal of building walkable and bikeable neighborhoods that include green spaces, amenities, gathering places, and connections to the larger community. They advocated for more commercial space in the plan as well.

Council Members expressed concern about putting a tall building next to transmission lines. Monolithic buildings surrounded by a sea of parking was not what they were looking for, they said. Some said that the townhomes being completely separate from the apartments made it seem like two disparate developments stuck together. They generally agreed that the scale was too big, the buffers were too small, and the concept was too car-oriented with far too much impervious surface.

Mayor Hemminger agreed with much of what the Council had said. She acknowledged that the site was a challenging one, but said she thought there could be a better plan than the one being proposed. Moving the greenway to the front of the property could create an amenity with gathering spaces and connections between neighborhoods, she pointed out. She characterized not putting parking under the building as a missed opportunity and expressed serious concerns about the power lines. The stormwater issues needed to be revisited as well, she said.

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

## **ADJOURNMENT**

The meeting was adjourned at 9:21 p.m.