



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, October 28, 2020

7:00 PM

Virtual Meeting

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_y8whWrG_RtiChm4ZFTIE0g After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 828 5855 2338

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 Florentine Miller, Town Attorney Ann Anderson, Interim Planning Director Judy Johnson, LUMO Project Manager Alisa Duffey Rogers, Emergency Management Coordinator Kelly Drayton, Fire Chief Vencelin Harris, Economic Development Officer Dwight Bassett, Planner II Michael Sudol, Transportation Planning Manager Bergen Watterson, Principal Planner Corey Liles, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and read 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 Justice in Action Meeting on Thursday.

[\[20-0748\]](#)

Mayor Hemminger said that the Justice in Action Committee would continue discussing its charge and structure at a 6:00 p.m. virtual meeting on November 5th. The public was encouraged to attend and provide input, she said.

0.02 Mayor Hemminger Regarding Upcoming Council Meetings.

[\[20-0749\]](#)

Mayor Hemminger said that the Council's next virtual meeting would be held at 7:00 p.m. on November 4th, and the Council Committee on Economic Sustainability would meet on November 6th at 8:00 a.m. She said that the public was welcome to attend those meetings virtually.

0.03 Mayor Hemminger Regarding Early Voting in Orange County.

[\[20-0750\]](#)

Mayor Hemminger pointed out that more than 41,000 Orange County residents had already voted in the national election and that early voting would continue until 3:00 p.m. on October 31, 2020. She urged citizens to vote early in order to avoid long lines on Election Day.

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. Stormwater Management Utility Advisory Board Recommendations Regarding the Development Review Process.

[\[20-0725\]](#)

Pamela Schultz, representing the Stormwater Management Utility Advisory Board (SWAB), presented a petition asking that the SWAB be alerted to projects of five acres or more that included Resource Conservation District

land at the same time that the Community Design Commission reviews them.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that this Petition be received and referred to the Mayor and Town Manager. The motion carried by a unanimous vote. Council Member Gu did not vote.

2. Residents of Dixie Drive Request to Rename Dixie Drive.

[\[20-0726\]](#)

Mayor Hemminger said that Barry Nakell, a Chapel Hill resident, had presented a petition from his neighborhood to change the name of Dixie Lane.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that this Petition be received and referred Mayor and Town Manager. The motion carried by a unanimous vote.

3. Eva Hagan Request to Endorse H.R. 763 (Energy Innovation and Carbon Dividend Act).

[\[20-0727\]](#)

Mayor Hemminger pointed out that the Council had voted on June 24, 2020 to take action on the Energy Innovation and Carbon Dividend Act (HR 763).

This item was received as presented.

CONSENT

Items of a routine nature will be placed on the Consent Agenda to be voted on in a block. Any item may be removed from the Consent Agenda by request of the Mayor or any Council Member.

Approval of the Consent Agenda

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

4. Approve all Consent Agenda Items.

[\[20-0728\]](#)

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

5. Approve the Miscellaneous Budget Ordinance Amendments to Adjust Various Fund Budgets for FY 2020-21.

[\[20-0729\]](#)

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

6. Authorize the Sale of Property in the Oakwood Public Housing Neighborhood.

[\[20-0730\]](#)

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

7. Amend Chapters 12, 17, and 21 of the Code of Ordinances that Regulate Parks and Greenways, Sidewalk Sales, and Bicycling. [\[20-0731\]](#)

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

8. Adopt a Charge for the Reimagining Community Safety Task Force. [\[20-0732\]](#)

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

9. Adopt a Revised Meeting Schedule to Hold Meetings in a Virtual Environment through December 31, 2020 or Until the Orange County Stay At Home Order is Lifted. [\[20-0733\]](#)

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

INFORMATION

10. Receive Upcoming Public Hearing Items and Petition Status List. [\[20-0734\]](#)

This item was received as presented.

DISCUSSION

11. Update on Town Efforts to Respond to the COVID 19 Crisis. (no attachment) [\[20-0735\]](#)

Emergency Management Coordinator Kelly Drayton provided an update on the Town's COVID-19 pandemic response. She said that N.C. Governor Cooper had issued an executive order that had clarified and extended a U.S. Center for Disease Control prohibition against landlords evicting some tenants.

Ms. Drayton said that North Carolina would remain in Phase 3 of its reopening until November 13th because pandemic trends had been moving in the wrong direction. She urged residents to continue practicing the 3Ws: wear a mask, wash hands regularly, wait six feet apart. She described a new SlowCOVIDNC exposure notification app, which could notify residents if they had been in close contact with someone whose positive test result had been listed.

Ms. Drayton reminded all residents to get a flu shot. She advised people to limit the size of gatherings on Halloween and said that ideas for celebrating safely could be found on the Orange County website. She said that a full database of testing locations was listed at orangecountync.gov/testing. She discussed Neighborhood Support Circles,

which serve families from both English-speaking and non-English speaking communities.

Council Members confirmed with Ms. Drayton that more than 100,000 people had downloaded the exposure notification app, and she agreed to provide them with information about its effectiveness. A Council Member proposed having someone from the Chapel Hill-Carrboro School System provide an update on school plans. The Council asked if homeowners' associations were trying to limit trick-or-treating to their own neighborhoods, and Ms. Drayton agreed to report back on that. Council Member Buansi cautioned that imposing such limits could be discriminatory.

Mayor Hemminger said that she hoped the University of North Carolina at Chapel Hill (UNC-CH) would reveal its spring semester plans on November 4th. The University had purchased equipment to ramp up its testing capabilities, but other parts of its plan were still being developed, she said.

Mayor Hemminger praised the community's efforts during the pandemic. She said that Metro Mayors had learned from the N.C. Department of Health and Human Services that viral spikes, which were mostly occurring in rural communities, could get worse during the upcoming winter. The Governor would consider scaling back indoor and outdoor gathering numbers if cases continued to rise, she said.

Mayor Hemminger reported on Metro Mayors' discussions about mandating masks in public places and removing alcohol licenses from non-complying restaurants. The mayors preferred an incentive approach and had agreed that a national election was not the best time to come out with new protocols, she said.

This item was received as presented.

- 12.** Consider an Application for Conditional Zoning at 125 East Rosemary Street Parking Garage from Town Center-2 (TC-2) to Town Center-2-Conditional Zoning District (TC-2-CZD).

[\[20-0736\]](#)

Town Manager Maurice Jones gave a PowerPoint update on the East Rosemary Street Parking Garage project. He said that an economic development agreement (EDA) had been signed between the Town and Grubb Properties and that the two entities would exchange properties by the end of May 2021 if no issues arose during the due diligence phase.

Mr. Jones said that the process would include entitling the new deck, finalizing the design, having a preliminary staff review, and holding a concept plan hearing for a new office building. He pointed out that the Town had a repurchase option that would apply if Grubb Properties failed

to secure entitlement of the office building by November 2020.

Mr. Jones said that the current due diligence period would run through November 23, 2020, and he described the team of people who were working on that. He said that items being finalized included: a letter of inquiry to UNC-CH concerning the 100 parking spaces that they plan to pay for in the garage; a Wallace Deck lease with Grubb Properties; a temporary license agreement to allow site lay down for the projects; and an improvements agreement regarding the construction process. Mr. Jones outlined the schedule up to the start of construction in May 2021. He said that complete information was available at: townofchapelhill.org/businesses/eastrosemarystreetredevelopmentproject.

Planner Judy Johnson presented the Conditional Zoning application from Grubb Properties (in partnership with the Town) for 125-135 East Rosemary Street. She noted that a September 30, 2020 public hearing had included an additional 24-hour comment period. She explained that the parking deck would be part of a larger redevelopment project on East Rosemary Street.

Ms. Johnson outlined the proposal to build a seven-story deck with about 1,100 parking spaces on a two-parcel site. The project would include rezoning to Town Center-2-Conditional to accommodate those improvements, she said. She noted a plan for full access in and out of North Street. She showed where a Police Department substation could be located and indicated where a retail "Front Porch" was proposed to be built. She showed a rendering of a crosswalk/refuge island on East Rosemary Street.

Ms. Johnson noted that modifications included an increase in building height an additional buffer on the North Street side. Ordinance A also required that improvements to the North Street/Columbia Street/Martin Luther King Jr. Boulevard intersection be done in conjunction with N.C. Department of Transportation approvals, she said. She recommended that the Council adopt the Resolution of Consistency and enact Ordinance A.

Council Members confirmed with staff that citizens would be able to learn and comment on construction traffic plans at a February 2021 meeting and that there would be open houses regarding traffic-calming measures. They verified that the Town would pay for widening a section of North Street and asked Ms. Johnson to bring back a timeline regarding North Street changes. The Council agreed to amend Ordinance A to say "consideration" of bike lanes because they were still being discussed.

A motion was made by Mayor pro tem Parker, seconded by Council Member Huynh, that R-14 be adopted. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Parker, seconded by Council Member Stegman, that O-9 be enacted as amended. The motion carried by a unanimous vote.

12.01 Celebrating Successes Video: Greenfield Community Award Ceremony.

The Council viewed a Celebrating Successes video regarding a 2020 Housing North Carolina award to the Town for its Greenfield Community development in the Blue Hill District. The video explained that Greenfield Place and Greenfield Commons included 149 affordable apartments for families and seniors who make 60 percent, or less, of the area median income. The \$24 million project was built on nine acres of donated Town land and was financed with federal low income housing tax credits awarded by the NC Housing Finance Agency, the narrator said. The video provided a tour of the Greenfield Community and pointed out its easy access to schools, employment, transportation and medical facilities.

13. Charting Our Future - Public Hearing for the Adoption of the Future Land Use Map - Update to Chapel Hill 2020.

[\[20-0737\]](#)

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers opened the public hearing for adopting Future Land-Use Map (FLUM) updates to the Chapel Hill 2020 Comprehensive Plan (CH 2020).

Consultant Sal Musarra, of Kimley Horn and Associates, described the effort to build flexibility into the Town's 30-year Land-Use Plan in order to allow course corrections in response to changing conditions. He characterized the Future Land-Use Plan as a living document that would provide strong guidance and a good framework for decision-making in the future.

Ms. Duffey Rogers said that there had been much public engagement since a 2018 "Charting Our Future" kickoff to the FLUM rewrite during which community members had provided much input. She reviewed elements of the document and said that it embodied community values, aligned with the Council's strategic goals, and would replace the current Land-Use Plan in CH 2020.

Ms. Duffey Rogers summarized recent requests from UNC-CH and UNC Healthcare to change specific aspects of the FLUM. She recommended that the Council open the public hearing, receive comments, close the hearing and allow public comments for 24 hours, and consider adopting the FLUM on November 18, 2020.

In response Council Members' questions, Ms. Duffey Rogers addressed UNC-CH and UNC Healthcare's requested changes. She did not think it would be appropriate to label University properties as such on focus area maps because there no longer were any specific parcels identified on

those maps, she said. With regard to a request for a University character type, UNC-CH's uses could be accommodated within existing character types but the Council could create one if it so chose, she said. Staff did not have issues with UNC Healthcare's requests as long as the Council concurred with those, she said.

Council Member Ryan expressed concern about the implications of a request from UNC Healthcare to make hospitals a commercial use. She confirmed with staff that there would be an opportunity to look into that more deeply before the Council's final vote. Ms. Duffey Rogers pointed out that the Commercial Office land-use category was only used outside the focus areas and that fewer than 10 parcels were designated that way on the map.

Town Attorney Ann Anderson commented that Council Members might want to reconsider closing the public comment period after 24 hours if it expected to have considerable discussion at a subsequent meeting.

Katie Loovis, representing the Chamber for a Greater Chapel Hill-Carrboro, praised the thoughtful and inclusive process but said that the proposed Future Land-Use Plan missed some opportunities. She said that Town land abutting Chatham County to the south and Durham County to the north should be designated as "future study areas". She recommended increasing the density along transit corridors, especially around bus stops on Martin Luther King Jr. Boulevard, and she made several recommendations regarding density, set-backs and building heights.

Anna Wu, Vice Chancellor for Facilities Services at UNC-CH, noted that the University's chancellor had sent a letter outlining concerns. She recommended that the FLUM reflect property owned by UNC-CH and UNC Endowment Foundation and Real Estate Holdings. Recognizing those properties was helpful to the community and developers because it provided a cross-reference to parcels included in UNC's campus master plan, she said.

Ms. Wu said that UNC requested changes to the university land-use category would better reflect the variety of uses necessary to support its mission and provide flexibility to accommodate future uses. She read a long list of recommended university land-use categories and requested inclusion of "university land use" in the matrix of character types and all focus areas that include UNC-CH parcels. To designate its development as either mixed use or commercial office would significantly impact the University's ability to fully utilize its land beyond the main campus, she said.

Simon George, Assistant Vice President for Real Estate and Development for UNC Healthcare, expressed concern about the FLUM, as presented. He said that UNC Healthcare had requested more specific language with regard the land-use categories and he listed the changes that they had

requested. He said that UNC Healthcare supported the revisions regarding UNC-CH that Ms. Wu had outlined, and he asked that future conversations regarding the FLUM include UNC Healthcare.

Holly Fraccaro, CEO of the Home Builders Association (HBA) of Durham, Orange and Chatham Counties, thanked staff for incorporating feedback from the HBA over recent years. However, the 30-year FLUM missed some opportunities to be clearer about the Town's vision, she said, adding that she agreed with what Ms. Loovis had said. She noted that the rewrite presented an opportunity to consider unique affordable housing opportunities, such as tiny homes and pocket neighborhoods.

Ms. Fraccaro pointed out that having focus areas that make up only 20 percent of the Town's geographic area would leave 80 percent without a vision for 30 years. She hoped that a missing middle scan that staff intended to include in the next phase would justify including much more of the Town, she said. She recommended several changes to be made during the LUMO rewrite and advocated for including best practices regarding green building and stormwater management.

Julie McClintock said that the Chapel Hill Alliance for a Livable Town (CHALT) had submitted a petition in July 2020 that asked the Council to refrain from voting on the FLUM for one to two years because so many changes were occurring due to COVID-19. In addition, the Town should obtain community benefits from developers by setting maximum building heights and offering additional stories as a density bonus, she said. Ms. McClintock said that CHALT had submitted extensive comments regarding proposed areas for development, and she commented on some of those.

Council Members asked staff to return with more information regarding the implications of UNC-CH's and UNC Healthcare's requested changes and more clarity on UNC-CH's definitions. The Council had not had enough time to process information received just that day and not enough detail to know what the proposed land-use category and character type would actually mean, said Mayor pro tem Parker. He asked staff to bring back a recommendation.

After a discussion with the Town Attorney about the implications of keeping the public hearing open beyond 24 hours, the Council voted.

A motion was made by Council Member Anderson, seconded by Council Member Ryan, to continue the Public Hearing to November 18, 2020. The motion carried by a unanimous vote.

- 14.** Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3, 5, and Appendix A Definitions pertaining to Conditional Zoning.

[\[20-0738\]](#)

Ms. Duffy Rogers presented a LUMO amendment that would allow

development applications to be converted from a quasi-judicial Special-Use Permit (SUP) process to a legislative process using Conditional Zoning (CZ). She pointed out that CZ did not have the same notification requirement as SUPs and said that many applications had been delayed because of that requirement. The proposed amendment would also bring the LUMO into compliance with new state legislation (160D), she said.

Ms. Duffey Rogers noted that the proposed amendment would also change the definition of "S" in the LUMO use matrix to permit special uses, such as drive-in windows, as part of a CZ application. She said that another proposed revision would allow permitted uses within the RCD to be considered as part of a CZ application. The proposed amendment was consistent with a CH 2020 goal of creating a clear and consistent decision-making process for development, she said, and she recommended that the Council adopt the Resolution of Consistency and enact Ordinance A.

A motion was made by Council Member Anderson, seconded by Council Member Stegman, that R-16 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Council Member Ryan, that O-10 be enacted. The motion carried by a unanimous vote.

SPECIAL USE PERMIT(S)

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.

- 15.** Consider an Application for Special Use Permit Modification - Charterwood, 1701 Martin Luther King Jr. Blvd.

[\[20-0739\]](#)

Planner Michael Sudol presented a SUP modification application to extend Charterwood's completion date to June 15, 2022. He noted that the item was being continued from an October 7, 2020 Council meeting because Council Members' had questions regarding parking spaces and impervious surface.

Mr. Sudol explained that the Town Manager had already approved a one-year administrative extension, which expired on 6/25/2020. He showed an aerial view of the site, indicated the area in question at the

intersection of Martin Luther King Jr. Boulevard and Weaver Dairy Road, and reviewed elements of the original 2012 SUP. Mr. Sudol recommended that the Council adopt Resolution A, which would extend the completion date to June 25, 2022.

George Retschle, representing Ballentine Associates, explained that the applicant had eliminated a drive-through lane and reduced impervious surface at the State Employees Credit Union (SECU) location in response to neighbors' requests. Charterwood itself was very low in impervious surface and had a large buffer between it and its neighbors, he said.

Jamie Applequist, representing SECU, noted the importance of having drive-through lanes during the pandemic. He said that SECU had tried to make every concession regarding its site and had run out of time to build within its original time-frame.

Council Member Gu commented that the pandemic had also led to people going to banks less frequently. She asked about reducing the parking area further, but the applicant expressed a reluctance to do so.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-18 be adopted. The motion carried by a unanimous vote.

CONTINUED DISCUSSION

- 16.** Consider an Application for Conditional Zoning for Bridgepoint at 2214 and 2312 Homestead Road from Residential-5-Conditional (R-5-C) to Residential-5-Conditional Zoning District (R-5-CZD).

[\[20-0740\]](#)

At the applicant's request, this item was postponed to the Council's November 18, 2020 meeting.

- 17.** Adopt Updates to the Mobility and Connectivity Plan.

[\[20-0741\]](#)

Mayor Hemminger said that the Town had received a presentation from Triangle Bikeway for a proposed bike and greenway connection from Chapel Hill through Durham all the way to Raleigh. She commended the vision and said that the project would begin in 2035.

Transportation Planning Manager Bergen Watterson presented proposed updates to the Town's 2017 Mobility and Connectivity Plan (M&C Plan). She said that the Town was on track to reach its goal of increasing alternative commuting to 35 percent by 2025 with an approximate one percent increase each year. Data regarding how COVID-19 had affected that would be in 2020 Census information, she pointed out.

Ms. Watterson said that the M&C Plan was being updated due to a commitment by NC DOT's 2019 Complete Streets policy which would pay

for facilities along its roads if they are in adopted plans. NC DOT would also pay for transit facilities, such as landing pads and bus pull-outs, so staff had included those as well, she said.

Ms. Watterson noted that staff had identified all facilities being proposed on NC DOT roads and had discussed how to improve them in the case of a major NC DOT construction project. She said that information regarding that was in the Council's packets and on the Mobility and Connectivity Plan website. Recommendations for transit facilities, as well as a 2019 NC-54 Bike and Pedestrian Safety Plan, were included as appendices to the M&C Plan, she said.

Ms. Watterson reported that staff had met with Town advisory boards, had held a virtual public meeting, and had allowed two days of virtual office hours. She recommended that the Council approve Resolution 23, which would adopt the proposed updates to the 2017 Mobility and Connectivity Plan.

Council Member Gu clarified with Ms. Watterson that roads listed in the M&C Plan had not been updated since 2017 and that the Town probably would do a new study within three-to-five years. She asked for more information regarding local roads, and Ms. Watterson said that many were typically implemented in conjunction with development.

Ms. Watterson described projects on Estes Road, Fordham Boulevard, and Estes Drive Extension that were currently funded. The Town continued to submit projects to NC DOT through its prioritization process and had its own Capital Improvement Projects process as well, she said.

Council Member Gu proposed incorporating the M&C Plan every time the Town repaved a road, and Ms. Watterson replied that those were flagged in the Public Works Department's five-year plan.

Mayor Hemminger verified with Ms. Watterson that a NC-DOT re-striping project, which would begin on the "west end" next summer, would include buffered bike lanes. The Mayor and Council praised Ms. Bergen and her staff for their work in general and for developing the Connectivity and Mobility website.

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that R-23 be adopted. The motion carried by a unanimous vote.

18. Consider an Amendment to the Water and Sewer Service Area Boundary (WASMPBA Amendment).

[\[20-0742\]](#)

Planner Cory Liles gave a PowerPoint presentation on a possible amendment to the Town's water and sewer service area boundary agreement (WASMPBA) that would allow services to be extended to two

homes on Bayberry Drive in the Hunts Reserve neighborhood at the southern end of Town. He showed the area on a map and said that the two property owners had petitioned the Town for the extension.

Mr. Liles explained that the 2001 WASMPBA, an agreement among the Towns of Chapel Hill, Carrboro and Hillsborough, the Orange Water and Sewer Authority (OWASA) and Orange County, had set boundaries for where service could be provided. The five parties had agreed that the WASMPBA could be amended with the consent of all, he explained.

Mr. Liles said that Bayberry Lane landowners had petitioned the Council in February 2020 to consider amending the boundary. If Council approved, then the item would go to the other four partners for consideration, he said. OWASA had already stated that providing water and sewer to those lots would be feasible, since service had already been extended to nine homes in the same area, he pointed out. He recommended that the Council adopt Resolution 24 to amend the OWASA Primary Service Area boundary in the WASMPBA agreement.

Council members confirmed with Mr. Liles that the amount of added land probably would be less than 32 acres. They ascertained from him that the precedent for allowing the amendment was a 2017 case involving the Town of Carrboro and properties on Smith Level Road. Mr. Liles said that WASMPBA amendments had been accomplished through separate resolutions adopted by all five parties.

Some Council Members wondered if granting the request would set a precedent, and Mr. Liles replied that the current case was distinct because water and sewer lines were already in place in the neighborhood. Service for the other nine residents of Hunts Reserve had been grandfathered in when WASMPBA was created and the request was to hook up two more properties, he explained.

The Council and Mr. Liles discussed having a policy discussion in the future regarding procedures related to the scope of other amendments that might be proposed.

Ms. McClintock, a former OWASA chair, said that the requested amendment would directly contradict Town and OWASA policies. When the same situation had occurred in the past, OWASA had issued a policy, in consultation with the Town Council, against permitting extension of water and sewer connections beyond the Town's urban service area, she said. She read that statement and said that the Town policy mirrored the same content.

Ms. McClintock said that WASMPBA had been created because too many exceptions were being made to former land use agreements. While the

current request was for only two lots, the Council would be setting a precedent and would feel beholden when the next landowner asked for the same thing, she said.

Mayor Hemminger confirmed with Mr. Liles that the boundary would unlikely ever be extended beyond the requested area because there was a nature preserve on the other side. Council Member Gu verified with him that each of the two lots was about 5.5 acres and that they were limited to being single-family homes by the zoning. She expressed concern, though, that each lot might enable more than one house. She expressed concern about how much potential development a Council approval would be authorizing.

Mr. Liles said that the applicants had not shared their plans. However, existing approval was for single family and the applicants would need to come to the Council for a rezoning if they wanted to do otherwise, he said.

Council Member Ryan asked the Town Attorney if Council approval would enable a developer who buys a parcel outside the OWASA line to go to the Board of Adjustment or courts and prevail if the Council denied service.

Ms. Anderson replied that she agreed with Mr. Liles's characterization of the request being specific to its facts. Council approval would not set a hard precedent, she said.

A motion was made by Council Member Stegman, seconded by Mayor pro tem Parker, that R-24 be adopted. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Mayor pro tem Parker, Council Member Anderson, Council Member Buansi, Council Member Stegman, Council Member Huynh, and Council Member Ryan

Nay: 1 - Council Member Gu

APPOINTMENTS

19. Appointments to the Board of Adjustment and Adopt a Resolution for Orange County Seat.

[\[20-0743\]](#)

The Council reappointed Brian Godfrey and appointed Geoffrey Green and Betty Sapp to the Board of Adjustment.

A motion was made by Mayor pro tem Parker, seconded by Council Member Buansi, that R-25 be adopted to recommend that the Orange County Board of Commissioners reappoint Thomas Wortman to the County position. The motion carried by a unanimous vote.

20. Appointments to the Chapel Hill Public Library Advisory Board. [\[20-0744\]](#)

The Council reappointed Tiffany Allen and June Dunnick and appointed Ruth Morgan to the Chapel Hill Public Library Advisory Board.

21. Appointments to the Environmental Stewardship Advisory Board. [\[20-0745\]](#)

The Council reappointed Adrienne Tucker, and appointed Julie Gras-Najjar for a Chapel Hill resident seat, Marirosa Molina for the Regional Collaboration seat, Lucy Vandercamp for the Greenways Advocate seat, and recommends Grace Elliott for the UNC-Chapel Hill Student seat.

22. Appointments to the Human Services Advisory Board. [\[20-0746\]](#)

The Council reappointed Mary Andrews and Carolyn Fanelli and appointed Katina Welch to the Human Services Advisory Board.

23. Appointments to the Parks, Greenways and Recreation Commission and Adopt a Resolution for Orange County Seat. [\[20-0747\]](#)

The Council appoints Leah Boucher and Tyler Steelman to the Parks Greenways and Recreation Commission.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that R-26 be adopted to recommend that the Orange County Board of Commissioners reappoint Alice Armstrong to the County position. The motion carried by a unanimous vote.

ADJOURNMENT

This meeting was adjourned at 10:06 p.m.