



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 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, February 23, 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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如需口头或
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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: 886 4382 6120

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

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 Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, Assistant Director of Business Management Matt Brinkley, Director of Business Management Amy Oland, Community Resilience Officer John Richardson, Sustainability Program Analyst Brennan Bouma, Executive Director Technology Solutions/CIO Scott Clark, Communications Manager Ran Northam, Assistant Town Clerk Brenton Hodge, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual meeting at 7:00 p.m. and reviewed the agenda. She pointed out that a Weaver Dairy Road concept plan item had been re-scheduled to March 9th.

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Celebrating Successes Video: Community Partners

[\[22-0167\]](#)

The Council watched a "Celebrating Successes" video, which was narrated by Town staff and focused on how Human Services and the Town's community partners had cared for residents during the COVID-19 pandemic. Staff members pointed out that individual community members had donated more than \$57,000. The video showed a list of organizations and groups that had helped to distribute more than 38,000 masks and said that volunteer groups had translated more than 100 Town communications into several different languages.

The video highlighted Town efforts to address food insecurity and housing needs. It described Town efforts to provide personal protective equipment, childcare and scholastic support, communication and coordination. The video noted and expressed special gratitude for contributions from the North Carolina Food Bank, PORCH, The Interfaith Council, Orange County Rape Crisis Center, Two Men in a Truck, the Jackson Center, Boys and Girls Club, Habitat for Humanity, Living Legends of Orange County, the Atma Hotel Group, the Chapel Hill-Carrboro YMCA, Refugee Community Partners, and the many other volunteers who had shown up to help out each week.

The Mayor and Council gave a round of applause for all who had worked

together during the pandemic and for the extraordinary efforts of Town staff.

0.02 Mayor Hemminger Regarding Council Work Sessions. [\[22-0168\]](#)

Mayor Hemminger said that a March 2nd Council work session would include an item regarding the coal ash site on Martin Luther King Jr. Boulevard. In addition, the Council Committee on Economic Sustainability would meet on March 4th regarding the Town's economic development goals and a revised parking payment in lieu program, she said.

0.03 Mayor Hemminger Regarding Signing Up For Town Week. [\[22-0169\]](#)

Mayor Hemminger said that anyone who wished to receive weekly updates regarding upcoming Town meetings and events should sign up for "Town Week". Related information was available on the Town website, she said.

0.04 Mayor Hemminger Regarding Council Member Berry's Birthday. [\[22-0170\]](#)

Mayor Hemminger wished Council Member Berry an early Happy Birthday.

0.05 Council Member Huynh Regarding Summer Careers Event Of Orange County. [\[22-0171\]](#)

Council Member Huynh thanked those who had attended a LAUNCH event regarding the Career Academy of Orange County. He said that the Career Academy was an eight-week summer program that would teach local high school students construction skills. Participants would receive a living wage and recognized credentials, and more information could be found at summercareersacademy.com, he 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 Overhaul the Door Zone Bike Lane on Country Club Road and Correctly Place Shared Lane Markings. [\[22-0136\]](#)

This item was received as presented.

1.01 Community Member Request to Fund Outdoor Recreation Facilities. [\[22-0166\]](#)

Chapel Hill resident Neil Bench asked the Council to continue the funding for outdoor recreation facilities, and he described some of those needs. He also said that the Council should keep in mind that it should always be constructing the next mile of the Town's greenway system.

Mayor Hemminger noted that the Council would be addressing the greenway topic during Agenda Item #7.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Stegman, that public comments be received and referred. The motion carried by a unanimous vote.

CONSENT

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

Approval of the Consent Agenda

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

2. Approve all Consent Agenda Items. [\[22-0137\]](#)

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

3. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2021-22. [\[22-0138\]](#)

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

4. Withdraw a Call for a Legislative Hearing for the Future Consideration of a Parking Payment-in-Lieu System, Land Use Management Ordinance Text Amendment, and Associated Policy on February 23, 2022. [\[22-0139\]](#)

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

INFORMATION

5. Receive Upcoming Public Hearing Items and Petition Status List. [\[22-0140\]](#)

Mayor Hemminger noted that staff had begun meeting quarterly to work on expediting the petition process.

The item was received as presented.

6. Staff Update #2: Petition for Long-Range Planning for Future Growth Consistent with Town Values. [\[22-0141\]](#)

The item was received as presented.

DISCUSSION

7. Approve FY 2021 Excess Fund Balance Appropriation. [\[22-0142\]](#)

Director of Business Management Amy Oland gave a brief PowerPoint follow-up on recent discussions with Council regarding FY 2021 Excess Fund Balance appropriations. Based on feedback from Council, staff was recommending that the Council enact Ordinances 2 and 3, which would appropriate \$4 million to the following areas: \$500,000 for Affordable Housing and Human Services projects, \$750,000 for building maintenance, \$900,000 towards vehicle replacement, \$750,000 towards the purchase of a new fire engine, \$600,000 for street resurfacing, and \$250,000 for budget ads.

Based on the Council's recent discussions, a \$500,000 allocation for a splash pad had been removed and \$250,000 for bicycle and pedestrian safety projects had been added, Ms. Oland said. She said, however, that \$15,000 was being proposed for a splash pad feasibility study. She reminded the Council that \$500,000 of the original \$4.5 million had been appropriated when the Council approved Phase I of the Employee Compensation and Classification Study.

The Mayor and Council thanked staff for managing so well and keeping the Town in a good financial position despite the pandemic. Mayor Hemminger said that many other towns in North Carolina had not been as fortunate and that she appreciated the staff's hard work.

Council Member Anderson asked for additional information about one-time departmental expenditures, and Ms. Oland replied that next steps would include a discussion of items, such as software needs and the \$15,000 splash pad feasibility study that had come forward during conversations.

Mayor Hemminger encouraged the Manager to solicit additional bids for the Old Post Office building's roof because the price seemed high to her. Mayor pro tem Stegman said that there might be some private funding for that project and that she would obtain more information regarding that.

A motion was made by Council Member Parker, seconded by Council Member Huynh, that O-2 be enacted. The motion carried by a unanimous vote.

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

8. Initial Budget Public Forum on the Annual Budget, Capital Program, Use of Grants and Related Items, and Potential Legislative Requests. [\[22-0143\]](#)

Assistant Director of Business Management Matt Brinkley said that the FY 2022-23 public forums for the Town's Operating and Capital Budgets would address the following topics: Annual Operating Budget, Capital Program, Community Development Block Grants, HOME Program funding, Housing Capital Funds Program, Public Transportation Grants, Downtown Services District, and Potential Legislative Proposals. He described the programs contained in each of those categories and provided information on anticipated funding, progress, next steps and deadlines.

Mr. Brinkley outlined a proposed budget process that would begin with a work session on March 16th and end with final budget adoption on June 8, 2022. In addition to several opportunities for public input, individuals could send comments to the Mayor and Council, he said, noting that more information could be found at townofchapelhill.org/budget.

Council Members verified with staff that there were several ways for the public to provide input and that information was sent out to the community via social media and press releases. Mayor Hemminger mentioned that she answered questions on radio every Thursday as well.

Mr. Bench pointed out that outdoor activities, which had accelerated during the pandemic, probably would continue to be popular, and he proposed that the Town be continually constructing the next mile of greenway. He requested that the Council try to fully fund park improvements and that it continue funding deferred and ongoing maintenance for park-related facilities. A splash pad would allow people from all over Town to interface with each other, he pointed out.

Council Member Ryan said that she hoped the Town would provide more to Parks and Recreation than was being shown in the preliminary numbers. That department helped to educate people but also contributed to community well-being by helping to take care of groups that need help, she pointed out.

Council Members Miller-Foushee and Berry recommended reaching out to the community and helping residents better understand the budgetary process and how they can contribute to it.

Mayor pro tem Stegman said that the public had misunderstood some

appropriations in the past and the Council had discussed coming up with alternate ways to show the budget recommendations and figures. The Council had raised the idea of doing a short webinar to help make the Town budget more accessible, she said, and proposed resuming that idea during the upcoming budget season.

Council Member Anderson agreed with Mayor pro tem Stegman's suggestion. She also thanked Mr. Bench for his comments about how the splash pad, which she had championed, could help bringing the community together.

Council Member Parker proposed doing more for the Cultural Arts community, which had been struggling during the pandemic. The Arts had helped people cope with isolation and other COVID-related issues, he pointed out. Council Member Berry agreed and said that the Cultural Arts Commission had not received Percent for Art money and did not fully understand how that was funded.

Council Member Searing mentioned a document that they had seen that showed a \$22 million backlog for Parks and Recreation. He listed some of the improvements that were needed and asked that the document be included in future budget discussions.

Mayor Hemminger pointed out that the current discussion was only about the Town's operating budget. There was also a Capital Improvement Projects budget and the Council would also be discussing American Rescue Plan Act (ARPA) funding as well, she said. She expressed support for reinstating maintenance positions that had been cut from Parks and Recreation. She said that she liked the idea of a webinar and perhaps a public information session to help people understand the Town's complicated budget process and its allocation guidelines.

A motion was made by Council Member Anderson, seconded by Council Member Berry, that this Discussion Item be received and referred. The motion carried by a unanimous vote.

9. Climate Action and Response Plan Implementation Update.

[\[22-0144\]](#)

Sustainability Program Analyst Brennan Bouma gave an update on staff's implementation of the Climate Action Response Plan, which the Council had adopted in April 2021. He emphasized the importance of climate equity in the Plan and discussed current equity-informed projects. He said that a climate equity process would include 97 actions. Thirty-four of those actions would be priorities, 10 were ready for Equity Lab review, and 24 were in development, he said.

Mr. Bouma discussed program performance indicators and how efforts involving priority items would be tracked and updated. He gave examples

of how a Climate Action Fund was supporting projects. He pointed out that the Town had applied for nearly \$400,000 in grants.

Mr. Bouma said that the Climate Action Plan's four action areas were: Buildings and Energy, Transportation and Land Use, Waste Water and Natural Resources, and Resiliency. He discussed key improvement indicators for each of those and described how related actions would be tracked and measured.

Mr. Bouma compared the Town's "Climate Action Hub" to a website in Burlington Vermont and pointed out that the Town's maps were more interactive. He recommended that the Council receive the information that he was presenting and then provide guidance.

Council Member Parker suggested that staff develop ratios or statistics for comparing and determining which projects would be most cost effective and efficient. He recommended that staff look deeper into specific indicators for Chapel Hill and think creatively about which aspects the Town could affect. For example, Town government could not do much to affect median income but it might be able to help those who are under-insured get the insurance to recover from adverse events, he said.

Mayor Hemminger proposed creating a chart to track projects' progress on solar upgrades. She expressed a strong interest in having a community solar project, and Mr. Bouma replied that he had been working with a graduate student in City and Regional Planning who would be interviewing solar energy policy experts as part of his master's degree project.

Mr. Bouma said that he was also happy to work with the Town's facilities maintenance team to look at the Capital Replacement Plan for roofs and to begin adding solar where it might make sense.

Council Member Miller-Foushee ascertained from Mr. Bouma that the NC Clean Energy Technology Center, from which the Town received grants, had been gradually changing its focus toward electric vehicles, electric charging stations, and alternative fuels. The Town was currently looking for federal grants and was receiving a weekly report on possible new grant opportunities, Mr. Bouma said.

Council Member Berry asked if staff was providing local non-profits with information on how to outfit affordable housing units, and Mr. Bouma replied that ideas being discussed included a grant program through which affordable housing providers could access more funds to accelerate and expand their work in helping people save energy. He said that staff would be talking with the Home Preservation Coalition of Orange County to determine the most efficient use of funds to help extend their work as well.

Council Member Ryan asked if there had been any discussion about transitioning to electricity for landscape maintenance equipment where possible, and Community Resilience Officer John Richardson replied that he had been discussing that with the Public Works team but some financial aspects were not yet clear. He said that some states had started to make such policy changes and that staff's next step would be to determine how the Town could do so.

Council Member Ryan proposed folding some Climate Action costs into the Land Use Management Ordinance work, rather than taking money from the Sustainability budget. Council Member Anderson agreed, and said that she would like the Town to start putting what money it could into this implementation plan.

Mayor pro tem Stegman proposed that the emphasis in the next phase regarding transit and transportation move more toward incentivizing biking and walking.

Mayor Hemminger agreed with Council Members' comments and said that the process was not moving as quickly as the Council had hoped. She pointed out that attitudes were changing, however, and that new funding opportunities were available. She was excited to be doing work on one of the Council's highest priorities and looked forward to seeing updates, she said.

This item was received as presented.

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.

10. Concept Plan Review: The Flats, 607-617 MLK Jr. Blvd.; 121

[\[22-0145\]](#)

Stinson St. (Project #21-006)

Assistant Planning Director Judy Johnson presented a concept plan for The Flats, a 100-unit, 4-8 story student housing project with 500-570 beds proposed for a four-acre site along Martin Luther King Jr. Boulevard (MLK). She pointed out that a larger and taller version of the same concept had been presented to the Council in spring 2021. Town staff and advisory boards had not reviewed the revised plan, she said.

Ms. Johnson said that the proposed project would be in Sub-Area C of the South MLK Focus Area, where multi-family residential, commercial, and office were recommended uses. She described the plan to build four stories along MLK with set-backs up to eight stories, which was a concern for adjoining neighborhoods. She recommended that Council Members hear the proposal and then adopt a resolution transmitting their comments to the applicant.

Developer Bruce Ballentine gave a PowerPoint presentation in which he showed changes to the concept plan since it was presented to the Council in March 2021. These included a reduction in building height, a change from a wrapped parking deck to underground parking, an additional open courtyard, a 10-15 percent reduction in the number of beds, elimination of more than 100 parking spaces, increased setbacks, and the elimination of a connection to the Isley-Stinson neighborhood.

Mr. Ballentine said that the Housing Advisory Board and applicant had concurred that a student housing development would not be a good location for affordable housing. He outlined four other possible options for meeting the Town's Inclusionary Zoning Ordinance. These included a payment in lieu, funding a Habitat for Humanity project at Weavers Grove, and/or renovating existing sub-standard housing.

Mayor Hemminger said that she would take a point of privilege prior to the Council's discussion in order to convey a broader view of the Town's vision. The Town had done much work on visioning and a recent housing study had found a need for workforce and affordable housing as well as housing for young professionals, she said. She explained that the assessment had concluded that the Town would not need any more student housing in the near, or even far, future.

Mayor Hemminger pointed out that the downtown area was limited and that the MLK corridor was the only place it could expand. Moreover, she did not think that putting student housing next to a Town-sponsored, senior, affordable housing community would be a good fit, she said. In addition, the Town needed people living in the area 12 months out of the year, she said, adding that the particulars of the project would not interest her unless it was something other than student housing.

All Council Members agreed with Mayor Hemminger's statement, and Council Member Ryan said that the amount of proposed parking in a place so close to downtown troubled her as well. Council Members Parker and Berry said that the Town needed to have a clearer student housing policy so that developers would not spend time and money on projects that might not get a favorable reception.

Mr. Ballantine replied that the Town needed to find a solution other than saying no. He had consistently heard in recent years that the MLK transit corridor was an appropriate place for student housing, he said. He said that UNC did not have enough housing and predicted that students would have to live outside Town and drive to campus, thereby creating more traffic without adding to the Town's tax base.

Applicant Russ Greer, of Progressive Capital Group, asked if the recent Housing Study was public information, and Council Member Anderson replied that she had just posted it into "Chat".

Mr. Greer said that representatives from UNC's Housing Department had told him that they had explained their housing problems to the Council on a couple of occasions. Everyone he had spoken to had described a totally different situation from what the Mayor and Council were saying, he said. From a development standpoint, he knew that the demand was there and he wanted to look at the study and have more conversations about it, he said.

Mayor Hemminger replied that UNC had co-funded the Housing Study and that UNC officials had encouraged the Town to look at the situation holistically. New student housing projects pull students away from campus dorms, which is an Enterprise Fund, she pointed out. She said that the Town's paid consultant had concluded that affordable, middle-income, and housing for young professionals was what the Town needed. There was no current student housing crisis, she said, adding that there were empty student housing rooms farther up MLK.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Stegman, that R-3 be adopted. The motion carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 9:05 p.m.