



# 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, December 7, 2022 7:00 PM RM 110 | Council Chamber**

#### Language Access Statement

For interpretation or translation services, call 919-969-5105.

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Para servicios de interpretación o traducción, llame al 919-969-5105.

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#### In-Person Meeting Notification

The Chapel Hill Town Council will meet in person for the meeting. Where possible, the Council requests that members of the public continue to live stream the meeting and view it over the Town's cable television channel access at <https://chapelhill.legistar.com/Calendar.aspx> - and on Chapel Hill Gov-TV ([townofchapelhill.org/GovTV](http://townofchapelhill.org/GovTV)). The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council meetings. Please participate in a voluntary demographic survey <https://www.townofchapelhill.org/demosurvey> before viewing online or in person.

#### Parking

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

#### Entry and COVID-19 Protocols

- Entrance on the ground floor.

- Visitors and employees will self-screen. Do not enter if you have these symptoms: Fever, chills, cough, sore throat, shortness of breath, loss of taste or smell, headache, muscle pain
- Attendees are encouraged to wear masks in the building.
- Hand sanitizer is located near the main doors.

#### Speakers

- Sign up with the Town Clerk to speak.
- Individuals may speak for 3 minutes maximum, unless more than 14 people sign up for an item. Council may reduce time to 2 min./person.
- Please do not bring signs.

#### 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, Assistant Planning Director Judy Johnson, Business Management Director Amy Oland, Police Chief Chris Blue, Fire Chief Vence Harris, Management Analyst Ryan Campbell, Affordable Housing and Community Connections Director Sarah Viñas, Economic Development and Parking Services Director Dwight Bassett, Planning Administrative Assistant Diedra McEntyre, Transit Planning Manager Caroline Dwyer, Transit Development Manager Matt Cecil, Transit Director Brian Litchfield, Assistant to Town Manager Ross Tompkins, Parks and Recreation Assistant Director Atuya Cornwell, Communications Manager Ran Northam, Fire Marshal Chris Covington, Police Officer Paul Bell, Deputy Town Clerk Amy Harvey, and Assistant Town Clerk Brenton Hodge.

#### OPENING

Mayor Hemminger called the meeting to order at 7:00 p.m. She reviewed the agenda and pointed out that Item 17 had been postponed to Jan 25, 2023. She said that she might need to leave the meeting early because a problem she was having with vertigo.

0.01 Creative Placemaking Leadership Summit Video. [\[22-0917\]](#)

The Council watched a video about a recent leadership summit that had attracted more than 400 artists, leaders and policy-makers from across the U.S. to Chapel Hill. The video pointed out that most attendees had stayed in downtown hotels, which had had a strong impact on downtown businesses. Mayor Hemminger thanked Library Director Susan Brown and UNC Arts Everywhere Associate Director Katherine Wagner, and their

teams, for bringing the summit to Town. She had learned a lot by participating, she said.

### ANNOUNCEMENTS BY COUNCIL MEMBERS

0.02 Mayor Hemminger Regarding Chief Blue's Retirement Party. [\[22-0918\]](#)

Mayor Hemminger invited everyone to attend a party for Police Chief Chris Blue, who was retiring after 25 years of service to the Town. She said that the event would be held at the Hargraves Center on December 9, 2022, at 2:00 pm.

0.03 Mayor Hemminger Regarding Upcoming Public Information Meetings. [\[22-0919\]](#)

Mayor Hemminger said that a public webinar on Transportation and Land Use Initiatives would be held on December 8, 2022, from 7:00-9:00 pm. The meeting would be part of the North-South Bus Rapid Transit federal grant application process, she said, adding that more information was available on the Town's website.

0.04 Mayor Hemminger Regarding Public Information Meeting for 1604 Purefoy Road. [\[22-0920\]](#)

Mayor Hemminger announced that a virtual public information meeting regarding St. Paul AME's proposal for multifamily housing and community facilities on Purefoy Road would be held from 5:15-6:15 p.m. on December 12, 2022.

0.05 Mayor Hemminger Regarding Future Council Member Birthdays. [\[22-0921\]](#)

The Mayor and Council extended early Happy Birthday wishes to Council Members Anderson and Miller-Foushee, whose birthdays would fall during the Council's winter break.

### 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. Environmental Stewardship Advisory Board Request to Acquire Eastowne Natural Heritage Site and Designate Natural Conservation Area. [\[22-0900\]](#)

Anthony Henage, vice chair of the Environmental Stewardship Advisory Board (ESAB) and an Eastowne Road resident, said that environmental and governmental groups had agreed on the value of preserving the Eastowne Conservation Area, which consisted of old-growth hickory and oak forest and was the last remaining link in a major wildlife corridor. He said that a 2019 site survey had determined that section of forest to be worthy of protection and that the ESAB had identified a way to do so.

This item was received as presented.

1.01 Carol Conway Request Regarding Affordable Housing Needs for IDD Members. [\[22-0922\]](#)

Carol Conway, an advocate for people with intellectual and developmental disabilities, emphasized the need to include wheelchair accessibility and other accommodations for people living below 30 percent of the Area Median Income. She discussed limitations of state and federal assistance and stressed the importance of integrating those who are disabled into the community.

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council received and referred the petitions to the Town Manager and Mayor. 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 Parker, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[22-0901\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

3. Award Pay Increase to the Town Attorney. [\[22-0902\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

- 4. Approve the Town Attorney's Employment Contract Extension. [\[22-0903\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
- 5. Support the FY24 Chapel Hill Transportation Demand Management Application to the Triangle J Council of Governments. [\[22-0904\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
- 6. Support a Paved Trails Feasibility Study Grant Application to the North Carolina Department of Transportation. [\[22-0906\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
- 7. Continue the Legislative Hearing for the Conditional Zoning Application for Aspen Chapel Hill at 701 Martin Luther King Jr. Blvd. to January 25, 2023. [\[22-0907\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
- 8. Adopt Minutes from September 28, 2022 and October 3, 2022, Meetings. [\[22-0908\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

**INFORMATION**

- 9. Receive Upcoming Public Hearing Items and Petition Status List. [\[22-0909\]](#)  
This item was received as presented.
- 10. Receive an Update on the Racial Equity Assessment of the Human Services Program. [\[22-0910\]](#)  
This item was received as presented.

**DISCUSSION**

- 11. Call a Legislative Hearing for Land Use Management Ordinance Text Amendments - Proposed Changes to Articles 1, 3, 4, 5, 6, 7, and Appendix A Related to Housing Choices for a Complete Community on January 25, 2023. [\[22-0905\]](#)  
  
Mayor Hemminger pointed out that this item was merely calling for a public hearing in early January 2023.  
  
Council Member Searing commented that the item would change the

Town's zoning rules by allowing condos and townhomes in single-family districts. The idea had been controversial in some towns, he said, and he urged residents to pay attention to the hearings and provide feedback.

Council Member Anderson said that the Town had been discussing the amendments for a long time and that people across the community had been excited about them. She said that the proposed changes would make neighborhoods more inclusive and diverse, and she urged residents to not give in to "fear-mongering".

Council Member Miller-Foushee pointed out that single-family zoning had a history of segregation and housing practices that impacted people of color. The proposed changes would signal that the Town was commitment to equity and inclusion, she said.

A motion was made by Council Member Anderson, seconded by Council Member Parker, that the Council adopted R-5. The motion carried by a unanimous vote.

- 12. FY 2022 Annual Comprehensive Financial Report Results. [\[22-0911\]](#)

Auditor Keng Mau with Martin Starns and Associates, reported that the Town had been given an unmodified, clean opinion, which meant that its financial statements contained no red flags. The Town's property tax valuation and collection was stable, and its General Fund (GF) available balance had increased by 11.8 percent since 2021, she pointed out.

Director of Business Management Amy Oland said that the Town continued to maintain its AAA bond rating from Moody's and Standard & Poor's as well. Chapel Hill had been awarded a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for its FY 2021 annual comprehensive financial and expected to do so for FY 2022 as well, she said. She pointed out that it would be the 37th consecutive year that the Town had received that award.

Ms. Oland reported a \$3.6 million increase in the Debt Fund balance and a \$13.3 million increase in the Transit Fund balance. She said that the Housing and Stormwater Funds had added \$157,000 and \$947,000, respectively, and the Parking Fund had increased by \$383,000. There would be a better sense of the Parking Fund's financial outlook when the Town's new parking deck was open and generating revenue, she pointed out.

Ms. Oland said that the factors that had led to the strong increase in General Fund balance, which was currently \$36.3 million, included conservative budgeting, sales tax growth, and personnel savings from staff vacancies during the COVID-19 pandemic. She said that the available balance of \$22.2 million represented 31.5 percent.

Ms. Oland pointed out that the objective was to have a fund balance that was equal to about 22 percent of General Fund expenditures. She explained how the 31.5 percent had been calculated. She said that \$6,686,963 of the total was technically available for appropriation but that she recommended reducing that to \$4 million, which would then ensure ending FY 2023 at approximately 22 percent.

Ms. Oland said that staff would analyze potential uses for the excess funds when looking at the Town's four-year budget strategy. It could be used to address Council and community interests, organizational needs, and/or pandemic recovery and restoration, she said. She said that staff would return in January 2022 for a more in-depth discussion of how much fund balance to appropriate and how to allocate those funds.

In response to Council questions about the effects of having staff vacancies, Ms. Oland explained that it had been a difficult and challenging situation that should be addressed during budget discussions. She and the Council discussed how uses for the excess fund balance would be part of five-year budget strategy discussions. The Council confirmed that staff would present information regarding the Town's Employee Class and Compensation Study on January 28, 2023.

Council Member Berry expressed concern about the condition of Fire Department vehicles, and Ms. Oland said that she would present a proposal for addressing an approximate \$9 million gap regarding fleet replacements on January 18, 2023.

Mayor Hemminger requested that staff provide numbers on the percentage of growth over the last five years for sales tax and other categories. She asked for additional information on the shifting number of Town employees. She liked having excess fund balance, but not at the expense of employees and services, she said.

The Council confirmed that Ms. Oland did not FY 2023 excess fund balance to be anywhere near the current year's amount. Ideally, it should be about \$1 million, she said.

Mayor Hemminger proposed that Council Members hold their remaining comments until the January 18, 2023, work session. Council Member Ryan said that she would be especially interested in learning at that time about departmental requests that could not be fulfilled during the previous budget cycle. Council Member Miller-Foushee asked staff to include information on departments' visioning and creative ideas as well as their operational needs.

This item was received as presented.

**13. Introduction of Bond Orders for Two-Thirds Bonds and Call for a Public Hearing for the Issuance of Two-Thirds Bonds.** [\[22-0912\]](#)

Ms. Oland introduced a bond order that would authorize the issuance of Two-Thirds General Obligation Bonds for Public Safety in the maximum amount of \$1,980,000. She explained that Two-Thirds Bonds did not require a public referendum and could be issued based on the Town's previous year's reduction in principle. The Town could issue \$1,980,000 in 2023 and the average annual debt service on that would be about \$218,000 for 20 years, she said.

Ms. Oland said that Two-Thirds Bonds were used for highest priority, time-sensitive projects that had no other source of funding. The most critical Town need was to replace public safety radio equipment for Police and Fire Departments in order to meet new state criteria, she said. She said that the estimated costs were \$1,959,847 for Police and \$535,705 for Fire.

Ms. Oland said that the approval process would include adopting the bond order on January 11th and having a bond closing on March 7, 2023. She recommended that the Council adopt Resolution 9, which would set a public hearing for January 11th and authorize filing a sworn statement of debt.

A motion was made by Mayor pro tem Stegman, seconded by Council Member Berry, that the Council adopted R-9. The motion carried by a unanimous vote.

**14. Consider Approving the Complete Community Framework, Initial Pilot Projects, and Authorizing Next Steps.** [\[22-0913\]](#)

Consultant Jennifer Keesmaat, appearing via ZOOM, presented a resolution to approve the Town's new Complete Community Framework (CCF) and related pilot projects. She described the recently completed process and discussed how an analysis of housing capacity had led to a CCF for where the Town could grow and as well as an Everywhere-to-Everywhere Greenways strategy.

Ms. Keesmaat gave a brief overview of the CCF's four key components, which included a capacity analysis, Everywhere to Everywhere Greenways, additional density at large infill sites, and integrating diverse forms into existing neighborhoods. She said that planning strategically for the future, expanding and delivering greenways for everyday life, being green while building new homes, and planning for excellence in the public realm would be the Town's strategic directions moving forward.

Ms. Keesmaat pointed out that the Town had developed two categories of

pilot projects: 1) to pursue federal funding for building an Everywhere-to-Everywhere Greenways transportation infrastructure; 2) to engage in new development approaches for projects at Midtown Plaza and Parkline. She provided details on how the pilots had been chosen, vetted and refined, and she strongly recommended that the Town move forward with them.

Ms. Keesmaat reviewed the steps that would be necessary to ensure successful implementation and discussed why each step was critically important. She said that Resolution 10 would approve the CCF, advance the pilot projects, and the supporting analysis that would be required to implement the CCF forward.

The Mayor and Council expressed appreciation to Ms. Keesmaat for her work and commented on the importance of the CCF for Chapel Hill. They thanked Town staff as well and said that it was now up to the Council to create amendments that would match the Town's regulatory system to its vision.

Council Member Huynh confirmed with Ms. Keesmaat that she had not recommended a North Chapel Hill project for a pilot as well because there was not enough capacity on Town staff to do that and Parkline at the same time. Both had been identified as worthy to advance, but Parkline had a window of opportunity and momentum, she said.

Town Manager Maurice Jones said that staff had begun working on grant proposals for the Everywhere Greenways project and would provide Council with updates in early 2023. He said that there were not enough people on staff to do all of the projects before them and that it would be important to discuss how to implement all that was being proposed during budget deliberations.

Council Member Berry expressed support for going slower and proposed that the Town Attorney be integrally involved in the process. Council Member Parker proposed seeing if any capacity could be freed up in the Planning Department, since CCF was a top Council priority. Council Member Huynh said that he would appreciate more clarity regarding staff capacity and if there might be options for moving on several projects at once. Council Member Anderson said she preferred doing one at a time.

Council Member Ryan suggested that staff provide the Council with a plan for how all of the projects would be executed. She commented on the enormity of the entire undertaking and the need for very long-term planning. In the short term, the Town needed to convince the federal government that investing in Chapel Hill would yield a great CFF demonstration project, she said.

Mayor Hemminger left the meeting at 8:34 p.m. due to illness. Mayor pro tem Stegman took over conducting the meeting. She commented that Ms. Keesmaat had brought many different strategies, plans and ideas together and created a cohesive vision that the Town had been able to rally around. That vision incorporated many of the Town's goals and was already changing how it was operating, she said.

The Council voted unanimously to approve R-10, as amended to include review by the Town Attorney.

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council adopted R-10 as amended. The motion carried by a unanimous vote.

**15. Shaping Our Future - Transit Oriented Development and Land Use Management Ordinance (LUMO) Update.**

[\[22-0914\]](#)

Caroline Dwyer a transit planning manager (with Renaissance Planning?), updated the council on progress toward a north-south bus rapid transit (NS-BRT) corridor and a Land Use Management Ordinance (LUMO) audit. She reviewed the role of transit-oriented development in meeting established community goals. She noted the need for a strategic and sustained policy commitment in addition to new regulatory tools that promote and incentivize density, mixed use and walkability.

Transit Development Manager Matt Cecil presented an overview of draft implementation strategies that would be explored as part of the Town's Transit-Oriented Development (TOD) Plan and its LUMO rewriting process. He discussed a plan to change the LUMO in a way that would advance broad community objectives. He pointed out that creating a more proactive and intentional regulatory framework would increase the potential for receiving Federal Transit Authority (FTA) funding. Staff would return at a later date with options for LUMO updates, he said.

Allison Mouch, a partner with Orion Planning and Design, explained her firm's charge to conduct an in-depth assessment of the LUMO, including related plans and policies and land use regulatory tools. Because the LUMO had not been updated to reflect the Town's Future Land Use Map, the Town did not have the regulatory framework to accomplish the goals it sets forth, she said. She pointed out the LUMO needed to be updated in order to reflect the goals and priorities Transit-Oriented Development planning and the Complete Communities Framework.

Ms. Mouch said that many elements of the LUMO would be looked at and updated in order to create a clear, more concise and more illustrative document. She said that emerging recommendations for changes included: consolidating use districts into fewer more relevant ones;

updating use district standards and regulations; incentivizing affordable housing and community benefits via density bonuses; reducing parking standards in TOD areas; and providing fee reductions or waivers.

Mr. Cecil said that having multiple districts throughout the corridors had led to some fragmentation within local areas and differences along the entire corridor. Densities were generally below what would support desired uses in a walkable, mixed-use, connected community with services and activities that people want, he said. He described options for regulatory changes in the BRT corridor, gave examples of each, and made recommendations.

Mr. Cecil described various possible approaches to rewriting the LUMO and said that staff was currently leaning toward a comprehensive update. That would entail looking at the entire LUMO in a holistic and intentional way and updating all of the provisions, he said.

Principal Planner Deidre McIntyre reviewed the schedule for January and February and said that staff would bring a resolution to Council on February 22, 2023, that would adopt TOD as part of the Comprehensive Plan.

The Council confirmed with Ms. McIntyre that staff would provide more information when it met with Council Members individually and in small groups over the next couple of weeks. There would be a mechanism for allowing the Council to prioritize critical items, she said.

Council Members Ryan and Anderson advised staff to keep the goal of good placemaking in mind. If that was right then the Town's FTA score would increase as well, they pointed out. Council Member Berry said, though, that she appreciated staff identifying areas where the FTA score could be increased.

Council Member Parker stressed the need to know how much could be done soon so that the Town would not be trying to make CCF rules that would not work under the current system. Council Member Ryan asked staff to bring back more information on incentives, and on how transit-oriented development would tie into the Everywhere-to-Everywhere Greenways system. She said that the revised LUMO should include better protection of the Town's natural areas and better design standards, especially for streetscapes and public realms.

In response to the Council's comments and questions, Ms. McIntyre said that staff had been discussing ways to speed up the LUMO rewriting process and would discuss that with the Council in February 2023. She assured Council Members that the Everywhere-to-Everywhere greenways strategy had been part of the analysis and that staff had made a list of

potential projects to help close gaps. She would share that information with Council Members during their one-on-one meetings, she said.

Mayor pro tem Stegman thanked staff for helping to move the Town past its suburban form. She repeated other Council Members' request that staff bring ideas for expediting the process to them in January 2023.

This item was received as presented.

**16. Receive the Recommendations of the Legion Property Committee and Consider Next Steps on the Future Use of the American Legion Property.** [\[22-0915\]](#)

Town Manager Maurice Jones presented an overview of the Town's process regarding a 36-acre site that the Council had purchased from the American Legion in 2017. The current item was for discussing the future of that property and reviewing recommendations for its use from a Legion Property Committee (LPC) that had been led by Mayor Hemminger and included Council Members Parker, Ryan and Stegman. The current meeting was for gathering public input, answering the Council's questions, and considering adoption of the LPC's recommendation (R-11), he said.

Mr. Jones provided background on how five Council Members had filed a petition in May 2022 that directed staff to develop a plan for future use of the Legion property. The Council had then generally agreed in June 2022 to create a park with passive and active recreation and build some AH on the site, but Council Members had differed on whether to consider selling a portion of the property for private development, he said. Then, in October 2022, the LPC had been formed to discuss key interests and make recommendations for full Council consideration, he said.

Mr. Jones summarized the LPC's conclusion that the Council should consider creating a park, which would include open space and active amenities, and also create some affordable housing (AH) on the site. The LPC had not recommended selling off a portion of the property for commercial development, he pointed out. He said that the LPC's recommendations had been very general. Much time, effort and community input would go into developing the plan further over the coming months and years, he said.

Mr. Jones said that Town staff had introduced the LPC's recommendation at a recent public information meeting and that 37 members of the public had offered various opinions. The Town had received numerous emails and public input through an online portal as well, he said.

Assistant to the Town Manager Ross Tompkins expanded upon the LPC's recommendation to combine 27 acres of the Legion Road property with

11-12 acres of Ephesus Park property and create a new park that would include passive and active recreation, accommodate Cultural Arts, and preserve natural areas. The LPC had also recommended reserving 8-9 acres along Legion Road for AH, he said.

Mr. Tompkins explained that a dam on the western portion of the site had been failing and that a pond in that area did not serve any stormwater function. The LPC had recommended letting the state determine whether there was an underground water source for the pond and whether it had potential for being a water feature, he said. He pointed out that such an evaluation would take months and that any of the options would cost hundreds of thousands of dollars.

Mr. Tompkins said that the Council's consideration of Resolution 11 would be part of a series of steps that the LPC had recommended. He summarized several other steps and said that the process would take an estimated two years, or more. He recommended that the Council receive public input and consider adopting R-11, which would approve the LPC's recommendations and authorize the Town Manager to proceed with next steps.

Thirty-six Chapel Hill residents commented on the future use of the Legion property. The following 20 spoke in favor of creating a park there:

Xilong Zhao pointed out that volunteers had already created a monarch butterfly/pollinator garden on the land. Trish De Franco, Ken Brooks, Virginia Gray and Sally Binkowski spoke about the value of the pond to residents, and some of them predicted stormwater issues if the pond were eliminated.

Jeanne Gabin described the current beauty of the area, and Jennifer Daniels, Christopher Brandham and Nicole Basile discussed the physical and mental health benefits of having access to open space. Charles Humble mentioned a long, unmet need for a park in the area and Stephanie Greenberg argued that the Legion land could not support additional concrete. Lindsay Garrison said that the character of the land would be irrevocably changed if the pond were drained and open space were taken over by apartment buildings and impervious surfaces.

Richard Mitchell complained about how a recent public information session had been conducted and criticized the entire Town process in general. When citizens voted in favor of using \$10 million in Parks and Recreation money to purchasing the Legion property, they expected it to be used for parks and recreation, he said.

David Adams and Renuka Soll argued that the issue was one of equity. There were many options for affordable housing in Town, but no other

options for conserving greenspace for a true community park in East Chapel Hill, Mr. Adams said. Ms. Soll pointed out that much dense housing had been built near Legion Road. She said that residents in that part of Town deserved the same amount of clean open space as other neighborhoods had.

Lew Brown, who had served on the original 2017 Legion Task Force, said that the neighborhood was not against AH, which already existed there. The Legion property represented a unique opportunity to develop significant greenspace and a park that would be within walking distance for the approximately 2,500 new residents who would live in the recently completed, under construction, or planned nearby apartments, he said.

Lizzette Potthoff said that she fully supported AH, but not on that piece of property. She urged the Council to slow the process down and she asked why AH that had existed in an area along Ephesus Road had been torn down to make way for luxury apartments.

Lisa Poger said that sacrificing the pond to develop the land would lead to flooding of adjacent properties but that keeping it would support the state initiatives to decarbonize North Carolina by 2030. Anne Brashear pointed out that she and more than 80 volunteers had recently cleared invasive plants from the property and planted trees throughout the site. The entire property should be a park, particularly in view of all the new development and existing AH in that neighborhood, she said.

Abel Hastings said that the Town had recently spent \$9 million on AH. However, it had not added a single park even though a 2013 parks plan had recommended building six new ones, he said. He stated that asking residents to authorize a bond for open space and then using that land for something else was sewing distrust.

The following seven people advocated for building AH at the site:

Theodore Nollert, president of the Graduate and Professional Student Government at UNC-CH, discussed the pay ranges for graduate and professional students and said that both groups would benefit from having more AH in Town. Jennifer Player, CEO of Habitat for Humanity, pointed out several reasons why more AH was needed in Town and urged the Council to vote in favor of the resolution.

Chapel Hill resident Quinton Harper asked the Town to acknowledge that people were experiencing homelessness and/or housing insecurity in Town and that some of them were sleeping in tents. Kimberly Sanchez, representing the Orange County Affordable Housing Coalition, expressed strong support for the LPC's recommendation. There was not enough AH, and the Coalition would seize every opportunity to advocate for more, she

said.

Holly Riddle, a disability rights attorney who lives adjacent to the Legion property, cited a US Supreme Court decision that had given people with disabilities the right to fully participate in all aspects of community life. She strongly supported the proposal to allocate a portion of the Legion parcel for AH, such as the HOPE project, she said.

Darren Campbell, who had grown up in Chapel Hill and was legally blind, said that he could no longer afford to live in Town. AH at the Legion site would be perfect for him because of its access to nearby amenities and transportation, he said.

Laura Wells, executive director at HOPE North Carolina, pointed out that the Town could build a great park while also providing much needed AH for people with disabilities, older adults, teachers, hospital staff and others who have been priced out of our community.

The following nine people spoke in favor of creating both a park and AH at the site:

Poonam Pande described the difficulty of finding affordable and accessible housing for her adult child, who is disabled, and said that the Town had a unique opportunity to create both a community park and AH. Katina Welch described the plight of those experiencing homelessness and expressed support for building both a park and AH.

Thomas Andrews noted the importance of AH but emphasized the importance of the site's value to the hundreds of species of animals that live there. He hoped the Town would find a compromise that would at least preserve the pond, he said.

Geoff Green urged the Council to adopt the resolution and move forward with planning for much needed AH as well as determining the fate of the pond and creating a park. Bill Brashear said that he knew what it felt like to be homeless, and to live on a teacher's salary, and to have handicapped family members. However, he wanted a park as well, he said, and he recommended that the Council go slowly and build consensus on the matter.

Simon Palmore said that true equity was ensuring that all had a safe and comfortable place to sleep at night and he asked the Council to address that critical need as well as a park. Thomas Fenn expressed support for a petition that called for AH at the Legion location for people who work in healthcare, public service, safety and other similar fields.

Susan Laidlaw expressed support for creating AH, a park and a pond at the

site, and Melissa McCullough, an applied ecologist who focuses on community sustainability, said that she wholeheartedly endorsed the LPC's recommendations. The Town had bought the land for multiple uses and had an opportunity to address at least some of the AH shortfall while also having a good size park on the site, she said.

Mayor pro tem Stegman pointed out that the resolution before the Council (R-11) was to adopt the LPC's recommendation to create a new Town park, with both passive and active recreation, by combining 27 acres of the Legion property with 11-12 acres from Ephesus Park. The resolution also called for reserving 8-9 acres along Legion property frontage for AH and moving forward with that planning process, she said.

Council Member Anderson characterized R-11 as a compromise that would benefit the entire Town. She stressed the importance of addressing both housing and the environmental needs in order to have a healthy community. The Town should put AH and greenspace everywhere it owned property and build greenways that connect those with nature all over Town, she said.

Council Member Searing said that he had been proud of his vote to approve \$9 million for six new AH projects. However, the Council had multiple duties and priorities and he would vote against R-11 because the community's parks and recreation requests had not been fulfilled, he said.

Council Member Huynh expressed enthusiasm for taking the next steps toward a compromise. He said that the Town was fully capable of addressing more than one priority at a time. He felt proud to prioritize the need for shelter for those who provide vital services for the Town while also building into nature with an Everywhere-to-Everywhere Greenways system, he said.

Council Member Parker pointed out that he had been a member of the Council that had originally purchased the property. He was proud to vote for R-11, he said, adding that it had always been the Council's intention to have a mix of uses there, including AH. He said that the Town would make a decision about the pond once it understood the hydrology at that location.

Council Member Ryan said she agreed with the goal of using Town resources to accomplish multiple goals. She was glad that the Town had not moved forward with any of the proposals to sell the land for private development and that nearly nine acres of stream corridors and forests would be preserved, she said. With a 35-acre park, preserved natural space, and much needed AH, the compromise was a huge win for everyone, she said.



Council Member Berry said that the Council was working hard to respect the Town that the public had placed in its care. She did not think there had been enough investment in Parks & Recreation, but she wanted to have both and to explore any opportunity to build more AH, she said.

Council Member Anderson read a statement from Mayor Hemminger that provided background information on the 2016 purchase of the 36-acre property. If the Town Council had not taken that step, then there would be apartments on that property today, the Mayor stated. She said that purchasing the land had been one of her proudest accomplishments as Mayor. She was eager to begin creating a place that the entire community could benefit from and enjoy for generations to come, she said.

Mayor pro tem Stegman thanked community members for their input. She said that the evidence regarding housing shortages in Town and across the country was indisputable. Everyone wanted a park, but Town zoning regulations had been exclusionary and Town-owned land was a significant way to get AH because it reduced cost, she said. She said that she viewed R-11 as a win/win for everyone.

A motion was made by Council Member Parker, seconded by Council Member Miller-Foushee, that the Council adopted R-11. The motion carried by the following vote:

**Aye:** 8 - Mayor Hemminger, Mayor pro tem Stegman, Council Member Anderson, Council Member Berry, Council Member Miller-Foushee, Council Member Huynh, Council Member Parker, and Council Member Ryan

**Nay:** 1 - Council Member Searing

### **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.

17. Concept Plan Review: Chapel Hill Transit and Public Facilities Expansion, 6830-6900 Millhouse Road. [\[22-0916\]](#)

This matter was deferred to the January 25, 2023 Town Council Meeting.

### **ADJOURNMENT**

This meeting was adjourned at 11:32 p.m.