



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, April 21, 2021

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_HUYeSJPqQu2oLAnBvdRksg After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 830 2695 0514

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

ROLL CALL

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

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, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, Senior Planner Anya Grahn, Executive Director of Community Arts & Culture Susan Brown, Affordable Housing Manager Nate Broman-Fulks, LUMO Project Manager Alisa Duffey Rogers, Executive Director of Housing and Community Loryn Clark, Affordable Housing Development Officer Emily Holt, Marketing and Communications Coordinator Melissa Bartoletta, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING**0.01 Mayor Hemminger and Council Member Buansi Regarding Recent Trial and Verdict.**[\[21-0359\]](#)

Mayor Hemminger opened the Council meeting at 7:00 p.m. She commented on a recent jury verdict that had found Minneapolis Police Officer Derek Chauvin guilty of murder in the death of George Floyd, and she called on Council Member Buansi to make a statement.

Council Member Buansi reviewed the events that had led to Derek Chauvin's conviction and discussed instances where other killers of people of color had not been held accountable. He stressed the need for accountability and said that change needed to occur at local, state and federal levels. He pointed out that the Town's Re-imagining Community Safety Task Force had begun its work.

Mayor Hemminger emphasized the need to eradicate racism, locally and nationwide, and said that the Town Council was united against such acts of hatred toward anyone.

ANNOUNCEMENTS BY COUNCIL MEMBERS**0.02 Chinese School at Chapel Hill Students Video.**[\[21-0360\]](#)

The Council watched a video, titled LOVE not HATE, which students from the Chinese School at Chapel Hill had produced to address hate crimes against Asian American and Pacific Islander (AAPI) immigrants. The video raised questions about why AAPI people were being treated as less than American and asked how much more they would need to sacrifice before everyone would understand that the US is their home, too. "When all else seems to fail, love is what will prevail", the video concluded.

Xilong Zhao, a Chapel Hill resident and current president of the Chinese American Friendship Association of North Carolina, thanked the Council and staff for participating in a March 21, 2021 vigil for victims of a recent shooting in Atlanta and for condemning hate crimes and racism against AAPI people. She thanked Council Member Gu, in particular, for leading the effort, and thanked Police Chief Chris Blue for hosting important community conversations.

Council Member Gu commented on the hopelessness that one can feel when seeing daily news reports about mass murders and racial injustice. She hoped that people would not become paralyzed by fear and anger, she said. She said that the message of LOVE not HATE in the Chinese students' video had given her hope for better days ahead.

0.03 Proclamation: Breastfeeding Family Friendly Community.[\[21-0361\]](#)

Mayor Hemminger announced that the Council had passed a Breastfeeding Family Friendly Community proclamation, joining the larger movement to educate the public. The Town would provide appropriate spaces for breastfeeding in its facilities, she said, adding that additional information would be posted on social media.

0.04 Proclamation: Chapel Hill Volunteers Week.

[\[21-0362\]](#)

Mayor Hemminger thanked the many people who had volunteered their time, effort and resources to make a difference in the community. She described some of those activities and pointed out how especially impressive it was to have such volunteers during a pandemic.

0.05 Mayor Hemminger Regarding Earth Day.

[\[21-0363\]](#)

Mayor Hemminger reminded everyone that April was Earth Month. She said that she had been learning more about proposed solutions at a recent North Carolina Energy Summit.

0.06 Consider a Resolution Opposing Passage of Senate Bill 349.

[\[21-0364\]](#)

Mayor Hemminger provided background information on NC Senate Bill 349 and said that its stated goal was to create affordable housing (AH) opportunities across the state. However, if approved, the bill would drastically reduce local governments' zoning authority and would severely restrict the Conditional Zoning that Orange County relied on to create and preserve AH, she said.

Mayor Hemminger explained that Chapel Hill was joining other cities across the state that were adopting resolutions that oppose Senate Bill 349. Mayor pro tem Parker read portions of the resolution and the Council unanimously adopted it.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, to adopt R-0.1. The motion carried by a unanimous vote.

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 Regarding [\[21-0328\]](#)
UNC-CH's Request to Renew its Coal-Burning Permit for the
Cameron Avenue Co-Generation Power Plant.

Mayor Hemminger said that the University of North Carolina (UNC) had recently released its climate action plan and that she had a good discussion with University officials about their plans for their coal burning plant. She would provide Council Members with copies of a related letter that she was writing to the NC Utilities Commission, she said.

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

2. Brown & Bunch, PLLC Request for Permission to Proceed with [\[21-0329\]](#)
Presentation of Proposal for a Columbarium at the Old Chapel
Hill Cemetery.

Mayor Hemminger said that submitting a petition was the only way to proceed with this request. She proposed that the Council receive and refer the petition to her and the Town Manager.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, that this Petition be received and referred to the 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 Huynh, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

3. Approve all Consent Agenda Items. [\[21-0330\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Approve the Miscellaneous Budget Ordinance Amendment to [\[21-0331\]](#)
Adjust Various Fund Budgets for FY 2020-21.

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

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5. Extend and Provide Option to Expand Territory of the Encroachment and Lease Agreement for Town Right-of-Way along Cleland Drive for Continued Use as a Cellular Tower Site. [\[21-0341\]](#)
- This resolution(s) and/or ordinance(s) was adopted and/or enacted.
6. Call a Public Hearing to Consider Proposals for Downtown Municipal Service District Services for May 5, 2021. [\[21-0332\]](#)
- This resolution(s) and/or ordinance(s) was adopted and/or enacted.
7. Call a Public Hearing for a Conditional Zoning Application for Aura Development, 1000 Martin Luther King Jr. Blvd, from Residential-1 (R-1) to Office/Institutional-3-Conditional Zoning District (OI-3-CZD) on May 12, 2021. [\[21-0327\]](#)
- Mayor Hemminger said that an item regarding the Aura project had been moved to May 12, 2021, so that the discussion could follow receipt of updated traffic information.
- This resolution(s) and/or ordinance(s) was adopted and/or enacted.
8. Amend the 2020-21 Council Calendar. [\[21-0333\]](#)
- This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

9. Receive Upcoming Public Hearing Items and Petition Status List. [\[21-0334\]](#)
- This item was received as presented.

DISCUSSION

10. Town of Chapel Hill Poet Laureate Program Update. [\[21-0335\]](#)
- Library Director Susan Brown, speaking as executive director of Community Arts and Culture, gave an update on the Town's Poet Laureate Program and recommended that the Council adopt a new framework that staff had developed. She also recommended extending the current poet laureate's term to two years and increasing the stipend amount.
- Ms. Brown proposed other changes as well, such as having a more formal application process and implementing a youth poet laureate program. She then introduced Poet Laureate TJ Suitt, who read his recent poem, "In the Aftermath", which was based on what a year following a year of pandemic and racial brutality might be like.
- Council Members praised Mr. Suitt for his beautiful and powerful poetry

and for helping to guide the Poet Laureate Program's future. Mayor Hemminger commented on how his work was helping the community heal and inspiring people to be better. The Mayor and Council agreed that Chapel Hill could not have had a finer first poet laureate. Council Member Buansi said that "In the Aftermath" would be foremost in his mind whenever he remembered the year 2021.

The Council expressed support for starting a youth program and thanked Council Members Buansi and Schaevitz for bringing the poet laureate idea forward in the first place.

A motion was made by Council Member Buansi, seconded by Council Member Anderson, that R-6 be adopted. 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.

11. Consider an Application for Special Use Permit Limited Scope Modification for Signature Healthcare of Chapel Hill, 1602 E. Franklin Street.

[\[21-0336\]](#)

Planner Anya Grahn said that the Signature Healthcare project had been through multiple rounds of review and was currently before the Council for possible action. The applicant had come into compliance with related stipulations, she said, and she recommended that the Council approve the Special-Use Permit modification to adjust construction start and end dates.

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that R-7 be adopted. The motion carried by a unanimous vote.

Continued Discussion

12. Consider Land Use Management Ordinance Text Amendments - Proposed Changes to Section 3.6.2 Historic Districts Related to Review Criteria and Section 8.4 Historic District Commission.

[\[21-0337\]](#)

Ms. Grahn explained that a Land Use Management Ordinance text amendment related to review criteria had been updated and had gone through several rounds of review. 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 Huynh, that R-9 be adopted. The motion carried by a unanimous vote.

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

- 13.** Updates and Preliminary Recommendations from Re-Imagining Community Safety Task Force. [\[21-0338\]](#)

Town Manager Maurice Jones said that the Re-imagining Community Safety Task Force had requested a little more time to finalize its recommendations. Staff anticipated bringing those recommendations to Council for consideration in May or June 2021, he said, adding that he would set funds aside for the initiative in the budget.

This item was received as presented.

- 14.** Open a Public Hearing for Land Use Management Ordinance (LUMO) Text Amendments - Proposed Changes to Articles 1, 3, 4, 5, 8 and Appendix A to Bring the LUMO into Compliance with North Carolina General Statute 160D; and Initial Review of Amendments to the Town Code - Proposed Changes to Chapters 5, 7, and 9 to Update References in these Chapters to Align with North Carolina General Statute 160D. [\[21-0339\]](#)

LUMO (Land Use Management Ordinance) Project Manager Alisa Duffey-Rogers gave a PowerPoint presentation that briefly explained the NC General Assembly 2019 legislation, which had created a new chapter known as 160D. She explained that the Town's LUMO needed to be brought into alignment with 160D by July 1, 2021, and she outlined a process for including the necessary text amendments.

Ms. Duffey-Rogers reminded the Council that 160D required the elimination of Conditional Use District zoning. Conditional Zoning (CZ) would replace that and conditions could be placed on CZ if the applicant and Town agreed to them, she explained. She reminded Council Members that 160D also clarified that the Planning Commission and other Town advisory boards' recommendations regarding Special-Use Permits could not be used as a basis for quasi-judicial decisions.

Ms. Duffey-Rogers provided additional details on 160D regulations and proposed LUMO amendments and said that staff believed the proposed changes were consistent with the goals of the Chapel Hill 2020

Comprehensive Plan. She recommended that the Council open the public hearing, receive public comment, and consider enacting amendments to the Town Code and the LUMO on May 19, 2021.

Council Members confirmed with Ms. Duffey-Rogers that Town staff would be allowed to continue approving minor modifications under 160D. They also confirmed that the Council would continue to hold hearings and who was allowed to speak at those would remain relatively the same. Council Member Gu asked if it would still be appropriate for the Council to propose "demands or asks", and Ms. Duffey-Rogers said that she would confer with the Town Attorney and return with that information.

Ms. Duffey-Rogers pointed out that Developer Phil Post had submitted a petition that questioned whether the Town's definition of subdivision was consistent with the state's definition. Staff would confer and return to Council with a response to that, she said.

A motion was made by Mayor pro tem Parker, seconded by Council Member Ryan, that Phil Post's petition be received and referred to the Manager. The motion carried by a unanimous vote.

A motion was made by Council Member Anderson, seconded by Mayor pro tem Parker, to close the public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote.

15. Open the Public Hearing: Application for Conditional Zoning - 2200 Homestead Road (Project 20-081).

[\[21-0340\]](#)

Ms. Grahn gave a PowerPoint presentation on a rezoning application for an affordable housing (AH) development on Town-owned land at 2200 Homestead Road. She outlined the request to rezone the property from R-4-CZD to R-SS-CZD. She described a proposal to demolish an existing gymnasium building, relocate Hope Gardens, and construct 115-126 AH units (duplexes, townhouses, apartments) on the 13.09-acre site.

Ms. Grahn showed an area map, reviewed existing conditions, and summarized the recommended modifications. She described a proposed 50-foot buffer that would connect two stream segments and said that final calculations on what that would look like needed to be provided. She said that the developer was proposing to disturb 84.7 percent of the upland zone and 26.2 percent of the streamside zone, which were currently limited to 40 percent and 20 percent, respectively. She also described a proposal to exceed steep slope regulations.

Ms. Grahn noted that the application had been through multiple rounds of review. She recommended that the Council open the public hearing, receive public comments, and consider enacting Ordinance-A on May 19, 2021.

Affordable Housing Development Officer Emily Holt gave a brief history of the process since the Council dedicated the land for mixed income AH four years ago. She said that the Town had submitted a rezoning application in the fall of 2020 after signing a memo of understanding with the Homestead Housing Collaborative, which included Habitat for Humanity, CASA, Community Home Trust, and Self Help Credit Union.

Dan Levine, representing Self Help, provided an overview of the project. He said that the goal was to provide housing for people with incomes ranging from almost nothing to moderate, with about 25 percent targeted to those with less than 30 percent of the area median income (AMI). He said that nearly 60 percent would be for people below 60 percent of AMI. In addition, the development would include four home-ownership units that would range up to 115 percent AMI, several in the 80 percent AMI range, and 72 rental units, he said.

Developer Dan Jewell, of Coulter Jewell Thames, provided additional information about the proposal, including details about sidewalks, trails, playgrounds and other facilities. He noted a proposed bus stop in front of the site and a future greenway trail at the location. He showed a proposed new location for Hope Gardens on the northern part of the site.

Mr. Jewell showed where the townhomes, apartments, and duplexes would be located and said that there would be 175 parking spaces. He described nature trails, small green gathering spaces, a basketball court, and a central area that would include a playground, shelters, grills, and so forth. The combination of elements would create a safe, comfortable and sheltered environment for people who may have experienced housing insecurity throughout their lives, he said.

Mr. Jewel reviewed a list of Council Members' previous questions and comments and explained how staff had responded to them. He said he hoped that the Council would feel it was worth compromising on Research Conservation District regulations in order to get its desired amount of housing on the site.

Mr. Jewell stressed that a cleared area would contain Hope Gardens and the basketball court and would be at least 120 feet from the closest neighboring home. There would be at least 60 feet of preserved natural woods, as well as new plantings, in the buffer there, and the basketball court would not be lighted at night, he said.

Jared Martinson, an architect with MHAworks, described how the buildings and community spaces would function. He said that the development team had tried to maintain Town goals and that the designing process had been open and collaborative. The Town's urban designer had provided input that had helped inform the site plan, he said. He discussed massing and height, connectivity, the various housing types, and design details

that would be common to all buildings and structures to bring them together.

Council Members verified with the presenters that some units would be Type A, Adaptable but that the partners were willing to discuss having full ADA compliance. They confirmed that the apartments would be no higher than three stories and that the intent was to limit the scale of the townhomes and duplexes around the perimeter as well.

Council Member Gu verified that staff was working with local partners to inform the Town's manufactured home residents about the application process and connect them with applicable resources and programs. Mayor Hemminger emphasized the importance of speaking with Hope Housing about a housing coalition for persons with disabilities. Council Member Ryan confirmed with Mr. Jewell that a culvert would connect streams in the wetland area, and she emphasized the need for Town trash collection rather than dumpster use.

Mayor Hemminger expressed concern about having parking along the main entrance, but Mr. Jewell said that those 25- to 26-foot lanes were sufficiently wide for cars to safely back in and out. The Mayor proposed using pervious pavers in the parking area that was in the RCD, and Mr. Jewell and Mr. Levine agreed to consider that.

Linda Wells, Mary Anne Barnett, Hestine Nicholson and Susan Nasser expressed concerns about potential noise from the proposed basketball court. They said that they along with neighbors had submitted a petition opposing that. Some pointed out that residents could use the courts at nearby Homestead Park.

Neighbor Emily Tsai expressed strong support for the plan and said it was heartening to see the Council address the need for affordable housing in such a thoughtful way.

Nancy Oates, a long-time AH advocate, cautioned against using ballards. She warned about the danger of having cars parked on a narrow street and an exit located at the top of a hill. She said that putting subsidized units between two market rate neighborhoods would segregate and stigmatize the AH units. She expressed concern about the timeline and warned that there could be a shortage of funds to complete the project in a timely manner. Ms. Oates proposed solutions to some of her concerns.

Phillip Austin, a Chapel Hill resident, asked why the Town was considering a development in a flood prone area, and Mr. Levine explained that the only flood prone portion was by the railroad tracks and far from any housing.

Hope Gardens co-chairs Matita Ma'at and Abigail Bowdish expressed appreciation to the Town for providing resources to facilitate the garden's relocation. They also thanked the Council for its continued dialogue with Hope Gardens over the past four years.

Planning Commissioner Neal Bench, speaking as a Hope Gardens board member, said he hoped the site work for Hope Gardens could be completed before the greater development began so the garden would not lose a growing season. In addition, he hoped the Town would provide resources for relocation and site preparation, he said. Mr. Bench pointed out that the garden currently had a well and electricity and said that he was looking forward to having those things at the new site as well.

Mayor Hemminger assured Hope Garden's representatives that they would not lose a growing season due to the transition. Council Member Ryan recommended including shade trees on the property and proposed adding landscaping to mitigate the impact of car lights shining onto neighbors' lots.

The Mayor and Council said they were pleased with how the project had evolved. They spoke in favor of building the basketball court where it was planned while looking into noise mitigation strategies. Mayor Hemminger pointed out that having recreational space was part of community life. She was not sure that she would feel comfortable sending her child more than six miles away to play basketball at Homestead Park, she said.

A motion was made by Council Member Stegman, seconded by Council Member Buansi, to close the public hearing and receive comment for an additional 24-hours. The motion carried by a unanimous vote.

ADJOURNMENT

This meeting was adjourned at 9:50 p.m.