



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 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 21, 2020 6:30 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_fgPYF1uzTXOTxMpnprT8VQ After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 890 9053 7187

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, Community Resilience Officer John Richardson, Principal Planner Corey Liles, Interim Zoning Enforcement Manager Gene Poveromo, 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 6:30 p.m. Mayor Hemminger called the roll and all Council Members, with the exception of Jessica Anderson,

replied that they were present. Council Member Anderson arrived at 6:46 p.m.

ANNOUNCEMENTS BY COUNCIL MEMBERS

[\[20-0721\]](#)

0.01 Mayor Hemminger Regarding Governor Cooper's Extension of Phase 3.

[\[20-0722\]](#)

Mayor Hemminger announced that Governor Cooper had extended Phase 3 of COVID-19 restrictions for three more weeks due to an increasing number of cases and hospitalizations. Orange County's positivity rate remained at 3 percent or less, but other counties were experiencing 5 percent and higher, she said.

0.02 Mayor Hemminger Regarding Celebrating Halloween Differently This Year.

[\[20-0723\]](#)

Mayor Hemminger said that downtown streets would not be closed for Halloween this year because social gatherings contribute to the spread of COVID-19. She reminded residents to continue observing the 3Ws: Wear a proper mask, wash hands frequently, and wait six feet apart during Halloween as well.

0.03 Mayor Hemminger Regarding Grant for Launch Business Accelerator.

[\[20-0724\]](#)

Mayor Hemminger announced that a \$230,000 grant from Lomore Capital Company would expand programming at the Launch Business Accelerator in Chapel Hill. The grant would enable Launch to invest in software and technology, expand its start-up support services, and hire a community manager, she said.

AGENDA ITEMS

1. Progress Report on Climate Action Plan.

[\[20-0708\]](#)

Community Resiliency Officer John Richardson gave a PowerPoint presentation on the Town's Climate Action Plan. He reported that Town operations made up about 2 percent of Chapel Hill's total annual carbon emissions, while the larger community made up about 98 percent. He noted the importance of acting collectively and said that the Town had been doing fairly well when compared with other cities.

Mr. Richardson said that actions outlined in the Climate Action Plan would lead to a reduction in emissions over time. He noted that community emissions levels had dropped by about 3 percent from 2005 to 2017 and said that the Town was well positioned to meet its goal of 26-28 percent reduction by 2025 if that trend continued.

Mr. Richardson provided details on actions the Town could take to further

lower emissions. These included having a cleaner electricity grid, carbon neutral new construction, more electric vehicles, EV charging stations, and green building retrofits. He provided information on costs and on how such actions would affect Town goals.

Mr. Richardson said that responses to a Town climate action survey on accessibility and affordability had pointed to the need for a social justice/social equity focus. He discussed the need for partnerships and incentives to help drive behavioral changes in the community.

Mr. Richardson said that the Town had converted nearly 2,000 street lights to LED in recent months, cutting street light emissions in half. Staff had been looking at doing the same with Town parks, he said. Greening the grid, designing for more carbon neutrality in new construction, and transitioning to electric vehicles were the most impactful steps the Town could take, he said.

Mr. Richardson pointed out that three electric Town buses would be on the road in the first half of 2021 and that the Town would be in a position to purchase up to seven more due to a federal grants. Transit was expecting to expand electric vehicle charging opportunities as well, he said. He noted that a grant from Duke Energy Foundation had enabled the Town to plant trees in public housing neighborhoods and said that more trees would be planted during Arbor Day celebrations.

Mr. Richardson said that staff would move forward with implementation, and he described a plan for virtual public engagement during the pandemic. He would share the final Plan with the Council in early November and then return in January 2021 with a final version to be considered for adoption, he said.

Council Member Anderson joined the meeting at 6:58 p.m. She explained that she had been delayed due to a family injury.

Council Members confirmed with Mr. Richardson that "greening the grid" could include retrofitting existing structures and that adding solar to Town buildings could be part of the overall plan. Mayor pro tem Parker recommended that staff think broadly about state advocacy, and he emphasized the importance of spreading the benefits of going green equitably.

The Council confirmed that calculations regarding vehicle mile reductions would be more clearly highlighted in the plan. They confirmed that the Town would remain informed regarding changes in technology, governmental policies, grant and partnership opportunities. Mr. Richardson agreed to include recommendations in the Plan for things the Town should do when rewriting its Land Use Management Ordinance.

Council Member Stegman asked about including more concrete guidelines for what the Council could request in new development, and Mr. Richardson replied that merely holding new development to the same AIA 2030 standard as Town buildings would do a lot to achieve reductions. He said that staff had been thinking about exploring incentives as well.

Council Member Gu asked for more quantitative details and a prospective tool that would show the environmental impact of different development choices. She also noted the value of including multiple departments when making improvements so that upgrades could be done simultaneously.

Council Members confirmed that demographic information would be included with survey data and that preserving natural land would be included in the Action Plan. They discussed how the Town had the potential to work with other local jurisdictions through Orange County Climate Council meetings and said that the University of North Carolina at Chapel Hill (UNC-CH) was a member of that group as well.

Mayor Hemminger said that green stormwater infrastructure should be listed in Town building codes and in all development plans going forward. She recommended that the Climate Action Plan include information about waste reduction and composting, and she proposed telling the story better about planting trees. She said that Duke Energy had not moved fast enough and that she wanted the Council to advocate for it to accelerate its plan.

Mayor Hemminger spoke in favor of converting all Town lights to LED. She praised the idea of having a dashboard to easily show the public what Chapel Hill was doing. She asked if putting community solar on top of parking decks would be an option and stressed the importance of having the business community convert their parking lot lights to LED.

Mayor Hemminger confirmed with Mr. Richardson that members of the public could reach him at: jrichardson@townofchapelhill.org or sustainability@townofchapelhill.org.

This item was received as presented.

2. Continue Discussion of Chapter 160D Updates to Land Use Management Ordinance and Town Code of Ordinances. [\[20-0709\]](#)

Planner Corey Liles provided background information on Chapter 160D, a section of N.C. general statutes, and discussed provisions that would come into effect by July 2021 or once the Town adopted the necessary updates in its Land Use Management Ordinance (LUMO) and Town code.

Mr. Liles pointed out that 160D would prohibit the Council from using advisory board recommendations when deciding on special use permits

(SUPs) and said that it probably would not be wise to transmit board recommendations to the Council during SUP hearings.

Mr. Liles said that the Council had previously raised the idea of having advisory boards report to staff, which could then do an unbiased evaluation of that input and include appropriate conditions in recommendations for Council approval. That approach would allow advisory boards to raise issues about an SUP proposal, but it would add time to the review process, he said.

Mr. Liles said that staff wondered how advisory boards and the public would feel about having staff evaluate board input. He asked Council Members if they thought that seemed like a good approach, and, if so, if advisory boards should continue to hear from the public on community concerns.

Most Council Members expressed concern about having staff decide what input to move forward. Mayor Hemminger wondered if the Council might review action minutes from board meetings and/or if board members would be allowed to speak before the Council.

Mr. Liles replied that reviewing action minutes probably would be okay since those were public record. With regard to board members speaking at SUP hearings, however, he pointed out that the Council needed to avoid the perception that board members were inserting themselves into the discussion.

Council Members raised the idea of having some board members appear as expert witnesses, but Town Attorney Ann Anderson pointed out that qualifying for an advisory board did not, in and of itself, mean that a person was qualified as an expert witness.

Mayor pro tem Parker commented on how the Town had been phasing SUPs out and how most SUPs would be modifications. The Council might be trying to solve a problem that would ultimately take care of itself, he said.

Mr. Liles agreed that the Town expected to see more Conditional Zoning in the future and that the current volume of SUPs was expected to go down.

Mayor Hemminger said that the Council wanted Town advisory boards to be involved in reviews and needed guidelines for such a path. She asked Mr. Liles to research whether Council Members could read action minutes from advisory board meetings and to work with the Town Attorney to find out what could legally be done to incorporate board input.

Mr. Liles agreed and added that he would also ask for advisory boards' reactions to having staff evaluate their input.

LUMO Project Manager Alisa Duffey Rogers discussed development approvals with vested rights, the right of an applicant to continue a development as it has been approved even if regulations are amended after the approval was granted, and pointed out that vested rights were time limited. Under 160D, most approvals were valid for one year, but 160D did provide for site-specific vesting plans that have terms ranging from two to five years, she said.

Ms. Duffey Rogers said that the Town's form district permits, Blue Hill District and its SUPs, were considered site specific vesting plans. She asked if the Council wanted to continue specifying those as such and if there were any other development approvals that it should include. In addition, if there were any other approvals such as Conditional Zoning that should merit a longer vesting term, she asked.

After a brief discussion, the Council decided to continue its current practice with the Blue Hill District and SUPs, and perhaps add Conditional Zoning. Council Member Ryan confirmed with Ms. Duffey Rogers that the Town had been mistaken when it put a one-year time limit on SUPs, which should have been two years. Deciding to call it a "site-specific vesting plan" would mean changing it to what the Town's actual practice had been, Council Member Ryan said.

Mayor pro tem Parker confirmed with Ms. Duffey Rogers that 160D also broadened a concept called "permit choice", which would allow someone who currently filed a complete application to lock in the pre-160D rule and have an opportunity to mix and match new and old rules all the way through the process.

Ms. Duffey Rogers noted that there was an opportunity for a term lasting three to five years, but she confirmed that Council wanted to keep the 1-2 year term, with an opportunity to extend. She said that the next step would be to hold a virtual meeting with development review boards and that she would return in December 2020 or January 2021 to talk about zoning topics. Staff would then work toward making all necessary updates by spring 2021, Ms. Duffey Rogers said.

This item was received as presented.

**3. Discuss Processes for Developing Council Initiated Resolutions. [\[20-0710\]](#)
(no attachment)**

Facilitator Maggie McGlynn opened a discussion of steps the Council might take to respond to emerging issues in ways that would be inclusive and create equitable, high-quality policy decisions. She had been asked to help develop a process in which the Council would engage each other and the public regarding Council-initiated petitions and resolutions, she said.

Ms. McGlynn said that she had interviewed all Council Members and had heard that Council-initiated petitions and resolutions could be "a bit

messy" due to a lack of clarity regarding the process. She could offer steps that would add clarity when bringing such initiatives forward, she said.

Ms. McGlynn asked Council Members if they felt comfortable putting written procedures and understandings in place and with looking at the issues such as communication, transparency, and shared beliefs that were laid out in a document she had submitted.

Several Council Members said that they had just received Ms. McGlynn's document and had not had time to digest it. Mayor pro tem Parker said he felt confused about what was actually being proposed. Council Member Huynh said he was in favor of setting up processes and having transparency but could not endorse the process that Ms. McGlynn had sent because there had not been enough time to read it.

Council Member Buansi asked if the current conversation was being driven by a June resolution regarding policing that the Council passed following the killing of George Floyd by police in Minneapolis.

Ms. McGlynn replied that the resolution had been the impetus for looking at the process but that she had heard the word "messy" applied to a number of Council-initiated resolutions and petitions. The general impetus for the current conversation was the manner of doing Council work together, she said.

Council Members generally agreed that the discussion should address resolutions as well as petitions. The focus should be more "granular" and should address issues of clarity, transparency, streamlining, and flexibility, some said. They expressed interest in having a subcommittee address the issue, and Mayor Hemminger verified that three or four Council Members would be interested in serving on one.

Council Member Stegman said that she felt proud of the Council for passing the resolution in June when there was a need to take action. Though not an ideal process, it was critically important and much appreciated by the community, she said.

Mayor pro tem Parker and Council Member Buansi proposed having at least one more full Council discussion before forming a subcommittee. That would help the subcommittee have a better understanding of what the full Council thought, Mayor pro tem Parker said.

Council Member Huynh raised the idea of having another facilitated session as well, and Ms. McGlynn said she would be happy to set up a matrix, offer additional ideas, and facilitate another session. She would wait to hear from the Council about next steps, she said.

This item was received as presented.

REQUEST FOR CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT, PROPERTY ACQUISITION, PERSONNEL, AND/OR LITIGATION MATTERS

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that the Council enter into a closed session as authorized by General Statute Section 143-318.11(a)(6), to discuss an employee matter. At the conclusion of the closed session, the Council will adopt a single motion to end the closed session and adjourn the meeting without taking further action. The motion carried by a unanimous vote.

ADJOURNMENT

The Council recessed the meeting at 9:07 p.m. and adjourned the meeting at the conclusion of the closed session.