



# 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 Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

Council Member Nancy Oates  
Council Member Michael Parker  
Council Member Rachel Schaevitz  
Council Member Karen Stegman

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**Wednesday, February 28, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

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### Roll Call

**Present:** 9 - Mayor Pam Hemminger, Mayor pro tem Jessica Anderson, Council Member Donna Bell, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Nancy Oates, Council Member Michael Parker, Council Member Karen Stegman, and Council Member Rachel Schaevitz

### Other Attendees

Town Manager Roger L. Stancil, Town Attorney Ralph Karpinos, Communications Specialist Mark Losey, Business Management Director Ken Pennoyer, Budget Manager Matt Brinkley, Planning and Development Services Director Ben Hitchings, Community Resilience Officer John Richardson, Manager of Engineering and Infrastructure Chris Roberts, Community Outreach Coordinator Len Cone, Fire Inspector Donnie Morrissey, Police Officer Rick Fahrer, Deputy Town Clerk Amy Harvey

### OPENING

Mayor Hemminger opened the meeting at 7:00 p.m.

Building Integrated Communities Video.

[\[18-0176\]](#)

Mayor Hemminger introduced a staff video, called Building Integrated Communities, which showed a Town effort that the Council wanted to celebrate. In the short video, Sara Vinas, of the Office of Housing and Community, pointed out that 17 percent of Town residents were foreign born. Ms. Vinas described a series of community conversations with some of those residents. She said that conversations had been held in Mandarin, Arabic, Korean, Russian, Burmese, Spanish, Karen and English.

The video showed participants actively discussing topics such as transit, public safety, and affordable housing. Language access had also been a

topic of discussion, Ms. Vinas said. She explained that the meetings were part of a two-year process that would end with an action plan. The ultimate goal was to make the Town an even more welcoming and open place for everyone, Ms. Vinas said.

Mayor Hemminger praised the project and said it was a nice start to the Town's "celebrating successes" initiative.

**Proclamation: 25 Years of Traffic Reduction, Cleaner Air, and a Healthier Town.**

[\[18-0177\]](#)

Council Member Parker read a proclamation regarding the Town's efforts to reduce traffic and encourage physical activity through the use of transportation management plans (TMPs). TMPs encourage people to carpool, vanpool, use public transit, bike, walk, telework, and so forth, he said. Since 1991, the number of sites with TMPs had increased from two to 116, and the resulting reduction in carbon had led to state, national, and international awards for the Town, he said.

Council Member Parker proclaimed 2018 as "Twenty-five years of traffic reduction, cleaner air, and a healthier Town," and urged residents and businesses to use alternative modes of transportation whenever possible. He presented the proclamation to Holly Dedmond, of Chapel Hill Sportswear, a business that had instituted the first TMP in Town.

## **PUBLIC COMMENT - ITEMS NOT ON PRINTED AGENDA**

a. Zac Johnson Regarding Student Walkout.

[\[18-0178\]](#)

Zac Johnson, a senior at East Chapel Hill High School, described a student effort to organize a school walkout on March 14, 2018 at 10:00 a.m. Participating students would wear orange on that day, and would read the names of the 17 high school students who had recently been murdered at Marjory Stoneman Douglas High School in Parkland, Florida, he said. Chapel Hill students wanted to express condolences, and send a banner down to the Florida survivors, Mr. Johnson explained. He pointed out that the Town of Carrboro had signed a supporting resolution, and said it would be helpful if the Town of Chapel Hill would do so as well.

Mayor Hemminger thanked Mr. Johnson for standing up for what is right, for helping to organize the event, and for coming forward and asking for Town support. The Council was feeling encouraged by that, she said, and urged residents to stand up to the N.C. State Legislature as well. She confirmed that the students had a "gofundme" page and flyers that listed ways to donate. Mayor Hemminger suggested that Mr. Johnson leave copies of those flyers with the Town Clerk.

## **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.

- a. Consider Adopting a Resolution in Support of Local Youth-Led Efforts Calling for State and National Action to Prevent Gun Violence in Schools and Communities Nationwide. (R-0.1)

[\[18-0179\]](#)

Council Member Stegman read the resolution in support of local youth-led efforts calling for state and national actions to prevent gun violence in schools and communities nationwide. She read that gun violence was a national crisis especially for children, and noted that an average of 24 children were shot in the U.S. every day.

Ms. Stegman read the petition, which described how young people had taken the lead, and called for action by state and national leaders. The Town Council supported those youth and their actions, and called on state and federal elected leaders to act on sensible gun control legislative measures to prevent further gun violence in schools and communities, she read. Ms. Stegman also read a list of the state and local officials to whom copies of the resolution would be sent.

Council Member Bell said that she could not praise the students enough for coming forward, voicing their concerns, and holding their leaders accountable. She told them to let that be a skill they used whenever something was unjust. Council Member Bell said that she looked forward to continuing to support those students as she advocated at the state and federal level for better gun control laws. She thanked Council Member Stegman and others who had brought the resolution forward.

A motion was made by Council Member Stegman, seconded by Council Member Bell, that R-0.1 be adopted. The motion carried by a unanimous vote.

## **ANNOUNCEMENTS BY COUNCIL MEMBERS**

- a. Mayor Hemminger Regarding 3rd Graders' Town Hall Visit.

[\[18-0180\]](#)

Mayor Hemminger said that 92 third-graders from Sewell Elementary School had visited Town Hall that day. It had been a lot of fun, she said, adding that the children's chaperons seem to enjoy it as well. She was

looking forward to children from Ephesus Elementary School visiting in April, she said.

b. Mayor Hemminger Regarding Council Committee on Economic Sustainability Meeting.

[\[18-0181\]](#)

Mayor Hemminger said that the Committee on Economic Sustainability would hold its next meeting on Friday, March 2, at 8:00 a.m. at the Chapel Hill Public Library.

c. Mayor Hemminger Regarding Public Input Meeting on the Blue Hill Design Guidelines.

[\[18-0182\]](#)

Mayor Hemminger noted that a public input meeting regarding the Blue Hill District Design Guidelines would be held on Tuesday, March 6, at 6 p.m. in the Chapel Hill Public Library.

d. Mayor Hemminger Regarding Search for New Town Manager.

[\[18-0183\]](#)

Mayor Hemminger said that the Town had widely announced that the search for a new Town Manager had begun. She noted that opportunities for public input would be coming up soon at the following locations: Hargraves Center on March 4, from 3:00 pm to 5:00 pm; Christ United Methodist Church in Southern Village on March 5, from 5:30 pm to 7:30 pm; and The Chapel Hill Public Library on March 6 from 1:00 pm to 3:00 pm. There would be other opportunities as well, and the Town welcomed public input throughout the process, Mayor Hemminger said. She noted that the public was also always welcome to contact the Council via email and online.

e. Mayor Hemminger Regarding Triangle J Mayors and Chairs Meeting.

[\[18-0184\]](#)

Mayor Hemminger said that she would be taking part in the Triangle J Mayors and Chairs meeting the following day, for a discussion regarding water quality at Jordan Lake.

## CONSENT

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

### *Approval of the Consent Agenda*

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

1. Approve all Consent Agenda Items. [\[18-1118\]](#)

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

2. Approve Miscellaneous Budget Ordinance Amendments to Adjust Various Fund Budgets for FY 2017-18. [\[18-0152\]](#)

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

## INFORMATION

3. Receive Upcoming Public Hearing Items and Petition Status List. [\[18-0153\]](#)

The item was received as presented.

## DISCUSSION

4. Initial Public Forum on the Annual Budget, Capital Program, Use of Grants and Related Items and Potential Legislative Requests. [\[18-0154\]](#)

Mr. Pennoyer gave a PowerPoint presentation on the FY 2018-19 budget that included budget topics, processes, and budget status. He said that the current public forum's purpose was to present background information on the budget process, and provide opportunities for the Council to receive comments from the public. Forum topics included the Annual Budget; the Capital Program; Community Development Block Grant (CDBG); HOME funding; the Housing Capital Funds Program; Public Transportation grants; the Downtown Service District; and potential legislative proposals, he said.

Mr. Pennoyer provided details on sources of funding, and the schedule for each funding resource. He noted that CDBG and HOME funds were at risk due to developments at the federal level, and said he would continue to monitor that. The Housing Capital Funds grant amount was currently unknown, but the preliminary program was based on an expected reduction in funding, he said.

Mr. Pennoyer said that staff was compiling information and beginning the discussion and analyses needed to prepare the budget by May. In addition to the current public forum, the public could provide input at a March 21 public forum, a May 9 public hearing, and by letter, fax, or email, he said.

Mr. Pennoyer pointed out that the Council would meet with the local legislative delegation on April 3 to discuss potential requests for the 2018 state legislative session. He then displayed a budget calendar that showed key dates to budget adoption on June 13, 2018.

Mayor Hemminger emphasized that the public would have additional opportunities to provide input and was always welcome to communicate with Council members via letters, emails, and so forth.

Mayor pro tem Anderson asked Mr. Pennoyer to provide additional information, and a little more analysis of trade-offs among projects to show what the Council's decisions would mean in that respect.

Mr. Pennoyer agreed to show the impacts of different programs, as well as which pieces could be moved and still create a balanced budget.

The item was received as presented.

**5. Update on Proposal to Adjust Land Use Management Ordinance: Historic District Commission Procedures.**

[\[18-0155\]](#)

Sustainability Officer John Richardson, staff's interim liaison to the Historic District Commission (HDC), gave a PowerPoint update on an October 2017 proposal from the Council Committee on Boards and Commissions regarding regulatory process improvements for the HDC. These included an amendment to ethics guidelines for boards and commissions, which the Council passed on January 31, 2018, he said. He reported that the HDC and the Board of Adjustment (BOA) had both agreed to a proposal for amending the ethics guidelines.

Mr. Richardson said that the HDC was proposing using the State Historic Preservation Office model ordinance for historic preservation as a tool to address the other items in the proposal. The BOA had agreed with an action time-frame of 120 days for certificates of appropriateness, he said, noting that the Historic Preservation Office's Model Ordinance listed 90 days.

Mayor Hemminger confirmed with Mr. Richardson that the Town's current action time-frame was 180 days.

Mr. Richardson said that the Town had contracted with Julie Curry, a historic preservation planning consultant, to provide support services as a staff liaison to the HDC. He said that Ms. Curry would be a good person to help evaluate the model ordinance for a possible LUMO text amendment. He said that staff was hoping "for something to go to" the Planning Commission in April, followed by a public hearing in May.

Mr. Richardson also reported that HDC Deputy Vice Chair John Sweet had led a grant application process with the Historic Preservation Office to update the design guidelines that the HDC currently used. If the application succeeded, the Town would be required to provide matching funds up to \$10,000, for a total grant of up to \$25,000, he said.

HDC Chair Bob Epting expressed gratitude on behalf of the commission for the Council's support, and said he looked forward to working with Ms. Curry. He said that the model ordinance was a useful one and that the HDC looked forward to bringing that back to the Council in the spring.

Mayor Hemminger confirmed with Mr. Epting that a new form of order was going well. It worked well for the HDC because it guided the way in which discussions were held, and findings of fact were made, and it guided the Commission to appropriate conclusions regarding whether or not to issue the certificate, Mr. Epting said. He remarked that the real test would be how helpful it was to the community.

Mayor Hemminger said that discussion had revealed that everyone (applicants, public, HDC, BOA, Town staff) was looking for clarity. She expressed appreciation for the hard work that Mr. Epting had invested, and said she hoped the grant would be successful. Design guidelines were long overdue, and the Council looked forward to hearing more about the model ordinance, and all that goes with it, said Mayor Hemminger.

Council Member Schaevitz asked Mr. Epting to convey the Council's appreciation to Deputy Vice Chair Sweet and the entire HDC for taking the initiative to seek a grant and for updating the Design Guidelines.

Council Member Oates expressed appreciation to Town Manager Roger Stancil for hiring Ms. Curry, whom she described as well-versed. HDC members seemed motivated to have everything functioning smoothly and Ms. Curry would be a good addition to the team, she said.

The item was received as presented.

**6. Open the Public Hearing and Consider a Request to Close a Public Right-of-Way for an Unmaintained Alley Near the Intersection of Pritchard Avenue and West Rosemary Street.**

**[\[18-0156\]](#)**

Manager of Engineering and Infrastructure Chris Roberts gave a brief PowerPoint presentation on a request to close a public right-of-way (ROW) for an un-maintained alley near the intersection of Pritchard Avenue and West Rosemary Street. He reviewed the process for closing public streets, which included notifying adjacent property owners and having local government adopt a resolution.

Mr. Roberts showed a map of the vicinity and ROW. He said that the requester owned property at 108 and 110 West Rosemary Street, at 208 Pritchard Street, and several other parcels in the area. In closing the ROW, property owners would obtain land since their properties front along the ROW area, he said. Mr. Roberts explained that property owners had decided to work together to divide the property, and had obtained a quote for a contractor to perform the necessary plat work.

Mr. Roberts said that staff had received no objections to the request, and noted that all adjacent properties had access to other public ROWs. He said that neither the Town nor Orange Water and Sewer Association (OWASA) had a need for the ROW. Staff recommended opening the public hearing, closing the public hearing, and adopting Resolution 6 to close the alley, Mr. Roberts said.

Council Member Anderson confirmed with Mr. Roberts that he was not aware of any other useful possibilities for public use of the area. She asked what the impact on property owners would be if the Town kept the ROW.

Mr. Roberts replied that the property owners making the request would not be able to recombine properties because the ROW bisected two of them.

Council Member Oates clarified that Mr. Roberts had spoken to other property owners, and confirmed that none of them had objections to the change.

Mayor Hemminger established with Mr. Roberts that staff had not been able to discern why the Town had the public ROW in the first place. Mr. Roberts pointed out that it was well over 100 years old, and that no one had officially maintained it other than the property owners who used it.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Buansi, to close the Public Hearing and that R-6 be adopted. The motion carried by a unanimous vote.

7. Open the Public Hearing and Consider a Request to Close the Unmaintained and Unpaved Portion of the Public Right-of-Way Near Smith Avenue.

[\[18-0157\]](#)

Mr. Roberts gave a brief PowerPoint presentation on a request to close a public ROW on an unpaved section of Smith Avenue. He showed the location on a map and explained that the request was to close only the northern portion of the ROW. He said that the requester owned property at 416 and 420 Smith Avenue. A property owner at 550 Chase Park Road would also obtain land along the ROW, he said.

Mr. Roberts said that the Town had not received any objections to the request, and he noted that all adjacent property owners had access to other public rights-of-way. Neither the Town nor OWASA had any need for the ROW, he said. Mr. Roberts said that staff recommended opening the public hearing, closing the public hearing, and adopting Resolution 7 to close the northern unpaved portion of Smith Avenue.

Council Member Oates confirmed with Mr. Roberts that a legal, cross-access agreement would allow 550 Chase Park Road to continue using the driveway and that another parcel would not be landlocked. The



owner of the latter parcel would still be able to develop it, Mr. Roberts said.

Council Member Buansi ascertained from Mr. Roberts that the ROW had been intended for a road in 1923, but that road had never been built.

Mayor pro tem Anderson verified with Mr. Roberts that the Town did not sell rights-of-way.

Mayor Hemminger confirmed with Mr. Roberts that the Town maintained rights-of-way when there was an associated street.

Town Attorney Ralph Karpinos said that the Town might have to take some action in the face of serious danger but that public ROW and Town-maintained ROW were two different things.

Mayor Hemminger verified with Mr. Roberts that releasing the ROW would mean that the owners would pay property taxes on it.

Council Member Oates questioned the Town not being able to sell rights-of-way but having to buy them if it wants to do something there.

Mr. Karpinos explained that the Town would have to acquire the rights to put in a public improvement on a property. However, the property in question had been dedicated as a public ROW nearly 100 years ago and had never been accepted by the Town for maintenance and never used as a public ROW, he pointed out. In current times, the Town would expect someone to build the street to Town standards before it would take over the maintenance, Mr. Karpinos said.

Council Member Oates clarified with Mr. Karpinos that the Town would buy ROW to put in a sidewalk or street, for example.

If the Town wanted to widen a street, Mr. Karpinos said, it would negotiate with adjacent property owners to purchase ROW or ask them to dedicate it, which people sometimes do depending on the nature of the improvements.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, to close the Public Hearing and that R-7 be adopted. The motion carried by a unanimous vote.

### **PUBLIC COMMENT - ITEMS NOT ON AGENDA**

Zac Johnson and another East Chapel Hill High School student thanked the Council for allowing them to present their campaign, and for supporting it.

### **APPOINTMENTS**

**8. Appointment(s) to the Historic District Commission.**[\[18-0158\]](#)

The Council appointed James Locke and Sean Murphy to the Historic District Commission.

Mayor Hemminger thanked all who had applied to participate on Town boards, The Town had had been making a concerted effort to reach out to people with many different perspectives, she said. She pointed out that appointments were made on rotating schedules, with the majority being made by June 1st. She encouraged people to submit applications soon and to attend board meetings to see what the boards do.

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

A motion was made by Council Member Schaevitz, seconded by Mayor pro tem Anderson, that the Council Enter Into Closed Session as authorized by General Statute Section 143-318.11(a)(4) and 143-318.11(a)(5). The motion carried by a unanimous vote.

**ADJOURNMENT**

The meeting was recessed at 8:03 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session.