



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Town Council

### Meeting Minutes - Final

Mayor Jessica Anderson  
Mayor pro tem Amy Ryan  
Council Member Camille Berry  
Council Member Melissa McCullough  
Council Member Paris Miller-Foushee

Council Member Theodore Nollert  
Council Member Adam Searing  
Council Member Elizabeth Sharp  
Council Member Karen Stegman

**Wednesday, September 25, 2024**

**6:00 PM**

**RM 110 | Council Chamber**

#### Language Access Statement

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

ဘာသာပြန်ဆိုခြင်းနှင့် စကားပြန်ခြင်းအတွက်၊ (၉၁၉) ၉၆၉-၅၁၀၅ ကိုဖုန်းခေါ်ပါ။

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

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如需口头或  
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919-969-5105.

#### In-Person Meeting Notification

View the Meeting

- View and participate in the Council Chamber.
- Live stream the meeting - <https://chapelhill.legistar.com/Calendar.aspx>
- Spectrum is replacing 1998 encoder that transmits programming to cable channel 18. It remains offline until complete.
- The Town of Chapel Hill wants to know more about who participates in its programs and processes, including Town Council meetings.
- Participate in a voluntary demographic survey before viewing online or in person - <https://www.townofchapelhill.org/demosurvey>

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 Speakers

- Entrance on the ground floor.
- Sign up at the meeting starting at 5:30 PM with the Town Clerk to speak.
- If more than 14 people sign up for an item, Council will reduce speaking time from 3 minutes to 2 min./person.
- Please do not bring signs.

## ROLL CALL

- Present:** 6 - Mayor Jessica Anderson, Mayor pro tem Amy Ryan, Council Member Camille Berry, Council Member Theodore Nollert, Council Member Melissa McCullough, and Council Member Elizabeth Sharp
- Absent:** 3 - Council Member Paris Miller-Foushee, Council Member Adam Searing, and Council Member Karen Stegman

## OTHER ATTENDEES

Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Assistant Town Attorney James Baker, Affordable Housing and Community Connections Director Sarah Viñas, Planning Director Britany Waddell, Senior Planner Charnika Harrell, Zoning Administrator Corey Liles, Fire Marshal Covington, Police Officer Mister, Media Relations Manager Alex Carrasquillo, Technology Solutions Director Chris Butts, Affordable Housing Manager Emily Holt, Community Sustainability Manager John Richardson, Fire Administrative Services Manager Ryan Campbell, and Deputy Town Clerk Amy Harvey.

## OPENING

Mayor Jessica Anderson called the meeting to order at 6:00 p.m. Council Members Searing, Miller-Foushee and Stegman and were absent, excused.

### 0.01 Proclamation: Employee Appreciation Month.

[\[24-0469\]](#)

Council Member Sharp read a proclamation that declared the month of October 2024 to be Employee Appreciation Month in Chapel Hill and recognized Town employees' commitment to the community.

### 0.02 Proclamation: Cyber Security Month.

[\[24-0470\]](#)

Council Member Berry read a proclamation that declared October 2024 to be Cybersecurity Awareness Month and emphasized the importance of cybersecurity in protecting the Town's information infrastructure. The Town was joining the US Department of Homeland Security and other organizations in urging everyone to learn more about cybersecurity and to put that knowledge into practice, she said. She presented the proclamation to Chief Information Officer Chris Butts.

### 0.03 Proclamation: Diaper Needs Awareness Month.

[\[24-0471\]](#)

Council Member McCullough read a proclamation that thanked the NC Diaper Bank and its supporters for providing families with diapers and other essential supplies that help provide economic sustainability for

families. The proclamation declared the week of September 23, 2024, to be Diaper Needs Awareness Week and encouraged residents to generously donate.

## **ANNOUNCEMENTS BY COUNCIL MEMBERS**

0.04 Mayor Anderson Regarding The Good Neighbor Cookout.

[\[24-0472\]](#)

Mayor Anderson announced that all residents were invited to a Good Neighbor Cookout at the Hargraves Center on September 26th.

0.05 Mayor Anderson Regarding Bond Referendums.

[\[24-0473\]](#)

Mayor Anderson reminded everyone that the November 2024 ballot would include consideration of a \$44 million bond referendum that would be used to support a number of Town projects, which include public safety facilities, affordable housing, greenways, sidewalks and parks. Additional information could be found on the Town website, she said.

0.06 Council Member Berry Regarding Ann Arbor Trip.

[\[24-0474\]](#)

Council Member Berry said that a recent Council trip to Ann Arbor, Michigan had been very informative and had led her to feel grateful to be part of the Chapel Hill community.

## **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. Grubb Properties Request for Limited Scope Review of Modification to Approved Conditional Zoning at 150 E Rosemary Street

[\[24-0448\]](#)

A motion was made by Council Member Berry, seconded by Council Member McCullough, that the Council received and referred the petitions to the Manager and Mayor. The motion carried by a unanimous vote.

## **CONSENT**

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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 Ryan, seconded by Council Member Berry, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items [\[24-0449\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Authorize the Town Manager to Negotiate and Execute a Sole Source Contract for Fire Department Records Management [\[24-0450\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Authorize the Town Manager to Negotiate and Execute a Sole Source Contract for Fire Department Annual Medical Physicals [\[24-0451\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
5. Call a Legislative Hearing to Consider Land Use Management Ordinance Text Amendments to Address Technical Corrections in Table 3.7-1: Use Matrix. [\[24-0452\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
6. Adopt Minutes from May 1, 3, 15, and 22, 2024 and June 5, 12, 17, and 28, 2024 Meetings [\[24-0453\]](#)  
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

### **DISCUSSION**

7. Open the Public Hearing for PRO Housing Funding Application [\[24-0454\]](#)  
Director of Affordable Housing and Community Connections Sarah Viñas outlined requirements for a federal Housing and Urban Development (HUD) grant that her department and the Planning Department were jointly applying for. She said that the Town was well positioned to be competitive for the "Pathways to Removing Obstacles to Housing (PRO) Grant" and that staff was working hard to meet an October 15, 2024 application deadline.

Ms. Viñas explained that PRO Grant funds could be used to: provide gap financing for affordable housing; subsidize housing costs for renters and homeowners; and, engage in land use planning and studies to support

denser housing development. HUD expected to make 30 awards, with maximum amounts to be \$7 million, she said.

Ms. Viñas pointed out that PRO Grant priorities aligned with the Town's Affordable Housing Plan and Investment Strategy, which called for \$50 million over a five-year period to fully implement. There already was \$12 million committed through local/federal resources, and voters would consider a \$15 million bond in November 2024, she said. She reported that staff was pursuing several other grants and that they would continue to look for additional funding sources as well. She recommended that the Council adopt Resolutions 6 and 7, which would open and close the public hearing.

A motion was made by Mayor pro tem Ryan, seconded by Council Member Sharp, that the Council adopt R-6, which opened the public hearing. The motion carried by a unanimous vote.

A motion was made by Mayor pro tem Ryan, seconded by Council Member Berry, that the Council adopt R-7, which closed the public hearing. The motion carried by a unanimous vote.

**8. Authorize the Mayor to Sign the Memorandum of Agreement for the Co-Gen Rail Transformation Project.**

[\[24-0455\]](#)

Community Sustainability Manager John Richardson provided background on a proposed memorandum of agreement (MOA), which included five parties (the University of North Carolina (UNC), the Southern Environmental Law Center, Orange County, and the Towns of Chapel Hill and Carrboro). The MOA pertained to a Co-Generation Rail Transformation Project, and Orange County and Carrboro had already signed it, he said. He noted that the "Co-Gen" plant, which was located on the UNC-Chapel Hill campus, currently generated steam and power.

Mr. Richardson said that signing the MOA would mean being included in a long-term planning process that could support Town goals related to housing, the environment, connectivity and economic development. He recommended that the Council adopt Resolution 8, which would authorize the Town Mayor to sign the MOA and enable the Council to appoint a representative to the current working group.

State Senator Graig Meyer outlined the project scope and the reasons for having a multi-jurisdictional agreement. He said that the process would include UNC transitioning away from burnable fuels and that the University saw a significant benefit in transforming the rail line into a multipurpose corridor. He presented a map that showed the 10.8-mile rail line and discussed the development potential of each area that it ran through. He pointed out that the rail line ran directly through the Town's Greene Tract.

Senator Meyer asked the Council to formally commit to the MOA, which would allow the working group to pursue funding. There already was a \$50,000 matching commitment from the NC Railroad Corp. and UNC and the Southern Environmental Law Center had been contributing financially as well, he said. He noted that the complete process could take 10 to 20 years and said that additional MOAs would be required at future stages.

Council members stressed the importance of being clear about the types of multi-modal and/or other ideas that were being explored. In response to a question about land planning, Senator Meyers said that a second stage would assess everything along the line and determine what was developable. A current need was to understand how changes could potentially apply to the Greene Tract, he said.

Council Member Ryan emphasized the importance of having the Town remain in charge of its own planning even though the project would be a collaborative effort. She asked about the voting structure, and Senator Meyers replied that the consensus had been to put off deciding on rules until after the MOA had been signed. He mentioned that there had also been a strong consensus that some type of community representation should be included in the decision-making process.

Council Member Berry requested that agendas and supporting materials be shared with the Council in advance of meetings. Mayor Anderson and Senator Meyers discussed the Council representative's role, and she pointed out that such representatives typically obtain Council votes on issues. Senator Myers said that issues related to grant applications would be the only formal decisions taken under the current MOA.

Robert Mercadante, a Chapel Hill resident, spoke in favor of the project and urged planners to develop the existing path and train tracks into a safe walking or bike trail.

The Mayor and Council expressed support for the initiative. They asked to receive minutes from working group meetings and Mayor Anderson proposed that the Town Attorney add that to the resolution. The Council agreed by consensus to appoint Council Member Nollert as its working group representative.

A motion was made by Council Member Berry, seconded by Council Member Sharp, that the Council adopted as amended R-8. The motion carried by a unanimous vote.

9. Open the Hearing and Take Action on the Aquabella Major Subdivision Modification

[\[24-0456\]](#)

Senior Planner Charnika Harrell reviewed the Town's process for plat approval. She pointed out that each lot in a subdivision of five or more must be approved by the Council. She presented a map of the Aquabella site on Pinehurst Drive and indicated where the proposed changes would be. Staff had concluded that the lots would meet the Town's dimensional, layout and access requirements, she said, adding that staff would verify compliance with other ordinance requirements during a subsequent process. She said that the Council was being asked to receive public comment and consider adopting Resolution 9, which would approve the preliminary plat.

Applicant John Mackowiak said that he and his wife had owned the 4.7-acre property since 1999. He showed a photo of the preliminary plat in 2006 and another of the approved 2016 plat, which included slight changes. He described repairs that he had made and said that the property's stormwater runoff flowed down to the Chapel Hill Country Club's irrigation ponds.

Five neighbors (Reid Lerner, David Broadwell, Claire West, Min Alexander, Karl Dimiter-Bissig) spoke against the proposal. They said that the developer was not in compliance with Land Use Management Ordinance (LUMO) provisions regarding stormwater and trees and had been violating the Aquabella Homeowners Association (HOA) stormwater regulations as well.

Mr. Lerner said that stormwater from Mr. Mackowiak's land flowed through his property on its way to the Chapel Hill County Club. He asked the Council to require immediate remediation of that and to perform a more significant stormwater assessment that included neighborhood input. He also urged the Council to follow the Planning Commission's recommendations regarding preservation of rare and specimen trees.

Mr. Broadwell said the Aquabella HOA had taken legal action against the applicant for breaking HOA covenants. Ms. West read a statement from her neighbor Min Alexander, who said she distrusted the process which had already turned a blind eye to LUMO violations. Mr. Dimiter-Bissig concurred with the other neighbors and submitted a video that documented current stormwater issues.

Attorney Jamie Paulen, representing Min Alexander, said that more than 30 residents had submitted letters objecting to the applicant's request. She asked the Council to deny the request, stating that Mr. Mackowiak had failed to comply with numerous portions of the LUMO. The Council had an obligation to protect residents from outside developers and negligent property owners, she said. Neighbors had expressed concern about the applicant's consistent refusal to comply with the LUMO and further subdivision would violate her client's rights, she said.

The Council verified with Assistant Town Attorney James Baker that the current request for plat subdivision was separate from the issue of stormwater enforcement. The Council was being asked to decide on a very specific, limited issue, he said. He pointed out that Town staff would address compliance with all current LUMO standards if the project were to go forward.

Council members commented on how they were unable to deny the request during the current administrative procedure due to legal constraints. They spoke about the need to strengthen stormwater requirements in general and to make sure that the new LUMO reflected the Town's complicated topography. Mayor Anderson pointed out that not being able to consider neighbors' comments at the current decision point did not mean that the Council had not heard them. Major land use updates would be coming, and Aquabella was an example of the types of issues the Council would want to address, she said.

A motion was made by Council Member Nollert, seconded by Council Member McCullough, that the Council adopted as amended R-9. The motion carried by a unanimous vote.

## **APPOINTMENTS**

### **10. Appointments to the Historic District Commission**

[\[24-0457\]](#)

The Council appointed David Hawisher to the Historic District Commission.

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

## **ADJOURNMENT**

The meeting was recessed at 7:36 p.m. The Council went into closed session and the meeting adjourned at the end of the closed session.