



TOWN OF CHAPEL HILL

Town Council

Meeting Minutes - Final

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, November 2, 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) so that we can provide an opportunity for physical distance within the building. 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 and may sit physically distanced. Please do not sit in blocked chairs.
- Hand sanitizer is located near the main doors.

ROLL CALL

- Present:** 8 - Mayor Pam Hemminger, Mayor pro tem Karen Stegman, 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
- Excused:** 1 - Council Member Jessica Anderson

OTHER ATTENDEES

Town Manager Maurice Jones, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, Parks and Recreation Director Phil Fleischmann, Transportation Planning Manager Bergen Watterson, Economic Development Officer Dwight Bassett, Business Management Director Amy Oland, Fire Marshal Roland Falana, Police Officer David Shick, Communications Manager Ran Northam, and Assistant Town Clerk Brenton Hodge.

OPENING

Mayor Hemminger opened the meeting at 7:00 p.m. and reviewed the agenda. She welcomed members of the public and explained the rules for participation.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Mayor Hemminger Regarding Halloween.

[\[22-0825\]](#)

The Mayor and Council thanked Town staff for coordinating with the University of North Carolina at Chapel Hill (UNC) on an exceedingly safe Halloween celebration on Franklin Street.

0.02 Mayor Hemminger Regarding Veteran's Day.

[\[22-0826\]](#)

Mayor Hemminger said that the Town was grateful to its employees who were veterans and all of those who had defended the country and protected its freedoms. She said that the annual Orange County Veterans Day program would be held at the Southern Human Services complex at 11:00 am. on Veterans Day.

0.03 Mayor Hemminger Regarding Arbor Week.

[\[22-0827\]](#)

Mayor Hemminger said that November 18-25, 2022, would be Arbor Week

and that second graders from Glenwood Elementary would join staff on November 18th (Arbor Day) for a tree planting event. Town staff and Friends of Parks and Recreation had recently planted more than 120 trees and had scheduled another planting for December 3rd, she said. She said that related information was available on the Town's website.

0.04 Mayor Hemminger Regarding Placemaking Summit.

[\[22-0828\]](#)

Mayor Hemminger said that she was looking forward to seeing the creative ideas that would be presented at the Southern Appalachian Placemaking Summit on UNC's campus on November 3rd and 4th.

0.05 Mayor Hemminger Regarding West End Merchants.

[\[22-0829\]](#)

Mayor Hemminger said that she had met with West End Merchants that day and would meet with East End Merchants the following week. She was hearing their ideas for Downtown and would share those with the Council at a later time, she said.

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.

0.06 Bill Brashear Request for Public Input for American Legion Property.

[\[22-0830\]](#)

Bill Brashear, a Chapel Hill resident, expressed disappointment that the Council and Planning staff had not responded to his invitation to take them on a tour of the lower level of the American Legion property after the recent hurricane. He said that there had been no public forum at which residents could share their ideas and be part of the discussion.

Mayor Hemminger assured Mr. Brashear that there would be a public process in the future.

This item was received as presented.

0.07 Julie McClintock Request for Civic Engagement Regarding American Legion.

[\[22-0831\]](#)

Julie McClintock, a Chapel Hill resident, requested an open public forum regarding the American Legion property, and she characterized a Mayor's Committee recommendation that the Council reach a decision in December as "a bit shocking". There had been no plan for community conversations and no answer to questions about the effect of fast-tracking affordable housing on the site, she said.

This item was received as presented.

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

1. Approve all Consent Agenda Items. [\[22-0817\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
2. Approve the Chapel Hill Transit Public Transportation Agency Safety Plan. [\[22-0818\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
3. Adopt a Calendar of Council Meetings through June 2023. [\[22-0819\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.
4. Adopt Minutes from September 14, and 19, 2022 Meetings. [\[22-0820\]](#)
This resolution(s) and/or ordinance(s) was adopted and/or enacted.

INFORMATION

5. Receive Upcoming Public Hearing Items and Petition Status List. [\[22-0821\]](#)
This item was received as presented.

DISCUSSION

6. Close the Legislative Hearing and Consider an application for Conditional Zoning Modification - 800 S. Merritt Mill Road Residential-Special Standards-Conditional Zoning District (R-SS-CZD) [\[22-0822\]](#)

Assistant Planning Manager Judy Johnson gave a brief presentation on an opportunity to re-stripe Merritt Mill Road during an NC Department of Transportation resurfacing project. Re-stripping the lanes at that time would save CASA more than \$200,000 on its Perry Place project, she said. She recommended that the Council adopt Resolution A and enact Ordinance A, approving the CASA application.

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that the Council close the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Ryan, seconded by Council Member Huynh, that the Council adopt R-5. The motion carried by a unanimous vote.

A motion was made by Council Member Ryan, seconded by Council Member Berry, that the Council enact O-1. The motion carried by a unanimous vote.

7. Consider American Rescue Plan Act (ARPA) Final Community Partner Project Disbursement and Receive Town Department Update.

[\[22-0823\]](#)

Business Management Director Amy Oland pointed out that almost \$10.7 million in American Rescue Plan Act (ARPA) funding had been awarded to the Town. She gave an update on the public input process for distributing a portion of that money to community-based projects and presented a list of those that the Council had decided upon at its October 3rd work session. That list offered some big bold ideas and provided a great variety of projects that would help those who had been most negatively affected by COVID-19, she said, and she recommended that the Council enact Ordinance 5, which would authorize \$1,005,669 for those Community Partner projects.

Ms. Oland also presented information on using ARPA money to fund potential Parks and Recreation, Bike/Pedestrian/Greenways, Downtown Revitalization, and Town Department projects. She said that the Parks and Recreation Department had provided estimated cost allocations for several projects, which included a teen center (\$400,000), skate park repairs (\$200,000), a Town match for a new pickleball complex (\$400,000), and an inclusive playground or splash pad (\$350,000).

Ms. Oland presented a list of ways in which the Downtown Partnership had proposed to spend its \$1 million. These included a Clean & Green Team, a Downtown Vision Plan, redesigning the Peace and Justice Plaza, redesigning Historic Town Hall, replacing railings, and continuing an Adopt-a-Block program. The estimated total of \$1.12 million exceeded the \$1 million that had been allotted for Downtown, she pointed out.

Transportation Planning Manager Bergen Watterson described four

potential Bike and Pedestrian improvements that would support the Town's Complete Communities' greenways concept. These were: a Bolin Creek Greenway extension, a Raleigh Road-side path, a Bolin to Booker-side path, and a Campus-to-Campus Connector. She outlined the benefits of each, showed estimated costs, and mentioned possible additional funding opportunities. The projects had already been identified in Town plans and had an existing design budget of about \$500,000, she said.

Ms. Oland said that staff would return to the Council on November 16, 2022, with a Consent Agenda item for allocating funds for the Town Department projects. Staff would begin designing a Community-based budgeting engagement process in early 2023 and bring that to Council in late winter or early spring, she said.

Ms. Oland and Town Manager Maurice Jones also provided the Council with an update on possibilities and cost estimates for temporary restrooms for the Downtown area while the new parking deck was being constructed.

The Mayor and Council confirmed with Parks and Recreation Director Phil Fleischman that \$150,000 to \$200,000 of their \$400,000 allotment would be used for repairs. Mr. Fleischman said that a feasibility study regarding the Teen Center would be done as well.

Some Council Members raised concerns about spending money on a teen center that was in bad condition, but Mayor Hemminger and Mr. Fleischman explained that programming had already been moved to the Hargraves Center, while a short feasibility study was being done. However, there were limitations at Hargraves as well and having additional space would be very beneficial for teens, Mr. Fleischman said.

Council Member Parker confirmed with Downtown Partnership Director Matt Gladdek that a Clean and Green program could provide maintenance for restrooms in the current Wallace Deck but that doing so had not been included in the budget. Council Member Huynh clarified with Mr. Gladdek that the Downtown Partnership had voted to devote \$80,000 of its \$100,000 budget increase to events, since the \$100,000 was not sufficient to engage a Clean and Green team.

In response to questions from Council Member Searing, Mr. Fleischman said that staff had been looking at Cedar Falls Park for a possible pickleball complex. Council Member Parker confirmed with Mr. Fleischman that the Town's \$400,000 contribution would go towards designing, planning and constructing the complex. It would assume a scaled project with some courts to address the demand, Mr. Fleischman said.

Council Member Searing asked about possibilities for skate parks or adaptive playgrounds if community members who wanted those were able to raise matching funds, and Mr. Fleischman replied that the Town was

open to public/private partnership ideas from any group that might submit a proposal.

Council Member Miller-Foushee and Mr. Fleischman discussed Cedar Falls Park's general maintenance needs and the current funding gap for bringing a tennis complex reconstruction project forward at that location. Council Member Huynh verified with Mr. Fleischman that there was a precedent for accepting private donations for Town Parks and Recreation facilities, since Friends of Chapel Hill Parks, Recreation and Greenways had made contributions in the past. Mr. Fleischman said that the Town offered naming rights for facilities in exchange for financial contributions and that Council approval was required for some of the larger ones.

Council Member Huynh expressed support for the Bolin to Booker greenway connection, and Council Member Searing asked if greenway plans included reducing costs by having some natural surface connections. Ms. Watterson replied that transportation facilities required durability for longer-term impacts. The Town was hoping to get federal funding to construct trails, and those would have to be ADA compliant, which would not tend to support natural surfaces, she said.

In response to a question from Mayor pro tem Stegman about the "vision" for which \$500,000 was being allotted for Downtown projects, Economic Development Officer Dwight Bassett described the need for a long-term plan to unify and enhance Franklin Street. Mayor Hemminger said that the plan would include getting expert advice on which roads should be driven on, where bike lanes and sidewalks should be, and if some streets should be closed. Mr. Bassett had people in mind who could determine all of that, the Mayor said.

The Council confirmed with Mr. Fleischman that \$350,000 for an inclusive playground and splash pad would go toward design plans for one of those and toward incorporating inclusive elements in existing Town playgrounds as well. They confirmed that a larger splash pad that recycled its water could cost about \$1 million.

Some Council Members asked about staffing for temporary restrooms and some proposed that washing facilities be available as well. Council Member Berry confirmed with Mr. Jones that portable restrooms would be in addition to those that already exist in the Wallace Deck, which was currently closed and unavailable. She stressed the need for immediate options for community members who live on Downtown streets and said that she did not want to put that issue off to the next budget cycle.

Mayor Hemminger asked staff to talk with the SOHRAD (the Street Outreach Harm Reduction and Deflection team) about the need and return to Council with recommendations for both immediate and long-term solutions. She then inquired about how many projects staff was capable of monitoring at a time, and Ms. Watterson said that she had anticipated

only one being funded through ARPA. However, there were other existing projects, she said, and Mayor Hemminger asked her to bring back a list of current projects, funding gaps, and staff priorities.

Sandy Douglas, a Chapel Hill resident and volunteer ambassador with USA Pickleball, said there were more than 2,000 players in Town, and she presented photos that showed people waiting to use courts. After describing a recent USA Pickleball fundraiser, she said that housing a larger complex would generate an estimated \$100,000 in annual revenue to the Town.

Anson Dorrence, women's soccer coach at UNC, described how easy pickleball was, regardless of one's athletic ability, and said that the sport connected people of all backgrounds, political affiliations, and finances.

Mr. Gladdek reviewed the Downtown Partnership's request for ARPA funding and explained how each item would improve the appearance and use of Downtown spaces. He said that more people had come Downtown in the past year than ever before due, in large part, to the Town's significant investments in public spaces. The Partnership hoped to continue that and bring it to the next level, he said.

The Council thanked and praised staff members for their hard work on the item. They praised the Community Partners work in particular, and Mayor Hemminger said that she had been impressed by the process.

The Council agreed with staff's recommendation to temporarily move the Teen Center to Hargraves and to put some of that \$400,000 into fixing health and safety issues there until a better long-term solution could be found. They pointed out that a feasibility study for a permanent location still needed to be done, however.

Council Member Ryan emphasized the importance of spreading Parks and Recreation funding out among all groups. She pointed out that a teen center and a skate park would be for teens while a pickleball complex would be for older adults. She was in favor of investing in a splash pad and adaptive playground for young children, she said.

Council Member Huynh mentioned that he played pickleball every week but said that he did not think ARPA was the right source of funding for it since that was intended to help those most impacted by COVID-19. He proposed that the Town explore other funding sources for the pickleball complex.

Council Members raised concerns about trying to address too many Parks and Recreation needs. They stressed the importance of making sure that money was being allocated to projects that could be completed. Council Member Parker said he was not convinced that pickleball should be the highest priority, and Mayor pro tem Stegman pointed out that the Town

still did not have the inclusive playground that it had been talking about for many years.

Council Member Miller-Foushee said that investing in a pickleball complex at Cedar Falls Park did not make sense to her when the Town had general needs that had not been met, ongoing projects that had a funding short-fall, and ARPA money was intended to address the effects of COVID-19. She expressed support for funding an inclusionary playground, but not a stand-alone splash pad. She proposed increasing the amount slated for the skate park.

Mayor pro tem Stegman proposed that more funding be put toward a combination splash pad/inclusive playground, and Council Member Berry said she agreed with others about choosing fewer projects and doing them well.

Mayor Hemminger reminded the Council that she had suggested considering a one-cent tax increase for Parks, Recreation and Greenway facilities. Such a tax would generate about \$1 million a year, she pointed out. She said that Parks and Recreation had been short-changed for years and that the Town needed a plan for continuing to reinvest in those facilities and for adding the new ones that the community was requesting. She mentioned that staff had been discussing a partnership with University Place for a "gurgle pad", which University Place would maintain.

With regard to Greenways, Council Member Ryan expressed support for the Umstead to Ephesus Drive extension. She and Council Member Huynh said that the Raleigh Road project would be great if UNC would partner with the Town on it. Several Council Members requested that staff provide more input on the choices, and Mayor pro tem Stegman and Council Member Miller Foushee noted the importance of centralizing equity in any decision.

Council Member Parker proposed not deciding how to invest Greenway's money before deciding on a Complete Communities pilot project, and Council Member Huynh proposed that Ms. Watterson be more involved in Complete Communities work and prioritize those options.

Mayor Hemminger spoke in favor of moving forward on all Greenways projects, but in a way that respected staff time and investment. She said that doing so would include getting rights-of-way and addressing blockages and other things that take time and energy. An anticipated \$7 billion in funding could go towards such infrastructure and the Town had a great opportunity to get some of that, she said.

With respect to the Downtown Plan, Council Member Ryan said that \$500,000 seemed like a lot to spend and that she would expect a complete mobility plan and streetscape design that truly solved the issues. Mayor pro tem Stegman agreed. Mayor Hemminger said that she

liked the Downtown Plan and hoped the Council would make it a reality.

The Council discussed the pros and cons of various solutions to the lack of public Downtown restrooms, and Council Member Ryan commented on the need to develop a long-term maintenance plan during the next budget cycle. She hated using ARPA funds for ongoing needs, but would agree if that was the solution, she said.

Mayor pro tem Stegman expressed strong support for unlocking restrooms that still exist in the Wallace Deck and then doing whatever was necessary to address related concerns. Others agreed, and Council Member Parker pointed out that portable restrooms were no safer at night than those at the Wallace Deck were. Mayor Hemminger asked the Manager to find an immediate solution and come up with a long-term plan.

Mayor Hemminger said that she understood the Council's sentiment regarding the many wants and needs and the need to do a better job of prioritizing by numbers of people, equity, location, and so forth. Once that was done, the Town could find the funding to make it happen, she said.

A motion was made by Mayor pro tem Stegman, seconded by Council Member Berry, that the Council recused Council Member Miller-Foushee from this item based on her participation in the governing board of recipient organization. The motion carried by a unanimous vote.

A motion was made by Council Member Huynh, seconded by Mayor pro tem Stegman, that the Council enacted O-2. The motion carried by the following vote:

Aye: 7 - Mayor Hemminger, Mayor pro tem Stegman, Council Member Berry, Council Member Huynh, Council Member Parker, Council Member Ryan, and Council Member Searing

Excused: 1 - Council Member Anderson

Recused: 1 - Council Member Miller-Foushee

8. Receive the Complete Community Draft Plan and Guidelines for Selecting a Pilot Project.

[\[22-0824\]](#)

Jesus Armando Gonzales Ventura, a Chapel Hill resident, asked how the Council approached putting equity at the center when deciding who deserved funding. Mayor Hemminger explained that the Council did not respond to public input at its meetings but that staff members would provide Mr. Ventura with that information.

Consultant Jennifer Keesmaat gave a PowerPoint presentation on the Complete Communities (CCs) process and said that next steps included building consensus, exploring trade-offs and opportunities, and identifying a pilot project. She would propose a pilot project and introduce key decisions that must be made by December 7, 2022, when the Council would be presented with a resolution to adopt the CCs framework, she said.

Ms. Keesmaat provided an update on community workshops, focus groups, and the stakeholder consultation process. She said that focus groups had included developers and representatives from UNC and UNC Health, and that a community leaders' workshop had been scheduled for November 10th. She said that the CCs process had reached its sixth phase, which was to advance a pilot project.

Ms. Keesmaat addressed questions of where and how growth should occur in Chapel Hill. With regard to where, she recommended enabling more density in communities that are linked by greenways, developing along transit corridors, adding to large infill sites with existing infrastructure, and changing what was permissible in smaller infill sites. She said that how growth should occur hinged upon the location of Town assets. For example, clear-cutting was not part of the CCs plan, which was more nuanced and worked with the natural topography.

Ms. Keesmaat spoke about building walkable and bikeable environments, rather than parking lots, and having programs and amenities more distributed throughout Town. She discussed creating live/workspaces in new housing and described a series of initiatives that would ensure social equity as the Town grew. She said that Chapel Hill would have room to grow if it took a new approach to land use that focused on building upward, with higher densities and fewer cars. That new model emphasized active transportation and transit-oriented development that included "everywhere to everywhere" greenways, she pointed out.

Ms. Keesmaat recommended that the Town target building 500 new homes per year and that it adopt one or more pilot projects. Each pilot had been measured against evaluation criteria such as speed of implementation, barriers to implementation, Town jurisdiction, financial viability, magnitude of impact, scalability, social equity, and its degree of contribution toward creating CCs, she said.

Ms. Keesmaat explained that potential pilot projects had been divided into two categories: new active transportation strategies and connections; and new development approaches. She described those and said that five of the six active transportation strategies had already been directed to Town staff. Pilot projects related to new development approaches needed more work and would be brought to Council at a later time, she said.

Ms. Keesmaat said that her team had identified eight federal programs that could help the Town with funding. She said that a \$7 billion federal Transportation Alternatives Program had been designed for exactly the type of project that the Town was considering. Therefore, the sixth active transportation pilot program had become hiring a grant writer who would be focusing exclusively on finding funding for a state-of-the-art "everywhere to everywhere" pilot project, she said.

The Mayor and Council thanked Ms. Keesmaat for her thorough presentation and her approach to evaluating a pilot in a systematic way that had made everyone feel part of the process.

Council Member Huynh confirmed with the Manager that the Town was currently interviewing grant writers. Council Member Ryan recommended that the CCs initiative be included in the Town's Comprehensive Plan in addition to its Land Use Management Ordinance. Council Members Miller-Foushee and Berry said they were glad to see recommendations regarding the Town's long entitlement process. Council Member Searing proposed that the Town adopt a target number of greenway miles to build each year in addition to targeting 500 new homes.

Council Member Miller-Foushee said she agreed with a statement that Ms. Keesmaat had made about the need for political will to bring change. She emphasized the importance of moving social equity forward and said she wished that the original charge had included the Town's Affordable Housing and Community Connections staff in the process. She said that equity should include a restorative aspect regarding land use, and she stressed the importance of addressing continuing pressures on some communities, such as those living in mobile home parks.

Mayor Hemminger said that she had recently met with UNC, UNC Health, West End Merchants and others, and that everyone wanted to know where the Town was headed. She had found it useful to discuss the goals of the CCs framework, she said. She expressed excitement about the potential grants and pointed out that NC-DOT had a federal grant administrator who was available to help the Town with that application.

The Council will continue the discussion on November 16, 2022.

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

A motion was made by Mayor pro tem Stegman, seconded by Council Member Parker, that the Council entered into closed session as authorized by General Statute Section 143-318.11(a)(3) to consult with legal counsel in order to preserve the attorney-client privilege. The motion carried by a unanimous vote.

ADJOURNMENT

The Council recessed the meeting at 9:37 p.m. and adjourned the meeting at the conclusion of the closed session.