



# TOWN OF CHAPEL HILL

## Town Council Meeting Agenda

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

**Monday, August 30, 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\\_Towkaf2ES-yZXUDWit6tMw](https://us02web.zoom.us/webinar/register/WN_Towkaf2ES-yZXUDWit6tMw)  
After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 822 6494 5437*

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

### OPENING

### ROLL CALL

### AGENDA ITEMS

1. Introductions/Goals for Session. (no attachment) [\[21-0667\]](#)  
PRESENTER: Pam Hemminger, Mayor
2. Procedures for Filling Council Vacancies. [\[21-0668\]](#)  
PRESENTER: Ann Anderson, Town Attorney
  - Current procedure specified by ordinance
  - Perceived shortcomings of current procedures
  - Desired changes, if any

- Process for making changes/next steps

**3.** Overview of Fall Council Session. (no attachment)

[\[21-0669\]](#)

PRESENTER: Pam Hemminger, Mayor

- Review of meeting schedule - business meetings vs. work sessions
- Key policy/regulatory issues to be addressed
- Major development projects
  - Review/approval
  - Concept plans
  - Other



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## Item Overview

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**Item #:** 2., **File #:** [21-0668], **Version:** 1

**Meeting Date:** 8/30/2021

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### **Procedures for Filling Council Vacancies.**



#### **Reference Materials:**

- GS 160A-63
- Chapel Hill Code (Chapter 2, Art. II) Governing Council Vacancy
- Summary of Current Vacancy Process

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**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

PRESENTER: Ann Anderson, Town Attorney

- Current procedure specified by ordinance
- Perceived shortcomings of current procedures
- Desired changes, if any
- Process for making changes/next steps

**§ 160A-63. Vacancies.**

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section shall not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more.

In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party. (R.C., c. 111, ss. 9, 10; Code, ss. 3793, 3794; Rev., ss. 2921, 2931; C.S., ss. 2629, 2631; 1971, c. 698, s. 1; 1973, c. 426, s. 11; c. 827, s. 1; 1983, c. 827, s. 1.)

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## Chapel Hill Code of Ordinances, Chapter 2, Art. II

### Sec. 2-23. Applicability.

This article shall govern the filling of vacancies in the offices of mayor and town council members.

(Ord. No. 86-2-24/O-4a, § 1)

### Sec. 2-24. Provisions pursuant to the charter and general statutes.

A vacancy in the council which occurs in the first year of a four-year term of office, or during the portion of the second year which ends on the third day before the end of the filing period for that office as provided by the General Statutes, shall be filled by appointment of the town council only until the next general election, at which time the candidate receiving the fifth highest number of votes (and, if necessary, the sixth, seventh and eighth highest number) shall be declared elected for the remainder of the unexpired term. A vacancy occurring at any other time shall be filled for the remainder of the term.

A vacancy in the office of mayor shall be filled for the remainder of the term.

If the number of vacancies is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum and the council shall fill the remaining vacancies; and, if the office of mayor is also vacant, the governor may fill the vacancies, as provided by North Carolina General Statute Section 160A-63.

(Ord. No. 86-2-24/O-49, § 1; Ord. No. 95-9-11/O-4, § 1)

### Sec. 2-25. Announcement of vacancy; publication of notice.

When a vacancy occurs, the mayor shall announce the vacancy at the next regular or special meeting of the council. The council shall at the same meeting set a deadline for applications for the vacant seat, which deadline shall be no less than seven (7) days and no more than thirty (30) days after publication of a notice of the vacancy. The mayor shall direct the clerk to have the notice of the vacancy published in a newspaper of general circulation by the seventh day after the date on which the mayor announced the vacancy. If the office of the mayor is vacant, the mayor protempore shall perform the duties of the mayor under this section.

The notice of a vacant office shall invite residents who are registered voters and otherwise qualified to hold the office to file an application with the town clerk by the deadline set by the council. If the mayor fills the vacancies under North Carolina General Statute Section 160A-63 because a quorum of the council cannot be obtained, the mayor shall determine an application deadline which shall be no less than seven (7) and no more than thirty (30) days after publication of the notice of vacancy.

(Ord. No. 86-2-24/O-49, § 1)

### Sec. 2-26. Applications.

Applications for a vacancy shall include the name, residence address, and signature of the applicant. The applicant may include information in support of the application if the applicant wishes. The application may but need not be on a form provided by the town clerk. Applications shall be submitted to the clerk's office.

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(Ord. No. 86-2-24/O-4a, § 1)

**Sec. 2-27. Consideration of applications; nominations.**

Promptly after the deadline for applications, the mayor shall cause copies of the applications to be distributed to the council.

At the next regular meeting of the council, or at a special meeting which may be called at the discretion of the council, the council shall review the applications and council members may make nominations. All nominations under this article shall be made only from applications received by the application deadline.

(Ord. No. 86-2-24/O-4a, § 1)

**Sec. 2-28. Appointments.**

At the next regular meeting or at a special meeting which shall be at least six (6) days after the meeting at which nominations may have been made as provided in section 2-27, the council may make additional nominations and may make an appointment to fill the vacancy. If the council does not make the appointment at such a meeting, the council shall make nominations and vote on the appointment at each subsequent meeting, whether regular or special, in which the appointment may be made under the council's rules of procedure.

(Ord. No. 86-2-24/O-4a, § 1)

In January 2020, Mr. Karpinos offered the following summary to Council of the process for filling a Council vacancy for the remainder of a member's term:

1. At the first Council meeting after the vacancy occurs, the mayor will announce the vacancy.
2. The Mayor will direct that notice of the vacancy be published within 7 days of the meeting.
3. At that same meeting, the Council will set a deadline for applications, which shall be no less than 7 days and no more than 30 days after the notice is published.
4. Applications shall include the name, address and signature of the applicant and any other supporting material the applicant wishes to include. No specific form is required.
5. Applications are to be distributed to the Council promptly after the deadline. (However, the applications are public records once they are submitted and are available at that time for public review.)
6. At the next meeting after the deadline, the Council shall review the applications and may make nominations from those who applied. (Historically, past Councils filling vacant Council seats have also scheduled an opportunity for applicants to make presentations to the Council and the public.)
7. At the next meeting at least 6 days later, the Council may make further nominations from those who applied and may make the appointment.
8. The Council is to consider the vacancy at each subsequent meeting until the vacancy is filled. There is no strict statutory deadline for the Council to fill the vacancy. However, both the General Statute (Sec. 160A-63) and Town Charter (Sec. 2.3) state that vacancies "shall be filled" by appointment by the Council.