



TOWN OF CHAPEL HILL

Town Council Meeting Agenda

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

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, May 1, 2024 6:00 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.

如需口头或
书面翻译服
务，请拨打
919-969-5105.

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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

OPENING

ANNOUNCEMENTS BY COUNCIL MEMBERS

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.

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.

1. Approve all Consent Agenda Items. [\[24-0226\]](#)
By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.
2. Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program. [\[24-0227\]](#)
By adopting the resolution, the Council approves the grant application to the Governor's Highway Safety Program in the amount of \$172,700.
3. Adopt Minutes from May 3, 2021 and March 1, 2023 and June 21, 2023 and September 13, and September [\[24-0228\]](#)

20, 2023 Meetings.

By adopting the resolution, the Council approves the summary minutes of past meetings which serve as official records of the meetings.

DISCUSSION

- 4.** Presentation: Recommended Budget for FY 2024-25. [\[24-0229\]](#)

PRESENTER: Chris Blue, Town Manager

RECOMMENDATION: That the Council receive the FY2024-25 Manager's Recommended Budget.

- 5.** Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment to the Stormwater Management Requirements. [\[24-0230\]](#)

PRESENTER: Sue Burke, Senior Engineer

RECOMMENDATION: That the Council close the legislative hearing; adopt Resolution A (Consistency and Reasonableness) and Ordinance A approving the text amendment; and refer the concern about impacts to small projects to the Town Manager for consideration as part of the LUMO Rewriting Our Rules initiative.

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



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 1., **File #:** [24-0226], **Version:** 1

Meeting Date: 5/1/2024

Approve all Consent Agenda Items.

Staff:

Sabrina M. Oliver, Director/Town Clerk
Brenton Hodge, Assistant Town Clerk

Department:

Governance Services

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



Recommendation(s):

That the Council adopt the various resolutions and ordinances.

Fiscal Impact/Resources: Please refer to each agenda item for specific fiscal notes.



Attachments:

- Resolution

**A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ENACTING VARIOUS ORDINANCES
(2024-05-01/R-1)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following resolutions and ordinances as submitted by the Town Manager in regard to the following:

2. Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program. (R-2)
3. Adopt Minutes from May 3, 2021 and March 1, 2023 and June 21, 2023 and September 13, and September 20, 2023 Meetings. (R-3)

This the 1st day of May, 2024.

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

By adopting the resolution, the Council can approve various resolutions and ordinances all at once without voting on each resolution or ordinance separately.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 2., **File #:** [24-0227], **Version:** 1

Meeting Date: 5/1/2024

Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program.

Staff:

Britany Waddell, Director
Bergen Watterson, Mobility and Greenways Manager
Ben Berolzheimer, Mobility and Greenways Planner
Kurt Stolka, Vision Zero Coordinator

Department:

Planning

Overview: On January 31, 2024, staff submitted a preliminary application for the North Carolina Governor's Highway Safety Program (GHSP) grant program for Fiscal Year 2025. Council must adopt a resolution to finalize the application and accept \$172,700 of federal funding from the grant program. If received, the grant funds would pay a full-time Vision Zero Coordinator, part-time Vision Zero Intern, contribute to Chapel Hill Police Department crosswalk enforcement efforts, and support additional pedestrian safety and education campaigns. This grant application is a continuation of the existing GHSP grant the Town originally received in FY21.

Over the past four years, the formerly part-time GIS/Complete Streets Specialist (now Vision Zero Coordinator) has become an important position within the Planning Department (now in the Office of Mobility and Greenways), managing the Vision Zero Task Force and Executive Committee, analyzing existing crash data, improving systems to collect the data, creating a data-driven system for ranking crash risk, and developing quick-build projects to treat high-risk roads and intersections. Additionally, staff conducts outreach campaigns with community stakeholders, hosts events and workshops to engage and educate the public, and will travel to safety related meetings and conferences. The Town's grant application for FY25 includes a request for additional funding to make the position full-time.

Promoting bicycle and pedestrian safety and increasing law enforcement efforts that will increase the safety of vulnerable road users, especially at marked crosswalks at intersections with histories of crashes, is an important step in moving The Town of Chapel Hill toward the goal of increasing pedestrian, bicycle, and transit commute mode share to 35% by 2025 and creating a Complete Community.



Recommendation(s):

That the Council adopt the resolution approving the grant application to the Governor's Highway Safety Program in the amount of \$172,700.

Key Issues:

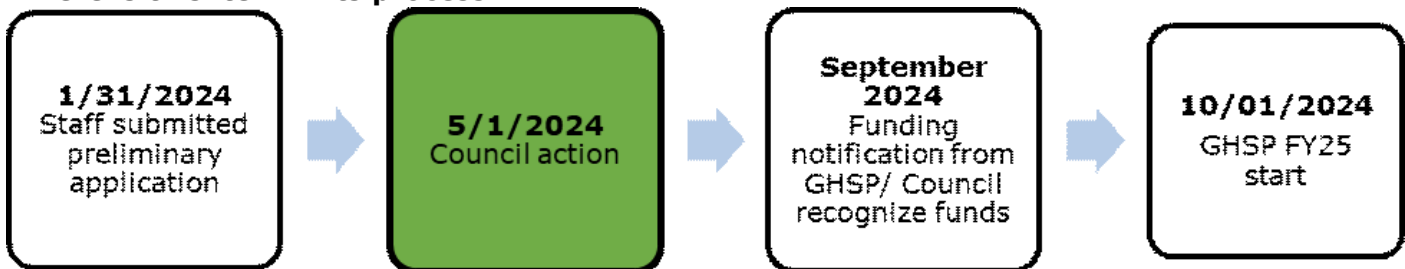
- From 2018-2022, there were 187 pedestrian crashes in Orange County, ranking 12th worst of 100 N.C. Counties. Of these crashes, 15 resulted in pedestrian fatalities (ranked 23rd, previously 31st) and 18 resulted in serious pedestrian injuries (23rd, previously 23rd)
- Pedestrian safety continues to decline in Orange County, and dedicated efforts to influence motorist behavior on the high-injury highway network are essential to reducing the loss of human life in our community. Community education and outreach, coupled with direct public engagement, public safety enforcement, and quick build safety projects, will improve the broad community

understanding of our shared responsibility in reversing these trends and building a safer transportation network for all road users.

- Crash clusters occurred within the downtown area and along high-speed corridors.
- Staff created a [Pedestrian Safety Action Plan](https://www.townofchapelhill.org/home/showpublisheddocument/47124/637378486668570000) <<https://www.townofchapelhill.org/home/showpublisheddocument/47124/637378486668570000>> in spring 2019, which aims to create a safe, connected, and accessible community. Staff has been working to implement the Pedestrian Safety Action Plan with the GHSP funding and will continue with the same work.
- In October 2021 the Town adopted a Vision Zero resolution that commits to 0 roadway fatalities and serious injuries by 2031, furthering the Town's commitment to improving the safety for our vulnerable road users.
- GHSP funds will further the Vision Zero work, continue to implement the Pedestrian Safety Action Plan, enhance bicycle-pedestrian safety efforts, and expand community engagement.

Fiscal Impact/Resources: If awarded the \$172,700 grant, the Town will be able to fund personnel costs, operating costs, and other direct costs. The personnel costs would cover the full-time Vision Zero Coordinator position, part-time Vision Zero Intern, and overtime hours for off-duty officers for one year. Operating costs would cover expenses for outreach campaigns, community stakeholder events, food and drink for events, and supplies. Other direct costs would cover in-state and out-of-state travel to conferences and trainings. There is no local match for the grant. If the Town receives the grant, staff will bring an item back to Council to formally recognize and appropriate the funds.

Where is this item in its process?



Attachments:

- Resolution
- FY25 GHSP Grant Application

A RESOLUTION SUPPORTING A GRANT APPLICATION TO THE GOVERNOR'S HIGHWAY SAFETY PROGRAM (2024-05-01/R-2)

WHEREAS, The Town of Chapel Hill Planning Department (herein called the "Agency") has completed an application contract for traffic safety funding; and that the Council of the Town of Chapel Hill (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill in open meeting assembled in the Town of Chapel Hill, North Carolina, this 1st day of May, 2024, as follows:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Kurt Stolka, Vision Zero Coordinator, is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$172,700 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$0 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by (mayor)

ATTESTED BY (clerk)

DATE This the 1st day of May, 2024.

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

By adopting the resolution, the Council approves the grant application to the Governor's Highway Safety Program in the amount of \$172,700.

North Carolina Governor's Highway Safety Program

SECTION A – GENERAL INFORMATION

1. Project Title: * FY25_Pedestrian Safety Action Plan - Year 5	Fiscal Year: 2025
2. Agency: 1000152937 - TOWN OF CHAPEL HILL	3. Contact Person for Agency: Benjamin Berolzheimer
4. Agency Address: 405 MARTIN LUTHER KING JR. BLVD CHAPEL HILL, NC 27514	5. Telephone Number: * (919) 969-5082
	6. Cell Phone:
7. Physical Location of Agency * TRANSPORTATION PLANNING 405 MARTIN LUTHER KING JR. BLVD CHAPEL HILL, NC 27514	8. Email of Contact Person * bberolzheimer@townofchapelhill.org
9. Federal Tax ID Number / Type of Agency Federal Tax ID Number: * 56-6001199 Unique Entity Identifier: WLCTFFK97EP7 County: * ORANGE Type of Agency <input type="radio"/> State <input type="radio"/> Non-Profit <input type="radio"/> County <input type="radio"/> Higher Education <input checked="" type="radio"/> Municipality <input type="radio"/> Hospital	10. Project Year * <input type="radio"/> New <input checked="" type="radio"/> Continuation Year: <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input checked="" type="radio"/> 4+ Application Number: 1000020653
	11. Allocation of Funding * Federal % 100.00 Local % 0.00

Source of Funds

12. Budget	Total Project Amount	Federal Amount	State/Local Amount
Personnel Costs	\$145,700.00	\$145,700.00	
Contractual Services			
Other Direct Costs	\$27,000.00	\$27,000.00	
Indirect Costs			
Total Project Costs	\$172,700.00	\$172,700.00	

13. Specify How Non-Federal Share Will Be Provided: *

N/A

Project Number:	CFDA#: 20.
	Work Type:

SECTION B – DESCRIPTION OF PROJECT

Statement of Problem (Provide detailed information of the highway safety problems in your area to be addressed through this project. Include countywide crash data for the last three years and any other relevant information to validate the statements. For more detailed information see "How to write an effective traffic safety project" located at:

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>)

Pedestrian safety continues to decline around the country, throughout North Carolina, and in Orange County. From 2018-2022, there were 187 pedestrian crashes in Orange County, ranking 12th worst of 100 N.C. Counties. Of these crashes, 15 resulted in pedestrian fatalities (ranked 23rd, previously 31st) and 18 resulted in serious pedestrian injuries (23rd, previously 23rd). Dedicated efforts to influence motorist behavior on the high-injury highway network are essential to creating a safer system and reducing the loss of human life in our community. Community education and outreach coupled with direct public engagement and public safety enforcement will improve broad community understanding about our shared responsibility in reversing these trends and building a safer transportation network for all road users.

Proposed Solution (Begin with a one-sentence summary of your project. Then describe in detail how your proposed project will address the problem identified in the "Statement of Problem" section):

The Town of Chapel Hill plans to continue the fight for safer roadways for all users by using the fifth year of the Governors Highway Safety Program (GHSP) grant funding to hire a full-time Vision Zero Coordinator supported by a Pedestrian Safety Outreach Intern while continuing extra-duty traffic enforcement efforts by the Chapel Hill Police Department (CHPD). Chapel Hill's road safety efforts have grown and evolved each year, primarily due to increased funding from the Governors Highway Safety Program. To further expand the impact of our work we are proposing converting the previously part-time GIS/Complete Streets Specialist to a full time Vision Zero Coordinator. This position is vital to organizing and managing the Town's focus on pedestrian safety, and with a full-time employee focused explicitly on traffic safety, we will be able to aggressively implement the Town's Pedestrian Safety Action Plan in addition to completing GHSP grant requirements in a thorough and timely manner. The Pedestrian Safety Outreach Intern will continue to provide key support to extend outreach capacity in the Chapel Hill and University of North Carolina (UNC) communities. Together, these two positions, along with continued enforcement from CHPD, will have expanded capacity to build on the progress that we have made in past grant cycles and better focus our efforts on the most effective solutions to our pedestrian and cyclist safety problems.

Dedicated work tasks for grant personnel include:

- Data Analysis: Continuing to evaluate and analyze crash data, and coordinating data collection between CHPD and UNC Police, is an important component of the Town's safe systems approach to pedestrian safety and to the long-term sustainability of this movement. Vision Zero personnel will be tasked with analyzing existing pedestrian crash data, collecting and updating pedestrian crash data, creating reports and visualizations to share the data with stakeholders, and providing guidance to treat high-risk street networks and intersections. These data tasks are critical for identifying issues, informing the Town's decisions and investments, and tracking progress towards our goals. The expanded role of full-time Vision Zero Coordinator will allow us to explore new innovative approaches and technologies for collecting, analyzing, and sharing data and trends.

- Foster Inter-Agency Partnerships and Collaboration: This task includes coordinating with various local partners and stakeholders to leverage efforts and create a town-wide Vision Zero culture. A large portion of the task is the staffing of the Town's Vision Zero Task Force and Executive Committee.

The Vision Zero Task Force has been meeting for four years and provides critical input and feedback on the implementation of the Town's Pedestrian Safety Action Plan and continued pedestrian safety efforts and interventions. This Task Force has representatives from vulnerable and underserved communities, transportation, transit, public health, police, youth services, homeless services, eldercare, UNC, policy advisers, and community advocates. The Task Force holds monthly working meetings for implementation of the Action Plan strategies, focusing on equity, public engagement, and technical analysis. The Task Force is a critical group of committed community members and representatives who frequently assist with and participate in other Vision Zero events such as walk audits, traffic counts, public outreach, and conferences. In FY25 the Task Force will expand its focus to include Safe Routes to School and increased emphasis on pedestrian safety programming for youth and families.

The Vision Zero Executive Committee, which was launched in FY22, includes department heads from across the Town of Chapel Hill, as well as agency leads from neighboring municipalities and other key community partners. This Executive Committee is the decision-making entity for the Town's Vision Zero initiative, sets the goals for the Town's bicycle-pedestrian safety work, and meets quarterly to track progress and conduct strategic planning. The Executive Committee provides the opportunity and venue for putting Vision Zero front and center for some of the most influential decision-makers in the area. This allows for buy-in on initiatives, new ideas and partnerships, and opportunities to leverage funding.

- Community Outreach: The Town recognizes the importance of community engagement in driving broad community support and understanding of pedestrian and traffic safety initiatives. During the past four years, the Town has conducted outreach activities in virtual, hybrid, and in-person formats. In year five, Chapel Hill will continue to be a leader in pedestrian safety outreach and will continue to share our experiences with statewide Vision Zero groups, transportation planning associations, and conferences. Finding and conducting innovative approaches to community engagement is a core element of our grant work and sharing what we learn and data we collect will help expand the impact and reach of the work. Engaging and educating the public at in-person workshops, walk audits, outreach campaigns, Town activities, and (new this year) school/school district events will be an important part of the Town's year five implementation to broaden reach and engagement. The Town will continue to promote virtual engagement opportunities, which offer touchpoints for community members unable or unwilling to attend in-person activities.

- Enforcement: During year five of the grant, enforcement efforts will remain a key component in improving pedestrian safety on high-risk corridors and intersections. Town staff will work with the CHPD to evaluate the preceding year's enforcement efforts to inform continued high-impact, high-visibility enforcement. In analyzing the impact of the first 3.5 years of enforcement effort, Town and CHPD recognized the value of having additional tools to inform these enforcement efforts, especially in times where PD staffing capacity is strained, so that law enforcement officers can have highest impact when conducting these operations. These tools include variable messaging signs and data collection devices. Crash data, GIS analysis, and safety countermeasures implemented during year four will inform enforcement activities in year five. Enforcement efforts will also be

concentrated around new highway safety design improvement areas as a mechanism to reinforce compliance with new traffic patterns and analyze effectiveness.

Budget Justification *(Provide a detailed explanation of the costs associated with proposed project):*

The GHSP Grant will fund:

- **CHPD overtime pay:** This effort includes paying overtime for Chapel Hill off-duty officers to conduct enforcement activities using saturation patrols and other high visibility enforcement efforts. These will focus on key high-risk locations and the top three contributing circumstances to pedestrian crashes: speeding, inattention, and failure to yield. CHPD will schedule a minimum of thirty (30) hours of overtime throughout each month in 4-hour shifts. To be reimbursed for funds spent on time and a half salary and benefits, the agency will submit a monthly schedule for overtime efforts and the monthly on-duty schedules of the officers who worked the overtime enforcement activities that month. The Chapel Hill Police Department agrees to submit copies of CAD reports that coincide with each officer's overtime shift, enforcement data, and copies of the citations issued during the overtime shift. Salary and fringe benefit information will be provided for all officers working the overtime enforcement activities.
- **Vision Zero Coordinator Pay:** This is a full-time position, including full Town benefits. The FY25 budget follows Town protocol for cost of living pay increase.
- **Pedestrian Safety Outreach Intern:** This is a part-time position, funded at 1000 hours over the course of the grant. The FY25 budget follows Town protocol for cost of living pay increase.
- **Community Outreach:** The Vision Zero Coordinator will purchase supplies for safety outreach campaigns, community workshops, neighborhood traffic safety walk audits, and other events with community stakeholders. Supplies may include signage, tables, safety materials, educational activities, meals, and snacks. The Town will include agendas and sign-in sheets with reimbursement for meals, snacks, and other refreshments.
- **Community Education:** The program will coordinate an annual public education campaign to target existing GHSP safety program messaging including Watch for Me NC initiatives with community organizations including but not limited to UNC, Chapel Hill Transit, and media partners.
- **Travel:** The Vision Zero Coordinator and other Town staff will travel to events and conferences to learn and share best practices in traffic safety.

Travel Justification *(Provide justification for all travel expenses):*

The Vision Zero Coordinator will be responsible for the Town's collaboration efforts with UNC and other stakeholders.

This will include traveling to hold outreach programs, workshops, learning labs, and conducting field visits to sites of interest. The Vision Zero Coordinator, Intern, and Town staff will travel to sites where pedestrian and vehicular incidents occurred, attend various workshops/training sessions related to bicycle-pedestrian safety, and host outreach campaigns at different locations within Chapel Hill's jurisdiction. The Town will also send the Vision Zero Coordinator and 2-3 additional pedestrian safety team members to in-state and out-of-state conferences focusing on pedestrian and traffic safety, including the GHSP Traffic Safety Symposium, NCSITE State Conference, and others identified over the course of the grant period. These conferences help staff learn best practices and strategies for keeping pedestrians safe and eliminating road fatalities and serious injuries. These conferences may be virtual or in-person.

To be completed by law enforcement agencies seeking first year grant:

Provide the agency's number of sworn officers	
Does the agency currently have a dedicated traffic or DWI unit?	Yes <input type="radio"/> No <input checked="" type="radio"/>
If a dedicated traffic or DWI unit exists, how many officers are assigned to the unit?	

For applicants requesting enforcement grants, please provide the following county fatality rankings:

Information can be located at:

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>

Overall Fatality Ranking:	37
Alcohol Fatality Ranking:	30

Unrestrained Fatality Ranking:	35
Speed Related Fatalities:	27
Other Applicable Rankings: <i>(Specify)</i>	Young Driver Fatal Crashes - 29 ; Pedestrian Fatality - 23 ; Bicyclist Fatality - 35

As part of this project all law enforcement agencies must enter traffic enforcement citations data of their agency for the past three years.

Year 2021	Occupant Protection Citations	3	DWI Citations	83	Speed Citations	663
Year 2022	Occupant Protection Citations	31	DWI Citations	98	Speed Citations	1,467
Year 2023	Occupant Protection Citations	23	DWI Citations	130	Speed Citations	3,025

Goals and Objectives *(Provide at least one SMART (Specific, Measurable, Attainable, Realistic and Timely) goals and objectives. For more detailed information see "How to write an effective traffic safety project" located at:*

<https://connect.ncdot.gov/municipalities/Law-Enforcement/Pages/Law-Enforcement-Reporting.aspx>)

Goal #1: Reduce pedestrian crashes in Orange County by 10% from the 2018-2022 annual average of 37.4 to 33 during the FY 2025

Objectives:

1. Improve and enhance crash and safety data collection, analysis, and visualization capabilities.
2. Expand the reach and impact of pedestrian safety efforts and initiatives by creating and fostering partnerships and collaboration across departments, organizations, and sectors.
3. Increase awareness of traffic safety and Vision Zero through creative and multifaceted community outreach and education.
4. Identify high-risk locations and conduct monthly targeted enforcement and outreach efforts at these locations. 360 hours of enforcement will occur over the course of a year.

Goal #2:

Objectives:

Goal #3:

Objectives:

Below are the 5-year goals of the NC Governor's Highway Safety Program (GHSP). To be eligible for funding, your traffic safety project should match one or more of the GHSP goals. Check all that apply.

- Reduce NC's traffic-related fatalities by 4% from the 2022 total of 1,784 to 1,712 by December 31, 2025.
- Reduce NC's alcohol-related fatalities by 4% from the 2022 total of 448 to 430 by December 31, 2025.
- Reduce NC's unrestrained fatalities by 4% from the 2022 total of 562 to 539 by December 31, 2025.
- Reduce NC's speed-related fatalities by 4% from the 2022 total of 426 to 408 by December 31, 2025.
- Reduce NC's young driver-related fatalities by 4% from the 2022 total of 198 to 190 by December 31, 2025.
- Reduce NC's motorcycle fatalities by 4% from the 2022 total of 237 to 227 by December 31, 2025.
- Increase NC's seat belt usage rate from the 2022 usage rate of 90.8% to 91.46% by December 31, 2025.

SECTION C – BUDGET DETAIL

Personnel Costs

#	Personnel Position	Salary
1	Overtime Hours for Off-Duty Officers	\$26,000.00
2	Vision Zero Coordinator Salary	\$72,000.00
3	Pedestrian Safety Outreach Intern	\$22,000.00
Total Salaries Cost:		\$120,000.00

#	Personnel Fringe Benefits	Cost
1	Fringe benefits for Vision Zero Coordinator	\$24,000.00
2	Fringe benefits for Pedestrian Safety Outreach Intern	\$1,700.00
Total Fringe Benefits Cost:		\$25,700.00
Total Personnel Costs:		\$145,700.00

Other Direct Costs

#	Equipment	Quantity	Cap Amount	Cost
Total Equipment Cost				

Other Equipment Details :

#	Other Items and Equipment Direct Cost:	Cost
1	Outreach/Education/Workshop Supplies	\$20,000.00
Total Other Items and Equipment Direct Cost:		\$20,000.00

#	Travel	Cost
1	In-State Travel	\$5,000.00
2	Out-of-State Travel	\$2,000.00
Total Travel Cost:		\$7,000.00
Total Other Direct Costs:		\$27,000.00

SECTION D – SCHEDULE OF TASKS BY QUARTERS

List the schedule of tasks by quarters, referring specifically to the objectives in Section B. Tasks should be a bulleted list of activities to be performed in each quarter.

Conditions for Enforcement Projects Only

By checking this box, the above agency agrees to the terms below as additional activities to be performed as part of this project.

- A minimum of one (1) nighttime and one (1) daytime seat belt initiative per month;
- A minimum of one (1) impaired driving checkpoint per month;
- A minimum of 50% of seat belt initiatives must be conducted at night between the hours of 7:00 p.m. and 7:00 a.m.;
- Participation in all "Click It or Ticket" and "Booze It & Lose It" campaigns;
- Participation in any event or campaign as required by the GHSP;
- Attempt to utilize one of the Forensic Tests for Alcohol Branch's Mobile Breath Alcohol Testing (BATMobiles) units during at least one of the impaired driving checkpoints.

- First Quarter (October, November, December)
1. Collect and process bike and pedestrian crash data
 2. Collect and process traffic count and speed data
 3. Explore and provide options for training of Town staff, community members and frontline workers, including law enforcement, on Vision Zero principles.
 4. Support two (2) public engagement events with Town and partner organizations
 5. Conduct one (1) focus group, neighborhood meeting, or ride along/field visit with frontline workers including Police, Fire, Transit.
 6. Conduct 90 hours of high-visibility saturation enforcement
 7. Implement first coordinated messaging campaign
 8. Hold a quarterly meeting with Town staff and relevant stakeholders to incorporate and promote pedestrian safety into planned and upcoming infrastructure projects, policy updates, and events.
 9. Conduct two (2) walk audits
 10. Hold one (1) Vision Zero Executive Committee Meeting and three (3) Vision Zero Task Force meetings
 11. Participate in GHSP-sponsored campaigns
 12. Submit Monthly Claims
 13. Submit Progress Report

Second Quarter (January, February, March)

1. Update annual report of all pedestrian crashes
2. Publish crash report online and through social media outreach
3. Collect and process traffic count and speed data
4. Support two (2) public engagement events with Town and partner organizations
5. Conduct one (1) focus group, neighborhood meeting, or ride along/field visit with frontline workers including Police, Fire, Transit.
6. Conduct 90 hours of high-visibility saturation enforcement projects including school zone enforcement projects when schools return from winter break
7. Hold a quarterly meeting with Town staff and relevant stakeholders to incorporate and promote pedestrian safety into planned and upcoming infrastructure projects, policy updates, and events.
8. Coordinate with partner organizations serving community members experiencing homelessness or housing insecurity to organize education and outreach opportunities.
9. Conduct two (2) walk audits
10. Hold one (1) Vision Zero Executive Committee Meeting and three (3) Vision Zero Task Force meetings
11. Participate in GHSP-sponsored campaigns
12. Submit Monthly Claims
13. Submit Progress Report

Third Quarter (April, May, June)

1. Collect and process bike and pedestrian crash data
2. Collect and process traffic count and speed data
3. Coordinate with schools or school district to organize education and outreach opportunities.
4. Support two (2) public engagement events with Town and partner organizations
5. Conduct one (1) focus group, neighborhood meeting, or ride along/field visit with frontline workers including Police, Fire, Transit.
6. Conduct 90 hours of high-visibility saturation enforcement projects including school zone enforcement projects in coordination with Walk to School Day and Safe Routes to School initiative
7. Implement second coordinated messaging campaign
8. Hold a quarterly meeting with Town staff and relevant stakeholders to incorporate and promote pedestrian safety into planned and upcoming infrastructure projects, policy updates, and events.
9. Conduct two (2) walk audits
10. Hold one (1) Vision Zero Executive Committee Meeting and three (3) Vision Zero Task Force meetings
11. Participate in GHSP-sponsored campaigns
12. Submit Monthly Claims
13. Submit Progress Report

Fourth Quarter (July, August, September)

1. Collect and process bike and pedestrian crash data
2. Collect and process traffic count and speed data
3. Support two (2) public engagement events with Town and partner organizations
4. Conduct one (1) focus group, neighborhood meeting, or ride along/field visit with frontline workers including Police, Fire, Transit.
5. Conduct 90 hours of high-visibility saturation enforcement projects including school zone enforcement projects in coordination with school-year kickoff, Walk to School Day, and Safe Routes to School initiative
7. Hold a quarterly meeting with Town staff and relevant stakeholders to incorporate and promote pedestrian safety into planned and upcoming infrastructure projects, policy updates, and events.
8. Conduct two (2) walk audits
9. Hold one (1) Vision Zero Executive Committee Meeting and three (3) Vision Zero Task Force meetings
10. Participate in GHSP-sponsored campaigns
11. Submit Monthly Claims
12. Submit Progress Report
13. Submit Final Accomplishments Report

AGENCY AUTHORIZING SIGNATURE

I have read and accept terms and conditions of the grant funding and attached the Grant Agreement. The information supplied in this application is true to the best of my knowledge

Name: PIN: Date:

Note:

- 1. Submitting grant application is not a guarantee of grant being approved.
- 2. Once form has been submitted, it cannot be changed unless it has a status of "Return".

FOR GHSP USE ONLY:

Recommendation:

Date:



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 3., **File #:** [24-0228], **Version:** 1

Meeting Date: 5/1/2024

Adopt Minutes from May 3, 2021 and March 1, 2023 and June 21, 2023 and September 13, and September 20, 2023 Meetings.

Staff:

Sabrina M. Oliver, Director
Amy Harvey, Deputy Town Clerk
Nikki Catalano, Transcriptionist

Department:

Governance Services

Overview: These minutes are prepared for the meetings listed below.



Recommendation(s):

That the Council approve the attached summary minutes of past meetings.



Attachments:

- Resolution
- May 3, 2021, Work Session
- March 1, 2023, Public Information Meeting
- June 21, 2021, Regular Meeting
- September 13, 2023, Regular Meeting
- September 20, 2023, Work Session

A RESOLUTION TO ADOPT SUMMARY MINUTES OF COUNCIL MEETINGS (2024-05-01/R-3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts summary minutes for meetings held on May 3, 2021 and March 1, 2023 and June 21, 2021 and September 13, and September 20, 2023.

This the 1st day of May, 2024.

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

By adopting the resolution, the Council approves the summary minutes of past meetings which serve as official records of the meetings.



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

Monday, May 3, 2021 7:00 PM Virtual Meeting

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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919-969-5105.

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, Planning Director Colleen Willger, Assistant Planning Director Judy Johnson, Traffic Engineer Kumar Neppalli, Transportation Planning Manager Bergen Watterson, Executive Director for Technology and CIO Scott Clark, Deputy Town Clerk Amy Harvey.

AGENDA ITEM

Public Information Meeting: Traffic Analysis [\[21-0397\]](#)

Mayor Hemminger called the virtual meeting to order at 7:00 p.m. She called the role and Council Members Parker, Ryan, Anderson, Buansi, Stegman, Huynh, and Gu replied that they were present. She said that the meeting would give the Council an opportunity to learn about traffic modeling software prior to a May 12, 2021, meeting regarding the Aura development project on Martin Luther King Jr. Boulevard (MLK).

Assistant Planning Director Judy Johnson introduced Craig Scheffler, a senior technical advisor with HNTB, to lead the discussion about traffic modeling and its application to future development in the MLK/Estes Drive area.

Mr. Scheffler explained that transportation modeling could reflect current conditions, predict future conditions, and test the potential impact of changes and/or improvements to a transportation network. The models could provide information on traffic delays and generated level of service grades (A-F) based on a system's capacity, he said. He explained that a grade D level of service would be the threshold for exploring improvements to a road or intersection.

Mr. Scheffler said that HNTB's base Townwide model reflected traffic counts taken during the morning, noon, and evening peak hours at 30 to 40 locations across Chapel Hill. He said that the model could reflect what was occurring and could do multiple simulations. However, it could not predict the best type of improvements to address specific problems, he said.

Mr. Scheffler discussed some of the assumptions behind a scenario test of Estes Drive that included all of the Town's planned developments and proposed road improvements in year 2024. The Estes Drive/Somerset Drive intersection would be at a level of service F at the PM peak hour and the Franklin Street/Estes Drive intersection would go from a level C to a level D in the AM peak and from a D to an F in the PM peak hour, he said. Small improvements would not fix the high traffic volume problems at those locations, he pointed out.

In response to questions from Council, Mr. Scheffler showed simulations that included signals and/or a roundabout at Somerset Drive. Adding a traffic signal or a roundabout at Somerset Drive could help traffic flow on Estes Drive and potentially shorten delays getting out of Somerset Drive, he said. He presented a simulation that included all of the potential parcels in the Central West Area, except Aura. It showed that adding an extra turn lane and extending some lanes would reduce traffic back-up despite having more traffic in the vicinity.

Mr. Scheffler also presented a scenario that included a traffic impact analysis that had been performed for Aura. He said that the amount of traffic that Aura would generate probably would have less impact than what would be coming from other developments in the area. He showed what the network would look like if Aura were developed, and the recommended changes were made. Getting out onto Estes Drive could be an issue for those coming from Aura, but the traffic generated from Aura's two driveways would not have much effect on overall traffic patterns, he

said. He said that re-timing traffic signals to account for additional traffic coming from Aura would subtract a couple of seconds of delay.

Council Member Ryan asked if the modeling included a potential additional eastbound left-turn lane from Estes Drive Extension onto MLK, and Traffic Engineer Kumar Neppalli replied that it did not since those improvements would not happen by 2024. Council Member Ryan pointed out that other developments that were being projected, however. She proposed that staff project all of the traffic improvements that would be coming within five years.

Council Members commented on how the future traffic scenarios were being based on assumptions built upon other assumptions. They proposed including additional variables, such as the traffic generated by school buses and the nearby YMCA. Some stressed the need for further calibration, interpretation and data analysis of queue length and its effect on drivers' actual experience. In addition to service level information, they wanted to know what the worst delays would be and how it would feel to wait through two cycles, they said. Council Member Huynh left at 7:36 p.m.

Mr. Neppalli replied that staff would provide all of that information and analysis at the May 12th public hearing on the Aura development. That presentation would include a table with actual numbers for existing, no build, and build scenarios and would include all of the developments, he said. Council Member Buansi left at 8:00 p.m.

Council Member Anderson commented on some disadvantages of presenting averages, but Mr. Scheffler explained that state and federal agencies, including the NC Department of Transportation (DOT), look at the average delay for a peak hour in order to avoid overdesigning a road to accommodate a worst-case condition. However, HNTB could provide ranges and maximums if that would help the Council's decision-making process, he said.

Council Member Anderson asked about the status of NC DOT's approval of the roundabout, and Mr. Neppalli said that he would provide that information and recommendations at the May 12th hearing as well. Staff would also present the quantitative analysis that the Council would need to make a decision about Aura, he said. He spoke at length about the many planned and potential improvements in the Central West Area and said that NC DOT was amenable to discussing ways to mitigate queues at Estes and Somerset Drives and the difficulty of turning left from Somerset onto Estes. He pointed out that four studies of the area had already been completed and said that improvements clearly needed to be made.

Mayor Hemminger commented on how staff had a short window of time to

prepare for the current meeting. She said that seeing a demonstration of HNTB's modeling ability had been very helpful even though adjusting the variables would make a difference. Having the opportunity to review the traffic analysis ahead of the Aura hearing would reduce the amount of time that the Council would need to spend on it on May 12th, she said. She noted that Planning Commission members, who were scheduled to review the Aura project the following evening, had been watching the presentation online.

ADJOURNMENT

This meeting was adjourned at 8:58 p.m.



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 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, March 1, 2023 5:00 PM Library Room B

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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919-969-5105.

In-Person Meeting Notification

View the Meeting

- Public attendance is welcome.
- We will not live stream the event, but will provide the Post-Meeting Video <https://www.townofchapelhill.org/councilvideo/>
- 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 <https://www.townofchapelhill.org/demosurvey>.

Parking

- Parking is available at the Library lots. The Library is served by CL Route, D Route, and GoTriangle Routes of Chapel Hill Transit

Entry and COVID-19 Protocols

- Meeting Room B is to the right from the main entrance.
- 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

ROLL CALL

Present: 9 - Mayor Pam Hemminger, Council Member Karen Stegman, Council Member Jessica Anderson, 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

OTHER ATTENDEES

Interim Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Affordable Housing and Community Connections Director Sarah Viñas, Assistant Planning Director Judy Johnson, Business Management Director Amy Oland, Assistant Business Management Director Matthew Brinkley, Economic Development and Parking Services Director Dwight Bassett, Technology Solutions Director Chris Butts, Interim Director Parks and Recreation Operations Atuya Cornwell, Senior Ombuds Anita Badrock, Community Safety Information Officer Alex Carrasquillo, Transit Director Brian Litchfield, Public Works Director Lance Norris, Fire Chief Vence Harris, Planning Director Britany Waddell, Public Housing Director Faith Brodie, Director of Building and Development Services Chelsea Laws, Emergency Management Coordinator Kelly Drayton, Assistant to the Town Manager Ross Tompkins, HRD Director Cliff Turner, Police Officer Steven Bradley, Library Director Susan Brown, Mayoral Assistant Jeanne Brown, and Communications and Public Affairs Director/Town Clerk Sabrina Oliver.

OPENING

Mayor Hemminger opened the work session at 5 p.m. All Council Members were present.

AGENDA ITEM

1. Discuss American Rescue Plan Act, FY 2022 Excess Fund Balance, FY 2024 Budget and Five-year Budget Planning. [\[23-0183\]](#)

1. [Discuss American Rescue Plan Act](#)

Acting Town Manager Chris Blue said that the staff presentation would reflect discussions that the Council had had at its recent annual retreat. Staff's goal was to receive clear direction from the Council on how to spend American Rescue Plan Act (ARPA) funds and excess fund balance (EFB), he said. He said that no formal actions were required but that staff was hoping to get a thumbs up from Council on some items.

Director of Business Management Amy Oland explained that \$1.85 million in remaining ARPA funds could be used to help address Town priorities. She reminded the Council that time was running out for spending that money, since ARPA projects needed to be under contract by December 31, 2024, and the money spent by December 31, 2026.

Ms. Oland proposed allocating \$1.25 million to Parks and Recreation (P&R) and \$500,000 for Bike, Pedestrian and Greenways projects. She

recommended that the P&R projects include replacing the Community Center playground; making accessibility improvements for all Town playgrounds; replacing the skate park; and conducting a Teen Center study.

Ms. Oland described how greenway projects had been ranked and recommended spending the ARPA money on the one at Bolin Creek because the estimated cost for that was closest to the available \$500,000. She reminded the Council that staff had presented four options in fall 2022 for spending other ARPA money on an "Everywhere to Everywhere Greenway" design.

Ms. Oland said that she would return with a budget ordinance amendment on the Council's March 22, 2023, Consent Agenda if the Council indicated approval of staff's recommendations.

Council Member Ryan said that a consultant who spoke at a recent Parks, Recreation and Greenways Commission meeting had said that the estimated cost for an inclusive playground ranged up to \$1.5 million. She asked if the amount staff was proposing would be sufficient, and Assistant Parks and Recreation Director Atuya Cornwell replied that it would be enough to replace the one at the Community Center.

Council Member Parker recommended figuring out what the Teen Center's programming would be before making decisions about facilities. Mayor pro tem Stegman mentioned that Orange County and Carrboro had been discussing a potential Teen Center that could serve Chapel Hill as well, and Mr. Cornwell replied that the Teen Center Study would look at that and other possibilities.

Council Member Searing said that a proposed \$500,000 for the Skate Park was about a third or half of what the actual cost of building a modern one would be. Mr. Cornwell replied that estimates for total replacement ranged from \$250,000 to \$500,000, and Council Member Searing confirmed with him that \$500,000 would replace the wooden structures and add amenities.

Mr. Cornwell offered to share the consultant's options and mock-ups for the Skate Park, and Council Member Searing replied that he wanted to see those. He could not agree to allocate only \$500,000 if the park would be sub-standard and would be more inclined to support the recommended plan if \$500,000 more were moved from Greenways to the Skate Park, he said.

Mayor Hemminger pointed out that the Town had designated \$1.3 million to Greenways in order to get grant money for that from the Metropolitan Planning Organization and the federal government. In response to a question from Council about possible public/private partners, Ms. Oland pointed out that the Council had expressed interest in

potentially dedicating a penny on the tax rate for Parks and Recreation, which would afford the Town almost \$971,000 that could be used as matching funds. She said that ARPA funds could be used as a match for projects, such as the Skate Park, if a partner presented itself soon. However, the bidding required for that would be a time-consuming process and time for spending ARPA money was running out, she pointed out.

Mayor Hemminger commented on the difficulty of finding private partners to share the cost of such projects. She pointed out that the Town's four biggest employers were governmental agencies, and she noted the Town's efforts to increase its corporate presence in order to have such benefits.

Council Member Miller Foushee said that the Skate Park and Cedar Falls Park improvements were both important and that the Town should complete one of them. Council member Berry proposed viewing the \$500,000 as a "starter" for the Skate Park and then building it in increments, and Mr. Cornwell replied that staff could ask the consultant to consider that.

The majority of Council Members gave a thumbs up to staff's proposed plan.

2. [FY 2022 Excess Fund Balance](#)

Ms. Oland pointed out that staff had previously recommended that the Council not allocate more than \$4 million of the \$6.68 million in 2022 Excess Fund Balance and that it not use that for projects with ongoing costs. If the Council agreed with staff's recommended funding allocations, she would put a budget ordinance amendment on the March 22, 2023, Consent Agenda, she said.

Ms. Oland presented a list of possible projects based on what departmental leaders and the Council had expressed as priorities. She pointed out that the list did not include money for the second half of the Land Use Management Ordinance (LUMO) rewrite, design and engineering of a new Multi-Service Center (MSC), purchasing a parking lot, and buying a new fire truck. Staff believed that there were better sources of funding for those projects, she said, and she outlined some of those sources.

Council Member Parker expressed concern about a recent recommendation to take money out of vehicle replacements and facilities maintenance. He also said that money for purchasing land at the Green Tract would be better spent on other projects until the Town knew if it could actually buy that property. Council Member Searing agreed that money should not be spent on anything other than immediate needs and basic services, such as fire, police and public works vehicles.

Ms. Oland pointed out that the list being presented contained things that the Council had discussed at some point, or priority projects for which the

Town had no alternative funding. The Council could certainly take things off the list and try to find the money at a later date, she said. She pointed out that the Town could use EFB for the Green Tract property but said that she would not recommend doing so because that would impact future borrowing capacity.

Mayor pro tem Stegman said that she preferred spending EFB on needs rather than wants and did not think it should be spent on the Inman property for that reason.

Mayor Hemminger recounted the previous conversation and asked Ms. Oland to continue.

Ms. Oland provided a list of projects that staff believed must move forward. She pointed out that funding for the Council Chamber upgrades and the LUMO rewrite had not been identified anywhere else. She said that the Town needed to allocate money for 140 West Parking Deck repairs as well and that the bond closing for the Police Department's public safety radios would be on March 7, 2023. The Town had been awarded a grant for a new garbage truck, and needed to provide matching funds for that, she pointed out.

In response to questions about Council Chamber upgrades, Communications and Public Affairs Director Sabrina Oliver explained that equipment needed to be brought up to current technological functioning. An annual maintenance plan would help to avoid past issues, such as smoking equipment and inadequate cameras, she said.

The Council agreed that the proposed expenditures generally reflected their philosophy and was about 90 percent of the way there. Several commented on how the Fiscal Impact Study was a want, not a need, and that money should be spent on Vehicle Replacement, Facilities Maintenance, or Community Safety instead. Council Member Huynh proposed that the Fiscal Impact Study and the Inman Property acquisition become second tier priorities.

Ms. Oland explained that \$250,000 for the Inman Property was what had reduced Facilities Maintenance from \$500,000 to \$250,000. And the \$100,000 for the Green Tract had been pulled from Vehicle Replacement, she said.

Mayor Hemminger said that the Council wanted a list of have-to-do projects to return for discussion rather than being on the Consent Agenda. Mr. Blue said that the Council's feedback had been helpful, and that staff would return with a prioritization. He emphasized that staff would not put anything before the Council that abandoned the important needs of facilities and vehicles.

3. [FY 2024 Budget and Five-year Budget Planning](#)

Ms. Oland pointed out that property tax revenue could be increased by increasing either the tax base or the tax rate. Taxes made up about 50 percent of the Town's General Fund revenues, she said. She presented two five-year budget scenarios: a "catching up" plan that would require a 4-cent increase on the tax rate and would address many Town priorities; or a 7.5 cent increase scenario that would address all of the Town's backlog.

Ms. Oland recommended that the Council decide which level of tax rate increase it would be comfortable with. Staff would then return each year with updated funding plans for Council consideration, she said. She presented a table that showed what the annual tax increase would be for various properties if the Council moved forward with a 7.5 cent increase.

Mr. Blue introduced three of the Town's department heads to describe the budgetary challenges that they were facing.

Chapel Hill Public Library (CHPL) Director Susan Brown explained that about 80 percent of her annual budget went to employees and an additional large portion went to building and technology maintenance. Approximately 5 percent remained for supplies, staff training, and programs, she said. She discussed budget constraints, inflation and supply chain issues. She said that the CHPL spent only 6 percent of its operating budget on books while the average amount spent by communities statewide was 10 percent.

Council Member Miller-Foushee confirmed with Ms. Brown that the CHPL also received support from Friends of the Library and the Library Foundation. It received some grant funding as well, but ongoing costs and the limits of staff capacity had affected that, said Ms. Brown.

Communications and Public Affairs (CaPA) Director Sabrina Oliver pointed out that her budget was representative of other small-Town departments - - such as Human Resources, Business Management and Technology Solutions -- all of which had very small margins to work with. She said that CaPA's budget was divided among people, benefits and contracted services, and that approximately \$14,000 remained each year for discretionary spending, such as training, supplies, and any unforeseen issues. CaPA currently needed to use about \$10,000 of that \$14,000 to catch up on training and business travel, which would leave only \$4,000 for the other items and expenses, she said.

Chapel Hill Police Department (CHPD) Chief Celisa Lehew said that 89 percent of the CHPD budget was spent on personnel and 9 percent went toward non-discretionary expenses, such as water, electricity, maintenance, fuel and fleet use charges. Cell phones alone cost \$250,000 annually and the cost of essential expenses, such as software and body cameras, had recently doubled, she pointed out. She said that the CHPD

did not have enough vehicles to go around.

Council Member Parker confirmed with Chief Lehew that PD vehicle acquisition came out of the Public Works budget. Council Member Miller Foushee and Chief Lehew discussed the implications of a prosed state bill that would allow civilian crash investigators. Mayor Hemminger discussed the difficulties of cost increases coming at a time when additional money from lapsed salaries was no longer available.

Council Member Miller Foushee said that she wanted to see a more comprehensive presentation on Reimagining Safety and Policing and that she hoped the Council would be committed to making budgetary allocations for that.

Mayor pro tem Stegman pointed out that the CHPD had added at least one position to its crisis unit, and she confirmed with Chief Lehew that online reporting had reduced some needs. She did not feel that the CHPD had been left short-handed, she said, and Chief Lehew agreed that it had realigned what officers respond to.

Mr. Blue commented that the staff presentations had shown that there was not much the Town could stop doing.

Ms. Oland said that staff's goal in presenting two budget scenarios was to understand the Council's priorities and funding recommendations. In response to a question from Council about sustainable ways to manage the budget that did not rely on future tax revenue, she noted the difficulty associated with North Carolina not having the revenue generators that other states had. Chapel Hill's sales tax had been booming, but the Town was limited by not having a commercial side, she said.

Council Members emphasized the importance of addressing immediate needs first -- such as having functioning fire trucks, police cars, and public works vehicles. Then they could look at options for addressing the structural deficit, which was the result of having a tax base that did not increase by as much as Town expenses, they said. Providing the level of services that Chapel Hill residents had come to expect meant that taxes would need to increase in accordance with inflation, Council Member Parker said.

Mayor Hemminger agreed that the Town's residential and commercial development had been out of balance for a long time. Because commercial property costs less to serve, and typically pays more in property taxes, the Council had been working toward bringing in more of that, she said. She said that seeing an estimate of potential revenue from commercial development that was already online would be helpful.

Mayor Hemminger said that she liked the five-year plan but that not everything could be solved in five years. She wanted to continue with

commercial development opportunities to help balance the tax base and the Town should applaud how high its sales tax numbers had gone, she said. She pointed out that Chapel Hill spent more on services than it got back in revenues. However, raising taxes in big jumps would push people and businesses out of the community, she said.

The Council asked about a proposed \$500,000 Council Initiatives Fund, and Ms. Oland explained that that would be a source of funding available for unexpected projects. Council Member Parker said that he liked the idea of having some money set aside, in principle, but that organizations typically look for ways to spend money that's a line item.

Council Member Ryan said that it did not seem correct to frame things that the Town aspired to do as Town "needs". Affordable Housing, for example, was not just a municipal problem and not a need in the same way that Town fleet and staffing was, she said.

Council Members Miller-Foushee and Berry argued that Affordable Housing absolutely was a Town need, and Council Member Berry said that the Town should not rely on non-profits to address that. Council Member Parker pointed out that the Council would ultimately decide what was a need, and Council Member Anderson said that Affordable Housing was a complex topic because different levels of government addressed it.

With regard to a "Penny for Parks" proposal from staff, Ms. Oland said that parks had sometimes been forgotten, although they had been supported through bond referendums. The proposed \$1 million from a Penny for Parks would be a huge infusion, she said, and she mentioned the many different ways in which it could be used. She and Mayor Hemminger explained that there would be no other sources of money for Parks, Recreation and Greenways in the near future.

Mayor pro tem Stegman commented on how the State of North Carolina did not fund projects in the way that other states did and how federal funding ebbed and flowed depending on the Administration. It was not feasible for local governments to cover everything, and Council Members had various ideas about what government's role should be, she said. She said that whatever got the most Council votes would prevail and the public could vote Council Members out in the next election if they don't like their decisions.

Ms. Oland presented two budget scenarios (including their respective tax rate increases): a "Catching Up" scenario (4-cent increase), and an "Addressing the Full Gap" Scenario (a 7.5-cent increase). Each scenario contained five priority areas and staff had created interactive elements that allowed Council Members to see how changes impacted the tax rate, she said. She said that the goal was to provide staff with direction on what level of a tax increase the Council would support.

The Council confirmed with Ms. Oland that staff thought the 4-cent scenario was achievable. The 7.5-cent scenario (7-cents, if the Council Initiatives category were removed) would address the Town's full backlog in five years, she said. With any scenario, the Council would vote on a budget each year despite having a five-year strategy, she said.

Council Member Berry expressed strong support for increasing \$200,000 allotted for fire station design and asked if \$971,000 would be sufficient. Ms. Oland described a complicated four-year plan that could allow design in the first year. Council Member Berry expressed concern about safety issues affecting Fire and Police personnel and said she would like to know how much increasing the amount for Fire Capital and Facilities would affect the tax rate.

Council Member Searing left at 7:36 p.m. to attend another meeting.

Council Members said that they wanted to better understand what needed to be funded through debt versus what could be funded through the annual budgeting process. Council Member Parker confirmed with Ms. Oland that staff was not necessarily recommending a 7.5 cent increase but was showing that as one way to address the gap over five years. The 4-cent scenario was a more attainable and manageable way to try and address the significant number of needs, Ms. Oland said. Council Member Parker said that he would need to see other components of the Town's total tax bill before he would be able to comment on what level of taxes, he was comfortable with.

In response to a question about staffing increases, Ms. Oland explained that \$1 million of \$1.1 million had been built into the Catching Up scenario for the following: recruitment and retention; a reasonable cost of living adjustment; a next phase of the class and compensation study; training, tuition reimbursement and other employee benefits. The additional \$100,000 would be for a new position, said Ms. Oland.

Council Member Anderson and Ms. Oland discussed how having so many future unknowns meant that any 7-year spreadsheet included many assumptions. Ms. Oland suggested that the Council choose what it was comfortable with for FY 2022 and then plan for future years. She pointed out that the numbers being presented were only two scenarios. The tax rate increase could be anywhere from 4 to 7.5 cents, or more, or less, she said.

Council Member Ryan confirmed with Ms. Oland that 4 cents were on the floor if the Council wanted to seriously address the Town's issues and that it attempted to include achievable amounts.

Mayor Hemminger pointed out that there would be many more Council budget work sessions. She thanked department heads for being present and said that she appreciated all of their hard work.

This item was received as presented.

ADJOURNMENT

The work session ended at 7:59 p.m.



TOWN OF CHAPEL HILL

Town Council Meeting Minutes - Draft

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

Mayor Pam Hemminger
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Council Member Amy Ryan
Council Member Adam Searing

Wednesday, June 21, 2023 7:00 PM RM 110 | Council Chamber

Language Access Statement

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

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In-Person Meeting Notification

View the Meeting

- View and participate in the Council Chamber.
- Live stream the meeting - <https://chapelhill.legistar.com/Calendar.aspx>
- View on cable television channel at Chapel Hill Gov-TV (townofchapelhill.org/GovTV)
- 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 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

Speakers

- Sign up at the meeting starting at 6:30 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.
- Council may set an overall public comment limit per item.
- Please do not bring signs.

ROLL CALL

Present: 9 - Mayor Pam Hemminger, Council Member Karen Stegman, Council Member Jessica Anderson, 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

OTHER ATTENDEES

Interim Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Planning Manager Corey Liles, Senior Planner Tas Lagoo, Principal Planner of Historic Preservation Anya Grahn-Federmack, Affordable Housing and Community Connections Director Sarah Viñas, Business Management Director Amy Oland, Community Safety Public Information Officer Alex Carrassquillo, Parks and Recreation Director Atuya Cornwell, Senior Manager of Planning and Park Operations Kevin Robinson, Recreation Division Manager Nikiya Cherry, Business Operations Division Manager Monica Rainey, Senior Planner Katherine Shor, Police Chief Celisa Lehew, Community Relations Manager Shay Stevens, Assistant Town Clerk Brenton Hodge, and Deputy Town Clerk Amy Harvey.

OPENING

0.01 Celebrating Successes Video

[\[23-0576\]](#)

Staff presented a "Celebrating Successes" video in which Diversity Equity and Inclusion Officer Shenekia Weeks, Human Resources Director Cliff Turner, Deputy Town Manager Loryn Clark and others described Town efforts to weave DEI into all of its hiring and training practices. Ms. Weeks said that 42 staff members involved with hiring had recently completed a year-long recruitment, retention and promotion academy to learn best practices. She discussed the goal of increasing diversity at the middle management level and said that the Town was committed to welcoming all.

Mayor Hemminger expressed pride in the work that the Town was doing and thanked Ms. Weeks, Mr. Turner and the Town's entire management team for leading the way and putting DEI values into action.

0.02 Proclamation: Parks and Recreation Month.

[\[23-0577\]](#)

Mayor pro tem Stegman read a proclamation that emphasized the role that Parks and Recreation (P&R) played in improving residents' physical and mental health. She read that P&R was also essential to ensuring the Town's ecological beauty and resiliency in the face of natural disasters and climate change. The proclamation declared July 2023 to be Parks and Recreation Month in Chapel Hill and urged everyone to take advantage of the Town's P&R Department's programming over the summer and throughout the year.

Director of P&R Atuya Cornwell thanked the Council for the proclamation and said that his entire team was excited about P&R Month. The theme would be "Where Community Grows" and staff would be highlighting community partners and members who had used P&R facilities and programs, he said. He invited everyone to attend, and to share success stories online at chapelhillparks.org. That website would also include information regarding a P&R tour on July 16th and an upcoming Parks and Recreation Professionals Day, he said.

Mayor Hemminger praised Mr. Cornwell and his team for taking the Town's "Food for the Summer" program to the next level by creating more summer camp opportunities for youth. She had heard many positive comments about pop-up events at public housing communities, she said, and she thanked Chapel Hill resident Jeanne Brown as well for that effort.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.03 Mayor Hemminger Regarding The Huegrich Bike Ride.

[\[23-0578\]](#)

Mayor Hemminger commented on the late Jim Huegerich's long career with the Town and pointed out that he had been its first ombudsman. Those interested in participating in The Huegerich Bike Ride were invited to meet at the Chapel Hill Community Center on South Estes Drive and ride along the Bolin Creek Trail on June 10th from 6:00-8:00 p.m., she said.

0.04 Mayor Hemminger Regarding July 4th Fireworks.

[\[23-0579\]](#)

Mayor Hemminger announced that this year's Fourth of July fireworks event would be held at Southern Community Park, beginning at 7:00 p.m. The fireworks display would begin around 9:00 p.m., she said.

0.05 Mayor Hemminger Regarding the Town Manager Search.

[\[23-0580\]](#)

Mayor Hemminger said that the Council was in the final stages of its

search for a permanent Town Manager and hoped to have an announcement soon.

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. Council Member Miller-Foushee's Request to Assess the Town's Advisory Boards and Commissions.

[\[23-0547\]](#)

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

0.06 BJ Warshaw Regarding Development in Southern Area of Chapel Hill.

[\[23-0581\]](#)

BJ Warshaw, representing the Southern Entryway Alliance (SEA), responded to a recent petition from Aaron Nelson, president and CEO of the Chamber for a Greater Chapel Hill and Carrboro, that asked the Town to investigate extending the urban services boundary along the Chatham County line. Mr. Warshaw pointed out that similar requests had led to public meetings in 2019 that had showcased near unanimous opposition from residents, which had resulted in that area not being included as a focus area in the Town's Future Land Use Map. He said that extending that boundary would lead to sprawl, commercial development, increased impervious surface, flooding, traffic and the destruction of wildlife habitats within a vital watershed. SEA was formally asking that Mr. Nelson's petition be denied and that the Council pledge to keep the existing agreements and boundaries, he said.

This item was received and referred to the Town Manager and Mayor.

0.07 John Weis (Community Design Commission) Requests Affordable Program for Blue Hill District.

[\[23-0582\]](#)

John Weiss, Community Design Commission (CDC) chair, read a letter from the CDC about a 348-unit shortfall of affordable housing (AH) in the Town's Blue Hill District. He said that the District's form-based code had

exempted AH but that a provision in the Town's Inclusionary Zoning Ordinance allowed developers to voluntarily agree to a rental AH performance agreement under specific conditions. The CDC was requesting that the Council ask staff to create an AH program for the Blue Hill District (BHD), he said.

This item was received and referred to the Town Manager and Mayor.

0.08 Delores Bailey Regarding the Peach Apartments. [\[23-0583\]](#)

Delores Bailey, executive director of EmPOWERment, Inc., displayed a large poster of Peach Apartments, a 10-unit apartment building on Johnson Street that would be dedicated to those earning at, or below, 30 percent of the area median income. The project was debt free and would be breaking ground in August or September 2023, she said. She thanked Council Members who had supported the project and said that a donation from Mayor Hemminger had put it over the top.

This item was received and referred to the Town Manager and Mayor.

0.09 Jon Mitchell (Planning Commission) Request Regarding Parking Policy. [\[23-0584\]](#)

John Mitchell, speaking on behalf of the Planning Commission (PC), petitioned the Council to consider a set of parking policy recommendations that were designed to bring the Town's current standards into alignment with its Complete Communities Framework. He said that the PC's two main recommendations were: 1) abolish parking minimums Townwide and convert existing minimums to maximums; and 2) require developers to unbundle the cost of parking from the cost of housing. Those changes would promote lower housing costs, transportation alternatives, and better uses of land and the PC saw them as an essential step toward implementing the Town's Complete Community Framework, he said.

This item was received and referred to the Town Manager and Mayor.

0.10 Eugene Farrar Requests Traffic Calming Near Hargraves Center. [\[23-0585\]](#)

Eugene Farrar reminded Council Members that he had recently raised concerns about cars speeding in the Hargraves Community Center area and had asked the Town to install speed bumps there. He noted that children's programs were currently in session and stressed the importance of addressing the issue as soon as possible.

Mayor Hemminger pointed out that installing traffic calming at that location was Item 6 on the evening's agenda. "We hear you," she said, and she mentioned that sidewalks on nearby Homestead Road were being improved as well.

This item was received and referred to the Town Manager and Mayor.

1.06 Jesus Armando Gonzalez Ventura on Need To Eradicate Poverty. Petitioner missed speaking earlier in the meeting. Mayor Hemminger called him up later during item 15. [\[23-0586\]](#)

Mayor Hemminger told Mr. Ventura that he could comment accordingly during discussing Item 15, consider modifications to the Good Neighbor Plan.

This item was received and referred to the Town Manager and Mayor.

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 Ryan, seconded by Council Member Anderson, that R-1 be adopted as amended with amended item #9 and new item #9.01, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items. [\[23-0548\]](#)

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

3. Approve the Miscellaneous Budget Ordinance Amendment to Adjust Various Fund Budgets for FY 2022-23. [\[23-0549\]](#)

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

4. Adopt a Resolution Supporting a Grant Application to the Governor's Highway Safety Program. [\[23-0550\]](#)

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

5. Amend Chapter 21 of the Town Code of Ordinances to Remove Stop Signs on Redbud Road at Honeysuckle Road and Redbud Lane at Honeysuckle Road and Add Yield Signs at these Locations. [\[23-0551\]](#)

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

6. Authorize Staff to Install Traffic Calming Devices on North Roberson Street between West Rosemary Street and Mitchell Lane. [\[23-0552\]](#)

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

7. Endorse a Modification to the State Highway System Along a Portion of Hayes Road and a Portion of 15-501 Service Road [\[23-0553\]](#)

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

8. Authorize the Town Manager to Execute Agreements with the North Carolina Department of Transportation to Transfer Town-owned Property or Provide Easements on Town Property to Support the Widening Project of I-40 near NC-86 (NCDOT # I-3306A) [\[23-0554\]](#)

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

9. Receive Final Report from the Booker Creek Working Group. [\[23-0555\]](#)

Mayor Hemminger commented on an additional Item 9.01, which authorized the Town Manager to accept an AARP Community Challenge Grant to support Vision Zero efforts. It would allow him to make necessary assurances that would enable the Town to accept the grant and initiate the projects over the summer, she explained.

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

- 9.1 Authorize the Manager to Accept the AARP Community Challenge Grant and to Make All Necessary Assurances. [\[23-0575\]](#)

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

INFORMATION

10. Receive Upcoming Public Hearing Items and Petition Status List. [\[23-0556\]](#)

This item was received as presented.

11. Staff Update: Rewriting Our Rules - A Comprehensive Update of the Chapel Hill LUMO. [\[23-0557\]](#)

This item was received as presented.

12. Receive Update on the Building Integrated Communities Initiative. [\[23-0558\]](#)

This item was received as presented.

DISCUSSION

ZONING ATLAS AMENDMENT(S)

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

13. Close the Legislative Hearing and Consider a Conditional Zoning Application for UNC Health Eastowne. [\[23-0559\]](#)

Interim Town Manager Chris Blue presented the Conditional Zoning application for UNC Health's Eastowne campus and summarized the opportunities that the project would present for the Town. He said that the application met the objectives of the Town's Complete Community Framework, the 2020 Comprehensive Plan, and the Council's strategic interests.

With regard to prior discussions about the cost of Town services for Eastowne, Mr. Blue said that UNC Health would continue to supply many of its own services and that direct impacts to the Town would likely remain negligible. He encouraged Council Members to focus on the opportunity that UNC Health's offer of an AH Loan Fund would provide. Staff believed that the \$5 million contribution could be leveraged into a \$20 million to \$40 million loan fund, he said.

Mr. Blue reported that UNC Health was committing to preserving at least 12 of the Northern 20 acres (N20), even though it could, by right, tear it all down and build there if it chose to do so. In addition, a condition requiring dedication of an easement or ROW across the N20 had been removed, he pointed out. He recommended that the Council close the legislative hearing, adopt Resolution 9 and enact Ordinance 5, for approval.

Janet Hadar, UNC Hospitals president, reminded the Council about a man who had testified about being able to receive medical care at Eastowne and how it had changed his life. She said that UNC Health's mission was to serve and promote the health and well-being of all North Carolinians in that way. She expressed appreciation to the Council for its willingness to collaborate and said that she was confident that the Town and UNC Health would be able to mutually agree upon the "ideal proposal".

Simon George, vice president for Real Estate Development at UNC Health, expanded upon what Mr. Blue had said and asked the Council to approve the Conditional Zoning request. He expressed confidence that UNC Health would be able to preserve a minimum of 12 of the N20 acres. It could be more, but they were reluctant to commit to more than that until a full engineering study had been completed, he said. He said that UNC Health was happy to support the \$5 million zero interest affordable housing (AH) loan but had presented \$3 million and \$4 million alternatives for Council consideration as well.

Council Member Anderson asked about the relative benefits to the Town of the \$5 million loan fund versus the \$4 million and \$3 million scenarios, and Business Manager Amy Oland explained that the one-time \$5 million loan would have the most impact. Council Member Anderson confirmed with Director of Affordable Housing and Community Connections Sarah Viñas that towns and counties typically contribute toward a match, but that UNC Health's contribution was not contingent upon the Town doing so.

Anthony Henage, an Environmental Stewardship Advisory Board (ESAB) member, pointed out that the N20 was the area's last remaining upland hardwood community connected to an ephemeral stream basin. He reminded the Council that the ESAB had proposed a resolution and a process for preserving those acres. Every environmental group that had looked at the N20 agreed about its value in its current unmolested state, he said, and he asked Council Members to vote based on their values.

Mayor pro tem Stegman asked about the potential effect on the N20 of NC Department of Transportation (DOT) plans for the area, and Mayor Hemminger replied that DOT's current proposal included a lot of paved surfaces throughout that area. She and others were hopeful that the land could be preserved in a way that would make it more difficult for NCDOT to do that, she said.

All but Council Member Searing expressed support for approval and expressed their gratitude to UNC Health for preserving 12 of the N20 acres even though it had a legal right to build there. Council Member Searing said that he would vote against the project because building a parking garage in the middle of a conservation area would be a mistake.

Mayor pro tem Stegman talked about the need to balance priorities and said that having the AH loan would be a "game-changer" for the Town. Council Member Miller-Foushee said that access to clean, affordable housing was a health issue and that the project would provide a great benefit. Council Member Anderson said that holding the project up would not make sense and that the proposed trade-offs were reasonable. Council Member Parker pointed out that the AH proposal marked the first time that UNC had shown willingness to work with the Town to mutually solve the AH crisis.

Council Member Ryan said that she had lobbied hard for protecting the N20 but understood the current proposal. She was pleased with the commitment to preserve two additional acres and to move the parking garage, if needed, as close to US 15-501 as possible, she said. Council Member Berry said that, to him, being in favor of the project meant also taking responsibility for trying to improve traffic so that a parking deck on the N20 would not be needed.

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

A motion was made by Council Member Berry, seconded by Council Member Parker, that the Council adopted R-9. The motion carried by the following vote:

Aye: 8 - Mayor Hemminger, Council Member Stegman, Council Member Anderson, Council Member Berry, Council Member Miller-Foushee, Council Member Huynh, Council Member Parker, and Council Member Ryan

Nay: 1 - Council Member Searing

A motion was made by Council Member Anderson, seconded by Council Member Huynh, that the Council enacted O-5. The motion carried by the following vote:

Aye: 8 - Mayor Hemminger, Council Member Stegman, Council Member Anderson, Council Member Berry, Council Member Miller-Foushee, Council Member Huynh, Council Member Parker, and Council Member Ryan

Nay: 1 - Council Member Searing

LAND USE MANAGEMENT TEXT AMENDMENT(S)

14. Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 1, 2, 3, 4, 5, 6, and 7 and Appendix A Regarding Housing Regulations and Housing Choices for a Complete Community [\[23-0560\]](#)

Principal Planner Anya Grahn-Federmack said that the Land Use Management Ordinance (LUMO) Housing Choices Text Amendment (TA) process had begun in fall 2022 and included several meetings with the Council and Town advisory boards and commissions. There had been a public outreach campaign in spring 2023, and staff was currently presenting the TA for possible action, she said. She reviewed how the proposed TA would update setback and height exceptions, diversify housing types, increase housing production, encourage compatible infill, and promote gentle density.

Ms. Grahn-Federmack provided answers to questions and responded to prior Council requests for additional information. She said that staff was

proposing to increase tree canopy coverage to 40 percent for attached and detached two-family developments. She discussed creating a pattern book that would allow applicants to choose from specific house plans. The Town had recently been accepted into the National League of Cities Capstone Project and would be working with AIA Architects over the summer and fall to explore that pattern book, she said.

Ms. Grahn-Federmack told the Council that staff would need additional time and funding in order to do an economic analysis of student demand for rentals. She explained that state statutes would not allow the Town to prohibit demolitions in the historic districts. Staff would continue working on developing a tool for monitoring the TA's impacts and would report to the Council with periodic updates, she said.

Ms. Grahn-Federmack reviewed the proposed housing types and said that the proposed change would allow both attached and detached accessory apartments to be up to 1,000 square feet. The proposal would also allow two-family attached or detached units in all Residential zoning districts, she said, noting that duplexes already were allowed in Residential-2 zones and up. She said that "single family plus a cottage" would be a new permitted use in Residential-1, and up. Three- and four-family units would only be allowed where multi-family currently was, but they would now be able to receive administrative approval rather than going to the Council for approval, she explained.

Ms. Grahn-Federmack recommended that the Council close the legislative hearing, adopt Resolution-11, and enact Ordinance-6, approving the Housing Choice TA. In response to a question from Mayor Hemminger, she agreed to find out if the terms "duplexes" and "twin tower homes" were legally interchangeable.

Chapel Hill residents David Adams, Jeffrey Hoagland, Ed Burke, Anne Hartley, Robin Langdon, Linda Brown and Joe Patterson said that they were against the TA.

Mr. Adams read a letter with 14 signatures that asked the Mayor and Council to stop considering the current proposal and appoint a taskforce to find solutions that would not cause irreversible harm to affected neighborhoods and residents. Mr. Hoagland warned that approval would lead to renters being evicted so that new buildings could be constructed. Mr. Burke said that the TA would not produce new housing for middle incomers and would not address housing inequality. It excluded some neighborhoods, and it could become a welcome mat for out-of-town tax shelter investors and developers, he said.

Ms. Hartley argued that the proposed TA would eliminate restrictive, single-family zoning and she recommended that the Town analyze community impact and how to mitigate community concerns before proceeding. Ms. Langdon said that there had been no meaningful analysis

of unintended consequences, such as modest homes being torn down and replaced with lucrative student rentals.

Ms. Brown objected to the Council introducing new wording on the eve of a vote and said that such actions had compounded the anger and strengthened the resolve of "targeted neighborhoods". Mr. Patterson raised concerns about wealthy parents of UNC students outbidding other potential renters in neighborhood near campus and driving property prices up. Failure to exempt those neighborhoods from the proposed legislation would irreparably damage residents' most valuable assets, he said.

Phil Lyons, Preservation Chapel Hill president, said that he and other trustees feared that the proposed changes would increase incentives to demolish historic structures. He requested that the Council exempt the Town's three historic districts and all of the properties that were on the National Register.

Chapel Hill resident Stephen Fleck said that he was in favor of taking advantage of available land for sensible development but had concerns about the lack of guardrails and a potential increase in property values and taxes. He asked the Council to delay voting until questions about the TA's real effects could be answered.

Chapel Hill resident Susan Smith urged the Council to allow time for the Planning Department and public to continue their efforts to create a more balanced piece of legislation. She said that the TA needed guardrails, such as enforceable parking limits, better tree canopy standards, and exemptions for historic districts.

Chapel Hill residents David Anderson, Michael Beauregard, Theodore Mollert, Angus Ewington, Leif Rasmussen, Maria Palmer, Daren Campbell and Jordan Wilkie said that they supported the TA.

Mr. Anderson characterized the TA as a good and necessary first step toward making the Town more inclusive and open. Mr. Beauregard said that the Town needed to build many more duplexes and other affordable homes. Mr. Mollert said that the Council was moving in the right direction and should go further and faster.

Mr. Ewington described his struggle to find an affordable apartment and said that the Town should not keep people out of the housing market while claiming to be benevolent and inclusive in other arenas. Mr. Rasmussen talked about the need to improve walkability and the need for densification to do so. Ms. Palmer urged the Council to move forward and keep the Town a vibrant place for future generations.

Mr. Campbell said there was a dire need for those who were not affluent to have a safe place to live in Town and that the TA should have been passed months ago. He implored the Council to pass the resolution and

get people into housing they can afford. Mr. Wilkie said that not listening to staff recommendations and the expert analysis of how to address the housing crisis would be a strategic and moral failure.

Chapel Hill resident Nancy Watkins, who was disabled, described herself as one of the casualties of the Town's lack of safe, decent and affordable housing. She detailed her experience of having to move nine times since 2010, in an effort to find a safe, decent and affordable home. Council Members' actions would show their priorities and beliefs, she said.

Chapel Hill resident Christie Osborne told the Council that residents had never received notices about the TA.

Council Members praised and thanked staff for its hard work and each made lengthy comments about their positions regarding the Housing Choice TA.

Council Member Anderson said that the Town had been moving toward being a denser urban community and had shifted its focus toward building more middle housing. She spoke about the Climate Action Plan and the importance of planning for a sustainable future. Good policy was a delicate balance and she hoped that the TA would lead to an effective and tailored policy that would help the Town reach its goals for the overall sustainability and health of the community, she said. She spoke about other Town plans as well and emphasized that the Housing Choice TA was not a one-off initiative. "Change is coming...and we all need to adapt," she said.

Council Member Ryan said that she supported infill density and was in favor of rectifying the historical injustice of exclusionary zoning. She liked many other things about the proposal as well but said that she continued to have concerns about the lack of guardrails to prevent "student-stuffers", potential parking issues, and the lack of protections for historic districts. She supported the effort but wanted to make sure that the Town got it right, she said.

Council Member Parker pointed out that the TA had been modified significantly since first being introduced. It was a well-thought-out set of proposals, and it was time for the Council to make a decision, he said. He said that change was hard, but inevitable, and characterized some of the concerns about historic districts as "overblown" and "disturbing". He did not want to send the message that those with the most affluent homes could be exempt or that providing benefits to the community at large was not something that any segment needed to be protected from, he said.

Council Member Miller-Foushee said that she agreed with all that Council Member Parker had said and thought that the TA was an investment in a

brighter future for Chapel Hill. She acknowledged that a TA alone could not fix economic and racial segregation but said that amending land use rules was one important tool that could be used to address institutionalized discriminatory policies. The enormous costs of exclusionary land use and housing systems had been disproportionately borne by vulnerable populations, she said. She stated that continuing the status quo would continue the decline in homeownership rates among African Americans and Latino community members.

Mayor pro tem Stegman expressed agreement with the sentiments that Council Members Parker and Miller-Foushee had expressed. Implementation of the TA would be incremental and gradual, which would provide opportunities for the Town to learn and adapt as it went along, she pointed out. She emphasized that the Council's strategy had never been an affordable housing one but was to increase housing supply and diversity in order to meet a variety of needs. She said that the existence of exclusionary land use and zoning rules did not necessarily mean that homeowners who had benefitted from those were racists. However, it was important to reconcile with that history despite the discomfort, she said.

Council Member Searing said that he did not support the TA because it was a flawed proposal that would not apply to all equally since those with homeowners associations and neighborhood conservation districts would be exempt. "Now we're considering exempting the historic districts," he said. Moreover, research had shown that such policies led to an increase in housing for some of the highest income residents but no change for those at the middle- or lower-income ranges, he said. He pointed out that the Town was on track to grow 20 to 25 percent in the next few years with what was already in its pipeline. "It's silly to think we need to do this, even though it has these flaws, just to grow more housing," he said.

Council Member Huynh said that he strongly believed that the TA would result in a community that he could be proud of. For decades, Chapel Hill had intentionally made it as difficult as possible for people to build housing, he said. He characterized the proposal as a small, but significant, step toward creating a more just future where more people from many different backgrounds and needs would have an opportunity to call Chapel Hill their home.

Council Member Berry pointed out that teardowns already occur in historic districts and that monstrosities had been built in their place. She said that many of the homes that would be built as a result of the TA would be rentals, which would give people opportunities they would not otherwise have to live in some neighborhoods. She expressed support for parking minimums and said that the Town would need to be mindful of how it monitored and enforced those.

Mayor Hemminger said that Chapel Hill, like many other communities, was facing housing, climate and traffic crises and needed to take bold steps and make real change. Creating an inclusive and sustainable community for the future meant finding ways to have different kinds of housing and good local jobs, she said. She pointed out that studies had shown that the Town needed more diverse, accessible and affordable housing in all ranges. Chapel Hill would need to pull many different levers to create opportunities and change its direction away from becoming an exclusive and expensive bedroom community, she said.

Mayor Hemminger said that residents had become stirred up over misinformation and lack of information. She pointed out that the proposed TA would not yield a great number of units in the short term and said that she agreed with the need for guardrails that would help ensure that neighborhoods do not become overwhelmed with parking concerns. She also agreed with the need for adequate tree canopy standards and expressed support for having check-ins after one and two years.

Council Member Huynh moved O-6 and Council Member Miller-Foushee seconded. Council Member Ryan proposed two friendly amendments, but Council Member Huynh accepted only the first one, which was to change the parking minimums in accordance with the Planning Commission's recommendations. Town Attorney Ann Anderson clarified that the intent was to reduce the number of spaces that people would be required to build. Ms. Grahn-Federmack verified that the Council wanted no minimum and a maximum of four spaces per duplex.

Council Member Berry argued that parking would be necessary for some renters, but the majority of Council Members agreed with the friendly amendment. Council Member Parker clarified that any landlord who wanted to build parking would be able to but that the Council was not mandating it. Council Member Anderson added that the hope was that parking would not be needed in the future.

A motion was made by Council Member Huynh, seconded by Mayor pro tem Stegman, that the Council closed the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Council Member Miller-Foushee, that the Council adopted R-11. The motion carried by a unanimous vote.

A motion was made by Council Member Huynh, seconded by Council Member Miller-Foushee, that the Council enacted O-6 as amended. The motion carried by the following vote:

Aye: 6 - Mayor Hemminger, Council Member Stegman, Council Member Anderson, Council Member Miller-Foushee, Council Member Huynh, and Council Member Parker

Nay: 3 - Council Member Berry, Council Member Ryan, and Council Member Searing

CONTINUED DISCUSSION

15. Consider Approving Modifications to the Good Neighbor Plan. [\[23-0561\]](#)

Director of Affordable Housing and Community Connections Sarah Viñas presented a proposal from the Interfaith Council (IFC) to modify its Good Neighbor Plan (GNP). She said that the request for modifications was in response to a March 2023 report from the Orange County Partnership to End Homelessness that proposed that the IFC's Community House men's shelter be aligned with national best practices for emergency shelter services.

Ms. Viñas outlined the process for modifying the GNP. She said that the IFC had indicated that the GNP made access to Community House extremely complex and restrictive by creating a variety of barriers for those seeking shelter. She also pointed out that the IFC had not been eligible to pursue various funding opportunities because GNP restrictions were no longer aligned with national best practices.

Ms. Viñas said that the proposed modification would simplify GNP provisions and bring policies and procedures more in line with national best practices. The IFC's board of directors had approved the changes, which would not require amending their Special Use Permit, she said. She recommended that the Council consider approving the proposed modification to the GNP as outlined in Resolution 13.

Council Member Searing characterized the proposal as an extensive rewrite of the GNP and confirmed with staff that the IFC had not held any meetings with neighbors about it.

Jesus Armando Gonzalez Ventura told the Council about his recent experience with homelessness and emphasized the need to eradicate poverty. He spoke about various social issues and said that he would be a write-in candidate for mayor in Chapel Hill's 2023 election.

Mark Peters, whose property is located about 120 feet from Community House, raised concerns about instituting a change in use without going through any Town process. He said that other neighbors were not present at the meeting because they had not received notifications. Several of them had written to the Council, he said, and he quoted from some of those messages.

Chapel Hill resident Nancy Oates said that Community House was the only place in the Triangle where people with serious mental illness could receive help transitioning to conventional housing. If the IFC wanted to change its mission and "get rid of" the GNP then the Council should make that a public conversation, she said.

Council Member Searing said that the reasons for the proposed changes did not seem unreasonable, but he thought that the Town should make some effort to talk to neighbors before changing the GNP.

Council Member Anderson asked for input from the Chapel Hill Police Department (CHPD) and the Town Attorney.

Police Chief Celisa Lehw reported that calls to the CHPD had been stable and low in number. Those calls had not been driven by any single person and had primarily involved trespassing and simple assaults or disturbances, she said. Council Member Anderson asked about calls resulting from the shelter being there, and Chief Lehw replied that patrol efforts in the area were mainly around traffic safety.

Attorney Anderson explained that modifying the GNP was a standalone process that would not include a SUP modification, unless the changes were inconsistent with the SUP. The two required procedural steps were that the IFC Board of Directors and the Council approve the changes, she said. She pointed out that the current item was not a public hearing even though the Council was accepting public comments.

Council Member Ryan confirmed that staff had reviewed the changes and that an earlier iteration had been revised. She emphasized the importance of being able to deliver services in an effective manner and recommended that the Town notify neighbors if a similar renegotiation occurred in the future.

Mayor Hemminger commented on how COVID-19 had increased the need for shelter service and access. Best practices had changed nationally, and Chapel Hill needed to be willing to adapt in order to help the most people, she said.

Council Member Berry reminded Council Members that they had heard testimony from a Community House employee who had been required to turn a homeless person away during a snowstorm due to GNP regulations. The harm done to that employee and the person she turned away was incomprehensible, she pointed out.

A motion was made by Mayor pro tem Stegman, seconded by Council Member Miller-Foushee, that the Council adopted R-13 with plan. The motion carried by a unanimous vote.

ZONING ATLAS AMENDMENT(S)

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

16. Open the Legislative Hearing and Consider a Modification to Conditional Rezoning at 7300 Millhouse Road

[\[23-0562\]](#)

Senior Planner Tas Lagoo introduced a Conditional Zoning Permit (CZP) request for several new permitted uses at a Light Industrial Zoning District on Millhouse road. Those included a supply yard, recreational facility, public use facility, place of worship, place of assembly, maintenance area, storage area, child daycare facility, and public service facility, he said. He explained an additional request to modify the Town's Sign Ordinance to allow a larger development identification sign at the location. The Planning Commission had voted (7-0) to recommend approval and staff was recommending that the Council open and close the legislative hearing, adopt Resolution-14, and enact revised Ordinance-7, for approval, he said.

Jessica Hardesty, a planner with McAdams Company, reminded the Council that the project had an approved Conditional Zoning Permit (CZP) and had already been built. The requested new uses were permitted in the Light Industrial Zoning District, she said. She showed an example of the type of sign that the applicant, Merritt Properties, was requesting.

The Council confirmed with Mr. Lagoo that the requested uses were permitted in the Light Industrial Zoning District but had not been part of the project's original. Mayor Hemminger said that the buildings looked great, and the project was exactly what the Council had hoped for at that location.

A motion was made by Council Member Parker, seconded by Council Member Miller-Foushee, that the Council close the legislative hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Council Member Miller-Foushee, that the Council adopt R-14. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Council Member Berry, that the Council enact O-7 as amended. The motion carried by a unanimous vote.

CONCEPT PLAN REVIEW(S)

Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

As a courtesy to others, people speaking on an agenda item are normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Mayor's Office by calling 968-2714.

17. Concept Plan Review: The Reserve at Blue Hill, 1320 Ephesus Church Road. [\[23-0563\]](#)

This matter was deferred.

APPOINTMENTS

18. Appointments to the Community Design Commission. [\[23-0564\]](#)

The Council Appointed Heather Washburn to the Community Design Commission.

19. Appointments to the Community Policing Advisory Committee. [\[23-0565\]](#)

The Council Reappointed Devin Ceartas and Nikkima Santos to the Community Policing Advisory Committee.

20. Appointments to the Housing Advisory Board. [\[23-0566\]](#)

The Council Reappointed Robert Dowling, and appointed Joelle Permutt to the Housing Advisory Board.

A motion was made by Council Member Berry, seconded by Council Member Parker, that the Council adopt R-17. The motion carried by a unanimous vote.

21. Appointments to the Justice in Action Committee. [\[23-0567\]](#)

The Council appointed Ty Chapman, Danielle Anderson, and Tyshunn Steele to the Justice in Action Committee.

ADJOURNMENT

This meeting was adjourned at 10:22 p.m.



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 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, September 13, 2023 7:00 PM RM 110 | Council Chamber

Language Access Statement

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

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919-969-5105.

ma In-Person Meeting Notification

Changes in Meeting Material content

- We are trying something new this fall to make our Agenda packets clearer and easier to navigate. You'll notice streamlined reports and more hyperlinks to supporting documents.
- Staff presentations will be posted after the meeting, not as drafts in the packet, to allow more time to prepare high-quality presentations.
- We will also produce an "information items" packet periodically, to share items that don't require Council action, but are important to the Council and community. Those packets will be published on our website.

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 but limited 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 6:30 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: 9 - Mayor Pam Hemminger, Council Member Karen Stegman, Council Member Jessica Anderson, 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

OTHER ATTENDEES

Town Manager Chris Blue, Deputy Town Manager Mary Jane Nirdlinger, Deputy Town Manager Loryn Clark, Town Attorney Ann Anderson, Affordable Housing and Community Connections Director Sarah Viñas, Business Management Director Amy Oland, Planning Manager Corey Liles, Planning Director Brittany Waddell, Planner Charnika Harrell, Police Chief Celisa Lehew, Affordable Housing Manager Emily Holt, Public Information Officer Alex Carrasquillo, Crisis Unit Supervisor Sarah Belcher, Crisis Counselor Kathleen Tuohy, Fire Marshal Rob Pruitt, and Deputy Town Clerk Amy Harvey.

approved.

OPENING

Mayor Hemminger called the meeting to order at 7:00 pm. All Council Members were present.

0.01 Mayor Hemminger Regarding Recent Incidents Involving UNC. [\[23-0650\]](#)

Mayor Hemminger praised Town and University of North Carolina (UNC) police departments for their responses to two recent violent incidents on UNC's campus. She thanked all who had heeded warnings, taken safety precautions, and followed the guidance. She was proud of the UNC

students who had gone to the NC General Assembly to advocate for safer gun laws, she said. She mentioned the need for more mental health resources and pointed out that both the Town and University had crisis units available to the public.

0.02 Mayor Hemminger Regarding Passing of Former Mayor Joe Nassif. [\[23-0651\]](#)

Mayor Hemminger offered condolences to the family of Joe Nassif, Mayor of Chapel Hill from 1978 to 1984, who had recently passed away. An architect by profession, Mr. Nassif had designed many unique Chapel Hill homes after moving to Town in 1964, she pointed out.

0.03 Mayor Hemminger Regarding the Chellani Family. [\[23-0652\]](#)

Mayor Hemminger said that a recent head-on collision had taken the lives of Dhruva Chellani and his son, Kris, and had left his wife, Nina Chellani, in the hospital. The family had scheduled a grand re-opening of their Classic Carolina Store for the coming weekend, she said, noting that additional information could be found on the Downtown Partnership's social media page.

0.04 Mayor Hemminger Regarding 9/11 and Moment of Silence. [\[23-0653\]](#)

Mayor Hemminger called for a moment of silence in commemoration of the September 11, 2001, attack on the World Trade Center in Manhattan. She expressed special gratitude to the First Responders who had gone into burning buildings and saved lives on that day.

0.05 Mayor Hemminger's Summary of Tonight's Agenda. [\[23-0654\]](#)

Mayor Hemminger previewed the evening's agenda.

0.06 Proclamation: Hispanic Heritage Month. [\[23-0655\]](#)

Council Member Miller-Foushee read a proclamation regarding National Hispanic Heritage Month (September 15 to October 15, 2023). The proclamation stated that Chapel Hill welcomed cultural diversity and had been inspired by the economic, social and cultural contributions of Hispanics. The Town was proclaiming the month to be Hispanic Heritage Month in Chapel Hill as well, she said.

0.07 Proclamation: Co-Responder and Crisis Responder Week. [\[23-0656\]](#)

Council Member Parker read a proclamation regarding a rising demand for mental health and substance abuse services throughout the country. He read that the Chapel Hill Police Department (CHPD), was partnering with Orange County on a two-year pilot program that program included a four-person, mobile crisis team. That team would respond to emergency calls involving issues such as mental health and substance abuse that do

not require a police response, he read. He said that the Council was proclaiming the week of September 18, 2023, to be Co-Responder and Crisis Responder Week and was urging everyone to thank Crisis Unit members and community partners for their service.

CHPD Chief Celisa Lehew thanked the Council for the proclamation. She pointed out that the CHPD's Crisis Unit was currently celebrating its 50th year in operation.

0.08 Proclamation: Diaper Need Awareness Week. [\[23-0657\]](#)

Council Member Berry thanked the NC Diaper Bank and its supporters for working to provide families with essential supplies. She read a proclamation that noted that one in three families struggled with diaper needs and that purchasing a sufficient supply of diapers could consume 14 percent of a low-wage family's post-tax income. The Council was proclaiming September 18-24, 2023, to be Diaper Need Awareness Week and encouraging community members to donate generously to diaper banks, diaper drives, and organizations that collect and distribute diapers to those in need, she said.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.09 Mayor Hemminger Regarding the NSBRT. [\[23-0658\]](#)

Mayor Hemminger congratulated the Town's Transit team on achieving a major milestone in the North-South Bus Rapid Transit process by submitting a 2,800-page project ratings application to the Federal Trade Administration. A shorter, on-line version was available for those interested in reading it, she said.

0.10 Mayor Hemminger Regarding Upcoming Events. [\[23-0659\]](#)

Mayor Hemminger said that information about a free community concert ("Live at Legion") on Saturday from 3:00-6:00 p.m. was available on the Town's Community Arts and Culture webpage.

0.11 Mayor Hemminger Regarding Future Work Session. [\[23-0660\]](#)

Mayor Hemminger said that the Council would be holding a work session at the Chapel Hill Public Library at 6:30 p.m. on September 20, 2023.

0.12 Council Member Anderson Regarding Recent Incidents at UNC. [\[23-0661\]](#)

Council Member Anderson shared her experience of having been locked down on UNC's campus for the second time in recent weeks because of an armed and dangerous person in the vicinity. She encouraged everyone to support North Carolinians Against Gun Violence and Moms Demand Action and to vote only for candidates who advocate for gun sense.

Mayor Hemminger pointed out that North Carolina's state legislature did not allow towns to enact their own sensible gun ordinances. She stressed the importance of reaching out to the groups that Council Member Anderson had mentioned and to the NC General Assembly.

0.13 Council Member Berry Regarding National Night Out and UNC ROTC 9/11 Stair Climb. [\[23-0662\]](#)

Council Member Berry commented on National Night Out, which had occurred on August 1st. That and the University ROTC's annual 911 Stair Climb in Kenan Stadium had been an example of good moments that outnumber the bad, she said.

0.14 Mayor Hemminger Regarding New Timer. [\[23-0663\]](#)

Mayor Hemminger said that staff would be helping public speakers with the timer. The three-minute opportunity to speak was not the only way to communicate with Council Members, she said, adding that Council Members welcomed email, calls and text messages as well.

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.

0.15 Dan Copeland Regarding LUMO [\[23-0664\]](#)

Chapel Hill resident Dan Copeland criticized the comments and actions of some Council Members at a June 2023 meeting regarding the Land Use Management Ordinance and UNC Health's Eastowne project.

0.16 Kelven Hargraves Regarding Renaming Northside Recreation Center. [\[23-0665\]](#)

Chapel Hill resident Kelven Hargraves said that the Town had not yet taken action on a 2022 petition from the Northside Action Group that had opposed renaming the Northside Recreation Center.

0.17 Ira Hargraves-el Regarding Nationality. [\[23-0666\]](#)

Chapel Hill resident Ira Hargraves-el asked that he and others be recognized as Moorish Americans and that indigenous people's land and resources be maintained.

0.18 Audrey Divine Regarding Affordable Housing. [\[23-0667\]](#)

Chapel Hill resident Audrey Divine expressed gratitude for the Town's work toward addressing the needs of older people by building places such as Greenfield Commons, where she lived. She shared her experience going to apply for a DHIC apartment and encountering a long line of other seniors applying as well.

0.19 Manager Chris Blue Regarding Changes to Agenda Process. [\[23-0668\]](#)

Town Manager Chris Blue explained changes to the agenda process that staff had made over the summer. He said that the Council's agenda materials had been streamlined but included links to additional details.

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

1. Approve all Consent Agenda Items. [\[23-0632\]](#)

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

2. Enact the Annual Budget Ordinance Amendment to [\[23-0633\]](#)

Re-appropriate Funds for Prior Year Encumbrances and Other Commitments.

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

3. Continue the Legislative Hearings and Defer Considering the [\[23-0634\]](#)

Future Land Use Map Amendment and Conditional Zoning Application for Chapel Hill Crossing to September 27, 2023.

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

4. Open the Legislative Hearing for the Modification to the [\[23-0635\]](#)

Residential-Special Standards Conditional Zoning District (R-SS-CZD) for Homestead Gardens Located at 2200 Homestead Road and Continue the Hearing to October 11, 2023.

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

5. Amend the 2023 Council Calendar. [\[23-0636\]](#)

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

6. Adopt Minutes from March 22, 2023, and April 10, 19, 26, 2023 Meetings. [\[23-0637\]](#)

DISCUSSION

CONCEPT PLAN REVIEW(S)

Concept Plans: Presentations for Concept Plans will be limited to 15 minutes.

Concept Plan review affords Council members the opportunity to provide individual reactions to the overall concept of the development which is being contemplated for future application. Nothing stated by individual Council members this evening can be construed as an official position or commitment on the part of a Council member with respect to the position they may take when and if a formal application for development is subsequently submitted and comes before the Council for formal consideration.

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7. Concept Plan Review: The Reserve at Blue Hill, 1320 Ephesus Church Road. [\[23-0638\]](#)

Architect Richard Gurlitz said that recent developments near Elliott Road Extension had changed the character and dynamics of Kings Arms Apartments, which had been built in the 1960s on 7.65 acres. As a result, the applicant was proposing to replace that building with a 212-unit apartment project that would have 319 parking spaces under and behind the building, he said.

Mr. Gurlitz outlined a proposal for one-, two- and three-bedroom apartments, 31 of which would be for those making 65 and 80 percent of the area median income (AMI). He said that the applicant understood the issues related to current residents and intended to help them either stay

on the site or relocate.

Mr. Gurlitz described a plan for 3-, 4- and 5-story buildings on sloping land. He said that impervious surface would be 43 percent and density would be 37 units per acre. He showed a three-pod layout and outlined a plan to save mature trees. He indicated locations on the plan for a children's play area, pool, community gathering space, dog park, and exercise trail. He had also been discussing a secondary public/private gathering area with Urban Designer Brian Peterson, he said.

Mr. Gurlitz characterized the site's existing stormwater system as rudimentary and proposed an on-site detention and filtration facility. He said that the project would include EV charging stations, be solar ready, and have only electric services. He discussed building materials, in-home office potential, and design features such as floor-to-ceiling windows, naturalized landscaping, and a bridge connecting buildings.

Planning Manager Corey Liles pointed out that Kings Arms was located along a future greenway and transit corridor and that it could be considered a smaller infill site. He said that staff's review had included long-range plan considerations and Brian Peterson's comments as well as those from the Community Design Commission were in the Council's packets. Adopting Resolution 6 would transmit comments to the applicant, he said.

The Council confirmed with Mr. Gurlitz that the plan was to delay construction for a year after approval in order to allow time for natural attrition. Mayor Hemminger said that the Town had learned through previous experiences that people need assistance with such transitions. In response to questions about specific financial and/or other resources that the applicant would offer in that regard, Mr. Gurlitz said they hoped to emulate some other similar situation that had been successful.

Council Member Searing confirmed that the current average monthly rent of \$1,200 would approximately double after redevelopment and that the proposed number of affordable units would be about half of what they currently were. Council Member Miller-Foushee commented on the impact of losing 30 affordable units and said that she wanted the conversation to include offering rents that were comparable to what was there.

Council Member Parker asked if construction could be done in phases to minimize the number of times a current resident would have to move, and Mr. Gurlitz replied that the applicant had discussed paying for moving residents somewhere else and then back again. Council Member Huynh verified that the applicant had held one public information meeting via ZOOM in which 15-20 residents and neighbors had participated.

The Council ascertained that the applicant had discussed including some neighborhood commercial space, such as a small coffee shop or food

trucks. They confirmed that sharing amenities with surrounding developments was a possibility. When asked if he was asserting that not having a parking deck would be more environmentally sustainable than reducing the site's overall impervious surface, Mr. Gurlitz replied that he was not, but it was a good question. The proposed that the amount of impervious surface was significantly less than what was allowed, he pointed out.

Kings Arms resident Jackie Wheeland stated that everything the Council said it wanted already existed at Kings Arms. Her sister, Jennifer Wheeland, said that she had been displaced from Park Apartments and did not want to be forced to move again, from Kings Arms. Karen Antle expressed fear that she and others would be left homeless in the way that some Park Apartment families had been. Victoria Washington expressed similar fears about displacement and told the Council that her rent at Kings Arms had increased from \$970 to \$1,200 in 2023.

Afifa Afifi, a Banbury Lane resident, said that the proposed project would increase building density from nine to 15 units per acre and leave her neighborhood facing cement blocks rather than trees. She asked the Council to consider the human element when rezoning or redeveloping an existing community.

Hamlin Park residents Elizabeth Steinberger, Sarah Henderson, Clarence Andrews, Brian Johnson and Bill Birken commented on potential stormwater effects. Ms. Steinberger, secretary of the Hamlin Park Homeowners Association (HOA) Board, read from a June 2023 letter to the Council regarding density and height concerns. Ms. Henderson, the HOA Board's vice president, described current flooding and showed a video to demonstrate that. Mr. Andrews and Mr. Johnson spoke about the causes of flooding, and Mr. Johnson recommended that the applicant reduce its proposed footprint and number of units. Mr. Birken commented on the potential loss of privacy at Hamlin Park and said that removing more than 30 families from Kings Arms would be eviction, not re-location.

The Council thanked the speakers for sharing their stories and some Council Members spoke about their own experiences with Kings Arms and/or its residents. They pointed out that one of the Complete Community goals was to keep people from being pushed out during redevelopment. They said that the proposed plan did not meet that standard and they advised the applicant to rethink the concept and propose a solution for tenants. Council Member Huynh encouraged the applicant to work collaboratively with residents and not push that responsibility onto a non-profit without compensation.

Mayor pro tem Stegman noted the large amount of new multi-family housing in the area and said that she would like to see something

different, such as townhomes or cottage courts, which could help address several of the plan's issues. Council Member Searing agreed and urged the applicant to heed the Community Design Commission's suggestions.

Mayor Hemminger said that she concurred with the Council's comments. The concept plan did not take care of community, create a better sense of place, or align with Complete Community, she said. With regard to the area's drainage problems, she confirmed with Mr. Liles that a culvert was being replaced under Ephesus Church Road but that he was not certain how that would relate to the issues being discussed. Council Member Searing asked staff to start looking at the effects of deforestation as well when making stormwater calculations.

A motion was made by Council Member Huynh, seconded by Council Member Miller-Foushee, that the Council adopted R-6. The motion carried by a unanimous vote.

CONTINUED DISCUSSION

8. Approval of the Affordable Housing Plan and Investment Strategy [\[23-0639\]](#)

Mayor Hemminger left the meeting at 8:58 p.m. due to illness, leaving Mayor pro tem Stegman in charge.

Director of Affordable Housing and Community Connections Sarah Viñas proposed a five-year Affordable Housing Plan and Investment Strategy. She pointed out that most of the Town's prior AH plans had been either accomplished or outgrown and that primary AH resources had been exhausted at a time when costs were skyrocketing. She said that staff had been working with HR&A Advisors since January 2023 on updating the Plan, and feedback from the Council, residents and stakeholders was reflected in the current draft. Staff enthusiastically recommended approval, she said.

Phillip Kash, a consultant with HR&A, presented an overview of the Plan, which he said took a comprehensive approach to AH that centered racial equity throughout. The Plan addressed public subsidies, land use policy, and tenants' rights, he said. He noted that it focused on sustaining and up-scaling the Town's efforts to address a limited housing supply as well as decreasing homeownership opportunities, declining rental affordability, and ongoing displacement pressure.

Mr. Kash outlined how the Plan recommended reducing barriers to building homes, expanding and preserving affordable ownership and rental options, and increasing staff and funding capacity. He praised the Town's AH team and pointed out that fewer people had been running significantly larger and more complicated programs in Chapel Hill than in its peer communities.

Mr. Kash said that Chapel Hill would need about \$50 million to sustain its current level of AH efforts and to do all that it had planned through FY 2028. He said that the Plan included 14 recommendations and that the following five of those would have the greatest potential impact: refining the Inclusionary Zoning Ordinance and Inclusionary Housing Policy; dedicating consistent funding to provide low-income households with property tax relief; establishing a revolving loan fund; sustaining the recent level of gap financing to preserve or create homes for low-income renters; and dedicating new, consistent sources of funding. Mr. Kash recommended that the Town continue to use a mix of funding sources.

Council Member Parker verified with Mr. Kash that part of the \$50 million would be for capitalizing a Revolving Loan Fund, which would then be used for leverage to acquire properties. He asked how that Fund would be administered, and Mr. Kash recommended going to a third party, which should bring low-cost capital to the table.

In response to Council questions, Ms. Viñas gave examples of projects that were in the planning stages but not yet fully resourced. The Council confirmed with her that staff was continuing to look at all federal options. Mr. Kash commented that being a Town would be a disadvantage regarding a new \$85 million HUD competitive program. The Town probably would need to work jointly with Orange County in order to succeed with that, he said.

Council Member Anderson and Ms. Viñas discussed the Plan vis a vis the Town's five-year budget strategy, but Ms. Viñas pointed out that staff was not currently asking the Council to allocate funds or make a specific funding commitment. Staff was asking for approval of the Plan, which outlined key strategies and the resources that would be needed to pursue those, she said. The Council would make allocation decisions during its five-year budget discussions, she pointed out.

Council Member Miller-Foushee confirmed that Recommendation 13 in the Plan would formalize relocation assistance packages for residents facing displacement, and Ms. Viñas said that the Revolving Fund would be a key piece of that.

Mayor pro tem Stegman commented on confusion in the community regarding the Town's Housing Choice strategy, and Mr. Kash clarified that creating more homes and having more flexibility regarding home types would accommodate more new residents and take pressure off housing prices. It did not generally lead to lower prices, but it did lead to prices rising at a lower rate, he said.

Alice Jacoby, an Orange County Habitat for Humanity member, expressed support for the Plan and appreciation to the Council for prioritizing American Rescue Plan Act (ARPA) funds for housing. She emphasized the

importance of taking every possible step and intervention to stop displacement.

Christine Abernathy, Director of Housing Justice at the Marion Cheek Jackson Center, pointed out that by working with community organizations the Town had created more than 40 AH units in the Northside, Pine Knolls and Tin Top neighborhoods. More than 50 children had moved back to Town and the African American population was rising for the first time in decades, she said.

Sue Hunter, representing the Housing Advisory Board, said that the Board had recommended adoption of the Plan with the condition that the Town pursue a \$50 million AH bond.

Delores Bailey, executive director of EmPOWERment, Inc., asked the Council to approve the plan immediately and not risk losing ground.

Council Members praised AH staff members for their good work and expressed support for moving forward with the Plan. They committed to dedicating themselves to examining the trade-offs and finding the needed funding to implement as much of the Plan as possible.

A motion was made by Council Member Huynh, seconded by Council Member Berry, that the Council adopted R-7. The motion carried by a unanimous vote.

9. Consider Leasing Space for the Police Department and Continue the Brownfield Remediation at 828 Martin Luther King Jr. Blvd.

[\[23-0640\]](#)

Chief Lehew asked the Council to support having the Town Manager proceed with leasing space for the CHPD at The Parkline while staff continued to work with the state Brownfields Program regarding its current building at 828 Martin Luther King Jr. Boulevard (MLK). She discussed several ways in which the current 41-year-old Police building was compromising staff safety. The Parkline, located on Fordham Boulevard, would be a safe, functional, accessible and sustainable space, she said.

Deputy Town Manager Mary Jane Nirdlinger said that the estimated \$82.8 million cost of constructing a Municipal Services Center (MSC) at 828 MLK was beyond the Town's debt capacity and that The Parkline site could meet the CHPD's needs. The annual \$1.5 million cost of leasing there would be less than the annual \$2.5 million debt payment on the Town's \$34 million MSC placeholder and well below a \$6 million annual payment on an \$82.8 million project, she pointed out.

Ms. Nirdlinger said that leasing space at The Parkline would allow time to right-size the MSC project and explore options for other Town departments. She said that the Town Manager had approved the request

and she recommended that the Council do so as well by supporting Resolution 8 as quickly as possible. Staff would continue working with the NC Department of Environmental Quality on a Brownfields agreement for 828 MLK Boulevard, she said.

The Council proposed having The Parkline building evaluated. They confirmed with Manager Blue that he was looking into hiring someone with expertise in the local commercial market to negotiate a lease. The Council and staff discussed other sites that had been considered and staff members explained that The Parkline was the preferred choice due to its size and parking availability.

A motion was made by Council Member Huynh, seconded by Council Member Anderson, that the Council adopted to R-8. The motion carried by a unanimous vote.

ZONING ATLAS AMENDMENT(S)

Zoning Atlas Amendment: The Zoning Atlas Amendment, to change the zoning designation on this property, is Legislative. The Council receives and considers public comment on the merits of the proposed rezoning, including opinions, when making Legislative decisions.

10. Open the Legislative Hearing: Conditional Zoning Application for St. Paul Village at 1604 Purefoy Drive [\[23-0641\]](#)

Dr. Rose Snipes Bynum, representing St. Paul AME Church, presented an application for St. Paul Village, a proposed mixed-use development on Purefoy Road. She said that the project would be neighborhood-centric and walkable, and that 9.24 of its 20.37 acres would be greenspace. The building would include educational and recreational spaces and the project would support a diverse population, she said. She pointed out that the vision for St. Paul Village had not changed over many years of planning.

Dr. Snipes Bynum pointed said that the proposed plan aligned with several Town goals and met most, if not all, of the Complete Community checklist. It had been through three iterations with the Town's Planning Department, she said. She pointed out that 88 units (34 percent of market rate/25 percent of total) would be affordable for 30 years. There would also be 100 units for people 55 years of age and older, she said.

Planner Charnika Harrell stated that the proposal met all Complete Community goals and said that the Planning Commission and staff were recommending approval. She noted that the Town's legislative process required that the hearing be continue to October 11, 2023.

Council Member Anderson confirmed with engineering staff that the site was being designed to meet current stormwater standards and that the

applicant had worked with the Stormwater Department to reduce any impacts on the Research Conservation District. She confirmed with Dr. Snipes Bynum that Urban Designer Brian Peterson's comments had been conveyed to the architect, Perkins and Will.

Council Member Ryan asked about neighborhood engagement, and applicant team member Bernice Hackney described long-standing relationships with the Eubanks/Rogers Road Neighborhood Association as well as nearby Phoenix Place. In response to a question about unbundling parking fees from rents, the applicant agreed to test that in the model.

Sheryl Forbis, an Episcopal Church of the Holy Family member, and Susan Smith, a Church Women United member, urged the Council to support the project. Ms. Smith pointed out that St. Paul's AME Church had witnessed and been recipients of institutional and social denial for generations but had nevertheless been a model for other churches in the area and had received a Human Rights Award from Church Women United in 2006.

Kathy Hackney, a Chapel Hill resident, expressed support for the project and commented on how many who work in Chapel Hill could not currently afford to live there. Is the Town really the "Southern Part of Heaven" for the thousands who must drive 40-50 miles on Interstate 40 during rush hour, she asked.

Reverend Robert Campbell, a Chapel Hill resident, pointed out that the relationship between St. Paul's AME Church and the Rogers Road Neighborhood Association went back to 1956. The proposed development was "God sent", he said, adding that it would address the AH crisis, beautify the area, enhance the environment, and provide needed amenities for area residents.

Jim Eichel, a civil engineer and a 42-year Chapel Hill resident, mentioned his affiliations with CASA, Community Home Trust, and the Orange County Affordable Housing Advisory Board. He pointed out that Town staff had worked extensively and collaboratively with St. Paul Village representatives. He had reviewed the plans and found St. Paul Village to be a well-designed project that would benefit the Town, he said.

Kathy Kaufman, social action chair at Kehillah Community Synagogue, described the proposed development as a well-conceived example of the type of neighborhood that the Town desperately needed.

Eugene Farrar, political action chair for the Chapel Hill-Carrboro NAACP, pointed out that several other projects had been completed in Town while St. Paul's Village had spent a decade investing in the project.

Breckany Eckhardt read a letter from Chapel Hill resident Molly McConnell

that urged the Council to approve the project. Ms. McConnell pointed out that the applicant had not received any funding from the Town or Orange County and was offering an unprecedented amount of affordable housing.

Sarah Swan, an Episcopal Church of the Advocate member, said that approving the project, as proposed, would be a small but significant step toward addressing past injustices related to environmental racism and involuntary displacement.

Maria Palmer, representing Binkley Baptist Church, urged the Council to support the "grassroots effort by a historically disenfranchised community that had worked to lift everyone up, not just its own members". She said that the applicants had worked tirelessly to make their vision come true, and she urged the Council to immediately vote rather than referring the item to October.

Joan Pharr, an Orange County Justice United and Chapel of the Cross member, commented on inflation and the loss of purchasing power for median income households since the project began in 2006. She asked the Council to support the application without additional modifications.

Delores Bailey said that AH discussions since the early 2000s had included trying to have developers create affordable rental housing. The applicant's offer of 25 percent should, on its own, lead to Council approval, she said.

All Council Members spoke in support of the project and praised the applicants for their vision and persistence. Council Member Anderson pointed out that the Council would be discussing subsidizing projects during the upcoming budget season. Council Member Miller-Foushee said that Jerry Hargraves, a St. Paul AME Church founder, was her son's ancestor. Church members were continuing to build community in a way that spoke to their values, she said.

Mayor pro tem Stegman confirmed with Town Attorney Ann Anderson that a second hearing would be required.

A motion was made by Council Member Anderson, seconded by Council Member Berry, that the Council continued the Legislative Hearing to October 11, 2023. The motion carried by the following vote:

Aye: 8 - Council Member Stegman, Council Member Anderson, Council Member Berry, Council Member Miller-Foushee, Council Member Huynh, Council Member Parker, Council Member Ryan, and Council Member Searing

Absent: 1 - Mayor Hemminger

APPOINTMENTS

11. Appointments to the Housing Advisory Board. [\[23-0642\]](#)

The council appointed Sue Hunter and Joyce Powell to the Housing Advisory Board.

ADJOURNMENT

This meeting was adjourned at 11:11 p.m.



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 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, September 20, 2023 6:30 PM Library Meeting Room B

Language Access Statement

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

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In-Person Meeting Notification

View the Meeting

- Public attendance is welcome, and limited to room capacity
- We will not live stream the event, but will provide the Post-Meeting Video <https://www.townofchapelhill.org/councilvideo/>
- 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 and Entry

- Parking is available at the Library lots. The Library is served by CL Route, D Route, and GoTriangle Routes of Chapel Hill Transit
- Meeting Room B is to the right from the main entrance.
- Please do not bring signs.

ROLL CALL

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

OTHER ATTENDEES

Interim Town Manager Chris Blue, Deputy Town Manager Loryn Clark, Mary Jane Nirdlinger, Town Attorney Ann Anderson, Planning Director Britany Waddell, Assistant Planning Director Judy Johnson, Community Arts & Culture/Library Executive Director Susan Brown, Police Officer Shawn Osbourne, Senior Project Manager Sarah Poulton, Senior Ombuds Anita Badrock, Town Clerk Sabrina Oliver, Deputy Town Clerk Amy Harvey, Assistant Town Clerk Brenton Hodge.

OPENING

Mayor Hemminger called the meeting to order at 6:35 p.m. She reviewed the agenda and explained the procedural rules for work sessions.

ANNOUNCEMENTS BY COUNCIL MEMBERS

0.01 Council Member Miller-Foushee Regarding Houses Now March. [\[23-0673\]](#)

Council Member Miller-Foushee announced that a number of community partners would be hosting a "Houses Now March" on September 23rd that would start at Weaver Street Market and run from 2:00 to 5:00 pm.

0.02 Mayor Hemminger Regarding Arts Everywhere Dedication. [\[23-0674\]](#)

Mayor Hemminger said that she had recently attended an art dedication at UNC's Craig Deck. That beautiful installation was part of an "Arts Everywhere" program, she said.

AGENDA ITEMS

1. Planning Department Updates. (no attachment) [\[23-0669\]](#)

Mayor Hemminger said that staff had been working on changing Town processes to better reflect the Complete Community Framework and wanted Council feedback on which things were benefits that could be written into the code and which needed more time and discussion. She pointed out that affordable housing (AH), for example, was a community benefit that the Council had agreed upon and was striving for.

Council Member Parker proposed that it would be more productive if staff brought likely community benefits to Council with information about which ones must, or might, be negotiated and which could be put into the Land Use Management

Ordinance (LUMO). Council Members Anderson and Ryan spoke about the need for the Council to first talk about high-level policy issues and give direction to staff before the LUMO rewrite had progressed too far.

Council Member Miller-Foushee commented that any list of items for negotiation should be short because the Council had already worked hard to understand what could and could not be codified. She proposed identifying goals and elevating community benefits that could not be rolled into the LUMO. She said that she wanted to approach the LUMO rewrite in the same incremental manner as last year's budget discussion.

Council Members agreed that big philosophical decisions should be made first and set the tone. Council Member Parker pointed out that the LUMO included regulations as well as a process for enforcing those regulations. There were both philosophical and process decisions involved, and the Council needed to discuss what it hoped to achieve with specific items, he said. Council Member Huynh encouraged staff to address making Town processes as predictable as possible for applicants, external stakeholders, and community members while still allowing the Council the discretion to get what it wants.

Mayor Hemminger confirmed that the Council was in favor of having Special Use Permit (SUP) modifications go to the Board of Adjustment, and Planning Director Britany Waddell replied that staff probably would recommend doing that during LUMO re-write. However, staff could explore a separate text change specific to it, she said, and the Council asked her to do so if it would be easy.

Mayor Hemminger said that the Planning Commission (PC) and the Community Design Commission (CDC) had both requested that concept plans be reviewed by the PC rather than the CDC. That change would be a simple text amendment and the rest of the concept plan review process would remain the same, she said.

Council Members talked about how the concept plan review process had moved far beyond the original "back of the envelope" idea. Applicants had begun investing a considerable amount of money and time into that step and it was a good time to clarify what elements the PC should be looking at, they said. They asked staff to clarify what the PC should review, and they requested that those reviews get to the Council before concept plans do.

In response to a question from Mayor Hemminger, Ms. Waddell said that the Council did not need to do anything regarding the LUMO rewrite before November, which was when staff would begin asking for guidance on incremental pieces of it. Staff was hoping to present a full draft in spring 2024 and a final draft in the fall of 2024, she said. Mayor Hemminger confirmed that staff was using current LUMO standards and the Complete Community checklist when reviewing projects.

Council Member Ryan mentioned an earlier conversation in which the Council had discussed wanting to see policy matters very early in the process. She asked when those up-front, policy discussions would occur, and Ms. Waddell explained that staff was planning to continue working on zoning districts, using a matrix, and

bringing those to the Council for feedback in November. They were starting with those core pieces before creating a draft, she said.

There was some discussion among Council Members about whether that staff plan lacked opportunity for the Council to do policy work and provide input up front. In response, Town Manager Chris Blue clarified that the Council wanted a better understanding of the timeline and decision points and Ms. Waddell said that she would work on tightening the agenda according to what the Council felt was appropriate.

Mayor Hemminger asked staff to send the Council a copy of the checklist it was using.

This item was received as presented.

2. Boards & Commissions Assessment/Staff Response to Council [\[23-0670\]](#) Petition.

Chapel Hill Public Library (CHPL) Director Susan Brown presented a response to a Council petition that had requested a review of Town advisory boards and commissions (B&Cs). She described the staff review team's approach and said they were recommending consistent and clear board names and charges, standard board sizes and schedules, and relevant training for board members. All staff and board members shared the petitioners' interests in having meaningful and diverse community input and engagement, good stewardship of resources, and a common understanding of roles and responsibilities, she said.

Ms. Brown pointed out that B&C meetings were typically long and said that staff spent about 270 hours (equal to about \$10,000) per month on supporting them. She said that lack of clarity regarding roles and charges could make those who want to serve feel undervalued and lacking purpose. She pointed out that opportunities for obtaining community input had grown in recent years. For example, the Town now had a Diversity Equity and Inclusion (DEI) officer, a Community Relations Manager, and a Community Connections team. There were also many departmental efforts to connect directly and authentically with the public, she said.

Ms. Brown recommended that the Council adopt having the following standards: consistent naming conventions; clear, focused policy charges; standard board sizes and terms; meetings while Council is in session; and standard training for all board members. She said that the team was also recommending that the Council consider: sunseting the Justice in Action (JIA) Committee, whose charge was being addressed by multiple staff efforts; assessing the Grievance Hearing Board's membership; creating a Public Housing Advisory Board; and combining some boards. The team would move on to assessing the application and appointment process, using a DEI lens and user experience approach, and bring that back to the Council, she said.

Council Member Miller-Foushee asked for more information about the recommendation to sunset the JIA Committee, and Ms. Brown explained how JIA had been struggling to clarify its charge and have impact.

Council Member Miller-Foushee expressed a preference for more of a top-down approach that would explain which B&Cs were required by law and allow the Council to then determine which ones the Town needed and could afford. Council Member Huynh agreed and proposed looking at best practices in other communities rather than starting with the status quo.

Ms. Brown replied that the Council petition had requested a status quo approach. However, the team could start with statutory requirements if that was what the Council preferred, she said.

Council Member Anderson confirmed with Ms. Brown that the team had focused on B&Cs that the petition had specified but the recommendations could apply to all boards. She proposed that best practices be applied to all boards and expressed interest in hearing which ones the team thought could be combined.

Town Attorney Anne Anderson pointed out that the review team had not included some boards in its review because those were being more carefully examined as part of the LUMO rewrite.

Council Member Searing asked where creating a Public Housing (PH) Advisory Board was in the process, and Ms. Brown replied that it had not been part of the petition but that the proposed standards could apply to it as well. Council Members agreed by consensus to proceed with a PH Advisory Board and to let staff address whether there should be Council Members on it. Council Member Parker pointed out that the budgetary authority for a PH board would reside with the Council and recommended looking at how Transit Partners was organized. Mayor Hemminger commented on the need to learn about possible restrictions on a Housing Board.

Council Members raised questions about the recommendations' drain on staff resources, and Council Member Miller Foushee spoke in favor of removing the CDC for that reason. Council Member Ryan mentioned that some boards were not clear on what they were supposed to be doing and she proposed pulling some of those into LUMO policy discussions. Council Member Parker said that the Council should begin by understanding what advice it wanted from B&Cs, and then give them clear charges and instructions, which would include meeting only when there was work to be done.

Council Member Parker proposed standardizing how staff liaisons interacted with B&Cs. Council Member Berry asked for guidance on how to sunset a board when it is no longer needed. Council Member Anderson recommended that the Council reach a shared understanding of what its role as liaison was and clarify that when training B&Cs.

Mayor Hemminger said that the Council needed to have a clear understanding of what specific work Town B&Cs did and how often they did those things before making any board changes. She said that the majority of Council Members agreed on some of the team's broad recommendations -- such as having B&Cs meet when the Council is in session. With regard to standardizing board sizes and terms, she pointed out that some, such as the CDC, had asked to reduce its size because of limited applicants. She asked Council Members if they wanted staff to evaluate that aspect before setting specific standards.

Council Member Anderson replied that she was in favor of having standard term lengths, and Mayor Hemminger confirmed that all Council Members supported having standardized training for B&C members and additional training for board chairs. She said that the Justice In Action Committee had been struggling with its mission and she confirmed that the majority of Council Members wanted staff to explore the possibility of sunseting that committee or merging it with another.

Mayor Hemminger asked staff to return with a recommendation regarding the Grievance Board's membership size. She confirmed that Council Members did want to consider creating a Public Housing Advisory Board. The Council would like staff to look into what combining boards would look like and assess the application and recruitment processes, she said. She commented on how B&Cs added a lot to Council conversations but said that some changes needed to be made.

This item was received as presented.

3. Update: Consider Water and Sewer Boundary Expansion. [\[23-0671\]](#)

Assistant Planning Director Judy Johnson gave a PowerPoint update on a June 2023 petition to the Town from the Chamber for a Greater Chapel Hill and Carrboro. That petition had asked the Town to expand its Water & Sewer Boundary to the Chatham County line, she said.

Ms. Johnson explained that the proposed expansion area was in the Town's Urban Services Boundary but covered by a five-party Water and Sewer Management Planning Boundary Agreement (WASMPBA) that included the towns of Chapel Hill, Carrboro and Hillsborough as well as Orange County and the Orange Water and Sewer Authority (OWASA). The proposal was to amend the WASAMBA agreement, which would require approval by all five parties, she said. She emphasized that no changes to the Rural Buffer were being proposed.

Ms. Johnson said that approximately 360 acres would potentially be included in an expansion. She pointed out that there already were plans to extend transit and a side-path into that area. Some parts of the area already had utilities, but any new infrastructure would be put in by property owners or developers, she said. She pointed out that a 10-12-acre Town-owned parcel would be included in the proposed boundary expansion. That could potentially be an affordable housing opportunity, she said.

Ms. Johnson reported that staff had sent notices to all the area's property owners and had scheduled community meetings. If the Council was interested in pursuing the idea, then staff would work with the various parties and return with a review and recommendation, she said.

Mayor Hemminger confirmed with staff that most of the expansion area was zoned Residential Low-Density 1, and Ms. Johnson said that staff had been thinking about a rezoning to Residential 3 and 4. That would allow duplexes and triplexes, and staff had been talking with the Town's LUMO consultant about the possibility of creating a new zoning district that would target missing middle housing, she said.

Mayor Hemminger commented on the current lack of restrictions on tree clearing in the area and the lack of monitoring over the "McMansions" with septic systems that were being built there. She noted that boundary expansion would create an opportunity for missing middle housing. She confirmed with staff that the Town could currently put fewer than 10 dwelling units on the parcel that it owned due to current septic, lot size and street requirements.

The Council clarified with Ms. Johnson that the goal would be to address the Town's housing concerns by creating more housing opportunities within 1/4-mile of US 15/501. Ms. Johnson said that OWASA had not done any technical analyses but did think that some capacity improvements would be required. In response to a question about how the Council could target the kind of housing it wanted there, Ms. Johnson outlined approaches that involved rezoning the area or making changes during the FLUM rewrite.

Council Member Ryan mentioned the importance of looking at the environmental impact of a sewer line on the area's creeks. Other Council Members spoke enthusiastically about the possibility of creating transit-oriented neighborhoods in the area. Council Member Searing confirmed that developers normally bear the cost of installing sewer and water.

Council Members Berry and Miller-Foushee noted the potential health benefits that bringing water and sewer to residents of the area would provide. Mayor Hemminger noted that those who lived in the area currently had no way of connecting to water and sewer. Some residents desperately wanted sidewalks on which they and their children could safely get to the bus stop, she said.

Council Members emphasized the importance of having the community understand that the Council was currently in the process of learning and was not making any decision at the current time. Asking staff to move forward meant proceeding with the process, which would include much community input, they said.

Mayor Hemminger confirmed with Ms. Johnson that community meetings would be public, and recorded, and would include representation from the five WASAMBA boards. There would be opportunities to present information and receive public

input, she said. She commented on how the Town had documented its need for missing middle and affordable housing. In her mind, the tradeoffs were to make that possible or let the land remain as is and continuing getting McMansions there, she said.

This item was received as presented.

ADJOURNMENT

The meeting was adjourned at 8:37 p.m.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 4., File #: [24-0229], Version: 1

Meeting Date: 5/1/2024

Presentation: Recommended Budget for FY 2024-25.

Staff:

Chris Blue, Town Manager
Amy Oland, Director

Department:

Manager's Office
Business Management

Overview: The Recommended Budget for 2024-25 recognizes Council's most important goals and invests in operations and strategic initiatives to achieve those objectives.



Recommendation(s):

That the Council receive the FY2024-25 Manager's Recommended Budget.

See also [<https://www.townofchapelhill.org/budget>](https://www.townofchapelhill.org/budget).



Attachments:

- Manager's Budget Message 2024-25 *(to be added on April 25)*
- Manager's Draft Presentation *(to be added on April 25)*

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

PRESENTER: Chris Blue, Town Manager

RECOMMENDATION: That the Council receive the FY2024-25 Manager's Recommended Budget.



TOWN OF CHAPEL HILL

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

Item Overview

Item #: 5., File #: [24-0230], Version: 1

Meeting Date: 5/1/2024

Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment to the Stormwater Management Requirements.

Staff:

Lance Norris, Director
Chris Roberts, Manager of Engineering and Infrastructure
Sue Burke, Senior Engineer
Britany Waddell, Director

Department:

Public Works

Planning

Overview: Town Council members expressed interest in revisions to the Land Use Management Ordinance (LUMO) to add the 100-year 24-hour duration storm event to the stormwater requirements. The text amendments will address the peak flow rate requirements and clarify the water quality volume requirement in LUMO Section 5.4 Stormwater Management.



Recommendation(s):

That the Council close the legislative hearing; adopt Resolution A (Consistency and Reasonableness) and Ordinance A approving the text amendment; and refer the concern about impacts to small projects to the Town Manager for consideration as part of the LUMO Rewriting Our Rules initiative.



Attachments:

- Staff Memorandum
- Resolution A - Consistency and Reasonableness
- Ordinance A - Approval of Text Amendment
- Resolution B - Denial of Text Amendment
- Planning Commission Recommendation
- Stormwater Management Utility Advisory Board Recommendation
- Additional emails received from the public

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

PRESENTER: Sue Burke, Senior Engineer

RECOMMENDATION: That the Council close the legislative hearing; adopt Resolution A (Consistency and Reasonableness) and Ordinance A approving the text amendment; and refer the concern about impacts to small projects to the Town Manager for consideration as part of the LUMO Rewriting Our Rules initiative.



Land Use Management Ordinance (LUMO) Text Amendment: Article 5.4
 Regarding Stormwater Management

Public Works Staff: Lance, Norris, Chris Roberts, Sue Burke

Planning Dept. Staff: Britany Waddell

Town Council Meeting Date: May 1, 2024

Manager Recommendation

The Town Manager recommends approval of the text amendments in Ordinance A and referral of the concern about impacts to small projects for consideration as part of the LUMO Rewriting Our Rules initiative.

Update from March 20, 2024 Legislative Hearing

Stormwater staff gathered some information to better understand the concerns and potential impacts to small projects. The concern is centered around smaller properties with existing impervious surfaces. Criteria such as limiting the overall parcel size (e.g., less than three acres) and the net increase of impervious surface (e.g., 1,000 square feet cumulative) that could be added before triggering the 100-year storm peak rate control requirement could be considered as part of the LUMO Rewriting Our Rules initiative or separately.

Project Overview

The proposed text amendments will clarify the water quality volume required to be treated and add the 100-year, 24-hour storm event to the peak runoff rate control design storms by amending Subsection 5.4.6. General Performance Criteria for Stormwater Management.

Public Comment

One email from the public was received since the March 20, 2024 Council meeting and is included as an attachment.

Attachments

1. Planning Commission recommendation
2. Stormwater Management Utility Advisory Board recommendation
3. Resolution A - Consistency
4. Ordinance A - Approving the Text Amendments
5. Resolution B - Denying the Text Amendments
6. Email received from the public
7. [Link to Materials from March 20, 2024 Legislative Hearing](#)¹

¹[TOWN OF CHAPEL HILL - File #: \[24-0138\] \(legistar.com\)](#)

RESOLUTION A
(Resolution of Consistency)

A RESOLUTION REGARDING AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE SUBSECTION 5.4.6 REGARDING GENERAL PERFORMANCE CRITERIA FOR STORMWATER MANAGEMENT. (2024-05-01/R-4)

WHEREAS, at the June 9, 2021 Council meeting, several Council members presented a petition to the Town Council requesting a comprehensive review of the Town's stormwater management regulations; and

WHEREAS, there is concern that the stormwater management regulations adopted in 2003 do not address the increased precipitation frequency and intensity being experienced as a result of climate change; and

WHEREAS, the Town contracted with the team of Skidmore, Owings & Merrill and SRF Consulting Group (SRF) to conduct a review of the Town's stormwater management regulations, including the areas of review listed in the Council petition; and

WHEREAS, the SRF report recommended adding the 100-year, 24-hour storm event to the peak runoff rate control design storms, and also recommended clarifying the runoff volume that is to be treated to the 85% TSS removal requirement; and

WHEREAS, the Booker Creek Working Group recommended adoption of the 100-year design storm to the peak flow rate requirements; and

WHEREAS, at the November 29, 2023 meeting, several Council members presented a petition to the Town Council requesting that the addition of the 100-year storm be added to the regulations as soon as possible; and

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Subsection 5.4.6 on February 20, 2024, and recommended that the Council enact the text amendments; and

WHEREAS, on January 24, 2024, the Council called a Legislative Hearing to amend Subsection 5.4.6 of the Land Use Management Ordinance as it relates to General Performance Criteria for Stormwater Management for the Council's March 20, 2024, meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Subsection 5.4.6; and

WHEREAS, upon consideration the Council finds that the amendment is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (*Nurturing Our Community.2*)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (*Nurturing Our Community.8*)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed text amendment to be consistent with the Town Comprehensive Plan.

This the 1st day of May, 2024.

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment Proposal)

AN ORDINANCE AMENDING SUBSECTION 5.4.6 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE REGARDING GENERAL PERFORMANCE CRITERIA FOR STORMWATER MANAGEMENT. (2024-05-01/O-1)

WHEREAS, at the June 9, 2021 Council meeting, several Council members presented a petition to the Town Council requesting a comprehensive review of the Town's stormwater management regulations; and

WHEREAS, there is concern that the stormwater management regulations adopted in 2003 do not address the increased precipitation frequency and intensity being experienced as a result of climate change; and

WHEREAS, the Town contracted with the team of Skidmore, Owings & Merrill and SRF Consulting Group (SRF) to conduct a review of the Town's stormwater management regulations, including the areas of review listed in the Council petition; and

WHEREAS, the SRF report recommended adding the 100-year, 24-hour storm event to the peak runoff rate control design storms, and also recommended clarifying the runoff volume that is to be treated to the 85% TSS removal requirement; and

WHEREAS, the Booker Creek Working Group recommended adoption of the 100-year design storm to the peak flow rate requirements; and

WHEREAS, at the November 29, 2023 meeting, several Council members presented a petition to the Town Council requesting that the addition of the 100-year storm be added to the regulations as soon as possible; and

WHEREAS, the Planning Commission reviewed the text amendments to the Land Use Management Ordinance Subsection 5.4.6 on February 20, 2024, and recommended that the Council enact the text amendments; and

WHEREAS, on January 24, 2024, the Council called a Legislative Hearing to amend Subsection 5.4.6 of the Land Use Management Ordinance as it relates to General Performance Criteria for Stormwater Management for the Council's March 20, 2024, meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Subsection 5.4.6; and

WHEREAS, upon consideration the Council finds that the amendment is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (*Nurturing Our Community.2*)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (*Nurturing Our Community.8*)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Town Code of Ordinances, Appendix A. Land Use Management Ordinance shall be amended as follows:

Section 1. Article 5. DESIGN AND DEVELOPMENT STANDARDS, Section 5.4 Stormwater management, Subsection 5.4.6 General Performance Criteria for Stormwater Management is revised to read as follows:

"The following are required stormwater management performance criteria for new development and redevelopment that increase impervious surface:

- (a) Stormwater quality treatment shall be designed to achieve ~~average annual~~ eighty-five percent (85%) ~~percent average annual total suspended solids (TSS) removal and must apply to the volume of post-development runoff resulting for runoff generated from the first one-inch of precipitation.~~ Alternative treatment methods to achieve eighty-five (85) percent average annual TSS removal may be acceptable. ~~The eighty-five (85) percent requirement applies to eighty-five (85) percent of the additional suspended solids that are the result of the new development.~~
- (b) The stormwater runoff volume leaving the site post-development shall not exceed the stormwater runoff volume leaving the site pre-development (existing conditions) for the local 2-year frequency, 24-hour duration storm event for all development except single-family and two-family dwellings on lots existing as of January 27, 2003, or on lots pursuant to a preliminary plat that was approved by the town council prior to January 27, 2003. This may be achieved by hydrologic abstraction, recycling and/or reuse, or any other accepted scientific method.
- (c) The stormwater runoff rate leaving the site post-development shall not exceed the stormwater runoff rate leaving the site pre-development (existing conditions) for the local 1-year, 2-year, ~~and 25-year, and 100-year~~ 24-hour storm events.
- (d) Land disturbance within the stream channel of any ephemeral stream shall be minimized, and prohibited unless explicitly authorized by issuance of a zoning compliance permit after demonstration of the necessity for the disturbance."

Section 2. This ordinance is effective upon adoption.

This the 1st day of May, 2024.

RESOLUTION B

(Denying the Land Use Management Ordinance Text Amendment Proposal)

A RESOLUTION DENYING AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE SUBSECTION 5.4.6 REGARDING GENERAL PERFORMANCE CRITERIA FOR STORMWATER MANAGEMENT. (2024-05-01/R-5)

WHEREAS, on January 24, 2024, the Council called a Legislative Hearing to amend Subsection 5.4.6 of the Land Use Management Ordinance (LUMO) as it relates to General Performance Criteria for Stormwater Management for the Council's March 20, 2024, meeting; and

WHEREAS, the Council has considered the proposed text amendments to LUMO 5.4.6 related to the general performance criteria for stormwater management, and finds that the amendments are not reasonable and in the public's interest and are not warranted to achieve the purposes of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the proposed Land Use Management text amendments.

This the 1st day of May, 2024.

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION FOR STORMWATER MANAGEMENT TEXT AMENDMENT

February 20, 2024

Recommendation: Approval Approval with Comments Denial

Motion: Geoff Green moved, and Jonathan Mitchell seconded, a recommendation that the Council adopt Resolution A and Ordinance A for the Stormwater Management Text Amendment.

Vote: 6 – 0

Yeas: Elizabeth Losos (Chair), Wesley McMahon (Co-Chair), Strother Murry-Ndinga, Jonathan Mitchell, Geoff Green, Erik Valera

Nays:

Prepared by: Jacob Hunt, Planner II

STORMWATER MANAGEMENT UTILITY ADVISORY BOARD

RECOMMENDATION

LAND USE MANAGEMENT TEXT AMENDMENTS TO THE STORMWATER MANAGEMENT
REQUIREMENTS

MEETING DATE: February 27, 2024

BOARD MEMBERS PRESENT: Audrey Britton, Chad Pickens, Janet Clarke, Linda Sanders,
Neal Bench, Paxton Ramsdell, Shugong Wang

BOARD MEMBERS ABSENT: Rachel Willis (exc.)

Mr. Bench made a motion to recommend to the Town Council the adoption of the Land Use Management Ordinance text amendments to the stormwater management requirements. Ms. Sanders seconded the motion.

It passed unanimously (7-0) in a roll call vote.

Sue Burke

From: Town Council <mayorandcouncil@townofchapelhill.org>
Sent: Wednesday, March 27, 2024 2:50 PM
To: Adam Searing; Amy Ryan; Camille Berry; Elizabeth Sharp; Jeanne Brown; Jess Anderson; Karen Stegman; Melissa McCullough; Paris Miller-Foushee; Theodore Nollert; Amy Harvey; Ann Anderson; Carolyn Worsley; CHRIS BLUE; James Baker; Loryn Clark; Mary Jane Nirdlinger; Ross Tompkins; Sabrina Oliver; Susan Brown; Lance Norris; Chris Roberts
Subject: FYI---FW: Proposed exemption from stormwater rules for density increases

From: Joseph Patterson III <joepatterson@me.com>
Sent: Wednesday, March 27, 2024 1:59 PM
To: Amy Ryan <aryan@townofchapelhill.org>
Cc: Town Council <mayorandcouncil@townofchapelhill.org>
Subject: Proposed exemption from stormwater rules for density increases

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Amy,

I saw your comments on the the stormwater mitigation issues related to increased residential density, and your request (as I understood it) for an exemption for increases in impervious surfaces for small projects in existing neighborhoods. Before doing anything along those lines, I hope that you will consider the following.

In most situations around town, the Town stormwater pipe system ("SPS") collects stormwater from all of the of properties in a catchment area. It then pipes that water through impervious pipes under adjacent and down hill properties, thereby giving those properties the benefit of not having to deal the problems of nature (erosion/absorption/flooding/etc) created by its own impervious surfaces or those of properties uphill from it. The SPS then combines, transfers, and concentrates ALL of that water to one SPS outflow pipe at the bottom of the catchment area and dumps ALL of the water (untreated and unfiltered and unrestrained) into a stream bed at a point chosen and controlled by the Town.

In many cases, such as mine, this is onto private property. The Town then requires that those private property owners bear ALL of the expenses and problems associated with problems or damages resulting from that stormwater. Neither the Town nor any of the many property owners upstream who are benefitting from transfer of these stormwater problems bears ANY of the costs of dealing with the destruction and erosion caused by this concentrated outflow.

Note that this combined flow of water from the catchment area has increased by 25% to 30% in the last few years simply as a result of global warming alone, resulting in dramatic erosion on my property. You are now proposing to exacerbate this problem further by permitting some residential property owners to increase stormwater runoff without bearing any cost for mitigating the negative effects of this increase.

If a single property in a catchment area increases the impervious surfaces the additional stormwater runoff does not seem like an unmanageable amount. It will, though, likely represent a substantial increase in stormwater entering the Town's SPS from that property. Let's assume that there are 100 properties in the catchment area and half of them elect to increase impervious surfaces. In this simple theoretical example, if single property's new impervious surfaces area

generates only an additional 100 gallons/hr of stormwater in a storm, the property owner at the end of the outflow pipe will have to deal with an increase of 5,000 gal/hr (50 x 100).

In other words, each upstream property would benefit from this unmitigated increase while the the property owner below the outflow bears the ALL of the cost.

This does not seem equitable to me in any way. If the Town is planning to grant a benefit to small residential property owners which will result in an injury to others, the Town or those property owners should bear the cost of that injury. This is an issue that is totally under your control. The Town has well developed rules designed to protect the rights of property owners downstream and prevent this type of injury. A willful failure on the Town's part to do that would be a dereliction of duty, it seems to me.

Joe Patterson
7 Cobb Terrace
Chapel Hill, NC 27514

Tel: 919-818-4741

Sue Burke

From: Phil Post <philip.n.post@gmail.com>
Sent: Saturday, April 13, 2024 11:02 AM
To: Sue Burke; Chris Roberts
Subject: 100 Year Storage

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Sue,
It was great to meet with you yesterday.

My proposal is for a 1000 sf exemption of added impervious surface for a small , infill , non single/dual family project . Small/infill - Defined as less than 3 acres ,already containing impervious surface (not a "Greenfield" or undeveloped site).

As you know, I would like to have this small exemption tagged along with your current LUMO change. I do NOT want this to have to wait for the LUMO rewrite, because I do not trust that process and I think the relief above needs to be tied to the increase in Storage for small projects that your LUMO change will trigger.

Can your LUMO change be delayed for a month or so to incorporate the relief above? And run it quickly back thru a public hearing process?

Can your LUMO change be delayed over the summer and acted upon in Sept instead of June with the relief above?

Or can Council simply adopt the relief above thru their current public hearing process?

Again, Thanks for your time and attention to this matter.

Very Best,
Phil

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Philip N. Post , PE, PLS
Phone / Text (919) 818-7862