



# TOWN OF CHAPEL HILL

## Town Council

### Meeting Minutes - Draft

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

Mayor Pam Hemminger  
Mayor pro tem Jessica Anderson  
Council Member Donna Bell  
Council Member Allen Buansi  
Council Member Hongbin Gu

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

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**Wednesday, April 11, 2018**

**7:00 PM**

**RM 110 | Council Chamber**

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### Roll Call

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

### Other Attendees

Town Manager Roger L. Stancil, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Communications Manager Catherine Lazorko, Housing and Community Assistant Director Sarah Vinas, Director of Planning and Development Services Ben Hitchings, Economic Development Officer Dwight Bassett, Police Officer Rick Fahrer, Deputy Town Clerk Amy Harvey

### OPENING

Mayor Hemminger opened the meeting at 7:00 p.m., using a Congolese rattle that she had obtained at a "Near and Far" culture celebration in the downtown the previous weekend. The celebration had been successful and wonderful, she said.

#### 0.1. Mayor Hemminger Regarding Successes Video.

[\[18-0314\]](#)

Mayor Hemminger introduced a "success story" video about the Town's partnership with the non-profit DHIC to build 149 new affordable housing units.

In the video, Loryn Clark, noted a great housing need for those earning less than 60 percent of the area median income. She explained the Town had provided land and some of pre-development work on a site in the Blue Hills District where DHIC had built a low-income tax credit project.

Mayor Hemminger commented that the apartments had been filled by

families. Construction was underway for additional apartments, which would be for seniors, she said.

## 0.2. Proclamation: Sexual Assault Awareness Week.

[\[18-0315\]](#)

Council Member Oates read a proclamation about the prevalence of sexual assault and the problem of victim-blaming. She stressed the need for violence prevention education and said the Orange County's Sexual Response Team had been bringing various groups together to improve services for survivors. The Orange County Rape Crisis Center, a non-profit organization that had served the community since 1974, had been working to stop sexual violence and its impact through support, education and advocacy, she read. Council Member Oates read that the Council was proclaiming April 2018 as Sexual Assault Awareness Month in Town and encouraged all citizens to support local efforts to respond to those crimes.

Hathaway Pendergrass, a Rape Crisis Center board member, thanked the Council for the proclamation and for providing information about the Center. She said the Center's mission was to stop sexual violence and its impact through support, education and advocacy. The Center offered a round-the-clock hotline, support groups, workshops, community education programs, and a therapy program, Ms. Pendergrass said. She pointed out it had served 712 clients last year and that there had been a 36 percent increase in service to survivors in the last two years. Ms. Pendergrass said information about the Center and its weekly events was available at [ocrcc.org](http://ocrcc.org).

## 0.3. Proclamation: Chapel Hill Volunteers Week.

[\[18-0316\]](#)

Council Member Buansi read a proclamation regarding Volunteer Appreciation Week. The proclamation stressed the value of service to others, noting that volunteers create change in communities and, ultimately, the world. He said volunteers would be recognized for their service and commitment throughout the week and that the Council wished to honor and thank those who give so freely of their valuable time, energy and abilities. Council Member Buansi proclaimed the week of April 15 - 21 to be Volunteers Week in the Town of Chapel Hill and urged all citizens to find opportunities to volunteer.

## **PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS**

1. Petitions from the Public and Council Members.
  - a. Transportation and Connectivity Board and Planning Commission Request the Town Adopt a Vision Zero Policy.
  - b. Renuka Soll Request for Chapel Hill and Carrboro to Implement a Gun Buyback Program.
  - c. Mayor Hemminger Request to Consider Adopting a Resolution Regarding Off-Shore Drilling.

[\[18-0304\]](#)

Paul Neebe and Susan Kjemtrup-Lovelace, representing the Transportation and Connectivity Advisory Board, petitioned the Council to adopt a Vision Zero policy to reduce all modes of traffic deaths and serious injuries in Town. Mr. Neebe, board chair, said the Planning Commission had endorsed the policy, which would allow the Town to be proactive. He pointed out that the first priority of local government was to keep its citizens safe, and he showed examples of measures taken in other parts of the country that had to a decrease in fatalities.

Ms. Kjemtrup-Lovelace explained that Vision Zero was a framework for an action plan into which much of what was already being done in Town could be folded. She said the Town's Public Works Department had been looking at relevant software and that Vision Zero would provide a framework for cross-departmental work.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that the petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

b. Renuka Soll Request for Chapel Hill and Carrboro to Implement a Gun Buyback Program.

[\[18-0317\]](#)

Mayor Hemminger said she had recently requested help from local legislators regarding allowing the Town to not have to sell guns that it buys back on the open market. She explained the law had been changed in 2015 to require that guns obtained through the buyback program be sold on the open market. That essentially defeated the purpose of the buyback, and the Town wanted to have the option of destroying them, she said. When such legislation is available, the Town would absolutely be ready to go with the gun buyback program, said Mayor Hemminger.

A motion was made by Council Member Oates, seconded by Council Member Buansi, that the petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

c. Mayor Hemminger Request to Consider Adopting a Resolution Regarding Off-Shore Drilling.

[\[18-0318\]](#)

Mayor Hemminger pointed out that North Carolina's coastline contained two of the most diverse ecosystems in the world, and she stressed the importance of protecting that area. She read a resolution against seismic surveying and drilling for oil and gas off the North Carolina coast. The resolution urged the Trump Administration to honor the request of North Carolina's coastal communities by removing all portions of the Atlantic from the 2019-24 OCS Oil and Gas Leasing Program, she said.

A motion was made by Mayor pro tem Anderson, seconded by Council Member Schaevitz, that the petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

d. Elise Fradin Request Regarding Chapel Hill Retirement Residence.

[\[18-0319\]](#)

Elise Fradin, a Chapel Hill resident, expressed concern regarding the Chapel Hill Retirement Residence construction, stating that she and other neighbors did not think the building conformed with the Central West Small Area Plan's principles. She submitted a petition that raised concerns about the effects of extensive blasting on nearby homes, schools and tennis courts and asked the Town to delay the blasting until evidence of its safety has been provided. Ms. Fradin also said the area had been clear-cut of virtually all trees, leaving only a small triangle of tree buffer between the site and the homes behind it.

Julie McClintock, a Chapel Hill resident, expressed support for the petition. She had been involved with the year-long Central West process, but was currently wondering if the Town's planning processes were working, she said. Ms. McClintock pointed out that planning goals had included minimizing negative effects on neighborhoods and the environment, requiring a graceful transition, and more. She did not think the Council had understood when approving the project that there would be blasting, or that every tree would be taken, she said. Ms. McClintock asked what kinds of things the Council could do in the future to ensure that the execution of plans agreed with their original intent.

Vish Viswanathan expressed support for the petition. He said that he, too, had participated in the long Central West planning process. He mentioned several features that had been promised and said it was time to keep those promises if the planning process was to be taken seriously. He asked the Council to keep its end of the agreement and give residents what they had been promised, such as proper traffic facilities, bus stops, and a tree canopy. Otherwise, the planning process did not make any sense, Mr. Viswanathan said.

Council Member Oates recalled that the original design that had come before the council had taken the topography into account. She asked if it was true that there had been a change and that the area was going to be leveled.

Town Manager Roger Stancil agreed to return with information regarding the project.

A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that the petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

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

a. Local High School Students Regarding Upcoming National Walkout and Request for Parking.

[\[18-0320\]](#)

Chapel Hill high school students Zac Johnson and Katie Clark told the Council they intend to hold a school walk-out on April 20th at 10:00 a.m. in conjunction with a national walk-out against gun violence. They explained that they would hold a two-hour rally downtown at the Peace and Justice Plaza, and they asked the Council if they could reserve free parking spaces for students on that day.

Mayor Hemminger ascertained that about 200 students were expected at the rally.

Council Member Anderson confirmed with Mr. Johnson that the Council helping to raise funds for parking would be an alternative. She offered to help with that, if free parking could not be made available.

A motion was made by Council Member Bell, seconded by Council Member Stegman, that the petition be received and referred to the Town Manager and Mayor. The motion carried by a unanimous vote.

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

a. Mayor Hemminger Regarding Orange County Living Wage Employer Award.

[\[18-0321\]](#)

The Mayor said the Town had been certified as an Orange County Living Wage employer. She held up the certificate and said that the Town would celebrate with a big event around Labor Day.

b. Mayor Hemminger Regarding Near and Far Event.

[\[18-0322\]](#)

Mayor Hemminger thanked Town staff and the Town partners who had worked on the "Near and Far" event. She said she was eager to watch that cultural celebration grow.

c. Mayor Hemminger Regarding Duke Energy Kick-off Event in Northside.

[\[18-0323\]](#)

Mayor Hemminger said that a Duke Energy energy-saving program had kicked off in Northside. About 70 families were participating, and the goal was to install energy saving devices in 1300 Northside residences, she said. Mayor Hemminger said the Town was excited that Northside had been chosen for the program.

d. Mayor Hemminger Regarding Municipal Services Building Check-in Meeting.

[\[18-0324\]](#)

Mayor Hemminger noted a Municipal Services Building check-in meeting would occur the next day at 5:30 p.m. at Phillips Middle School.

e. Mayor Hemminger Regarding UNC Science Expo.

[\[18-0325\]](#)

Mayor Hemminger announced a UNC Science Exposition would be held downtown on Saturday, April 14, 2018.

f. Mayor Hemminger Regarding UNC Innovation Summit.

[\[18-0326\]](#)

Mayor Hemminger announced a UNC Innovations Summit would be held the following day at the Friday Center. The event would showcase all kinds of innovative ideas and Council members would attend, she said.

g. Mayor Hemminger Regarding Council Special Meeting.

[\[18-0327\]](#)

Mayor Hemminger pointed out a special meeting of the Council would begin at 5:00 p.m. on Wednesday, April 18th, at Town Hall.

h. Council Member Schaevitz Regarding Carolina Public Humanities Event.

[\[18-0328\]](#)

Council Member Schaevitz mentioned a free public event, hosted by Carolina Public Humanities, regarding disagreements, intolerance and incivility in public life. She encouraged everyone to attend on Friday, April 13th, at Wilson Library. The event would begin with a keynote address at 5:30 p.m., she said.

## CONSENT

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

### *Approval of the Consent Agenda*

A motion was made by Mayor pro tem Anderson, seconded by Council Member Parker, that R-2 be adopted as amended, which approved the Consent Agenda. The motion carried by a unanimous vote.

2. Approve all Consent Agenda Items.

[\[18-0305\]](#)

3. Adopt a Resolution to Authorize the Town Manager to Apply for a Parks and Recreation Trust Fund Grant.

[\[18-0306\]](#)

This item was removed from the Consent Agenda and deferred to a future date.

4. Amend the 2018 Council Calendar.

[\[18-0307\]](#)

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

## INFORMATION

5. Receive Upcoming Public Hearing Items and Petition Status List. [\[18-0308\]](#)

The item was received as presented.

## DISCUSSION

6. OWASA Update: Advanced Metering Infrastructure (AMI) Project Agua Vista. [\[18-0309\]](#)

Todd Taylor, general manager at Orange Water and Sewer Association (OWASA), gave a PowerPoint introduction to Agua Vista, an advanced metering infrastructure project that would improve the efficiency and accuracy of OWASA's meter reading process and customer service. He played a brief video that explained the plan to replace old meters with an advanced AMI metering structure. The changes would improve the accuracy and efficiency of meter reading and billing, he said.

Mr. Taylor explained that OWASA was integrating software and installing the communication network. The process of upgrading approximately 1,500 meters in houses and businesses had begun in March 2018 and would continue until June 2019, he said. He added that OWASA would roll out a web portal for customers to access their own consumption data when about 75 percent of the project has been completed.

Council Member Oates confirmed with Mr. Taylor that OWASA did not plan to lay off any employees. OWASA was committed to retaining all employees through attrition and some, such as utility mechanics, would move to another function within the same job class, Mr. Taylor explained. He said there would be no changes in work schedules or duties as outlined in job descriptions.

The item was received as presented.

7. Consider Authorizing the Town Manager to Enter into a Performance Agreement with El Centro Hispano to Assist with Deferred Action for Childhood Arrival (DACA) Renewal Fees for Chapel Hill Residents. [\[18-0310\]](#)

Sarah Vinas, assistant director for the Office of Housing and Community, gave a PowerPoint presentation regarding DACA (Deferred Action for Childhood Arrivals), an Obama Administration program to protect some undocumented residents from deportation that the Trump Administration had tried to rescind. She noted the Council had adopted a resolution in September 2017 in support of DACA beneficiaries and said that staff was currently recommending a performance agreement to reimburse El Centro Hispano for DACA renewal fees for undocumented Chapel Hill residents.

Ms. Vinas summarized recent legal developments regarding DACA. She noted a federal judge had ordered in January 2018 that the program remain in place. She said the Town had formed partnerships with others to support the estimated 3,000 eligible DACA recipients in Orange County and had co-sponsored a series of community meetings and legal clinics pertaining to DACA renewal.

Ms. Vinas explained El Centro Hispano, which had been assisting with DACA renewals, had asked for support. Staff was recommending that the Council adopt Resolution 5 and authorize the Manager to enter into a performance agreement to help with DACA renewal fees in an amount not to exceed \$5,000, she said. The cost of renewal was \$500, so that amount would support 10 individuals, she pointed out. Ms. Vinas also recommended the Town continue to make its facilities available for community meetings and legal clinics.

Mayor pro tem Anderson asked why more of the 3,000 eligible Orange County residents had not asked the Town for assistance.

Ms. Vinas replied staff planned to work with El Centro Hispano to spread the word that Town assistance was available. One stumbling block had been the need to have an attorney help with the complicated application process, she said.

Eliazar Posada, El Centro Hispano manager, described some of the hurdles and fears that immigrants face. He explained that some were reluctant to spend money on attorney's fees when the current immigration system was so unpredictable.

Mayor pro tem Anderson asked about the Town giving a higher amount, and Ms. Vinas replied that \$5,000 was available in the Housing and Community budget and was the amount that staff felt comfortable with based on changes in other performance agreements that it had made. If that \$5,000 were spent, then the item could come back to the Council for additional resources, she said.

Council Member Buansi asked about the number of available legal clinics and attorneys.

Ms. Vinas replied that the Town had collaborated with El Centro Hispano and the Town of Carrboro on two legal clinics during a period when there had been a greater sense of urgency.

Mr. Posada said there had been two clinics in Orange County and two in Durham. Five or six attorneys donated time, as did eight to ten legal students and a couple of paralegals, he said. He said El Centro recruited experienced DACA recipients as well to provide moral support. In addition, an immigration attorney on El Centro Hispano's staff looked over DACA applications, Mr. Posada said.

Council Member Shaevitz asked if there had been any collaboration with a UNC undocumented students group.

Mr. Posada replied that El Centro Hispano collaborated with student groups at all the local colleges. He said several students from UNC's law school had assisted with Orange County clinics as well.

Council Member Bell confirmed with Mr. Posada that no counties had participated in funding. She asked that El Centro Hispano encourage the Orange County Commissioners to look at supporting the process. Council Member Bell said she shared Mayor pro tem Anderson's concern about the requested \$5,000 being insufficient. The Town needed to start thinking about adding funds to the FY 2019 budget year, she said, adding that offering a higher amount would fit within the Town's values.

Council Member Gu proposed possibly expanding the response by finding out from applicants what additional needs -- legal and otherwise -- they had. She said she supported the request but wondered if some funds should be reserved to respond to changes at the national level.

Mr. Posada replied there was not currently as much urgency as there had been when a DACA renewal deadline was imminent. However, El Centro Hispano did not only do renewals, he said, explaining that they took additional steps to fully screen and analyze an applicant's situation rather than just pushing renewals. Many DACA recipients were eligible for status changes in other ways, and DACA had an immigration lawyer to address that, he pointed out.

Pilar Rocha-Goldberg, El Centro Hispano director, explained that El Centro had hired an immigration lawyer to primarily do screenings to find any path to citizenship. They ended up doing more DACA renewals because of the urgency that had arisen, but that had not been their initial idea, she said. Ms. Rocha-Goldberg pointed out that El Centro had other programs and was receiving some funding from Orange County for those.

Council Member Oates said she had heard that people were afraid to come forward. She was glad that El Centro Hispano had hired a staff attorney, she said, noting that everyone's situation was different. It was good that people could come in and find out exactly what their situation was and what the pathway would be, she said.

Mr. Posada thanked the Council for expressing support for the request. He said the current situation was very dangerous and traumatizing to many in the community, not only DACA recipients. He mentioned an immigration raid that had occurred in the area the previous day and said that El Centro Hispano tried to build a safe space that made people feel welcome and supported. Town resolutions, such as the one being proposed, really did reinforce that idea, he said, and he thanked the Town for its continuing

support.

Council Member Schaevitz noted that April 17, 18 and 19 would be DACA Week on UNC's campus. People from all over the world would be speaking at the event, which would be open to the community, she said.

Mayor pro tem Anderson asked for a friendly amendment that would ask staff to look for additional funding and/or other potential funding sources. She commented that Housing and Community funds were somewhat limited.

A motion was made by Council Member Schaevitz, seconded by Council Member Oates, that R-5 be adopted as amended. The motion carried by a unanimous vote.

**8. Receive the Schools Adequate Public Facilities Ordinance (SAPFO) 2018 Annual Technical Advisory Committee Report.**

[\[18-0311\]](#)

Orange County Planning and Inspections Director Craig Benedict presented the Schools Adequate Public Facilities Ordinance (SAPFO) annual report regarding enrollment and capacity in Orange County schools. He noted that there had been a decrease in total enrollment of about 45 elementary school students between 2016 and 2017. The purpose of the report was to identify the need for schools at the elementary, middle and high school and projections had shown no need for new school construction in the next 10 years, he said.

Mr. Benedict explained that a slower rate of growth was expected due to changing Town demographics and growth of charter schools. He mentioned legislative changes (HB13 and HB 20), which would decrease elementary school levels and capacity over time, and said that the school system was monitoring that.

Mr. Benedict pointed out SAPFO had originally anticipated having to build new, larger schools in the future. Although that did not appear to be happening, SAPFO remained a valuable capital investment tool for monitoring needs while moving forward, he said. Mr. Benedict noted that comments from local governments regarding the report were due by April 23, 2018. He said it was on the Orange County Commissioners' agenda for certification on May 15, 2018.

Mayor Hemminger pointed out the Council could not discuss Chapel Hill High School because it was currently under a special use permit.

Council Member Bell confirmed there were currently three or four charter schools in Orange County.

Mayor Hemminger pointed out that elementary school numbers had grown but middle schools counts had not.

Council Member Schaevitz verified with Mr. Benedict that he had not heard about any state funding to support HB13 and HB90. He pointed out that impact from those bills on the Orange County School System was within the County's control. Orange County could delay things and change things within its system through budgetary adjustments, he said.

Council Member Buansi asked how the 10-year growth projections had been calculated.

Mr. Benedict described a mathematical process that tried to reconcile conditions in different schools districts with future employment, future populations, and how much multi-family and single-family split there was for new growth.

Mayor Hemminger noted the Town had been trying to work with the School System to determine possible elementary school sites beyond the couple that had already been slated. She mentioned several potential locations and said she wondered if there might be an opportunity in the Town's northeast corridor in the future.

Mr. Benedict agreed that such an exercise should be undertaken every 10 years or so.

The item was received as presented.

**9. Report on the Millhouse Enterprise Zone and Light Industrial Conditional Zoning District.**

[\[18-0312\]](#)

Planning and Development Serviced Director Ben Hitchings gave a PowerPoint presentation on the Millhouse Enterprise Zone. He provided background on the initiative and the Town's goal of having a particular location where local businesses could grow and create new economy jobs that are consistent with the Town's brand. He said the Council had enacted the Light Industrial Zone in April 2017 and approved the first project, Carolina Flex Park, in October 2017.

Mr. Hitchings explained applicants for projects in the Millhouse Enterprise Zone could move through the process faster, but still needed Council approval. He outlined a two-tier application process and showed a sample rezoning plan. He pointed out key features and requirements, such as a 10 percent increase in detention volume for stormwater.

Mr. Hitchings said Carolina Flex Park would encompass 13 acres, with half being for light manufacturing, research and flex space, a quarter for office space, a quarter for self storage. He said that there had been interest in the zone and that staff was recommending continuing the ordinance, as written, for another year.

Council Member Stegman asked if the developer would rent the space to other businesses, or use it itself. Does it matter, she asked.

Mr. Hitchings explained the Carolina Flex Park developer might build the building and lease it or might sell the site to someone else. There were multiple options for what might happen after approval, he said.

Council Member Gu asked how does the application process work for someone who wanted to put a new business in the zone.

Mr. Hitchings explained an applicant would prepare a rezoning plan, identify what uses it would like to have on the property, and prepare an application that would meet the Town's requirements for pursuing a Conditional Rezoning. The applicant would then submit the application, staff would review it, and the Planning Commission would review it and make a recommendation, he said. The application would then go to the Council, and, if approved, the applicant would have a basic entitlement for the site, he said. Mr. Hitchings explained that the applicant might then come forward and propose specific buildings. If those were consistent with the rezoning plan, staff could approve them, he said.

Council Member Gu confirmed with Mr. Hitchings that Town Economic Development Officer Dwight Bassett worked with potential applicants to determine their needs and then talked with staff regarding potential locations for proposed businesses.

Council Member Schaevitz confirmed with Mr. Hitchings a 112-day approval was part of why the process appealed to applicants. She asked if a current hold-up on the final plan application had been due to the applicant not having tenants lined up.

Mr. Bassett replied the developer had been marketing the site and did have prospects. He would be able to share more information with the Council regarding that in the very near future, Mr. Bassett said.

Mayor Hemminger mentioned that companies looking to locate in Town wanted to have something built within 18 months, so shortening the approval process was a benefit to them. In order to be competitive, the Town needed such a process, she said, adding that the Enterprise Zone was in an area of Town where the Council wanted such a district.

Elizabeth Fixler, a Chapel Hill resident, expressed concern that having developers build the property first would lead to the businesses having more expenses that would be reflected in diminishing wages. She asked if the Town could reverse the process and have companies ask to be in the Enterprise Zone first, with developers then having to accommodate those companies. Ms. Fixler said she wondered if the way the Town was proceeding was advisable.

Mayor Hemminger replied the process was the right one for that particular industrial area.

Ms. Fixler mentioned another state where the process was as she had outlined. It had been very successful, and the companies there were more successful because they controlled their own expenses, she said.

Mr. Bassett commented there were options as to whether the property would end up being built specifically for the client. He thought the Town would soon see a proposal for something to locate there, he said. Then there would be a clearer image of whether it would be developed for, or by, the business that would be located there, said Mr. Bassett.

The item was received as presented.

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

A motion was made by Council Member Stegman, seconded by Council Member Parker, that the Council Enter Into Closed Session as authorized by General Statute Section 143-318.11(a)(4) to discuss two economic development proposals and as authorized by General Statute Section 143-318.11(a)(6) to receive a report on a personnel matter. The motion carried by a unanimous vote.

### **ADJOURNMENT**

The meeting was adjourned at 9:03 p.m., the Council went into closed session and the meeting adjourned at the end of the closed session.