



TOWN OF CHAPEL HILL

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

Town Council

Meeting Minutes - Final

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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Para servicios de interpretación o traducción, llame al 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
Petition.**

[\[23-0670\]](#)

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.