



# 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 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  
Council Member Rachel Schaevitz

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**Wednesday, May 1, 2019**

**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 Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Communications Specialist Mar Losey, Planning Director Ben Hitchings, Planning Operations Manager Judy Johnson, Business Management Director Amy Oland, Budget Manager Matt Brinkley, LUMO Project Manager Alisa Duffey Rogers, Captain Donnie Rhoads, Transportation Planning Manager Bergen Watterson, Strategic Planning Project Manager David Finley, Housing and Community Executive Director Loryn Clark, Assistant Town Manager Mary Jane Nirdlinger, Interim Parks and Recreation Director Linda Smith, Traffic Engineering Manager Kumar Neppalli, Transit Director Brian Litchfield, Executive Director for Technology Scott Clark, Human Resource Development Director Cliff Turner, Fire Chief Matt Sullivan, Senior Ombuds Jim Huegerich, Police Chief and Executive Director for Community Safety Chris Blue, Executive Director for Community Arts & Culture Susan Brown, Director of Organizational and Strategic Initiatives Rae Buckley, Budget Analyst Anna Hawksworth, Public Works Director Lance Norris, Assistant to the Town Manager for Administrative and Program Management Ross Tompkins, and Communication and Public Affairs Director and Town Clerk Sabrina Oliver.

### OPENING

0.01 Ceremony Honoring Former Mayor Howard Lee.

[\[19-0428\]](#)

Mayor Hemminger opened a ceremony to honor Howard Lee who had become the first African-American mayor in North Carolina when he was elected as Mayor of Chapel Hill in 1969. She introduced a "Celebrating Successes" video about Mr. Lee's life as a student, mayor, state senator,

and more during his time in Chapel Hill. In the video, Mr. Lee explained why he had chosen to run for mayor of a majority white community, and the video described the Town's progress under his leadership.

#### 0.02 Proclamation: Howard Lee Day.

[\[19-0429\]](#)

Mayor Hemminger presented a proclamation to Mr. Lee and his wife, Lillian, and said that a reception had been held for them earlier in the evening. She read the proclamation which declared May 1, 2019 to be Howard Lee Day in Chapel Hill. The proclamation reviewed Mr. Lee's history since coming to Town as a UNC graduate student in 1964. It outlined his many accomplishments as mayor and described how he and Lillian had helped move the Town toward being a more integrated community.

The proclamation listed some of Mr. Lee's positions with the State of North Carolina, such as working for the NC Department of Natural Resources and Community Development, serving as a state senator, and being the first African-American chair of the NC Board of Education. Mayor Hemminger read that Mr. Lee's passion for education, social justice, civil rights and public service had profoundly impacted Chapel Hill and the state. The proclamation urged all citizens to thank Mr. Lee for his decades of public service, leadership and meaningful work.

Mayor Hemminger said that Lillian Lee's commitment to the community had been profound as well. Ms. Lee had promoted education, had started UNC Hospital schools, and had become Dean of Students, she said. She presented Howard and Lillian Lee with a key to Chapel Hill.

Mr. Lee spoke about the events that had convinced him that he "probably was one of the luckiest people in the world". These included the day he met Dr. Frank Porter Graham, who convinced him to attend UNC. Mr. Lee gave credit to his many friends who had helped him through tough times, and he named some in particular. His most important achievement had been to inspire others to serve their communities as well, he said.

Lillian Lee thanked the Council as well and also thanked the Town for celebrating the Chapel Hill Nine -- nine Chapel Hill men who had protested against racial discrimination and had made it easier for others like her and Howard Lee. She asked the Council to continue making Chapel Hill a place for all its citizens.

Mayor Hemminger pointed out that the Town would be celebrating its 200th anniversary in November 2019.

#### 0.03 Mayor pro tem Anderson Regarding UNCC Shooting and Gun Legislation.

[\[19-0430\]](#)

Mayor pro tem Anderson stated that the Council was standing in solidarity with UNC-Charlotte, where two students had been killed and four injured by an assassin on April 30, 2019. She stressed the need for swift action regarding gun violence and asked citizens to contact their legislators and demand swift passage of sensible gun legislation.

Mayor Hemminger mentioned that the Town's congressional representatives supported the legislation. She stressed the importance of public pressure to make changes at the state level. Citizens should contact all of their representatives and demand sensible gun laws, she said.

#### 0.04 Council Member Schaevitz Regarding Teachers March.

[\[19-0431\]](#)

Council Member Schaevitz noted that thousands of teachers, support staff, and public education advocates had recently marched in Raleigh to urge the NC General Assembly to increase funding for public education. The Council stood in solidarity with educators and advocates and was proud of them for demanding change, she said.

### **PUBLIC COMMENT FOR ITEMS NOT ON PRINTED AGENDA AND PETITIONS FROM THE PUBLIC AND COUNCIL MEMBERS**

Petitions and other similar requests submitted by the public, whether written or oral, are heard at the beginning of each regular meeting. Except in the case of urgency and unanimous vote of the Council members present, petitions will not be acted upon at the time presented. After receiving a petition, the Council shall, by simple motion, dispose of it as follows: consideration at a future regular Council meeting; referral to another board or committee for study and report; referral to the Town Manager for investigation and report; receive for information. See the Status of Petitions to Council webpage to track the petition. Receiving or referring of a petition does not constitute approval, agreement, or consent.

#### 0.05 Laurie Paolicelli Regarding Historical Facility to Preserve Our Narrative.

[\[19-0432\]](#)

Laurie Paolicelli, Visitors Bureau director, said that a study regarding visitors' changing perceptions of Town would be delivered in eight weeks. In the meantime, she could report that visitors wanted to see and learn more about the Town's history, including what happened and why. She asked the Council to consider establishing a historical museum and perhaps combining that with the Visitors Bureau.

This item was received as presented.

#### 0.06 Amber Mathwig Regarding Recent Training Exercise.

[\[19-0433\]](#)

Amber Mathwig, a Carrboro resident and UNC staff member, asked the Council to investigate a recent active shooter training exercise outside the Carolina Veterans Resource Center. She said that the exercise, which had

included the Town and University fire departments, had failed to consider student safety.

Ms. Mathwig said that the incident had culminated in her arrest after she intervened because the training was occurring within yards of her students, she said. She complained that participants had failed to notify the public or take proper safety precautions. The Town was complicit by allowing UNC-CH to do whatever it wanted, she said.

Mayor Hemminger confirmed with staff that a report on the incident would be coming back to Council.

This item was received as presented.

### **ANNOUNCEMENTS BY COUNCIL MEMBERS**

0.07 Council Member Buansi Regarding Northside Festival and Gerrymandering Event.

[\[19-0434\]](#)

Council Member Buansi announced a Town Hall-style event the following Tuesday from 6:30-8:00 p.m. at the Hargraves Center. The event, hosted by Common Cause, EmPOWERment, Inc., the Marion Cheek Jackson Center, and the UNC Institute of Politics, would provide the public with an opportunity to learn more about gerrymandering and how it relates to racial discrimination, he said.

0.08 Council Member Stegman Regarding The Next Big Flood Workshop.

[\[19-0435\]](#)

Council Member Stegman announced that the Stormwater Management Utility Advisory Board would be holding a workshop called "The Next Big Flood" on May 7th from 5:30-7:30 p.m. at Eastgate. It would be a hands-on workshop focused on what to do before, during, and after floods, she said.

0.09 Mayor pro tem Anderson Regarding Carrboro Elementary School Fair.

[\[19-0436\]](#)

Mayor pro tem Anderson said that a Carrboro Elementary School fair would be held on Saturday, from 10:00 a.m. to 2:00 p.m.

0.10 Council Member Gu Regarding Cycle de Mayo Event.

[\[19-0437\]](#)

Council Member Gu announced "Cycle de Mayo" on May 3rd from 4:00-6:00 p.m. in the Downtown area. She said that activities would include a community bike ride at 6:00 p.m., and she encouraged all to participate.

0.11 Mayor Hemminger Regarding Near and Far Festival.

[\[19-0438\]](#)

Mayor Hemminger reported that the Town's second Near and Far Festival, which had been held the prior weekend, had showcased music, arts, and food from across the world. She thanked staff for organizing events that

celebrate the Town's cultural diversity.

0.12 Mayor Hemminger Regarding Lewis and Clark Great American Circus. [\[19-0439\]](#)

Mayor Hemminger pointed out that the Lewis and Clark Great American Circus would be coming to Homestead Park on the upcoming weekend. Information about times and tickets was on the Town's website, she said.

0.13 Mayor Hemminger Regarding Council Committee on Economic Sustainability Meeting. [\[19-0440\]](#)

Mayor Hemminger said that the Council Committee on Economic Sustainability would meet on Friday from 8:00-10:00 a.m. in Room B at the Town Library. Attendees would hear results of a market study on the Chapel Hill North area and a discussion about the Martin Luther King Jr. Boulevard bus rapid transit design, she said.

0.14 Mayor Hemminger Regarding NC Energy Conference. [\[19-0441\]](#)

Mayor Hemminger said that she had spent the prior two days at a NC Energy Conference and would be putting together some notes to share with the Council. People had come from across the country to learn about issues such as waste reduction and energy efficiency, she said. She pointed out that much would need to happen at NC's state level in order to make real progress.

## 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 Buansi, that R-1 be adopted, which approved the Consent Agenda.

The motion carried by a unanimous vote.

1. Approve all Consent Agenda Items. [\[19-0400\]](#)
2. Call for Public Hearings on May 22, 2019 for Amendments to Land Use Management Ordinance Sections 3.11 and 4.5.4. [\[19-0401\]](#)

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

## INFORMATION

3. Receive Upcoming Public Hearing Items and Petition Status List. [\[19-0402\]](#)

## DISCUSSION

4. Presentation: Recommended Budget for FY 2019-20. (no attachment)

[\[19-0403\]](#)

Town Manager Maurice Jones presented the recommended FY 2019-20 Town budget which supported the Council's strategic priorities, protected Fund Balance, included smart investments, maintained public assets, and supported Town employees, he said. He explained that the total proposed budget was \$113 million and included a 1.6 cent increase in property tax.

Mr. Jones explained that a 1.6 cent tax increase meant that an owner of a house assessed at \$200,000 would pay an additional \$32. The annual tax increase for \$300,000 and \$400,000 homes would be \$48 and \$64, respectively, he said. He said that the tax increase would support debt service for the Town's \$10 million Affordable Housing Bond (1 cent) and a General Obligation Bond to support new sidewalks, street paving and construction, and a new Municipal Services Center (.6 cent).

Mr. Jones discussed budget drivers that the Town needed to be aware of, such as coal ash remediation, developing a climate action plan, various stormwater projects, investments in urban design, police recruitment and retention along with an increase in the Town's state retirement fund contribution. He reviewed specifics of the proposed budget and explained how it had been built around a framework that the Council had passed in June 2018.

Mr. Jones addressed revenue forecasts and future expenses and pointed out that the Town would need to make changes to address future growth. He discussed the status of the Town's individual funds and sales tax history and its priorities for capital investments. He said the next steps would include public hearings on May 8th and 15th, a possible work session on June 5th, and a budget adoption on June 12, 2019. He noted that the Council had discussed the possibility of developing a five-year budget plan and proposed starting to work on that after adopting the budget.

Mayor pro tem Anderson expressed support for having the five-year budget discussions but skepticism over fitting a stormwater infrastructure conversation into a five-year schedule.

Mr. Jones agreed but pointed out that it could at least be put on the radar. The Town would need to be creative about setting goals and priorities, he said.

Mayor pro tem Anderson asked if a 10 or 15-year plan would be extending

too far out, and Mr. Jones replied that some communities did plan their capital needs out that far. Chapel Hill could do so as well, but a 5 or 10-year plan would at least provide a road map, he said.

Mayor pro tem Anderson verified with Mr. Jones that a conversation about funding for the Downtown Partnership would begin in September.

Council Member Gu confirmed with Mr. Jones that Orange County was planning to increase the property tax rate, and Mayor Hemminger said that the County had put out a proposal to increase by 1.7 percent per year for 3 years but that could change.

Council Member Gu asked about the school system, and Mayor Hemminger replied that there had not been a request from the schools. It was an aggregate bill for Town taxpayers, she said.

Council Member Gu said it would be helpful to see the information needed to evaluate the aggregated impact to Chapel Hill citizens. She also said it would also be helpful to know what kind of tax increases might be expected in upcoming years.

Mr. Jones replied that it was impossible to provide such information without knowing what the Town's goals and future needs would be. That part of the five-year discussion was needed to align expenditures and revenues, he said.

Council Member Gu said that she understood about variables but wanted to know the estimated impact from known expenditures such as the Municipal Services Center and the road maintenance projects.

Mr. Jones replied that staff could do that regarding the Municipal Services Center but road maintenance decisions were made on a yearly basis. Staff could provide information on what the needs were but that would not necessarily correlate with a tax increase, he said.

Council Member Gu said she was interested in knowing the revenues and costs associated with future projects in order to have a realistic understanding of their financial impact.

Mr. Jones replied that he had heard that message loud and clear. It was an issue that the Town has been grappling with for several years, and staff was still searching for the right formula, he said.

Council Member Gu suggested starting from a 2013 economic impact report that UNC had done for the Town.

Mr. Jones agreed that the Town could start there, but he pointed out that

other Council members had expressed a preference for a different approach.

Council Member Oates asked about the rationale for decreasing OPEB funding, and Mr. Jones explained that doing so helped balance the budget. OPEB was in good shape at the current time, but he would not advise taking the proposed approach every year, he said.

Council Member Oates confirmed with Mr. Jones and Business Management Director Amy Oland that the Town's portion of an increase in Transit Partners costs would come from grants and sales tax revenues. She confirmed with Mr. Jones that a police officer's salary adjustment would be in addition to a 3 percent raise for all employees.

Council Member Oates said she did not like the across the board salary increase because that led to the rich getting richer and the poor getting poorer. She expressed concern about the upper end of the Police Department's employees being so out of balance that it would create a problem with other divisions.

Mr. Jones replied that staff was looking at the ripple effect of compression and making sure that adjustments were being made to keep from having longtime employees earn close to what starting officers were making.

Mayor Hemminger said that she wanted the Council's commitment toward increasing Downtown Partnership funding to be specifically noted in the budget. She asked that the Introduction include a graph of how the Town's tax rate compared with similar towns. A recession, or slow down, would be coming, she said and advised taking that into consideration as new projects come online next year. The Town needed to be a little more recession proof, she said.

Mayor Hemminger recommended including the Town's population number in the budget. A census would soon be taken and counting everyone was important when applying for state and federal allocations, she pointed out.

Mayor pro tem Anderson confirmed with Mr. Jones that composting was on the Town's radar and that he was trying to figure out a path forward and costs. The next step would be a Stormwater Advisory Group meeting that would include a countywide discussion regarding steps to be taken, he said.

Council Member Schaevitz confirmed with Mr. Jones that initial coal ash remediation funds had been for short-term remediation on the site. The Town had hired a toxicologist to help staff understand the best next steps and staff would present a report at the Council's May 15th work session,



he said.

Council Member Buansi ascertained from Mr. Jones that a pilot program for considering requests for capital funding had been a "casualty of the budget". A higher than expected retirement fund increase and the raise for police officers had caused that item to be moved to the side for now, said Mr. Jones.

Mayor Hemminger noted that the Town welcomed public input regarding the budget. Citizens could communicate via email, phone calls, or by speaking at public hearings, she said. She was hoping to vote on the budget on June 12th and was looking forward to seeing a line item for Capital Improvement Programs and Resiliency in the future, Mayor Hemminger said.

This item was received as presented.

5. Authorize the Town Manager to Execute an Interlocal Agreement for Installation of Private Sewer Laterals for Low and Moderate Income Homeowners.

[\[19-0404\]](#)

Principal Planner Judy Johnson gave a brief PowerPoint presentation on an agreement among Orange County, Chapel Hill and Carrboro to connect 81 heritage lots to sewer in the Historic Rogers Road Neighborhood. The three partners had contributed about \$7.2 million to cover that and other neighborhood projects, she said. She noted that Rogers Road was in the Town's Extraterritorial Jurisdiction (ETJ) for planning and zoning, but not within the Town's limits.

Ms. Johnson described the process of connecting sewer lines and the terms of the agreements with residents. She said that the total cost of the project was \$224,000 with the Town's 43 percent share costing \$104,490. Sources of funding for the Council to consider included Community Development Block Grant funds, the Affordable Housing Fund, the Affordable Housing Development Reserve, and the Town's General Fund, she said. Ms. Johnson pointed out that a funding source would need to be identified prior to executing the agreement.

Council Member Parker confirmed with Ms. Johnson that funds had not been specifically allocated in the proposed Town budget. However, the Housing Department and Finance Department were confident that they would be able to find the Town's \$104,000 share, she said.

Council Member Stegman ascertained that staff was working toward a "forgiving loan" process similar to what had been used with Town-funded projects in the Northside and Pine Knolls neighborhoods.

Mayor Hemminger clarified that the process was more like a grant than a

loan, and Ms. Johnson confirmed that homeowners would pay for their own monthly service but would not be required to repay the Town for installation.

Council Member Gu verified with Ms. Johnson that the cost-sharing agreement was based on the number of households in each jurisdiction that would connect and each jurisdiction's prior use of the landfill.

Mayor Hemminger noted some of the nuances of the cost-sharing agreement and said that the three jurisdictions' shares were estimates that probably would not be finalized until the third year. She had talked with staff about having it as a separate line item in the budget, but the cost-sharing agreement was the overriding document because there were still many unknowns, she said.

Council Member Oates confirmed with Ms. Johnson that the "forgiving loan" meant that 25 percent would be forgiven each year.

Mayor Hemminger pointed out that if a homeowner were to sell their home after two years, that homeowner would need to pay the cost.

Council Member Oates clarified that the loan would go with the homeowner, not the home, and that a new homeowner would not get the forgiving loan unless they could qualify based on income. She confirmed with Ms. Johnson that the Town would pay for those who qualify and that others would pay themselves.

Mayor Hemminger said she hoped that many people would connect. The plan was a big step toward remedying something that should have been corrected a long time ago, she said.

A motion was made by Council Member Parker, seconded by Council Member Buansi, that R-4 be adopted. The motion carried by a unanimous vote.

**6. Charting Our Future - Future Land Use Map Refinement and Consideration of the Blueprint for Designated Focus Areas.**

**[\[19-0405\]](#)**

Land Use Management Ordinance (LUMO) Project Manager Alisa Duffey Rogers gave a PowerPoint presentation and asked the Council for feedback on a blueprint for designated focus areas along NC 54 and Highway 15-501 South.

Ms. Duffey Rogers showed what the NC 54 focus area currently looked like and said that communities were defined by how they appear from the street. The area offered an opportunity to have an office-centered transit stop, she said, and she asked for the Council's vision for street character along that strip.

Ms. Duffey Rogers said that Highway 15-501 included two nodes: Highway 15-501 South Gateway, and the Southern Village Park & Ride, and she described each. The key question for that focus area was whether the character types being shown were appropriate for those nodes, she said.

Ms. Duffey Rogers asked to confirm a list of Council comments from an April 5th meeting. These pertained to building height, frontages and non-residential development. She confirmed text changes that the Council had recommended and discussed specific changes related to bus rapid transit, manufactured home parks, creating a sense of place, and more.

Mayor pro tem Anderson asked how UNC and UNC Healthcare could be taken into account when making decisions regarding the NC 54 corridor, and Ms. Duffey Rogers replied that the focus area did not include UNC property with the exception of one UNC Healthcare building. The golf course and other UNC properties were not in the focus area, she said.

Mayor pro tem Anderson asked how the Council could make choices and decisions without having maps of environmentally sensitive areas before them, and Ms. Duffey Rogers said that flood plain issues were on individual focus area maps. If there were other environmental constraints that the Council would like to see on those maps, she would like to know what they are, she said.

Mayor pro tem Anderson asked for an update regarding the impact of light rail being discontinued, and Ms. Duffey Rogers said that staff and the Town's transit partners would meet on May 16th to start discussions with the NC Department of Transportation (NC DOT). There was an NC DOT project to redesign NC 54, and they were meeting to see if some sort of transit could be included as a part of that, she said.

Council Member Schaevitz asked about a timeline, and Ms. Duffey Rogers said that staff was hoping to have a draft map before the Council's summer recess. However, some questions regarding character and so forth still needed to be answered, she said, adding that staff would update the Council in the near future.

Council Member Schaevitz confirmed that staff's plan was to scope the LUMO rewrite over the summer. The staff hoped to do things in parallel, Ms. Duffey Rogers said. She explained that staff could not issue the requests for quotes for the LUMO rewrite until the maps were in good shape but could at least start the process. Council Member Schaevitz confirmed that the text accompanying the maps was intended to give more context and would be key for the LUMO rewrite.

Council Member Gu confirmed that Ms. Duffey Rogers planned to go out and talk with residents in the identified areas at the draft map phase of the

project.

Council Member Gu confirmed that the Council should state its expectation that future development along NC 54 should be open toward the street and that the street should be lined with trees. Ms. Duffey Rogers said that there would be a separate map indicating those active frontages.

Mayor Hemminger commented on the importance of having a more urban streetscape with buildings closer to the road that still included trees and multi-modal pathways.

Ms. Duffey Rogers said she hoped to hold design charrettes at which people would be able to see pictures of what a streetscape along NC 54 would look like compared to Downtown and Highway 15-501.

Mayor Hemminger confirmed that Ms. Duffey Rogers had met with UNC in June 2018 and intended to do so again once a good draft was ready. She confirmed that Ms. Duffey Rogers had met with NC DOT the prior week, and she recommended doing so again regarding mobility issues at the NC 54 interchange. Ms. Duffey Rogers also agreed to talk with UNC about possibly modifying their master plan due to changes to light rail transit.

Council Member Gu confirmed that Ms. Duffey Rogers had met with the Chapel Hill Carrboro City Schools regarding their plans and would set up another round of meetings this year.

Mayor pro tem Anderson determined that Ms. Duffey Rogers intended to talk with NC DOT about the bus rapid transit plan as well as the multi-modal pedestrian/bike path at the NC 54 interchange. She suggested having a conversation about what the Town wanted prior to that meeting.

Council Member Oates pointed out that a proposal for a six or seven-story building in an area zoned Residential 1 had engendered much community push-back. She wanted to make sure that the community was being kept apprised of staff's vision, she said, adding that she was not sure the text reflected what the Council had said. Council Member Oates expressed concern about a possible domino effect if one 4-story apartment building were allowed there.

Ms. Duffey Rogers replied that the four-story building had merely been a concept plan. Having something on a map that was taller than what currently existed would not necessarily impact what was north of it, she said. She acknowledged that allowing a four-story, mixed-use building there would be concerning to the immediate neighborhood; however, if the Council thought that expanding future commercial land use south of what was currently shown as commercial on the Land Use Plan was not

appropriate, then she would like to hear that, she said.

Council Member Oates confirmed that community members could email Ms. Duffey Rogers directly regarding their concerns. She pointed out that nothing in the text indicated the importance of preserving the historical character and history of Downtown buildings. It seemed as though that should be spelled out, she said.

Mayor pro tem Anderson said that she was still unclear about the environmental map. It would be helpful to include something about major areas of environmental concern, if there were any, she said. She did not want to eliminate such areas but wanted to be sensitive to where things should and should not be, she said.

Mayor pro tem Anderson agreed that buildings should be closer to the street, as long as that did not mean sacrificing large trees and greenspace. She cautioned against cutting down old trees and planting less attractive ones to meet canopy requirements. She noted the importance of having trees between people and cars, for safety and appearance reasons, and advised Ms. Duffey Rogers to be proactive in advocating for that with NC DOT.

Council Member Schaevitz requested more information, and perhaps a rendering, about what the Glen Lennox frontage would look like in order to better visualize that entire stretch of road. She pointed out that citizens were concerned about a mobile home park near the corner of northern Martin Luther King Jr. Boulevard and Weaver Dairy Road, and she recommended that Council and staff be explicit about plans for the area. To the untrained eye, the blueprint looked as though the Town preferred to not have that mobile home park there and felt dangerous to her, Council Member Schaevitz said.

Mayor Hemminger pointed out that the Town would be doing a market study of that northern area and would be discussing that on Friday.

Council Member Parker pointed out that a portion of NC 54 Highway was really six lanes which was not a typical urban environment. The road then becomes increasingly suburban and the Town would need to figure out what the transition would look like, he said. He clarified a comment he had made at a prior meeting regarding building height and said that the Town should assume some sort of higher density public transportation corridor along NC 54. Council Member Parker pointed out that a Downtown focus area map did not include an area along Rosemary Street where a couple of lots were prime for redevelopment.

Council Member Gu said that having a Townwide map would help evaluate how environmental features and development would impact each other.

She said that the positioning of bicycle and pedestrian networks and transportation structures would significantly define future development. She suggested that the Land Use Plan include a transportation map that lays out the big vision for next 30-40 years.

Ms. Duffey Rogers replied that a mobility map, which the Council had previously adopted, would be part of the map series and had been part of what consultants had been using to develop the focus areas. Both the guiding statements and the text recognized the importance of public spaces but planning where they would be appropriate in each focus area involved much more detail than was typical in a Future Land Use Map, she said.

Council Member Gu asked about at least specifying where parks, arts spaces, and so forth would be, and Ms. Duffey Rogers replied that the Planning Department was developing a greenspace map that would be part of the map series. Moreover, each of the individual maps showed pedestrian and/or multi-modal connections to parks, she said, and she offered to forward examples of those.

Mayor pro tem Anderson confirmed with Ms. Duffey Rogers that the Town's mobility map would be part of the map series. The goal was to have a layered set of maps and include many of the Town's long-range studies in one spot, Ms. Duffey Rogers said.

Council Member Buansi said that he would email his comments about the text. He pointed out that tree-lined streets go hand in hand with walkability and said he agreed with Council Member Parker that six stories made more sense than eight.

Several other Council members voiced agreement with six stories as well.

This item was received as presented.

**7. One Year Update on Conditional Zoning and Consider an Administrative Procedural Change.**

**[\[19-0406\]](#)**

Ms. Duffey Rogers gave a PowerPoint presentation on a proposed resolution to amend the Town's administrative procedures. She explained that the LUMO had been amended in November 2017 to expand the use of Conditional Zoning (CZ) and that amendments had then been enacted since then to establish a link between the Town's Land Use Plan and CZ. She reviewed the specifics of CZ and the sequential process for amending the Land Use Plan when a proposed CZ district was inconsistent with it.

Ms. Duffey Rogers said that applicants had been disinclined to seek a Land Use Plan amendment because the Town might be reluctant to approve a change without specifics accompanying a development

application and because of the amount of time required in the sequential process.

Ms. Duffey Rogers outlined a proposed process for considering a Land Use Plan amendment and CZ concurrently, rather than sequentially. She said that the proposed change would not preclude thoughtful consideration or alter current LUMO standards for evaluating a Land Use Plan amendment. Resolution 5 would amend the Town's administrative procedures to permit CZ applications that require a Land Use Plan amendment to be considered concurrently with the CZ district application, she said.

Council Member Oates asked how the Town would protect neighborhoods from having inappropriate development if the two-tier system were eliminated, and Ms. Duffey Rogers replied that the Town would look at the application and use the evaluation standards in the LUMO just as it currently did. In addition, CZ allowed site specific standards to mitigate negative impacts, she pointed out.

Council Member Oates confirmed that the proposed change would allow both the Land Use Plan amendment and the CZ application to be heard at the same time and that the applicant would need to go through the expense of doing both.

Mayor Hemminger pointed out that the process being proposed would be like the one the Town currently followed for a rezoning and a Special Use Permit.

Council Member Parker confirmed with Ms. Duffey Rogers that nothing in the LUMO would prevent a developer who did not want to take the risk from following the current sequential process.

Council Member Oates said she was not convinced that having a sequential process was preventing people from using CZ. Projects that had come before the Council had either not been eligible or the developers had felt there was more certainty with a Special Use Permit, she said.

Ms. Duffy Rogers replied that applicants had told staff that they were not willing to add nine months to the process. Additionally, developers thought the Council would be reluctant to change the Land Use Plan without site-specific information, she said.

Mayor pro tem Anderson asked if there was a potential downside to making the change, and Ms. Duffy Rogers said she could not think of one. She pointed out that LUMO standards for evaluating amendments would hold whether the process was concurrent or sequential.

Mayor pro tem Anderson wondered if having a concurrent process would

allow fewer opportunities for Council to critique and advise applicants, and Ms. Duffey Rogers suggested requiring more information at the concept plan stage.

Council Member Buansi asked which process other municipalities used, and Planning Director Ben Hitchings replied that he did not know of any other community that did it sequentially.

Mike Murphy, a Chapel Hill resident, pointed out that mentioning only Habitat for Humanity in the Council's information packet had led some to think that the proposed change was to solve Habitat's specific problem. Listing other relevant applicants would help alleviate that perception, he said. Mr. Murphy recommended that the Town look at the experience of other towns as well.

In response to a question from Council Member Oates, Town Attorney Ralph Karpinos explained that Conditional Use Zoning with a special use permit would be a two-step process. The applicant would apply for the rezoning and would then be required to get a special use permit within a year, he said. However, with CZ, everything could be done in one step, he said.

Council Members Oates and Parker confirmed with Mr. Karpinos that doing it sequentially, modified the Future Land Use Map even though it might be months or a year before the CZ would come before the Council. The future land use map modification would remain, however. Council Member Parker said that doing it concurrently, however, would essentially eliminate that problem because the Council would be changing the Land Use Map for a project it planned to approve.

Council Member Buansi noted that having a concurrent process would mean that the Council, applicant and public would need to do much work on the front end to make sure that the project was acceptable at that initial stage.

Mayor Hemminger reemphasized that the process would be the same as the Town's current rezoning and Special Use Permit process, which was concurrent, and people came to speak on both. If an applicant came forward to change the Land Use Map without showing a project, the Council probably would not be willing to listen and that applicant would not return with a CZ request, she said. Mayor Hemminger spoke in favor of doing it concurrently when the Council could actually see what the applicant had in mind.

Council Member Oates confirmed that "may be considered" in the text left the door open for the applicant to choose either process.



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A motion was made by Council Member Parker, seconded by Mayor pro tem Anderson, that R-5 be adopted. The motion carried by a unanimous vote.

8. Review of Traffic Data in Response to 2018 Community Survey Results.

[\[19-0407\]](#)

Police Department Captain Donnie Rhoads, the Town's Connected Communities champion, discussed results from a 2018 traffic survey in which Town residents had identified overall traffic flow as the top priority. He noted an 11 percent lower opinion of the traffic situation when compared with regional and national averages and said that staff planned to reach out to residents for more feedback. Captain Rhodes described how the results had been analyzed and said that the data would be integrated into a Town-wide traffic model.

Strategic Planning Project Manager David Finley presented the survey's preliminary findings: 1) Peak hour traffic was increasing in major corridors, such as East NC 54 and Highway 15-501 when compared with 2016 and 2018; 2) Average annual daily traffic was not increasing or decreasing significantly within Town limits but was increasing at some intersections; 3) Pass-through traffic from Chatham County and other areas had increased, most notably on Fordham Boulevard; 4) The number of residents walking, biking or using public transit was increasing compared to other NC towns.

Mr. Finley said that data showed the traffic increasing significantly in the region and on major corridors at peak times. Fuel data indicated that more people were traveling to work and that was being attributed to population growth and people not living where they work, he said. Mr. Finley said that upcoming projects would include finalizing a traffic dashboard for the Town website and purchasing traffic modeling software.

Transportation Planning Manager Bergen Watterson discussed upcoming projects and ongoing efforts to manage congestion. She said that staff was hoping to have a Town-wide traffic model within the next year. She updated the Council on an Interstate 40 widening project, Interstate 40/NC 86 interchange projects, and NC 54 corridor improvements. Bus rapid transit should be up and running by 2023 and the Elliott Road Extension project might be ready for construction later in 2019, she said.

Ms. Watterson discussed ongoing efforts regarding bicycle and pedestrian facilities. She updated the Council on a traffic impact analysis and a bi-annual traffic timing evaluation. She said that variable message signs with traffic information and advisories would be up and running soon. The staff planned to make a presentation to the Transportation and Connectivity Advisory Board and intended to develop ways to engage the public to learn more about the actual experience on the street, she said. Ms. Watterson said that staff would further refine their analysis based on that feedback.

Mayor pro tem Anderson ascertained that Ms. Watterson was hoping for a \$250,000 federal grant to come through the Metropolitan Planning Organization. The Town might also put some of its local discretionary funding from future years into projects, Ms. Watterson said.

Mayor pro tem Anderson confirmed with Ms. Waterson that the data being presented was based on current conditions, the latest being NC DOT data from 2017. She confirmed with Mr. Finley that it would be possible to predict overall traffic impact after planned improvements had been built. Mayor pro tem Anderson also verified with Town Traffic Engineer Kumar Neppalli that buses could be prioritized at traffic lights as part of the bus rapid transit project.

Council Member Gu confirmed with Mr. Finley that travel times on four routes had been determined as part of a signal re-timing project. She requested additional information on how traffic had been measured and said there seemed to be a mismatch between numbers regarding wait time at intersections and what people say they experience.

Mr. Finley explained that volume counts had been based on NC DOT sensor data, but Council Member Gu stressed the importance of following one car all the way through as well. It would be more informative to focus on the few arteries that cross Town than to look at a Town average, she said.

Mayor pro tem Anderson said that the data might not be getting at the issues that people find distressing, such as having difficulty getting out of their neighborhoods and/or experiencing traffic back-ups in certain areas. However, the data would be important to figuring out how to move forward with different initiatives and would be an important part of making sure that the Town's budget and priorities were aligned, she said.

Mayor pro tem Anderson said that she wanted to know how the Town could use traffic data more effectively during the development design review phase in order to think through mitigation strategies sooner in the process. She also proposed figuring out how to simplify the information for the general public.

Council Member Schaevitz pointed out that the data did not consider the Town of Carrboro or the public schools where congested pick-up and drop-off times had been causing complaints and was raising environmental and safety concerns. She proposed working with the School Board and others to find a way to speed that up.

Council Member Schaevitz said she had also heard complaints about traffic on Highway 15-501 and Estes Drive. Having data was satisfying and useful but personal experience was important too, she pointed out, and she advised staff to compile citizens' remarks as well.

Council Member Parker said that data showing that the average number of cars had remained about the same while traffic at peak times had grown significantly worse indicated that cars were being distributed differently and were perhaps accessing Town roads in a different fashion. He wondered if the Town was doing enough to work with large employers about scheduling shifts differently in order to address the peak traffic problems, he said.

Council Member Bell said that traffic would remain bad on Estes Drive because it was the only route across Town. Traffic had increased significantly on Rosemary Street because drivers had determined that it was a faster route from NC 54, she pointed out. There was not an increase in the number in cars but has been a change in the way cars are distributed and people are feeling that in different places, she said. Council Member Bell agreed with the suggestion to gather stories to help understand what people are experiencing.

Mayor Hemminger proposed adding an overlay of areas where accidents happen most frequently. The Town could then look at when and why and use the variable messages to help address the problem, she said. She suggested that the report include a bar graph showing where out-of-Town traffic was coming from. It seemed that there were not many more people driving around Town, but that people were coming into Town to work and then leaving or passing through to get to other places, she pointed out.

Mayor Hemminger agreed with Council Member Schaevitz's suggestion to include human stories along with the data. She pointed out that the data indicated that the Town was fine while residents say they are feeling pressure. She hoped that an anticipated multi-modal path on Estes Drive would help, she said, and she described frustrating wait times at various hot spots in Town.

Council Member Gu said that traffic sensors were inexpensive and easy to install and should be provided in every spot where people complain.

Mr. Finley offered to provide Council members with a map of all the NC DOT sensor locations in Town. He also pointed out that the Town had software, as Council Member Gu had mentioned, and was currently using it. He expected to put it on the Town website soon, Mr. Finley said.

Council Member Buansi praised the staff's report and said he agreed with what other Council members had said about it.

This item was received as presented.

## **APPOINTMENTS**

9. Appointments to the Board of Adjustment.

[\[19-0408\]](#)

The Council re-appointed Phillip Lyons, Katherine Murphy, Joseph Parrish, Josephine Tetteh and appointed Andrew Strada to the Board of Adjustment.

**10. Appointments to the Community Design Commission.**

[\[19-0409\]](#)

The Council re-appointed Susana Dancy, Susan Lyons and appointed Caroline Lauer and John Weis to the Community Design Commission.

**11. Appointment to the Planning Commission and Make a Recommendation to the Orange County Board of Commissioners for the Appointments to the County Designated Seats.**

[\[19-0410\]](#)

The Council re-appointed Neal Bench to the Planning Commission.

The Council made a recommendation to the Orange County Board of Commissioners for the re-appointment of Michael Everheart and Katherine Roberts to the County Designated Seats.

A motion was made by Council Member Parker, seconded by Council Member Bell, that R-6 be adopted. The motion carried by a unanimous vote.

## **ADJOURNMENT**

This meeting was adjourned at 11:12 p.m.