



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

Wednesday, May 22, 2019

7:00 PM

RM 110 | Council Chamber

Roll call

Present: 7 - 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, and Council Member Karen Stegman

Absent: 2 - Mayor Pam Hemminger, and Council Member Rachel Schaevitz

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ralph Karpinos, Police Officer Rick Fahrer, Fire Inspector Greg Peeler, Communications Manager Catherine Lazorko, Planning Director Ben Hitchings, Principal Planner Corey Liles, Housing and Community Assistant Director Sarah Vinas, Affordable Housing Manager Nate Broman-Fulks, Planner II Becky McDonnell, Executive Housing and Community Director Loryn Clark, Manager's Office Intern Maggie Bailey, and Deputy Town Clerk Amy Harvey.

OPENING

0.01 Successes Video: Lower Booker Creek Greenway.

[\[19-0506\]](#)

Mayor pro tem Anderson opened the meeting at 7:00 p.m. and said that Mayor Hemminger and Council Member Schaevitz were both out of town. She introduced a "Celebrating Successes" video narrated by Parks and Greenways Commission Chair Jeanette Bench. The video highlighted the work by community volunteers who had been clearing invasive plants from the Lower Booker Creek Greenway.

Mayor pro tem Anderson said that more than 160 people had volunteered since 2018. She thanked Ms. Bench as well as the Parks, Recreation and Greenways Committee and the many volunteers and staff who had helped out. Another cleanup was being planned, and information was available through the Parks and Recreation Department, she said.

0.02 Proclamation: Tourette Syndrome Awareness Month.[\[19-0507\]](#)

Council Member Parker read a proclamation declaring June 2019 as Tourette Syndrome Awareness Month in Chapel Hill. The purpose was to promote understanding, compassion and acceptance and to break the stigma that surrounds the neurological disorder, he said. The proclamation stated that no standard treatment or cure was available to those with Tourette Syndrome which has affected more than 22,871 school aged children in North Carolina alone. The Tourette Association's Greater Carolinas Group has been actively providing services and supporting research, Council Member Parker read.

Chelsea Feebick thanked the Tourette Association of America, the Greater Carolinas Tourette Group, and the Town for the proclamation. She said that Tourette's was a misunderstood condition that has led to those afflicted being fired from jobs and placed in psychiatric hospitals. Ms. Feebick said that she had been bullied all of her life but that having Tourette's had made her more compassionate and persistent and had allowed her to know herself better.

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

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

1. Joe Patterson Request Modifications to the Town's Noise Control Code.[\[19-0474\]](#)

Joe Patterson, a Chapel Hill resident, described his petition regarding noise at Cobb Terrace and the Chapel Hill Police Department's inability to do anything about it under the current statute. He asked the Council to address the issue as soon as possible since noise was at its worst during the summer.

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

1.01 Julie McClintock for CHALT Request for Department of Transportation Data from May 1, 2019 Presentation.[\[19-0508\]](#)

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

ANNOUNCEMENTS BY COUNCIL MEMBERS

1.02 Mayor pro tem Anderson Regarding Municipal Offices Closed Memorial Day.

[\[19-0509\]](#)

Mayor pro tem Anderson noted that Town Hall and other municipal offices would be closed on May 27th for Memorial Day.

1.03 Mayor pro tem Anderson Regarding Orange County Peace Coalition Commemoration for Victims of War.

[\[19-0510\]](#)

Mayor Pro tem Anderson said that the Orange County Peace Coalition's commemoration ceremony would be held at the Chapel Hill Public Library on May 27th from 3:00-4:30 p.m.

1.04 Mayor pro tem Anderson Thanks for those Who Lost their Lives while Serving in Wars.

[\[19-0511\]](#)

Mayor pro tem Anderson thanked the families of those who had lost their lives while serving in the US military.

1.05 Mayor pro tem Anderson Regarding National Trails Day.

[\[19-0512\]](#)

Mayor pro tem Anderson announced that National Trails Day would be on June 1, 2019. The Parks and Recreation Department would host a guided walk along the Lower Booker Creek Trail and would make an "Adopt a Park or Greenway Program" presentation on that day, she said. Those who wish to participate should meet the group at the 2200 Dailyroad trail head at 10:00 a.m., Mayor pro tem Anderson said.

1.06 Mayor pro tem Anderson Regarding Open House for Charting Our Future.

[\[19-0513\]](#)

Mayor pro tem Anderson said that Town staff would hold an open house from 5:30-6:30 p.m. on June 5th at the Chapel Hill Public Library to allow the Council and public to review a book map that would be part of the Future Land Use Map update.

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.

2. Approve all Consent Agenda Items.

[\[19-0475\]](#)

Approval of the Consent Agenda

A motion was made by Council Member Parker, seconded by Council Member Buansi, that R-1 be adopted, which approved the Consent Agenda. The motion carried by a unanimous vote.

3. Approve the 2019-2020 HOME Investment Partnership Program Annual Plan. [\[19-0476\]](#)

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

4. Award a Bid and Authorize the Town Manager to Sign a Supplemental Agreement with NCDOT and Execute a Contract for the Construction of Variable Message Sign Project. [\[19-0477\]](#)

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

5. Authorize Town Manager to Submit a Funding Request for the North South Bus Rapid Transit Project through the Orange County Transit Plan. [\[19-0478\]](#)

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

6. Adopt Minutes from January 24, and 31, 2018 and February 14, and 21, 2018 and March 7, 14, and 21, 2018 and April 11, 2018 Meetings. [\[19-0479\]](#)

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

INFORMATION

7. Receive Upcoming Public Hearing Items and Petition Status List. [\[19-0480\]](#)

DISCUSSION

8. Consider Adopting Land Use Management Ordinance Text Amendments to Establish New Zoning Districts for the Historic Rogers Road Neighborhood. [\[19-0481\]](#)

Planner Corey Liles gave a PowerPoint presentation on the Historic Rogers Road Neighborhood zoning project. He said that the lengthy process had included extensive community engagement and had led to text amendments that the Council could consider for adoption. Council approval of Resolution 7 and Ordinance 2 (Agenda Item 8) would put standards on the books, he said, and he recommended approving both.

Caroline Dwyer, a project manager with Renaissance Planning Group, continued the PowerPoint presentation with a recap of seven public meetings since September 2018. The goal had been to develop zoning standards that aligned with the Rogers Road Community's "Mapping Our

Future (MOF)" 2016 report, she said. She proposed two new zones: residential low density (HRL) and residential medium density (HRM), and indicated another area that would remain Residential 1 and be held for future consideration.

Ms. Dwyer described the surrounding area and said that the proposed rezoning would conform with that. She listed the main goals of the MOF report and said that the plan adhered to those objectives. Staff had used a vision map that had been part of the MOF report to inform the zoning, she explained.

Ms. Dwyer reviewed changes pertaining to home-based businesses and discussed feedback regarding a mixed-use district. She said that residents did not want to allow retail at the current time. Accessory dwelling unit size would need to meet Land Use Management Ordinance limits. Billabong Lane had been removed from the map, and three properties southeast of the Greene Tract had been excluded from rezoning, she said.

Ms. Dwyer pointed out that some controversial street locations had been removed from the map. She discussed home businesses, signage, and lot size requirements, and said that triplexes would be allowed. Ms. Dwyer explained how regulations for home occupations and live/work units differed from each other.

Council Member Parker verified with staff that the Town of Carrboro intended to consider a similar action in June.

David Bellin, a Chapel Hill resident, said that the text amendments reflected the wishes of the area residents who had developed the MOF report. He urged the Council to approve the plan and to transmit details to the Town of Carrboro.

Reverend Robert Campbell thanked the Council, staff and consultant for following the MOF report. He stressed the importance of amending the zoning in order to continue the MOF process, bring more voices to the process, and keep the community engaged regarding possible future development. Rev. Campbell commended all who had been involved for keeping their composure and respecting each other.

Council Member Buansi described the changes as one of the steps that was needed after years of injustice. It was great that the Town was trying to rectify that by deeply involving the Rogers Road neighborhood in the process, he said.

Council Member Oates agreed with Council Member Buansi and thanked staff for being so responsive to comments. She said that the proposed plan seemed to reflect the interests of the neighborhood as well as the greater community.

Council Member Stegman praised staff and community members for sticking with the project for so many years. That joint area was a very important part of the Town's future, she said, and she noted the importance of having Orange County as a partner. Council Member Stegman spoke about some of the specific changes and praised the addition of affordable triplexes.

Council Member Gu said that the Town might have learned something that it could apply to similar projects in the future. She expressed support for the addition of affordable triplexes but had concern about the lack of conversation about connectivity with the rest of Town through public transit.

Mayor pro tem Anderson thanked everyone for their excellent work and said that she loved being able to vote for something that really reflected the community's vision.

A motion was made by Council Member Parker, seconded by Council Member Oates, to close the public hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Parker, seconded by Council Member Oates, that R-7 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Buansi, seconded by Council Member Stegman, that O-2 be enacted as amended. The motion carried by a unanimous vote.

9. Consider Amending the Town Of Chapel Hill Zoning Atlas to Apply the HR-L and HR-M Subdistricts to Properties in the Historic Rogers Road Area.

[\[19-0482\]](#)

Mr. Liles pointed out that the rezoning had been part of the same process. He displayed a map that showed district boundaries and indicated where some areas would keep their existing zoning and others would be rezoned. The Planning Commission had recommended approval and had reached consensus with the Town to leave Billabong Lane out at the current time, he said. Mr. Liles recommended that the Council close the public hearing and enact Ordinance 3.

A motion was made by Council Member Parker, seconded by Council Member Oates, to close the public hearing. The motion carried by a unanimous vote.

A motion was made by Council Member Buansi, seconded by Council Member Gu, that R-9 be adopted. The motion carried by a unanimous vote.

A motion was made by Council Member Oates, seconded by Council Member Buansi, that O-3 be enacted. The motion carried by a unanimous vote.

10. Approve the Traffic Calming Measures on Several Streets near the Proposed Wegmans Food Market. [\[19-0483\]](#)

This item was deferred to a future meeting in June.

11. Receive the FY19 Third Quarter Affordable Housing Quarterly Report (January-March). [\[19-0484\]](#)

Assistant Director of Housing and Community Sarah Vinas gave a PowerPoint presentation on the Third Quarter Affordable Housing (AH) Report regarding projects completed during January through March 2019. She said that the Town had projected developing 95 new and preserving 125 affordable units in 2019 and had developed 5 and preserved 8 in the third quarter. That brought the total for three quarters to 6 developed and 85 preserved, she said.

Ms. Vinas said that 78 percent of funding had been allocated and 89 percent of Town-funded projects had been completed on schedule. She showed photos and provided details about some of those projects.

Affordable Housing Manager Nate Broman-Fulks said that staff anticipated a very active fourth quarter, with 76 new and 62 preserved AH units coming on line. If those projections prove to be accurate, the total developed for the year would be 13 fewer than originally projected and the number preserved would surpass original projections by 22 units, he said.

Mr. Broman-Fulks provided updates on key projects, which included an AH Bond Application process, a Housing Displacement Assistance Program, an Employee Housing Program, and a Town project at 2200 Homestead Road. Over the coming months, staff would present a draft AH preservation strategy and would discuss a payment in lieu for rental housing development with the Council, he said. Mr. Broman-Fulks said that staff was continuing to finalize a Public Housing Master Plan and would update the Council on three Town-owned sites after June.

Council Member Buansi confirmed with Ms. Vinas that fewer than 20 displaced Park Apartments households had not yet found permanent housing.

Council Member Parker congratulated staff on receiving national recognition for their Affordable Housing Program and said that the Council appreciated all of their good work.

Council Member Parker asked how staff intended to allocate bond proceeds, and Ms. Vinas replied that they planned to evaluate that over the summer and would send out the first request for proposals (RFP) in late 2019 or early 2020. She said that staff anticipated a broad RFP that would be open to any development partner.

Council Member Stegman confirmed with Mr. Broman-Fulks that renovations at South Estes had been completed in April and that no one had to move out during the process.

Council Member Stegman requested that staff include the amount of leverage it was achieving through its work in future quarterly reports.

Council Member Oates confirmed with Ms. Vinas that a unit at 140 West Franklin, which had been part of Community Home Trust's inventory, had requested a subsidy to maintain affordability when sold.

Mayor pro tem Anderson confirmed with Mr. Broman-Fulks that staff had been tracking how much naturally occurring affordable housing the Town had and how much it was losing. Staff would use that data to inform its strategies, Mr. Broman-Fulks said.

Council Member Gu suggested that the report include demographic information, such as the occupations of those the Town had been able to help with AH. She proposed trying to tell the story of how the AH program had been making the Town more inclusive.

Ms. Vinas replied that staff had periodically gathered such information from the Town's partners and said that incorporating it into the AH report was a great idea.

Council Member Oates said she was pleased to see that staff was doing very innovative work and looking at the needs of individuals rather than lumping people into a one-size-fits-all demographic. She encouraged them to continue leveraging support from major employers in Town.

This item was received as presented.

**12. Open the Public Hearing: Land Use Management Ordinance
Text Amendment - Proposed Changes to Section 3.11
Regarding Affordable Housing and Stormwater Management in
the Blue Hill District.**

[\[19-0485\]](#)

Mr. Liles and Mr. Broman-Fulks presented the item together. Mr. Liles began by describing a proposed Land Use Management Ordinance text amendment for the Blue Hill District (BHD) located at the intersection of Franklin Street and Fordham Boulevard in northeast Chapel Hill. He reviewed the process thus far and recommended that the Council open the public hearing, receive comments, and continue the hearing to June 26, 2019.

Mr. Broman-Fulks provided background on why staff was proposing an affordable housing (AH) text amendment. He explained that the Town

currently had 149 AH units toward its goal of 300. The Council had petitioned staff to identify additional ways to develop more AH in the district and staff had presented five new strategies in March 2019, he pointed out.

Mr. Broman-Fulks said that the proposed text amendment would address the first of those strategies by revising the BHD's form-based code (FBC) to reflect the Town's commitment to AH in the district. He proposed language to be included in the BHD purpose statement and said that the amendment would be a preliminary step toward supporting possible future strategies.

Mr. Liles discussed stormwater related pieces of the amendment. He reminded the Council that recent state legislation had affected how the Town could regulate stormwater. New regulations allowed local governments to only require that the net increase in impervious surface be treated post construction, rather than the 50 percent treatment that the BHD had been requiring, he explained. That legislation had made the BHD requirement unenforceable, but noted that the FBC code included trade-offs, such as density bonuses as well.

Mr. Liles outlined a proposal to restructure the FBC in a way that would offer applicants a choice of two paths for project review: A "conventional" path which would treat the net increase in impervious area only; and an "enhanced development" path that would treat more impervious area and allow greater development potential based on meeting the 50 percent treatment threshold. He provided specifics for each with regard to density, floor area ratio, Research Conservation District requirements, and the Town's approval process.

Mr. Liles said the staff was not aware of any other North Carolina communities that had made similar changes in reaction to the state legislation. He shared comments from various stakeholders and said that the Town's advisory boards had been supportive. The Planning Commission had recommended approval, he said.

Council Member Gu asked about the cost of stormwater treatment for a developer, and Mr. Liles said that staff would report back on that. The enhanced development path would cost a few hundred thousand dollars more than was currently required, he said. She confirmed with him that treating 50 percent of impervious surface meant removing 85 percent of total suspended solids before it left the site.

Council Member Oates asked why anyone would choose the conventional path under the proposed changes, and Mr. Liles replied that developers would be subject to a Special Use Permit if they were not meeting the stormwater treatment threshold. The conventional path would offer a feasible road to approval that would allow a certain amount of development to be done, he said.

Council Member Oates confirmed with him that, as structured, the text amendment would not allow anything that a developer could not currently do. It seemed as though the Council would be incentivizing some of the things that it did not like about the BHD, such as density, stormwater issues, and so forth, she said, adding that she was trying to understand what the Town would be doing.

Town Attorney Ralph Karpinos replied that the Town was responding to state law which said that the Town could no longer require a developer to provide stormwater treatment beyond what was being added to the project. The Town did require more in the BHD and was attempting to create an alternate option that would still comply with state law, he said.

Council Member Oates verified with Mr. Liles that a maximum height of 90 feet was allowed only in the WX7 sub-district and that height limits would remain as they were. She asked staff to return with a side-by-side comparison to show why anyone would choose not to have the density bonus in the enhanced path.

Mr. Karpinos replied that the point was to also offer the option that was being required under State law. The Town was required to offer an alternative for development that did not require more impervious surface treatment than what was being added, he said, explaining that this would be the conventional path.

Council Member Oates asked why anyone would choose that conventional path when there was such a differential between it and the enhanced one, and Mr. Karpinos repeated that the Town was required by law to provide it.

Mayor pro tem Anderson said that the Town did not want people to choose the conventional path and staff was proposing to offer an incentive for them to treat the stormwater that they were no longer required to treat.

Council Member Gu asked if there could be a legal issue since the Town was providing two options but one was "almost like a punishment". She wondered if the Town should make the two pathways comparable with regard to community benefits. She agreed that stormwater was very important but pointed out that green and public spaces were significantly lacking but crucial to the BHD's success.

Mayor pro tem Anderson pointed out that the Council had submitted a petition regarding FBC and would be addressing green and public improvements during an upcoming meeting on massing. The Council was currently just trying to do something quickly and easily to address the State legislation, she said.

Council Member Parker suggested making the conventional pathway as

unattractive to developers as was legally possible in order to get the higher level of stormwater treatment while preserving urban character if someone were to choose the conventional path. He agreed with the proposed approach but worried about unintended consequences, such as getting the worst of both worlds, he said. He urged staff to consult with whomever they needed to in order to have a high level of confidence in the plan.

Council Member Oates confirmed with Mr. Liles that the enhanced path would not offer anything that could not currently be done under the BHD Guidelines. She stressed the importance of making sure that the conventional path would not lead to strip-mall-type development.

Mr. Liles replied that the two-story minimum height requirement would remain with both paths.

Mayor pro tem Anderson said, in summary, that the Council wanted to make sure that choosing the conventional path would not allow a developer to build something that the Town did not want. It sounded as though staff had already thought about that, she said. She proposed including more functional green space with the conventional path.

A motion was made by Council Member Parker, seconded by Council Member Buansi, that the Public Hearing be continued to June 26, 2019. The motion carried by a unanimous vote.

**13. Open the Public Hearing: Land Use Management Ordinance
Text Amendment - Proposed Changes to Section 4.5.4 Special
Use Permit Modifications.**

[\[19-0486\]](#)

Planner Becky McDonnell gave a PowerPoint overview of a text amendment to a section of the Land Use Management Ordinance regarding Special Use Permit (SUP) modifications. She explained that The Oaks Condominiums had proposed a stormwater drainage project in May 2018 that included changes that had bumped it into a major modification category. Because such a process could take up to a year, the Council had requested an alternative that would allow projects with pressing environmental or safety issues to be addressed in a timelier manner, she said.

Ms. McDonnell reviewed specific details of the text amendment which would allow some projects to be approved administratively. She said that the Planning Commission had recommended approval and that staff was recommending that the Council open and close the public hearing and then continue it to June 26, 2019 for possible action.

Council Member Parker asked about the tight 100-foot neighborhood notification radius, and Ms. McDonnell replied that it seemed reasonable to notify only adjacent neighbors. However, staff would happily increase that radius, she said.

Mayor pro tem Anderson asked how staff would address any neighborhood concerns, and Ms. McDonnell replied that they would be relayed to the applicant and the Town's technical review team. Mayor pro tem Anderson confirmed with Ms. McDonnell that the administrative review would not include advisory boards.

Mr. Karpinos pointed out that anyone who was unhappy with an administrative decision could appeal it to the Board of Adjustment.

Mayor pro tem Anderson confirmed that the item would return to Council as an Information Item on a future agenda.

Council Member Buansi verified with Ms. McDonnell that the time-frame for administrative review was one month in the ordinance but that it usually happened faster than that.

Council Member Oates recommended including a wider notification radius.

A motion was made by Council Member Buansi, seconded by Council Member Parker, that the Public Hearing be continued to June 26, 2019. The motion carried by a unanimous vote.

APPOINTMENTS

14. Appointments to the Chapel Hill Downtown Partnership. [\[19-0487\]](#)

The Council reappointed Pam Hemminger and Leonard Wohadlo to the Chapel Hill Downtown Partnership.

The Council reappointed Steven Melamut and appointed Howard Kallen and Liliane Komlos to the Grievance Hearing Board.

16. Appointments to the Human Services Advisory Board. [\[19-0489\]](#)

The Council reappointed Amy Liu and appointed Mychal Weinert to the Human Services Advisory Board.

17. Appointments to the Orange Water and Sewer Authority Board of Directors. [\[19-0490\]](#)

The Council reappointed Bruce Boehm and appointed John Cooley and Bruce Runberg to the Orange Water and Sewer Authority Board of Directors.

ADJOURNMENT

The meeting was adjourned at 8:56 p.m.