



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 Michael Parker
Council Member Jessica Anderson
Council Member Allen Buansi

Council Member Hongbin Gu
Council Member Tai Huynh
Council Member Amy Ryan
Council Member Karen Stegman

Wednesday, March 17, 2021

6:30 PM

Virtual Meeting

Revised item Order as of March 16, 2021

Virtual Meeting Notification

Town Council members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone.

Register for this webinar:

https://us02web.zoom.us/webinar/register/WN_ZsEea_7vQd-QTogjl2OaKg After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: 301-715-8592, Meeting ID: 897 5131 1566

View Council meetings live at <https://chapelhill.legistar.com/Calendar.aspx> – and on Chapel Hill Gov-TV (townofchapelhill.org/GovTV).

Roll Call

Present: 8 - Mayor Pam Hemminger, Mayor pro tem Michael Parker, Council Member Jessica Anderson, Council Member Allen Buansi, Council Member Hongbin Gu, Council Member Karen Stegman, Council Member Tai Huynh, and Council Member Amy Ryan

Other Attendees

Town Manager Maurice Jones, Deputy Town Manager Florentine Miller, Town Attorney Ann Anderson, Assistant Planning Director Judy Johnson, Senior Planner Anya Grahn, Planning Director Colleen Willger, Transit Director Brian Litchfield, Executive Director for Technology and CIO Scott Clark, Communications and Public Affairs Director/Town Clerk Sabrina Oliver, and Deputy Town Clerk Amy Harvey.

OPENING

Mayor Hemminger opened the virtual work session at 6:30 p.m.

Mayor Hemminger called the roll and all Council Members replied that they were present.

0.01 Mayor Hemminger Regarding Shootings in Atlanta.

[\[21-0218\]](#)

Mayor Hemminger denounced a recent shooting in Atlanta that left several people dead, six of whom were Asian Americans. She said that crimes against Asians had increased dramatically in the US during 2020 and was taking a toll on Asians across the country. "We value you, and we want to make sure that you are safe," she said to those in Chapel Hill's Asian American community.

0.02 Mayor Hemminger Regarding Community Safety Listening Sessions.

[\[21-0219\]](#)

Mayor Hemminger said that the Town would hold two more listening sessions on March 20th and 23rd to solicit ideas from the community on how to make the Town a safer, more inclusive place for all.

AGENDA ITEMS

3. Glen Lennox Master Plan Update.

[\[21-0199\]](#)

Whitney St. Charles, representing Grubb Properties, gave a PowerPoint update on Phase 1 of the Glen Lennox Master Plan and provided background on Grubb's involvement with that property since the early 2000s. She said that Phase 2 of the project would include a commercial core with retail, office, multi-family units, townhomes, and a possible hotel.

Ms. St. Charles said that building heights in Phase 2 would transition downward toward the nearby Oakwood Neighborhood. She shared plans to introduce a new road and protected bike lanes and described a possible 0.8-acre village green at the center of the commercial district. In addition, Grubb might add a greenway to the east side of the property, she said.

Mayor Hemminger pointed out that no current Council Member had been in office when the original Glen Lennox Development Agreement (DA) was approved. She had asked Grubb Properties to come and make a presentation so that the Council could better understand the project before any new requests came forward, she said.

Council Members confirmed with Assistant Planning Director Judy Johnson that modifying a DA would include a public hearing and Council action but would not require advisory board review. They verified with Ms. St. Charles that the changes being envisioned would not trigger a major

modification and that updated traffic studies would be performed as soon as possible if roads were changed.

The Council requested additional information on whether there would be any changes to the affordable housing agreement. They also asked if the project would link into a broader Town connectivity plan that included the University of North Carolina at Chapel Hill.

Mayor Hemminger confirmed with Ms. St. Charles that Grubb Properties would continue working with Town staff throughout the spring and summer. Any submission would likely occur in September and Grubb would present a side-by-side comparison of current and proposed plans in order to show what would be shifted, Ms. St. Charles said.

This matter was received and filed

2. Short-Term Rental (STR) Regulations Discussion.

[\[21-0198\]](#)

Planner Anya Grahn gave a PowerPoint presentation on the Town's effort to develop a short-term rental (STR) ordinance. She proposed that the Council discuss its interest in allowing Dedicated STRs and perhaps set a cap on them. Additionally, staff was hoping to find agreement with revised definitions that separated Hosted and Unhosted STRs from Dedicated ones, she said.

Ms. Grahn proposed that a definition such as "Primary Residence" would capture both Hosted and Unhosted STRs and allow accessory dwelling units (ADUs) to be used as STRs if they were part of a primary residence. She said that Hosted STRs, as currently defined, were listed under Home Occupation in the Town's Land-Use Management Ordinance.

Ms. Grahn explained that about 71 percent of the active STRs in Town were whole-house rentals and 29 percent were private rooms. She said that a Town pilot program could require STR operators to obtain zoning compliance permits, which would enable staff to know where they were and if there were any issues with them.

Rebecca Badgett, an attorney with the UNC School of Government, said that most other communities allowed Dedicated STRs only in commercial and mixed-use zones. It would be uncommon to allow them in residential zones with a cap, she said. She recommended that such an approach be part of a pilot program, which could begin by allowing Dedicated STRs in commercial zones without a cap and would perhaps allow and cap them in residential zones.

The Mayor and Council discussed problems that had resulted from not knowing where STRs are located. They deliberated over requiring all STRs to register and perhaps grandfathering in those that already exist.

Council Members said that they did not want to allow Dedicated STRs in residential districts.

The Council confirmed with staff that Dedicated STRs were allowed in the Blue Hill District because multi-family buildings there were considered commercial use. Mayor Hemminger said that the majority of Council Members seemed willing to consider grandfathering existing Dedicated STRs and then getting recommendations from staff regarding caps on multi-family units. The Council agreed that STRs needed to be registered but that it should not be considered a pilot program.

With regard to enforcement, Council Member Huynh and Ms. Grahn pointed out that Wilmington, NC had had a good experience with outsourcing its monitoring function, but Ms. Badgett pointed out that Wilmington's ordinance was currently in the NC Court of Appeals because state statute prohibits residential registries.

Ms. Badgett said that the first step should be to issue zoning permits and regulate STRs that way, since adding a rental registry requirement first could be problematic. Mayor Hemminger confirmed with her that zoning permits could be issued annually, as was being done with food trucks.

Ms. Grahn verified with Council Members that they supported allowing primary residential STRs (Hosted and Unhosted) and moving forward with an ordinance. Mayor Hemminger affirmed that Council Members did not want to allow Dedicated STRs in residential zones.

The Council discussed possibly having criteria for grandfathering, and Ms. Badgett said that having STR operators apply for Special-Use Permits would be another option. Town Attorney Ann Anderson commented that grandfathering was especially messy when the use was one that had never been technically allowed before. Having standards to determine who was qualified was almost essential, she said.

Mayor Hemminger raised the idea of requiring Home Occupation Permits for hosted STRs, but Ms. Grahn said that the definition for Home Occupation was very specific and limited space to 35 percent of floor area or 750 square feet.

Mayor Hemminger pointed out that the Council would have more information once zoning permits had been pulled. Residents would have opportunities to provide input at public hearings in the future, she said.

This matter was received and filed

1. Orange County Transit Plan and Proposed Commuter Rail Update.

[\[21-0197\]](#)

Chapel Hill Transit Director Brian Litchfield gave a PowerPoint overview of the Orange County (OC) Transit Plan. He explained that OC Transit was managed by the County, GoTriangle, and the Metropolitan Planning Organization. He said that funding sources included a 1/2 cent sales tax, 5 percent vehicle rental tax, a \$3.00 increase in GoTriangle's regional vehicle registration fee, and a \$7.00 county vehicle registration fee.

Mr. Litchfield described where \$63 million in total revenue, which had been generated between FY 2014 to FY 2020, had been spent. He said that the Plan was expected to generate about \$10 million a year from 2021 to 2025 and that it would increase annually through FY 2040.

Mr. Litchfield said that Phase 2 of the Plan would include developing conceptual scenarios and that there would be more public engagement opportunities once those had been developed. He reported that Chapel Hill Transit had invested about 14,000 hours of service in the Plan since FY 2013 and had purchased five buses and improved 20-25 bus stops with funding from the Plan.

Council Member Anderson asked how the Town could become a voting member of the OC Transit Plan working group, and Mr. Litchfield replied that an inter-local agreement was being updated and would address that. He pointed out that Mayor pro tem Parker and others were on the OC Policy Committee.

The Council confirmed with Mr. Litchfield that a project website included a number of ways through which the public could provide feedback on the Transit Plan to Orange County staff and the consultant team. There had been virtual town hall sessions in the fall of 2020 and there would be more in the future, he said.

Council Members stressed the important role that Chapel Hill Transit would play if the Town's mobile home park residents were relocated to OC. They confirmed that Chapel Hill Transit had used about \$6 million in CARES Act funding to cover the state shortfall and buy UV systems that were keeping people safe during the pandemic. The Transit Partnership had not yet determined uses for an additional \$6-7 million in American Rescue Plan funds, but they had discussed using it to buy capital or purchase vehicles, Mr. Litchfield said.

The Council ascertained from Mr. Litchfield that some Chapel Hill Transit funding would go toward improving bicycle and sidewalk connections over the next five years. They confirmed that Transit's unfunded list included expanding the Senior Shuttle and looking at other changes that would lead to wider and more flexible service. Mayor Hemminger determined that connecting to Chatham County would be a Town priority over the next 5-10 years and beyond.

GoTriangle CEO Charles Lattuca gave a PowerPoint presentation on a commuter rail project study that GoTriangle had been working on since May 2020. He said that Phase 2 of the 3-phase study should be completed by the end of 2021. The commuter rail system would run 37 miles from East Durham to Garner -- and perhaps even to Clayton -- using an existing railroad corridor and Piedmont Transit, he said.

GoTriangle Senior Transportation Planner Jay Heikes displayed a map that showed the regional connections in the OC Transit Plan. He said that substantial regional plan updates were underway, based on an estimated increase of more than 600,000 in the Triangle area population over the next 20 years.

Mr. Heikes discussed the major steps that the Transit Plan envisioned for the commuter rail project. He said that GoTriangle would provide detailed information to elected officials and the community as it tries to reach a decision on whether or not to proceed with the project.

Mr. Heikes described the type of service that was being projected for 2029 and said that a rough estimate of cost was \$1.8 billion to build the segment from Durham to Garner and \$300 million more if it goes all the way to Clayton. Annual operations could be \$29 million and \$37 million, respectively, he said.

Mr. Heikes said that planners were currently refining ridership estimates and trying to understand the capacity of existing train tracks. An opportunity analysis, led primarily by Triangle J Council of Governments, had been looking at secondary benefits, such as affordable housing, job access, and the potential to create walkable connected communities around transit stations, he said.

Mr. Heikes explained that a third major component of the work would be stakeholder and public engagement and that GoTriangle hoped to achieve regional consensus on the project concept. A first round of public engagement had been completed and more than 2,700 online participants had left more than 5,000 comments, he said.

The Council confirmed with Mr. Heikes that current funding was coming from Durham, Wake, and Johnston Counties. The Town Council had indirect influence on the Plan through its representation on the Metropolitan Planning Organization and the GoTriangle board, he said.

Mayor Hemminger pointed out that Mayor pro tem Parker was involved with the OC Transit Plan and with Chapel Hill Transit Partners, in addition to chairing the GoTriangle board. Council Members could contact him, Mr. Litchfield, or Mr. Heikes with any additional comments or questions, she

said.

This matter was received and filed

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

A motion was made by Mayor pro tem Parker, seconded by Council Member Anderson, that the Council enter into closed session as authorized by General Statute Section 143-318.11(a)(3) to consider and give instructions concerning a potential or actual claim, or judicial action and by General Statute 143-318.11(a)(6) to discuss a personnel matter. The motion carried by a unanimous vote.

ADJOURNMENT

The Council recessed the meeting at 9:04 p.m. and adjourned the meeting at the conclusion of the closed session.