



# Minutes

## Board of Commissioners Regular Meeting

7 p.m. Nov. 13, 2023

Board Meeting Room, Town Hall Annex, 105 E. Corbin St.

**Present:** Mayor Jenn Weaver and commissioners Mark Bell, Robb English, Kathleen Ferguson, Matt Hughes, and Evelyn Lloyd

**Staff:** Assistant Town Manager and Community Services Director Matt Efird, Environmental Engineering Supervisor Bryant Green, Stormwater and Environmental Services Manager Terry Hackett, Police Chief Duane Hampton, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Communications Specialist JC Leser, Town Manager Eric Peterson, Utilities Director Marie Strandwitz and Public Space and Sustainability Manager Stephanie Trueblood

### Opening of the meeting

Mayor Jenn Weaver called the meeting to order at 7 p.m.

#### 1. Public charge

Weaver did not read the public charge.

#### 2. Audience comments not related to the printed agenda

There were none.

#### 3. Agenda changes and approval

The following agenda changes were made:

- Change to Item 6B – Includes additional budget amendments to fund the purchase of new police vehicles
- Addition of Item 9A – Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with attorney in order to preserve the attorney-client privilege
- Order of Item 4B – To present introduction of police officers and public reaffirmation of oaths of office before Item 4A

**Motion:** Commissioner Kathleen Ferguson moved to approve the agenda as amended. Commissioner Mark Bell seconded.

**Vote:** 5-0.

#### 4. Presentations

##### A. FY23 Employee Innovation, Customer Service and Endurance Awards

Town Manager Eric Peterson presented the employee awards to the board. Peterson highlighted the ideas and actions of employees that go beyond the expectations of their jobs.

##### B. Introduction of police officers and public reaffirmation of oaths of office

Police Chief Duane Hampton introduced Officer Brandon Alvarez, a former U.S. Marine, and Officer Madison Soltys, a graduate of American University, to the board. The mayor administered the oath of office for both. Hampton affixed Alvarez's badge to his uniform, and Soltys' partner, Kizhan Clarke, affixed Soltys' badge to her uniform.

## 5. Appointments

- A. Planning Board – Resolution to Orange County requesting appointment of Jeanette Benjey to an extraterritorial jurisdiction seat for a three-year term

Motion: Commissioner Matt Hughes moved to approve the appointment. Ferguson seconded.  
Vote: 5-0.

## 6. Items for decision – consent agenda

- ~~A. Planning Board – Resolution to Orange County requesting appointment of Jeanette Benjey to an extraterritorial jurisdiction alternate member seat for a three-year term~~

- A. Minutes  
- Regular meeting Oct. 9, 2023  
- Regular meeting closed session Oct. 9, 2023  
- Work session Oct. 23, 2023
- B. Miscellaneous budget amendments and transfers
- C. Proclamation – Arbor Day 2023
- D. Special Event Permit: 2023 Hillsborough Holiday Parade and Tree Lighting
- E. 2024 Board of Commissioners meeting schedule amendment
- F. Amendment to Town Code Section 14-71: Payment of System Development and Capital Facilities Fees
- G. Amendment to Town Code Section 14-6: Application for Service – Meter Setting
- H. Water and Sewer extension contract for Tryon III Project
- I. Tourism Development Authority budget amendment

Motion: Ferguson moved to approve all items on the consent agenda with Item 6A as the approval of October 2023 Board of Commissioners minutes. Bell seconded.  
Vote: 5-0. Nays: None

## 7. Items for decision - regular agenda

- A. Resolution for the adoption of a Vision Zero policy to eliminate traffic fatalities and serious injuries by 2040

Public Space and Sustainability Manager Stephanie Trueblood shared that the Vision Zero policy is a part of the Comprehensive Sustainability Plan and Strategic Plan. Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all.

When asked by Bell, Trueblood said the implementation of the Vision Zero plan will require work to achieve the goal. She noted Orange County adopted Vision Zero and complete streets policies last fall. She said adoption of the policy will allow the town to compete for additional grant funding.

Weaver said financial impacts are likely later as the town works to fulfill the Vision Zero goals. She also shared that the regional metropolitan transit authority received a grant for a Vision Zero implementation.

Motion: Bell moved to approve the resolution for the adoption of a Vision Zero policy. Ferguson seconded.  
Vote: 5-0.

- B. Hot topics for work session Nov. 27, 2023

The following topics have been identified as hot topics for the work session:

- Strategic Plan check-in
- Fiscal Year 2025 budget retreat planning
- Closed session to conduct town manager’s annual performance evaluation

**8. Updates**

A. Board members

Board members gave updates on the committees and boards on which they serve.

B. Town manager

The town manager recognized the Police Department's quarterly transparency report.

C. Staff (written reports in agenda packet)

There were no additional updates.

Motion: Ferguson moved to go into closed session at 8:02 p.m. Hughes seconded.

Vote: 5-0.

**9. Closed session**

A. Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with attorney in order to preserve the attorney-client privilege

Motion: Hughes moved to return to open session at 8:27 p.m. Ferguson seconded.

Vote: 5-0.

Motion: Hughes moved to approve a settlement with Pelco Enterprises in the amount of \$35,000 and to direct staff to preemptively notify homeowners of Fiori Hills of the settlement and the homeowners association's responsibilities moving forward. The town will receive the benefit of a covenant to be recorded by Pelco Enterprises, allowing the town to maintain its utilities despite encroachments in the easements. Ferguson seconded.

Vote: 5-0.

**10. Adjournment**

Weaver adjourned the meeting at 8:30 p.m.

Respectfully submitted,



Sarah Kimrey

Town Clerk

Staff support to the Board of Commissioners



## RESOLUTION

### Requesting an Appointment to an Extraterritorial Jurisdiction Seat on the Hillsborough Planning Board

**WHEREAS**, as a result of a vacancy, it is necessary to appoint a person to a seat reserved on the Hillsborough Planning Board for persons residing within the town's extraterritorial jurisdiction; and

**WHEREAS**, as of the date of this resolution, a qualified applicant living within the extraterritorial jurisdiction has applied to serve on the Hillsborough Planning Board; and

**WHEREAS**, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint extraterritorial jurisdiction members to the Hillsborough Planning Board;

**NOW, THEREFORE**, be it resolved by the Hillsborough Board of Commissioners:

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint the following individual to an extraterritorial jurisdiction seat on the Hillsborough Planning Board for a three-year term:

Jeanette Benjey  
708 Cloverfield Drive  
Hillsborough, NC 27278

Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days of receiving this resolution, the Hillsborough Board of Commissioners may make this appointment.

Section 3. The town clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following votes, and was duly adopted this 13<sup>th</sup> day of November 2023.



A handwritten signature in black ink, appearing to read "Jenn Weaver".

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Jenn Weaver, Mayor  
Town of Hillsborough



FY 2023-2024

**TOWN OF HILLSBOROUGH  
 BUDGET CHANGES REPORT**

DATES: 11/14/2023 TO 11/14/2023

<u>REFERENCE</u>	<u>CHANGE NUMBER</u>	<u>DATE</u>	<u>USER</u>	<u>ORIGINAL BUDGET</u>	<u>BUDGET CHANGE</u>	<u>AMENDED BUDGET</u>
10-00-9990-5300-000 CONTINGENCY						
To cover PD vehicles	41382	11/14/2023	EBRADFORI	450,000.00	-117,000.00	125,326.00
10-20-5100-5300-161 MAINTENANCE - VEHICLES						
To cover decal removal	41384	11/14/2023	EBRADFORI	1,000.00	2,000.00	3,000.00
10-20-5100-5300-583 MISC.-AUTO TAGS/TAX						
To cover new PD vehicles	41385	11/14/2023	EBRADFORI	6,250.00	3,000.00	9,250.00
10-20-5100-5700-740 CAPITAL - VEHICLES						
To cover PD vehicles	41383	11/14/2023	EBRADFORI	190,000.00	112,000.00	302,000.00
					0.00	

APPROVED: 5/0

DATE: 11/13/23

VERIFIED: \_\_\_\_\_ *Sharon E. Kimrey*



# PROCLAMATION

## Arbor Day

Nov. 15, 2023

**WHEREAS**, in 1872, J. Sterling Morton, who would become Secretary of Agriculture under President Grover Cleveland, proposed to the Nebraska Board of Agriculture that a special day be set aside for planting trees; and

**WHEREAS**, the resulting holiday – Arbor Day, was first observed in that State with the planting of more than one million trees and is now observed throughout the nation and the world; and

**WHEREAS**, trees are renewable resources that yield fruit and nuts for food and profit, wood for construction, fuel for warmth, paper products and a variety of other goods and materials; and

**WHEREAS**, trees intercept storm water, reduce runoff and erosion, clean air and water, produce oxygen, slow climate change by absorbing carbon dioxide, provide habitat for wildlife, and moderate air temperature; and

**WHEREAS**, when properly selected and tended appropriately, trees increase property values, enhance economic vitality and business districts, provide buffers from traffic and are a source of joy and spiritual renewal; and

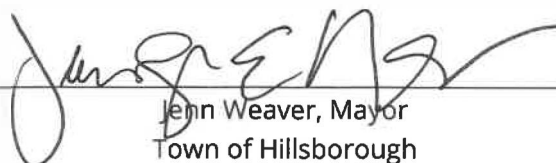
**WHEREAS**, the Town of Hillsborough achieved Tree City USA status in 1983 and has received the Outstanding Tree Board Urban Forestry Award by the N.C. Urban Forest Council while continuing to maintain and improve our urban forest by the planting of additional trees to enhance our community; and

**WHEREAS**, Arbor Day reminds us of the timeless observation by its founder, J. Sterling Morton, that “Each generation takes the Earth as trustees”;

**NOW, THEREFORE**, I, Matt Hughes, on behalf of Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim Nov. 15, 2023, as **Arbor Day** in the Town of Hillsborough and urge all residents to support efforts to protect our trees and woodlands and encourage the community to plant trees to promote the well-being of this and future generations because a healthy urban forest can bring a sense of vibrancy or respite, adventure or calm and escape or contentment, amidst asphalt and concrete.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 13<sup>th</sup> day of November in the year 2023.



  
Jenn Weaver, Mayor  
Town of Hillsborough



## ORDINANCE

### Amending Section 14-71 of the Town Code of Ordinances

The Hillsborough Board of Commissioners ordains:

**Section 1.** Section 14-71 Payment of system development and capital facilities fees is amended to add item (a)(4) as follows:

(a) System development fees or capital facilities fees set forth in the schedule of rates and charges referenced in section 14-9, and in appendix A to this chapter, shall be paid by the developer or owner of property being developed, or redeveloped.

- (1) The system development fee shall be applied to new development that connects to the utility system. New development shall be defined as any of the following: 1) the subdivision of land, 2) the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of meters or increases the meter size which began after July 1, 2017.
- (2) The capital facilities fee shall apply to existing development that connects to the system for the first time, or redevelopment of a parcel, vacant or otherwise, with a prior water or sewer connection that was in existence before February 12, 1990.
- (3) The collection of the fees shall be in accordance with G.S. 162A-213.
- (4) The basis of design the town utilizes for water or sewer system planning for water and wastewater projects is 120 gallons per day per bedroom pursuant to North Carolina General Statute 162A-205(9). This planning basis of design shall be used in the calculation of system development fees for Equivalent Residential Unit average daily consumption and shall be based upon a three-bedroom home (i.e., 360 gallon per day).

**Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.

**Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 13<sup>th</sup> day of November in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
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Sarah E. Kimrey, Town Clerk





# ORDINANCE

## Amending Section 14-6 (c) of the Town Code of Ordinances

The Hillsborough Board of Commissioners ordains:

**Section 1.** Section 14-6. Application for Service

Section 14-6 (c), Application for Service is amended as follows:


- (a) Application for water or sewer service shall be submitted to the billing and collections department during normal business hours. Application shall be made on the forms prescribed, shall be made in the name of the customer who will be responsible for payment of bills, and shall be signed by the customer or by his authorized agent.
- (b) An applicant must, in writing or in person, notify the water department at least three days in advance of the date requested for commencement of service.
- (c) Except as provided in subsection 14-46(c), an application for service shall be accompanied by payment of the service initiation fee specified in section 14-9. Service shall be refused, including meter setting, until this fee has been paid and all town requirements for extensions and connections are met.

**Section 2.** This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote, and was duly adopted this 13<sup>th</sup> day of November in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
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Sarah E. Kimrey, Town Clerk





## RESOLUTION

### Adopting a Vision Zero Policy to Eliminate Traffic Fatalities And Serious Injuries by 2040

**WHEREAS**, according to data from the National Highway Traffic Safety Administration, each year approximately 40,000 people are killed in traffic collisions in the United States from accidents that are largely preventable; and

**WHEREAS**, from 2012 to 2021, two people died, two suffered severe injuries, and 22 experienced minor injuries while walking or biking on streets in Hillsborough; and

**WHEREAS**, one death or serious injury on town streets is one too many; and

**WHEREAS**, seniors, children, people of color, people with disabilities, people in low-income communities, and vulnerable road users such as pedestrians and bicyclists face a disproportionate risk of traffic injuries and fatalities; and

**WHEREAS**, town leadership is dedicated to eliminating deaths and serious injuries on streets in Hillsborough; and

**WHEREAS**, town leadership, staff, and appointed boards conduct public outreach and engagement to develop and recommend transportation and connectivity plans and projects that incorporate safety measures and best practices; and

**WHEREAS**, town staff engage in safety trainings, participate in safety initiatives, conduct safety programs, and respond to safety concerns from the community; and

**WHEREAS**, the Hillsborough Comprehensive Sustainability Plan incorporates goals, strategies, and actions to advance safety for all modes of transportation; and

**WHEREAS**, Vision Zero is a public health-based traffic-safety strategy to reduce and eventually eliminate traffic deaths and serious injuries using a data-driven, multi-disciplinary and safe systems approach that also increases safe, healthy equitable mobility for all; and

**WHEREAS**, making streets safer for all people using all modes of transportation will encourage people to travel on foot, by bicycle, and by public transit, which supports a healthier, more active lifestyle and reduces environmental pollution; and

**WHEREAS**, Vision Zero is a tool to unite stakeholders such as government entities, police and emergency personnel, public health and planning professionals, transportation and transit officials, developers, and community members in a coordinated approach to achieving safe streets for all; and

**WHEREAS**, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, of which the town is a member, is developing a Vision Zero Action Plan using funding from the Safe Streets for All Grant program; and

**WHEREAS**, Vision Zero resolutions have been adopted by numerous jurisdictions in North Carolina and across the United States;

**NOW, THEREFORE, BE IT RESOLVED**; by the Hillsborough Board of Commissioners, that the Town of Hillsborough pledges its intention of eliminating traffic deaths and serious injuries by 2040 and adopts this Vision Zero policy as a guiding principle for planning and implementing transportation projects, safety initiatives, maintenance of public rights-of-way, and traffic enforcement practices to achieve this goal; and

**BE IT FURTHER RESOLVED**, that the safety of all road users shall take priority over vehicular level of service and safety of vulnerable road users shall be given top priority in transportation decisions; and

**BE IT FURTHER RESOLVED**, that the Hillsborough Strategic Plan shall incorporate Vision Zero initiatives so that progress toward meeting the pledge can be measured, tracked, and reported.

Approved this 13th day of November of the year 2023.



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Jenn Weaver, Mayor  
Town of Hillsborough

Attestation:

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Sarah Kimrey, Town Clerk