



Minutes

Board of Commissioners Regular Meeting

7 p.m. Dec. 11, 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, Budget and Management Analyst Josh Fernandez, Police Chief Duane Hampton, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Communications Specialist JC Leser, Finance Director Dave McCole, Town Manager Eric Peterson, Senior Communications Specialist Cheryl Sadgrove, Utilities Director Marie Strandwitz and Human Resources Manager Haley Thore

Opening of the meeting

Mayor Jenn Weaver called the meeting to order at 7:03 p.m.

1. Public charge

Weaver did not read the public charge.

2. Opening – Mayor Jenn Weaver

Weaver offered remarks reviewing her time in office. She expressed gratitude for her colleagues on the board, staff, the community, businesses and organizations.

3. Oaths and affirmations of office

- A. Commissioner Matt Hughes
- B. Commissioner Evelyn Lloyd
- C. Commissioner Meaghun Darab
- D. Mayor Mark Bell

Commissioners Matt Hughes, Evelyn Lloyd, Meaghun Darab and Mayor Mark Bell took their oaths of office. Darab's family joined her as she was sworn in for the first time.

4. Recognition and comments

Board members and Town Manager Eric Peterson offered their recognition of Weaver and well wishes to her. Bell and Peterson presented Weaver with a key to the town and a framed proclamation recognizing her public service.

Bell, Darab, Hughes and Lloyd offered comments on their recent election, thanking residents for electing them.

5. Brief recess for reception and photos of board members

Bell called for a brief recess at 7:50 p.m.

6. Reconvene meeting – Mayor Bell

Bell reconvened the meeting at 8:15 p.m.

7. Audience comments not related to the printed agenda

There were none.

8. Agenda changes and approval

Town Attorney Bob Hornik asked to add 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: Commissioner Kathleen Ferguson moved to approve the agenda as amended. Hughes seconded.

Vote: 5-0.

9. Appointments

Selection of mayor pro tempore and committee appointments – mayor and commissioners

Motion: Hughes moved to appoint Commissioner Robb English as mayor pro tempore. Ferguson seconded.

Vote: 5-0.

Motion: Hughes moved to approve all committee appointments as presented. English seconded.

Vote: 5-0.

10. Presentations

Fiscal Year 2023 audit presentation

Robert Bittner, a partner at the accounting and consulting firm PB Mares, presented to the board on the town's Fiscal Year 2023 audit. The firm issued an unmodified or "clean" opinion, which is the highest level of assurance. The auditors identified one material weakness with internal control: Road improvements made as part of the reservoir expansion project were inadvertently listed as a town asset in 2022. The improved road was transferred to the North Carolina Department of Transportation without being removed from the capital asset ledger. The auditor stated this has been corrected and is not a cause for ongoing financial concern.

Hughes confirmed the board would need to write a letter to the Local Government Commission regarding the material weakness.

11. Items for decision – consent agenda

A. Minutes

- Regular meeting Nov. 13, 2023
- Regular meeting closed session Nov. 13, 2023
- Work session Nov. 27, 2023
- Work session closed session Nov. 27, 2023

B. Miscellaneous budget amendments and transfers

C. 2024 Board of Commissioners Meeting Schedule amendment

Motion: Ferguson moved to approve all items on the consent agenda. Lloyd seconded.

Vote: 5-0.

12. Items for decision - regular agenda

A. Modifications to town code section 14-56 – Cross Connection Control

Utilities Director Marie Strandwitz presented to the board regarding modifying the Hillsborough Code of Ordinances to allow for a cost-free backflow prevention method, an air gap.

Darab asked for clarification on whom the ordinance changes impact. Strandwitz said the specific changes will impact those with bodies of water filled from the town's potable water supply. Darab suggested the language could be clarified to highlight that intention because the language seems to imply all customers need to utilize a backflow prevention method.

Strandwitz shared that backflow testing is the responsibility of the customer and that the town uses a third party to receive the backflow test results. She said the town may disconnect water to consumers who do not allow inspection. Darab and Hughes asked that the language be reevaluated to express a backflow prevention device is not required if an inspection shows no health hazard.

When asked, Strandwitz shared that the town keeps an updated list of approved backflow prevention testers.

Motion: Ferguson moved to approve the ordinance amendment and directed staff to include minor text amendments as discussed on a future consent agenda. Hughes seconded.

Vote: 5-0.

B. Recommendations on reimbursing certain residential swimming pool owners for backflow device installation

Strandwitz presented an option to the board to reimburse residential swimming pool owners who purchased a backflow prevention device in response to a phased retrofit requirement from the town to prevent backflow into the public water supply from in-ground pools.

She noted the Water and Sewer Advisory Committee was evenly split in support and opposition of reimbursement among the four members present at the committee's last meeting. The committee recommended that reimbursement should apply only to:

- The installation and initial testing cost for the backflow prevention device (not necessarily for maintenance testing, removal, restoration, or other ancillary costs).
- Those who received the town's compliance letters of February and March 2023 and who had existing in-ground swimming pools not directly connected to the potable water supply for auto-filling.
- Those of the above who applied for and received a trade or building permit through the county.
- Those who produce detailed documentation of cost and fully apply for the (check-issued) reimbursement within 60 days of notification of eligibility and requirements.

Strandwitz said the annual cost of a backflow device to customers is \$100 per year.

Ferguson expressed her desire to reimburse all seven customers who paid for installation of backflow assemblies. There was discussion on the amount of time to provide for reimbursement applications. Hornik suggested having applications submitted by a specific day.

Motion: English moved to reimburse customers who paid for installation of backflow assemblies provided that they apply for reimbursement by April 1, 2024. Ferguson seconded.

Vote: 5-0.

C. Fiscal Year 2025 Budget Retreat follow-up discussion

The town manager noted the budget retreat agenda was revised based upon the suggestions from the November meeting.

13. Updates

A. Board members

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

B. Town manager
Peterson reminded the board that solid waste fees are on the property tax bills every year and indicated that Orange County will be discussing these fees during its upcoming budget process.

C. Staff (written reports in agenda packet)

Motion: Ferguson moved to go into closed session at 9:52 p.m. Lloyd seconded.
Vote: 5-0.

14. Closed session

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 (added item)

Motion: Ferguson moved to return to open session at 10:07 p.m. Hughes seconded.
Vote: 5-0.

Motion: Ferguson moved to authorize the town attorney to accept a settlement of \$32,000 for the developer Dan Ryan Builders to not repair sewer defects in Forest Ridge and to accept a one-year warranty for Phase 7. Hughes seconded.
Vote: 5-0.

15. Adjournment

Bell adjourned the meeting at 10:09 p.m.

Respectfully submitted,



Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners



OATH OF OFFICE HILLSBOROUGH BOARD OF COMMISSIONERS

I, Matt Hughes, do solemnly and sincerely affirm that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said state, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as commissioner.

Subscribed and affirmed before me, this the 11th day of December 2023 in the Town of Hillsborough.




Commissioner Matt Hughes


Judge Hathaway Pendergrass



OATH OF OFFICE HILLSBOROUGH BOARD OF COMMISSIONERS

I, Evelyn Lloyd, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said state, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as commissioner.

Subscribed and affirmed before me, this the 11th day of December 2023, in the Town of Hillsborough.



Evelyn Lloyd

Commissioner Evelyn Lloyd

Sarah Kimrey
Town Clerk Sarah Kimrey



OATH OF OFFICE HILLSBOROUGH BOARD OF COMMISSIONERS

I, Meaghun Darab, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said state, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as commissioner.

Subscribed and affirmed before me, this the 11th day of December 2023, in the Town of Hillsborough.



Meaghun Darab

Commissioner Meaghun Darab

Jenn Weaver

Mayor Jenn Weaver



OATH OF OFFICE HILLSBOROUGH BOARD OF COMMISSIONERS

I, Mark Bell, do solemnly and sincerely affirm that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said state, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as mayor.

Subscribed and affirmed before me, this the 11th day of December 2023, in the Town of Hillsborough.



Mark Bell

Mayor Mark Bell

Jenn Weaver

Mayor Jenn Weaver

Committee Appointments

BOARD OF COMMISSIONERS

Calendar Years 2024-2025



Mayor Mark Bell

Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Board
Hillsborough Water and Sewer Advisory Committee (rotation)
Orange County Solid Waste Advisory Group (SWAG)

Commissioner Meaghun Darab

Community Home Trust Elected Officials Committee
Hillsborough Tourism Board
Hillsborough Tourism Development Authority (TDA)
Hillsborough Water and Sewer Advisory Committee (rotation)
Orange County Solid Waste Advisory Group (SWAG) (alternate)
Upper Neuse River Basin Association (UNRBA)

Mayor Pro Tem Robb English

Hillsborough Parks and Recreation Board
Hillsborough Water and Sewer Advisory Committee
Orange County Intergovernmental Climate Council
Orange County Intergovernmental Parks Work Group

Commissioner Kathleen Ferguson

Central Pines Council of Governments Board of Delegates
Hillsborough Water and Sewer Advisory Group (rotation)
Orange County Housing Collaborative
Orange County Partnership to End Homelessness (OCPEH)

Commissioner Matt Hughes

Central Pines Council of Governments Board of Delegates (alternate)
Chapel Hill/Orange County Visitors Bureau
Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Board (alternate)
Hillsborough Water and Sewer Advisory Committee (rotation)
Orange County Family Success Alliance Advisory Council

Commissioner Evelyn Lloyd

Hillsborough Water and Sewer Advisory Committee (rotation)
Orange Rural Fire Department
Orange Rural Fire Department Relief Fund

FY 2023-2024

**TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT**

DATES: 12/11/2023 TO 12/11/2023

REFERENCE	CHANGE NUMBER	DATE	USER	ORIGINAL BUDGET	BUDGET CHANGE	AMENDED BUDGET
Safety & Risk Mgmt. 10-10-6600-5300-080 TRAINING/CONF./CONV.						
To cover annual fire extinguisher audit.	41408	12/11/2023	JFernandez	16,800.00	-6,000.00	10,494.00
Safety & Risk Mgmt. 10-10-6600-5300-332 SUPPLIES - OSHA						
To cover annual fire extinguisher audit.	41409	12/11/2023	JFernandez	50,775.00	6,000.00	58,694.55
Police 10-20-5100-5300-161 MAINTENANCE - VEHICLES						
To cover cameras on '22 Chargers	41402	12/11/2023	EBRADFORI	1,000.00	6,560.00	10,560.00
To cover equipment for vehicles purchase	41404	12/11/2023	EBRADFORI	1,000.00	18,507.00	29,067.00
Police 10-20-5100-5700-740 CAPITAL - VEHICLES						
To cover cameras on '22 Chargers	41403	12/11/2023	EBRADFORI	190,000.00	-6,560.00	295,440.00
To cover equipment for vehicles purchase	41405	12/11/2023	EBRADFORI	190,000.00	-18,507.00	276,933.00
Restr. Revenue 72-00-5100-3301-033 RESTRICTED REV-SENIOR PROGRAM						
Restricted Revenue Closeout	41406	12/11/2023	EBRADFORI	221.59	-221.59	0.00
Restr. Revenue 72-20-5100-5300-024 SENIOR PROGRAM EXPENDITURES						
Restricted Revenue Closeout	41407	12/11/2023	EBRADFORI	221.59	-221.59	0.00
					<u>-443.18</u>	

APPROVED: 5/0

DATE: 12/11/23

VERIFIED: *Sharon E. Kimrey*

Meeting Schedule: 2024

BOARD OF COMMISSIONERS



Meetings start at 7 p.m. in the Board Meeting Room of the Town Hall Annex, 105 E. Corbin St., unless otherwise noted. Times, dates and locations are subject to change.

The public will be able to view and listen to regular meetings and work sessions via live streaming video on the [town's YouTube channel](#).

Regular meetings

Regular meetings typically occur the second Monday of the month.

Jan. 8		Aug. 12
Feb. 12		Sept. 9
March 11		Oct. 14
April 8		Nov. 12
May 13	With budget presentation	Dec. 9
June 10	Tentative budget adoption	

Work sessions

Work sessions typically occur the fourth Monday of the month. The board generally does not make decisions or receive public comment at work sessions.

Jan. 22		June 3	Budget workshop, if needed
Feb. 17	Budget retreat, 9 a.m. to 3:15 p.m.	June 24	Budget adoption, if needed
Feb. 26		Aug. 26	With joint WSAC meeting
March 25		Sept. 23	
April 22		Oct. 28	
May 28	Budget workshop, public hearing	Nov. 25	

Joint public hearings

Joint public hearings with the Planning Board typically occur the third Thursday of a month.

Jan. 18		Aug. 15
April 18		Oct. 17

Joint meetings

Meetings with the Water and Sewer Advisory Committee are planned biannually. The Orange County Assembly of Governments typically meets in January.

Jan. 23	Assembly of Governments Southern Human Services Center 2501 Homestead Rd., Chapel Hill	Feb. 1	Water and Sewer Advisory Committee
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ORDINANCE

Modification to Town Code Section I4-56 (Cross Connection Control)

WHEREAS, Section 14-56 of the town code was established in May 2008 and has been without revision since that time; and,

WHEREAS, the town desires to update the code to correct outdated or incorrect regulatory citations and the state authority name, correct grammar, expound on certain definitions and policy, and add an air-gap protection option for swimming pools not directly connected to the potable water system with a potential contamination hazard.

NOW, THEREFORE, the Hillsborough Board of Commissioners ordains:

Section 1. The following sections of Section 14-56 of town code are edited as presented below:

(a) Section (a)(1):

Introduction. The purpose of this cross-connection control section is to define the town as the water purveyor in the prevention and elimination of all existing or potential cross-connections within its public potable water supply.

This section shall apply to all consumers connected to the town public potable water supply.

This section will comply with the Federal Safe Drinking Water Act (P.L. 93-523), the North Carolina State Administrative Code (Title 15A, Subchapter 18C), and the North Carolina State Building Code (currently adopted edition) as they pertain to cross-connections with the public water supply.

In accordance with General Statute 160A-174 and 160A-175, the town is authorized and empowered to adopt this section.

(b) Section (a)(3)(a.)

Health agency's responsibility. The North Carolina Department of Environmental Quality has the responsibility for promulgating and enforcing laws, rules regulations, and policies applicable to all water purveyors in the State of North Carolina in carrying out an effective cross-connection control program.

The Department of Environmental Quality also has the primary responsibility of ensuring that the water purveyor operates a public potable water system free of actual or potential sanitary hazards including unprotected cross-connections. The Department of Environmental Quality also has the responsibility of ensuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that the purveyor requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

(c) Section (a)(3(d.)

Consumer responsibility. The consumer has the primary responsibility of preventing pollutants and contaminants from entering his/her potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his/her water system. It is the consumer's responsibility to install and maintain a continuous operable assembly to this end per subsections (e) through (g). The consumer, at his/her expense shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the town. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by the town and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping, or relocation of an assembly, the consumer shall have it tested to ensure that it is in good operating condition and will prevent backflow. Tests, maintenance, and repairs of backflow prevention assemblies shall be made by a town-approved certified backflow prevention assembly tester. Consumer shall follow the specifications of the town regarding configuration and placement of backflow prevention assemblies. Bypass detection meters shall be purchased from the town.

(d) Section (b) Definitions

- (1) Add the acronym "(AG)" after *Air gap*.
- (2) Add a comma after the word "polluted" under *Auxiliary water supply*.
- (3) Add a comma after the word "gases" under *Backflow*.
- (4) Add the word "of" between years and experience under *Certified backflow prevention assembly tester*.
- (5) Add to end of *Consumer* the sentence, "A person includes residential water customers."
- (6) Add the words "health/severe" between the words "actual hazard" to read "actual health/severe hazard" under *Contamination*.
- (7) Under *Degree of Hazard*, add the words "or moderate" after the word non-health within parentheses and the words "or severe" after the word health within parentheses. Change contaminations to contamination and put in quotes.
- (8) Under *Health agency* change "Environment and Natural Resources" to "Environmental Quality".
- (9) Change the word "usage's" to "usage" under *Isolation*.
- (10) As redlined under *Pollutional hazard*, "The term "pollutional hazard" shall mean a moderate actual or potential threat to the quality or the potability of the public or the consumer's potable water system but which would not constitute a health or a severe system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances."

(e) Section (c)(1)

Upon presentation of proper credentials and identification, authorized representatives from the town shall have the right to enter any building, structure, residence, or premises during normal business hours, or at any time during the event of an emergency to perform any duty imposed by this section. The town shall schedule in advance with the owner or authorized representative if no emergency is imminent. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected or suspected to be connected to the public water supply. Where a consumer has security measures in force which would require proper identification and clearance before entry into their premises, the consumer shall make necessary arrangements with the security guards so that upon presentation of suitable identification, the town personnel will be permitted to enter without delay for the purpose of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service and the assumption of a health hazard and requirement to install a reduce pressure principle backflow prevention assembly.

(f) Section (d)(3)

All facilities which pose a potential health hazard to the potable water system must have an approved air gap or reduced pressure principle backflow prevention assembly within 60 days of notification by the town.

(g) Section (d)(6)

In the event that the town personnel do not have sufficient access to every portion of a non-residential private water system to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle backflow prevention assembly shall be required as a minimum of protection.

(h) Section (e)(2) change "North Carolina Division of Environmental Health" to "North Carolina Department of Environmental Quality".

(i) Section (f)(1) add ", or its identified third-party manager," to the last sentence after "provided to the town..."

(j) Section (g) second paragraph

The following types of facilities or services have been identified by the town as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly shall be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the town. As a minimum requirement, all non-residential services shall be required to install a double-check valve assembly, unless otherwise listed below.

(k) Section (g)(32)

Swimming pools, spas, small manmade ponds, and fountains or any body of water above or in-ground greater than 24-inches deep that is connected to or filled by the potable water system:

- a. Community or non-residential: RP

- b. Residential without direct piping: AG
- c. Residential with direct piping from potable supply: RP

(l) Section (h)(1)

No person shall connect or cause to be connected any supply of water not approved by any regulating authority to the water system supplied by the town. Any connections allowed by the town shall be in conformance with the backflow prevention requirements of this section.

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 11th day of December in the year 2023.

Ayes: 5

Noes: 0

Absent or excused: 0



Sarah E. Kimrey, Town Clerk