



# Minutes

## Board of Commissioners Regular Meeting

7 p.m. Oct. 9, 2023

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

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

**Absent:** Mayor Jenn Weaver

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

### Opening of the meeting

Mayor Pro Tempore Matt Hughes opened the meeting at 7 p.m. Hughes took a moment to recognize Oct. 9 as Indigenous Peoples Day and to acknowledge that Hillsborough sits on land that once belonged to the Occaneechi Band of the Saponi Nation.

### 1. Public charge

Hughes did not read the public charge.

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

There were none.

### 3. Agenda changes and approval

There were none.

**Motion:** Commissioner Kathleen Ferguson moved to approve the agenda as presented. Commissioner Evelyn Lloyd seconded.

**Vote:** 5-0.

### 4. Appointments

A. Tree Board – Appointment of Thomas Darling to a term ending Oct. 30, 2026

B. Board of Adjustment – Resolution to Orange County requesting appointment of Carl Edward (Eddie) Sain to an extraterritorial jurisdiction alternate member seat for a three-year term

**Motion:** Ferguson moved to approve appointments as presented. Lloyd seconded.

**Vote:** 5-0.

### 5. Items for decision – consent agenda

- A. Minutes
  - Regular meeting Sept. 11, 2023
  - Work session Sept. 25, 2023
- B. Miscellaneous budget amendments and transfers
- C. Changes to Police Career Progression and Adjustment to Classification and Pay Plan
- D. American Rescue Plan Update and Proposed Transfer for Reimbursements
- E. 2024 Board of Commissioners Meeting Schedule
- F. Request from Corbinton Commons residents regarding extension of a hold harmless agreement to allow the town to provide services on private streets

Motion: Ferguson moved to approve all items on the consent agenda as amended with revised Sept. 11, 2023, meeting minutes. Commissioner Mark Bell seconded.

Vote: 5-0. Nays: None.

**6. Items for decision – regular agenda**

- A. Resolution approving the Falls Lake Consensus Principles II  
Stormwater and Environmental Services Manager Terry Hackett provided a presentation to the board about the Falls Lake Consensus Principles II, an updated version of the original Falls Lake Consensus Principles. Hackett shared that Stage I of the state’s current Falls Lake rules are being met. He said current Stage II reductions are not feasible and would not significantly reduce nutrient loading to Falls Lake.

Hackett shared that Hillsborough did not sign on to the first Falls Lake Consensus Principles, but he supports the Falls Lake Consensus Principles II due to significant differences in the information that informs the principles, including a 10-year study conducted by the Upper Neuse River Basin Association. Hackett believes the Consensus Principles II are good for the town and Falls Lake.

Bell asked if the state needs to approve these principles as well. Hackett said the state will begin a formalized rule-making process next year, which could take up to three years.

Motion: Ferguson moved to adopt the resolution. Commissioner Robb English seconded.

Vote: 5-0.

- B. Unified Development Ordinance text amendment – Section 6.17, Sidewalks (staff initiated)  
Planning and Economic Development Manager Shannan Campbell presented regarding an updated sidewalk section of the Unified Development Ordinance. The change gives guidance for when sidewalks need to be built by developers or when the town would accept a payment in lieu of a sidewalk.

Ferguson said accepting payment in lieu could negatively impact connectivity by limiting connection points. Campbell said that the town will accept payments in lieu and earmark those funds for future sidewalks.

Ferguson stated that 150% of the cost of a sidewalk for a payment in lieu would be unacceptable due to the rising cost of construction and general inflation. Town Attorney Bob Hornik said the town would not be taking a bond but accepting cash that it would earn interest on. He also shared that the town would not likely be able to require above 150% of the cost of a sidewalk, which is the higher end of current rates for payments in lieu.

Bell suggested setting a limit on the amount of time that the town can hold payments in lieu. Campbell said the town can set an internal policy, but that language would not be a part of the Unified Development Ordinance text amendment.

English asked how hard it is for developers to ask for payments in lieu instead of building. Campbell said developers tend to give up easily, but the Planning and Economic Development Division will require documentation from developers about the need for a payment in lieu.

When asked by English, Campbell said the farthest a sidewalk can be built from a development following a payment in lieu is half a mile. Ferguson said half a mile is not enough area for reasonable distance from a project. She said the town should recognize that development is occurring in the southern part of town but that the need for sidewalks may be spread across the town.

Bell said he does not like limiting sidewalk construction to a distance from the original project. He suggested priority zones for future improvements. Assistant Town Manager Matt Efirm shared that other towns do use the model Bell is suggesting and the town could investigate further after adoption of the proposed text amendment.

Motion: Ferguson moved to adopt the ordinance text amendment and consistency statement with the exception of the half-mile radius for a sidewalk payment in lieu and with direction for staff to research sidewalk construction distance further.

Public Space and Sustainability Manager Stephanie Trueblood said the board should adopt the amendment as presented so developers and the town have more flexibility in the near term. She said this is a significant need for current ongoing projects.

Motion: Ferguson rescinded the motion and moved to adopt the ordinance text amendment and consistency statement as presented with direction for staff to revisit the sidewalk radius during the Unified Development Ordinance rewrite. English seconded.

Vote: 5-0.

- C. Request from Forest Ridge residents regarding crosswalk safety improvements on U.S. 70A  
Trueblood shared with the board that residents have requested improvements at current crosswalks.

Ferguson said Fairview residents asked for a crossing of U.S. 70. Trueblood said the requested improvements are at existing crosswalks, unlike the request from Fairview residents.

English asked how the town can get improved pedestrian crosswalks from the start rather than letting individuals get hurt and then implementing improvements.

Campbell said the requested enhancements would retrofit current crosswalks, but development of future crosswalks could be more comprehensive going forward. Trueblood said the current standards are North Carolina Department of Transportation standards, but those standards are much lower than what is being requested.

Bell asked if the town could do anything on state roads. Trueblood said the town will request that NCDOT conduct a study. She said the town has to follow the state process.

Motion: Bell moved to request staff to work with NCDOT to explore options for improvements for public safety at the Forest Ridge, Fiori Hills and Eno Haven Apartments crosswalk on U.S. 70A. Ferguson seconded.

Vote: 5-0.

- D. Hot topics for work session Oct. 23, 2023  
The following topics were noted:

- A presentation of the 2023 Government 101 program
- A Youth in Action video

**7. Updates**

A. Board members

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

B. Town manager

No update.

C. Staff (written reports in agenda packet)

There were none.

Motion: Ferguson moved to go into closed session at 8:04 p.m. Bell seconded.

**8. Closed session**

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

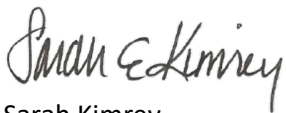
Motion: Bell moved to return to open session at 9:25 p.m. Ferguson seconded.

Vote: 5-0.

**9. Adjournment**

Hughes adjourned the meeting at 9:25 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 Board of Adjustment

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

**WHEREAS**, if a resident of the extraterritorial jurisdiction cannot be identified to fill the position, the Orange County Board of Commissioners may appoint a resident of the county; and

**WHEREAS**, as of the date of this resolution, no person residing within the extraterritorial jurisdiction has applied to serve on the Board of Adjustment; 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 Board of Adjustment;

**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 alternate member seat on the Hillsborough Board of Adjustment for a three-year term:

Mr. Carl Edward (Eddie) Sain  
1010 US 70-A East  
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 9<sup>th</sup> day of October 2023.



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Jenn Weaver, Mayor  
Town of Hillsborough

FY 2023-2024

**TOWN OF HILLSBOROUGH  
 BUDGET CHANGES REPORT**

DATES: 10/09/2023 TO 10/09/2023

	<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>
GF	10-00-9990-5300-000 CONTINGENCY						
Contingency	To cover Crescent Magnolia streetlights	41297	10/09/2023	EBRADFORI	450,000.00	-2,000.00	242,759.00
	To cover museum HVAC replacement	41301	10/09/2023	EBRADFORI	450,000.00	-433.00	242,326.00
Police	10-20-5100-5300-460 C.S./DRIVER SAFTEY TRAINING						
	To cover emergency K-9 vet treatment.	41298	10/09/2023	JFernandez	4,000.00	-4,000.00	0.00
Police	10-20-5100-5300-574 MISC. - POLICE DOG						
	To cover emergency K-9 vet treatment.	41300	10/09/2023	JFernandez	4,100.00	5,600.00	9,700.00
Police	10-20-5100-5300-730 DRUG ENFORCEMENT OPERATIONS						
	To cover emergency K-9 vet treatment.	41299	10/09/2023	JFernandez	5,000.00	-1,600.00	2,032.00
Streets	10-30-5600-5300-130 UTILITIES						
	To cover Crescent Magnolia streetlights	41296	10/09/2023	EBRADFORI	146,410.00	2,000.00	148,410.00
Streets	10-30-5600-5300-455 C.S./ENGINEERING						
	To cover Lakeshore Dr repair	41262	10/09/2023	EBRADFORI	26,000.00	-13,970.00	52,252.50
Streets	10-30-5600-5700-729 CAPITAL - INFRASTRUCTURE						
	To cover Lakeshore Dr repair	41263	10/09/2023	EBRADFORI	239,000.00	13,970.00	299,485.00
Special Approp.	10-60-6900-5300-167 MAINTENANCE - MUSEUM						
	To cover museum HVAC replacement	41302	10/09/2023	EBRADFORI	10,000.00	433.00	17,000.00
W&S Fund Bal.	30-80-3900-3900-000 FUND BALANCE APPROPRIATED						
	Correct FY23 Roll-Over POs Duplicate.	41273	10/09/2023	JFernandez	1,768,570.00	-17,207.50	2,537,284.91
WW Dist.	30-80-8200-5700-741 CAPITAL - EQUIPMENT						
	Correct FY23 Roll-Over POs Duplicate.	41292	10/09/2023	JFernandez	20,000.00	-17,207.50	194,427.79
Storm- Water	35-30-5900-5300-000 CONTINGENCY						
	To cover trailer	41295	10/09/2023	EBRADFORI	25,000.00	-500.00	24,500.00
Storm- Water	35-30-5900-5700-741 CAPITAL - EQUIPMENT						
	To cover trailer	41294	10/09/2023	EBRADFORI	75,000.00	500.00	76,500.00
Cap Pro. WFER Carr Store	67-00-3850-3850-000 INTEREST EARNED						
	Close out project fund	41303	10/09/2023	EBRADFORI	6,796.39	-6,796.39	0.00
Cap Pro. WFER Carr Store	67-70-3980-3980-300 DEBT ISSUANCE PROCEEDS						
	Close out project fund	41304	10/09/2023	EBRADFORI	3,271,000.00	-3,271,000.00	0.00
Cap Pro. WFER Carr Store	67-80-8130-5700-000 CONTINGENCY						
	Close out project fund	41305	10/09/2023	EBRADFORI	150,875.39	-150,875.39	0.00
Cap Pro. WFER Carr Store	67-80-8130-5700-045 DESIGN						
	Close out project fund	41306	10/09/2023	EBRADFORI	132,468.00	-132,468.00	0.00
Cap Pro. WFER Carr Store	67-80-8130-5700-570 MISCELLANEOUS						
	Close out project fund	41307	10/09/2023	EBRADFORI	220,630.00	-220,630.00	0.00
Cap Pro. WFER Carr Store	67-80-8130-5700-710 LAND ACQUISITION						
	Close out project fund	41308	10/09/2023	EBRADFORI	5,500.00	-5,500.00	0.00
Cap Pro. WFER Carr Store	67-80-8130-5700-719 CONSTRUCTION ADMINISTRATION						
	Close out project fund	41309	10/09/2023	EBRADFORI	310,000.00	-310,000.00	0.00
Cap Pro. WFER Carr Store	67-80-8130-5700-720 CONSTRUCTION						
	Close out project fund	41310	10/09/2023	EBRADFORI	2,458,323.00	-2,458,323.00	0.00
Restr. Revenue	72-00-5000-3301-022 RESTRICTED REV-TOWN HALL GROUNDS						
	To adj to actual	41290	10/09/2023	EBRADFORI	0.00	22,000.00	22,000.00

FY 2023-2024

**TOWN OF HILLSBOROUGH  
 BUDGET CHANGES REPORT  
 DATES: 10/09/2023 TO 10/09/2023**

<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>
Restr. 72-10-5000-5300-367 TOWN HALL GROUNDS Revenue Adj to actual	41291	10/09/2023	EBRADFORI	0.00	22,000.00	22,000.00
					<u>-6,546,007.78</u>	

APPROVED: 5/0

DATE: 10/9/23

VERIFIED:                     *Sarah E. Kimrey*

**Regular (Non-Law Enforcement) Positions**

Salary Grade	Minimum	Midpoint	Maximum	FLSA Status	Class Code	Classification
1	35,705	47,167	58,628			
2	37,415	48,190	58,965	N	201	ADMINISTRATIVE SUPPORT SPECIALIST
2	37,415	48,190	58,965	N	202	METER SERVICES TECHNICIAN
2	37,415	48,190	58,965	N	205	CUSTOMER SERVICE REPRESENTATIVE
3	39,211	50,524	61,838	N	302	EQUIPMENT OPERATOR I
3	39,211	50,524	61,838	N	303	UTILITY MAINTENANCE TECHNICIAN I
4	41,097	52,976	64,855	N	401	SENIOR CUSTOMER SERVICE REPRESENTATIVE
4	41,097	52,976	64,855	N	402	UTILITY MAINTENANCE TECHNICIAN II
4	41,097	52,976	64,855	N	403	WASTEWATER PLANT OPERATOR I
4	41,097	52,976	64,855	N	404	WATER PLANT OPERATOR I
5	43,076	55,549	68,022	N	502	EQUIPMENT OPERATOR II
5	43,076	55,549	68,022	N	503	SENIOR ADMINISTRATIVE SUPPORT SPECIALIST
5	43,076	55,549	68,022	N	504	UTILITY MAINTENANCE TECHNICIAN III
5	43,076	55,549	68,022	N	505	WASTEWATER PLANT OPERATOR II
5	43,076	55,549	68,022	N	506	WATER PLANT OPERATOR II
6	45,155	58,252	71,348	N	605	ACCOUNTS PAYABLE TECHNICIAN
6	45,155	58,252	71,348	N	605	EQUIPMENT OPERATOR III
6	45,155	58,252	71,348	N	601	PLANNING TECHNICIAN
6	45,155	58,252	71,348	N	602	PLANT MAINTENANCE MECHANIC I
6	45,155	58,252	71,348	N	604	UTILITY SYSTEMS MECHANIC I
6	45,155	58,252	71,348	N	607	STORMWATER TECHNICIAN
7	47,338	61,089	74,841	N	706	ACCOUNTING TECHNICIAN
7	47,338	61,089	74,841	N	701	CREW LEADER
7	47,338	61,089	74,841	N	702	PLANT MAINTENANCE MECHANIC II
7	47,338	61,089	74,841	N	703	UTILITY SYSTEMS MECHANIC II
7	47,338	61,089	74,841	N	704	WASTEWATER PLANT OPERATOR III
7	47,338	61,089	74,841	N	705	WATER PLANT OPERATOR III
8	49,630	64,069	78,508	N	801	FLEET MECHANIC
8	49,630	64,069	78,508	N	802	PLANT MAINTENANCE MECHANIC III
8	49,630	64,069	78,508	N	803	UTILITY SYSTEMS MECHANIC III
8	49,630	64,069	78,508	N	804	DIVERSION SOCIAL WORKER
9	52,036	67,197	82,358	E	901	BILLING & CUSTOMER SERVICE SUPERVISOR
9	52,036	67,197	82,358	N	902	METER SERVICES SUPERVISOR
9	52,036	67,197	82,358	N	903	UTILITIES INSPECTOR
9	52,036	67,197	82,358	E	904	PUBLIC WORKS SUPERVISOR
10	54,563	70,482	86,401	N	1001	BACKFLOW/FOG SPECIALIST
10	54,563	70,482	86,401	N	1002	CHIEF WASTEWATER PLANT OPERATOR
10	54,563	70,482	86,401	N	1003	COMMUNICATIONS SPECIALIST
10	54,563	70,482	86,401	N	1004	FACILITIES COORDINATOR
10	54,563	70,482	86,401	N	1005	OPERATOR IN RESPONSIBLE CHARGE
11	57,216	73,931	90,646	N	1101	PLANNER
12	60,002	77,553	95,104	E	1201	BUDGET & MANAGEMENT ANALYST
12	60,002	77,553	95,104	E	1202	FINANCIAL ANALYST
12	60,002	77,553	95,104	E	1203	FLEET MAINTENANCE SUPERVISOR
12	60,002	77,553	95,104	E	1204	HUMAN RESOURCES ANALYST
12	60,002	77,553	95,104	E	1205	MANAGEMENT ANALYST
12	60,002	77,553	95,104	N	1206	STORMWATER PROGRAM COORDINATOR



12	60,002	77,553	95,104	N	1207	WASTEWATER LABORATORY SUPERVISOR
12	60,002	77,553	95,104	N	1208	SENIOR COMMUNICATIONS SPECIALIST
12	60,002	77,553	95,104	N	1209	PLANNER II
13	62,927	81,356	99,784	E	1301	CIVIL ENGINEERING TECHNICAN
13	62,927	81,356	99,784	E	1302	SENIOR PLANNER
13	62,927	81,356	99,784	E	1303	UTILITY MAINTENANCE SUPERVISOR
13	62,927	81,356	99,784	E	1304	UTILITY SYSTEM SUPERVISOR
14	65,999	85,348	104,698	E	1401	TOWN CLERK/HUMAN RESOURCES TECHNICIAN
15	69,224	89,541	109,858	E	1501	SAFETY & RISK MANAGER
16	72,610	93,943	115,276	E	1601	WATER PLANT SUPERINTENDENT
17	76,165	98,565	120,965	E	1701	PUBLIC WORKS MANAGER
17	76,165	98,565	120,965	E	1702	STORMWATER & ENVIRONMENTAL SERVICES MANAGER
17	76,165	98,565	120,965	E	1703	UTILITY SYSTEM SUPERINTENDENT
18	79,899	103,418	126,938	E	1802	COMMUNICATIONS MANAGER
19	83,819	108,514	133,210	E	1901	INFORMATION TECHNOLOGY MANAGER
20	87,934	113,865	139,795	E	2001	BUDGET DIRECTOR
20	87,934	113,865	139,795	E	2002	ENVIRONMENTAL ENGINEERING SUPERVISOR
20	87,934	113,865	139,795	E	2003	HUMAN RESOURCES MANAGER
20	87,934	113,865	139,795	E	2004	PLANNING & ECONOMIC DEVELOPMENT MANAGER
20	87,934	113,865	139,795	E	2005	PUBLIC SPACE & SUSTAINABILITY MANAGER
20	87,934	113,865	139,795	E	2006	DEPUTY UTILITIES DIRECTOR - WATER TREATMENT
21	92,256	119,483	146,710			
22	96,794	125,382	153,970			
23	101,559	131,576	161,594			
24	106,562	138,080	169,599	E	2401	ADMINISTRATIVE SERVICES DIRECTOR
24	106,562	138,080	169,599	E	2402	ASSISTANT TOWN MANAGER/COMMUNITY SERVICES DIRECTOR
24	106,562	138,080	169,599	E	2403	FINANCE DIRECTOR
25	111,815	144,909	178,004	E	2501	UTILITIES DIRECTOR

**Sworn Law Enforcement Officer Positions**

Salary	FLSA					
Grade	Minimum	Midpoint	Maximum	Status	Class Code	Classification
100	46,638	60,179	73,720	N	100	POLICE OFFICER TRAINEE
102	53,412	68,985	84,559	N	102	POLICE OFFICER/ <del>POLICE OFFICER FIRST CLASS</del>
201	56,008	72,360	88,712	N	203	<del>SENIOR POLICE OFFICER</del> POLICE OFFICER FIRST CLASS
202	58,733	75,903	93,073	N	204	POLICE CORPORAL
<del>303</del>	<del>61,119</del>	<del>79,005</del>	<del>96,890</del>	<del>N</del>	<del>304</del>	<del>MASTER POLICE OFFICER</del>
402	67,230	86,949	106,668	N	405	POLICE SERGEANT
502	73,967	95,707	117,447	E	507	POLICE LIEUTENANT
601	85,200	110,309	135,419	E	606	POLICE MAJOR
701	106,562	138,080	169,599	E	707	CHIEF OF POLICE



# ORDINANCE

## Grant Project Amendment

### American Rescue Plan – Galvanized Water Main Replacement

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
American Rescue Plan	\$60,000	\$(60,000)	\$0

**Section 2.** Amounts appropriated for the grant project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
Galvanized Water Main Replacement	\$60,000	\$(60,000)	\$0


**Section 3.** This grant project is hereby closed within Fund 77.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Grant Project Amendment

### American Rescue Plan – Hydrant and Valve Project

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
American Rescue Plan	\$400,000	\$(400,000)	\$0

**Section 2.** Amounts appropriated for the grant project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
Hydrant and Valve Project	\$400,000	\$(400,000)	\$0


**Section 3.** This grant project is hereby closed within Fund 77.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Grant Project Amendment

### American Rescue Plan – Lawndale Basin Rehabilitation

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
American Rescue Plan	\$935,000	\$(935,000)	\$0

**Section 2.** Amounts appropriated for the grant project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
Lawndale Basin Rehabilitation	\$935,000	\$(935,000)	\$0


**Section 3.** This grant project is hereby closed within Fund 77.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Grant Project Amendment

### American Rescue Plan – McAdams Road Water Main Replacement

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
American Rescue Plan	\$350,000	\$(350,000)	\$0

**Section 2.** Amounts appropriated for the grant project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
McAdams Road Water Main Replacement	\$350,000	\$(350,000)	\$0


**Section 3.** This grant project is hereby closed within Fund 77.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Grant Project Amendment

### American Rescue Plan – Transfer to Water and Sewer Fund

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

American Rescue Plan	\$1,973,914.40
American Rescue Plan - Interest	\$48,733.00

**Section 2.** Amounts appropriated for the grant project are hereby amended as follows.

Transfer to Water and Sewer Fund	\$2,022,647.40
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**Section 3.** This grant project will close automatically upon projection completion.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Grant Project Amendment

### American Rescue Plan – Wastewater Treatment Plant Clarifier Coatings

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
American Rescue Plan	\$190,000	\$(13,800)	\$176,200

**Section 2.** Amounts appropriated for the grant project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
Wastewater Treatment Plant Clarifier Coatings	\$190,000	\$(13,800)	\$176,200

**Section 3.** This grant project is hereby closed within Fund 77.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



**ORDINANCE**  
**Grant Project Amendment**  
American Rescue Plan – Water Treatment Plant Paving & Curbing Repair

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
American Rescue Plan	\$90,000	\$(90,000)	\$0

**Section 2.** Amounts appropriated for the grant project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
WTP Paving & Curbing Repair	\$90,000	\$(90,000)	\$0


**Section 3.** This grant project is hereby closed within Fund 77.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk





# ORDINANCE

## Grant Project Amendment

### American Rescue Plan – Water Treatment Plant SCADA Update

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
American Rescue Plan	\$50,000	\$(1,382)	\$48,618

**Section 2.** Amounts appropriated for the grant project are hereby amended as follows.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
WTP SCADA Update	\$50,000	\$(1,382)	\$48,618

**Section 3.** This grant project is hereby closed within Fund 77.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



## ORDINANCE

### Capital Project Amendment

### Galvanized Water Main Replacement

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

Transfer from Water and Sewer Fund	\$160,000
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**Section 2.** Amounts appropriated for the capital project are hereby amended as follows.

Galvanized Water Main Replacement	\$160,000
-----------------------------------	-----------

**Section 3.** This capital project will close automatically upon projection completion.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



A handwritten signature in black ink that reads "Sarah E. Kimrey".

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Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Amendment

### Hydrant and Valve Project

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

Transfer from Water and Sewer Fund	\$487,647.40
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**Section 2.** Amounts appropriated for the capital project are hereby amended as follows.

Hydrant and Valve Project	\$487,647.40
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**Section 3.** This capital project will close automatically upon projection completion.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



A handwritten signature in black ink that reads "Sarah E. Kimrey".

---

Sarah E. Kimrey, Town Clerk



## ORDINANCE

### Capital Project Amendment

### Lawndale Basin Rehabilitation

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

Transfer from Water and Sewer Fund	\$935,000
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**Section 2.** Amounts appropriated for the capital project are hereby amended as follows.

Lawndale Basin Rehabilitation	\$935,000
----------------------------------	-----------

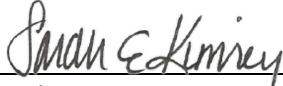
**Section 3.** This capital project will close automatically upon projection completion.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Amendment

### McAdams Road Water Main Replacement

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

Transfer from Water and Sewer Fund	\$350,000
---------------------------------------	-----------

**Section 2.** Amounts appropriated for the capital project are hereby amended as follows.

McAdams Road Water Main Replacement	\$350,000
--	-----------

**Section 3.** This capital project will close automatically upon projection completion.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



A handwritten signature in black ink that reads "Sarah E. Kimrey".

---

Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Amendment

### Water Treatment Plant Paving and Curbing Repair

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

Transfer from Water and Sewer Fund	\$90,000
------------------------------------	----------

**Section 2.** Amounts appropriated for the capital project are hereby amended as follows.

Water Treatment Plant Paving and Curbing Repair	\$90,000
---	----------

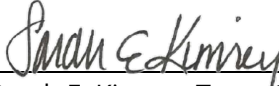
**Section 3.** This capital project will close automatically upon projection completion.

**Section 4.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in the year 2023.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



## RESOLUTION

### Endorsing Falls Lake Consensus Principles II of the Upper Neuse River Basin Association for Revised Falls Lake Rules

**WHEREAS**, the North Carolina Environmental Management Commission adopted the Falls Lake Rules and the N.C. Rules Review Commission approved the rules at its Dec. 16, 2010, meeting, with an effective date of Jan. 15, 2011; and

**WHEREAS**, the jurisdictions of the Falls Lake watershed developed an original set of consensus principles in February 2010 to guide the development of the current rules; and

**WHEREAS**, the rules (15A NCAC 02B .0275 (5)(f)) allow for their reexamination using an evaluation process approved by the North Carolina Division of Water Resources and for the reexamination results to be presented to the division and the Environmental Management Commission; and

**WHEREAS**, the Upper Neuse River Basin Association has followed the rules' reexamination process, secured required approvals of the process, and invested in a 10-year, \$10 million study of Falls Lake and its watershed to establish an updated and comprehensive scientific basis for revisions to the rules; and

**WHEREAS**, on Sept. 20, 2023, the Board of Directors of the Upper Neuse River Basin Association approved revised consensus principles for the readoption of the rules; and

**WHEREAS**, the association's member local government jurisdictions desire to endorse the Falls Lake Consensus Principles II for the readoption of the rules;

**NOW, THEREFORE**, be it resolved the Hillsborough Board of Commissioners endorses Consensus Principles II as adopted by the Upper Neuse River Basin Association Board of Directors and recommends that the North Carolina Department of Environmental Quality and the Environmental Management Commission use these consensus principles as guidelines in developing the revised rules for Falls Lake.

Approved this 9th day of October in the year 2023.



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

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Jenn Weaver, Mayor  
Town of Hillsborough



## ORDINANCE

### Amending the Unified Development Ordinance

The Hillsborough Board of Commissioners ordains the following amendments:

#### **6.17 SIDEWALKS AND PEDESTRIAN ACCESS**

##### **6.17.1 PURPOSE AND INTENT**

The regulations in this subsection are designed to advance identified goals and strategies found in the Town's adopted Comprehensive Sustainability Plan, and promote the public health, safety, and welfare by improving air quality and the quality of life for town residents and visitors. Providing sidewalks and other multi-modal travel methods adjacent to and within developments furthers the purposes for which these regulations are intended.

##### **6.17.2 APPLICABILITY**

The requirements of this subsection apply to developments that are subject to the following review procedures:

- (a) Creation of New Lots/Division of Land involving a Conservation, Major or Special Subdivision,
- (b) Site Plan Review,
- (c) Special Use Permit, including their modification, or
- (d) Zoning Compliance Permit involving a non-residential change of use if required by subparagraph 7.3.3, *Nonconforming Characteristics of Non residentially Zoned Properties*.

##### **6.17.3 EXCEPTIONS TO SIDEWALK CONSTRUCTION REQUIREMENTS**

**6.17.3.1** Sidewalk construction, payment in-lieu of sidewalk construction (pursuant to paragraph 6.17.5, *Sidewalk Payment In-lieu of Construction*), or a combination of the two, is required where:

- (a) the permit-issuing authority determines:
  - (1) the sidewalk will interfere with or disrupt drainage if constructed where required,
  - (2) construction is infeasible, impractical, or undesirable due to special circumstances including, but not limited to, topography, streams, or other environmental limitations such as the presence of regulatory floodplains and riparian buffers, or
  - (3) if constructed, the sidewalk will not provide any present or future public



safety benefit;

- (b) the sidewalk will be provided as part of a Town or State scheduled and funded roadway project to be built within three years of the proposed development's approval; or
- (c) an impending road widening project affecting the development is scheduled to begin within three years of the proposed development's approval.

#### **6.17.4 EXEMPTIONS FROM SIDEWALK CONSTRUCTION AND PAYMENT IN-LIEU REQUIREMENTS**

Sidewalk construction and/or payment in-lieu of construction is not required where:

- (a) the development project:
  - 1. does not front on, or lie between, a street segment(s) identified as "recommended" on the Comprehensive Sustainability Plan's Sidewalk System Map, and
  - 2. no sidewalk or other pedestrian accessway exists, or is planned to be constructed, within 500 feet of the boundary of the land to be developed,
- (b) only a change of use or occupancy will occur with no substantial site improvements required or proposed,
- (c) only site grading and/or utility improvements are involved,
- (d) vehicular access to lots or other development will be provided by alleys connecting to streets with existing sidewalks or streets that will be constructed with sidewalks as part of the proposed development,
- (e) the sidewalk would be located within unimproved right-of-way not requiring improvement as part of the development, or
- (f) the required sidewalk is committed as part of another development project's permit, provided the permit is still valid and unexpired.

#### **6.17.5 SIDEWALK PAYMENT IN-LIEU OF CONSTRUCTION**

**6.17.5.1** Where allowed by paragraph 6.17.3, *Exceptions to Sidewalk Construction Requirements*, the applicant shall make a payment to the Town in lieu of sidewalk construction. A combination of construction and payment in-lieu may be made when an applicant chooses to construct a portion of sidewalk instead of making a full in-lieu payment. Nothing in this paragraph shall prevent an applicant from constructing sidewalks instead of making an in-lieu payment.

**6.17.5.2** Payment shall be made to the Town at a rate set annually in the Town budget. Payment value shall equal the average linear foot of total sidewalk cost, including accessible ramps

and required shade tree installation, as determined by a professional engineer or other professional qualified to provide the estimate. The calculation shall include the time and material cost in place at the time of the request.

**6.17.5.3** Payment shall be made prior to (i) issuance of a Certificate of Occupancy, or (ii) release of any financial security held in association with the development project. Payments shall be deposited in the Town's sidewalk construction capital fund and used for sidewalk installation or repair within a 0.5-mile radius of the property for which the fee was collected.

**6.17.5.4** Acceptance of payment-in-lieu shall not remove the requirement for sidewalks under paragraph 6.17.2, *Applicability*, for future property development unless exempted under paragraph 6.17.4, *Exemptions from Sidewalk Construction and Payment In-lieu Requirements*.

### **6.17.6 DESIGN REQUIREMENTS**

**6.17.6.1** Sidewalks shall be provided for all new developments and shall:

- (a) be provided within street rights-of-way along all adjacent and perimeter public streets on which the development tract has frontage. Additional street right-of-way of a sufficient width to accommodate the required sidewalk shall be dedicated along the street frontage in cases where the existing right-of-way is not wide enough to accommodate a sidewalk;
- (b) be provided on both sides of all internal streets within a development;
- (c) align vertically and horizontally with abutting sidewalks;
- (d) connect via a direct link to primary building entrances;
- (e) within unsubdivided developments (e.g., attached dwelling projects), link buildings with other buildings, adjacent public streets, on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities,
- (f) accommodate sidewalk shade trees required by paragraph 6.17.11, *Sidewalk Shade Trees*,
- (g) avoid conflicts or obstruction with above-ground structures or trees, and
- (h) maintain required width around any existing or anticipated obstructing object in the sidewalk's path.

**6.17.6.2** During the development review process, reviewing agencies may designate areas where prior approval is required for any alteration to sidewalk locations. No other changes are permitted without the approval of all agencies that approved the original plans.

**6.17.6.3** The Public Works Manager may approve changes in sidewalk location for a maximum linear distance of 200 feet without the need for amended plans. The approved plans will be annotated to reflect any approved changes.

### **6.17.7 CONSTRUCTION REQUIREMENTS**

Sidewalks shall be constructed:

- (a) behind curb and gutter or a roadside swale,
- (b) to meet standards found in Appendix A, *Street Construction Standards and Specifications*, of the Town Code of Ordinances and the Town's adopted Street Manual. NCDOT standards must be met for sidewalks constructed within state-maintained street rights-of-way,
- (c) to meet all applicable ADA (Americans with Disabilities Act) requirements,
- (d) of concrete with a width of at least five feet and thickness of at least five-inches (six-inches at driveway entrances), unless use of alternative materials is approved by the Public Works Manager,
- (e) with a constructed barrier wherever a sidewalk is located within five-feet of a retaining wall 30-inches or greater in height, or steep grades exceeding a 1:1 ratio, and
- (f) with sidewalk shade trees required by paragraph 6.17.11, *Sidewalk Shade Trees*.

### **6.17.8 ENCROACHMENT AGREEMENTS REQUIRED FOR STATE-MAINTAINED STREETS**

Sidewalks constructed within State-maintained-street rights-of-way shall be subject to a three-party encroachment agreement between the developer, NCDOT and Town.

### **6.17.9 ALTERNATIVE SIDEWALK PLANS**

The permit-issuing authority may approve alternative sidewalk plans where it is shown that the alternative provides equal or greater internal and external pedestrian circulation and connectivity through use of off-street trails or multi-use pathways connecting to sidewalks, off-street trails, or multi-use pathways on the perimeter of the development tract.

### **6.17.10 ADDITIONAL MEANS OF PEDESTRIAN ACCESS**

- (a) Whenever the permit-issuing authority determines a means of pedestrian access is necessary to connect a residential development to schools, parks, open space, playgrounds, other streets or facilities, and access is not conveniently provided by sidewalks adjacent to the streets, the applicant may be required to provide an improved pedestrian accessway located within an easement of at least 10 feet in width to provide pedestrian access.
- (b) The pedestrian accessway must be either paved with concrete, asphalt, pervious pavement, gravel, or other suitable material approved by the permit-issuing authority. Gravel or other loose materials used for paving must be contained by framing to prevent

paving material wash-out.

(c) The accessway shall be owned and maintained by a property or homeowners’ association.

**6.17.11 SIDEWALK SHADE TREES**

**6.17.11.1** Shade trees shall be installed in front yards behind the sidewalk along all development street frontages and internal streets according to the following table. This requirement does not apply where non-residential buildings are built to within 10 feet of the street right-of-way or designed with front courtyards or other site features providing similar shading.

<b>SIDEWALK SHADE TREE PLANTING REQUIREMENTS</b>				
<i>Tree Size<sup>1</sup></i>	<i>Dbh at Planting (inches)<sup>2</sup></i>	<i>Minimum Height at Installation (feet)</i>	<i>Minimum Distance from Sidewalk (feet – sidewalk edge to tree center point)</i>	<i>Spacing (feet on center)<sup>3</sup></i>
Small	1.5	6	5	30
Large	3	10	10	40
<sup>1</sup> Refer to Town’s recommended planting list for acceptable species. <sup>2</sup> Dbh (Diameter at breast height) is defined in Section 9, <i>Definitions</i> . <sup>3</sup> Permit-issuing authority may approve varied spacing if there are conflicts between utilities and tree placement provided required number of trees are provided.				

**6.17.11.2** Where shade trees are planted on the development property behind street rights-of-way, a minimum 10-foot wide, private tree easement shall be provided for the planting and maintenance of required trees. Tree easements must be shown on site plans and subdivision plats and subject to a tree easement, planting, and maintenance agreement to be recorded in the register of deeds office.

**6.17.11.3** Where non-residential buildings are built within 10 feet of a street right-of-way, shade trees shall be installed in “tree lawns” between the curb and sidewalk as follows:

<b>TREE LAWN PLANTING REQUIREMENTS</b>					
<i>Lawn Width (feet)</i>	<i>Tree Size<sup>1</sup></i>	<i>Dbh at Planting (inches)<sup>2</sup></i>	<i>Minimum Height at Installation (feet)</i>	<i>Minimum Distance from Sidewalk (feet - sidewalk edge to tree center point)</i>	<i>Spacing (feet on center)<sup>3</sup></i>
4 – 8	Small	1.5	6	2 - 2.5	30
≥8	Large	3	10	3.5	40
<sup>1</sup> Refer to Town’s recommended planting list for acceptable species. <sup>2</sup> Dbh (Diameter at breast height) is defined in Section 9, <i>Definitions</i> . <sup>3</sup> Permit-issuing authority may approve varied spacing if there are conflicts between utilities and tree placement provided required number of trees are provided.					

**6.17.11.4** All shade tree planting areas and tree lawns shall be planted with grass, ground cover, or treated with other suitable cover material.

**6.17.11.5** The following table lists recommended distances to be maintained between planted trees

and various infrastructure and improvements:

<b>RECOMMENDED MINIMUM DISTANCE FROM INFRASTRUCTURE AND IMPROVEMENTS</b>	
<i>Use</i>	<i>Minimum Distance (feet)</i>
Back of curb/pavement	2
Catch basins	10
Driveways	10
Fire hydrants	10
Light poles	20
Manholes	10
Other trees	15 or 25 (depending on species)
Overhead and underground power distribution lines	½ average mature canopy width + 15 feet (measured from center of distribution corridor)
Sewer easements	Planting prohibited
Stop signs	30
Structures	10
Traffic signs (except Stop signs)	10
Utility boxes	3 feet sides and rear; 3 feet from doors
Water easements	Planting prohibited
Water meters	5
Water and sewer lines	Dependent on easement width; 10 feet where easement doesn't exist (measured from center of pipe)
All other services	10

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9<sup>th</sup> day of October in 2023.

Ayes: 5  
 Noes: 0  
 Absent or excused: 0



  
 \_\_\_\_\_  
 Sarah E. Kimrey, Town Clerk

**HILLSBOROUGH BOARD OF COMMISSIONERS**  
**Consistency Statement per Section 160D-604(d)**

**Text Amendment Request from: Staff-Planning and Economic Development Division**  
**Oct. 9, 2023**

The Town of Hillsborough Board of Commissioners has received and reviewed the application from Town Planning and Economic Development Division staff to amend the Town of Hillsborough Unified Development Ordinance as follows:

*Amend UDO §6.17 (Sidewalks and Walkways) to be re-titled and re-written in its entirety for better readability and to clarify that, with several exceptions, sidewalks are required in all new developments (as listed), and to expand upon the provisions for allowing limited acceptance of payment in-lieu of sidewalk construction in certain circumstances.*

The Hillsborough Board of Commissioners has determined the proposed action **is** consistent with the Town of Hillsborough's Comprehensive Sustainability Plan for the following reason(s):

1. The amendments are consistent with the Transportation and Connectivity Chapter goal to "Develop and maintain a safe, efficient, and sustainable multimodal transportation system (including bicycle, pedestrian, and transit options) that offers alternatives to single-occupancy vehicle trips and promotes health and access to area jobs, destinations, and services."

Strategy: Adopt regulations that contribute to meeting identified transportation and connectivity needs in town.


The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 9th day of October in the year 2023.

Ayes: 5

Noes: 0

Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk