



Minutes

Board of Commissioners Regular Meeting

7 p.m. Sept. 12, 2022

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: Human Resources Manager Haley Bizzell, Planning and Economic Development Manager Shannan Campbell, Administrative Services Director Jen Della Valle, Police Chief Duane Hampton, Assistant Town Manager and Community Services Director Margaret Hauth, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Town Manager Eric Peterson, Communications Specialist Cheryl Sadgrove and Utilities Director Marie Strandwitz

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 was none.

3. Agenda changes and approval

- Move 5.N Contract for year-end audit services in connection with the fiscal years ending June 30, 2022, 2023, and 2024 from consent agenda to item 6.F for discussion.
- Add 6.G Option to reschedule or cancel Oct. 24 work session.

A motion was made to approve the amended agenda.

Motion made by Commissioner Kathleen Ferguson, seconded by Commissioner Matt Hughes.

Voting Yea: Commissioners Mark Bell, Robb English, Ferguson, Hughes and Evelyn Lloyd

4. Presentations

Leading the Way Award

Administrative Services Director Jen Della Valle presented the award to the board. The award was issued by ETC Institute, which conducted the community survey for the town. The award recognizes communities that rank in the top 10% in survey findings in three key categories:

- Satisfaction with overall quality of services.
- Satisfaction with customer service provided by employees.
- Satisfaction with the value residents think they receive for local taxes and fees.

5. Items for decision – consent agenda

- A. Minutes
- B. Miscellaneous budget amendments and transfers
- C. Amend Greenway South Project Ordinance
- D. Proclamation – International Day of Peace
- E. Proclamation – Diaper Need Awareness Week
- F. Special Event Permit: Hillsborough Hog Day

- G. Special Event Permit: Hillsborough Holiday Parade and Tree Lighting
- H. Special Use Permit Extension Request- East Village at Meadowlands
- I. Extension of Capacity Reservation for East Village at Meadowlands Project
- J. Exempt design work for repairs to the Exchange Park Lane Bridge from qualifications-based selection process
- K. Resolution to Name Future Greenway "Ridgewalk"
- L. Authorization for Application of Annexation and Partial Rezoning of Future Train Station Site
- M. Amendment to Orange County Interlocal Agreement for water and sewer service in the Hillsborough Area Economic Development District (EDD)
- ~~N. Contract for year-end audit services in connection with the fiscal years ending June 30, 2022, 2023, and 2024~~

A motion was made to approve the amended consent agenda.

Motion made by Commissioner Hughes, seconded by Ferguson.

Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

6. Items for decision - regular agenda

A. Compensation and Classification Study

Matt Reece, assistant director of Piedmont Triangle Regional Council, which conducted the study, presented the results and recommendations based on a comprehensive analysis of all town positions. The presentation included a recommendation to increase the minimum pay for all positions by 3%.

It was noted during discussion that many local governments near Hillsborough were planning to make larger increases. The board had budgeted \$330,000 in anticipation of adjustments that would be needed after completion of the study. Town Manager Eric Peterson noted that some of the cost could be covered by cost savings from vacancies and contingency funds.

A motion was made to approve the classification and pay plan with the 3% adjustment.

Motion made by Commissioner Bell, seconded by Commissioner Ferguson.

Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

B. Consistency statement and ordinance to voluntarily annex a contiguous parcel, amend the Zoning Map, and approve a development agreement for the Moren Tract

Planning and Economic Development Manager Shannan Campbell reviewed that the land in consideration is about 60 acres off Old N.C. 86 between Waterstone Drive and Interstate 85 intended for mixed-use development. The development proposal was introduced to the Board of Commissioners earlier this year and was reviewed by the Planning Board. Both boards received comments and asked questions about the plan at the July joint public hearing. The Planning Board subsequently recommended the annexation and rezoning requests be approved so the development can proceed. The development is expected to have an affordable housing component.

A motion was made to approve the annexation ordinance.

Motion made by Commissioner Hughes, seconded by Commissioner Ferguson.

Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

A motion was made to approve the consistency statement.

Motion made by Commissioner Hughes, seconded by Commissioner Bell.
Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

A motion was made to approve the development agreement.

The town attorney said he had no concerns or questions, when asked by the board.

Motion made by Commissioner Hughes, Seconded by Commissioner English.
Voting Yea: Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

C. UDO Text Amendment: Section 5.2.12 Event Centers and Section 3.2 Administrative Procedures Applicable to All Review Processes

A motion was made to amend ordinance by striking subsection 5.2.12.1.a and subsection 5.2.12.1.b.

Motion made by Commissioner Hughes, seconded by Commissioner Ferguson.
Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

A motion was made to approve ordinance as amended.

Motion made by Commissioner Ferguson, Seconded by Commissioner Bell.
Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

D. Strategic Plan Update

Della Valle said there would be check-ins on the development of the strategic plan. The planning will continue alongside the budgeting process. She said that the plan is to eventually develop a habit of holding discussions about the strategic plan in the fall and spring and to create a year-end report.

E. Hot Topics for Work Session Sept. 26, 2022

A motion was made to cancel the Oct. 24 work session.

Motion made by Commissioner Hughes, seconded by Commissioner English.
Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

F. Contract for year-end audit services in connection with the fiscal years ending June 30, 2022, 2023, and 2024

Hughes brought up a concern of the Tourism Development Authority and Tourism Board that those boards pay more for their audits than they think they should. The audits for those boards are bundled with the town audits.

The town manager said Hughes and Campbell have raised legitimate concerns. He said the updated audit contracts for those boards are close to what the board have been paying because the town is subsidizing those audits for the next three years.

A motion was made to approve the audit contract with PBMares for a cost not to exceed \$53,500.

Motion made by Commissioner Ferguson, seconded by Commissioner Hughes.
Voting Yea: Commissioners Bell, English, Ferguson, Hughes and Lloyd

- G. Option to reschedule or cancel Oct. 24 work session (added item)
This item was discussed with item 6.E Hot topics for Work Session Sept. 26, 2022.

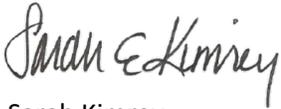
7. Updates

- A. Board members
Board members gave updates on the committees and boards on which they serve.
- B. Town manager
Town Manager Eric Peterson gave a status update on the audit.
- C. Staff (written reports in agenda packet)
Police Chief Duane Hampton gave an update on issues HPD has encountered due to the late submittals of special event permits requiring police sponsorship. The Hog Days event is one example.

8. Adjournment

Mayor Weaver adjourned the meeting at 9:03 p.m.

Respectfully submitted,



Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners

FY 2022-2023

**TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT**

DATES: 09/12/2022 TO 09/12/2022

	<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-Contingency	10-00-9990-5300-000 CONTINGENCY To cover brining equipment	27811	09/12/2022	EBRADFORI	300,000.00	-7,351.00	290,363.00
	To cover Hog Day dumpsters	27825	09/12/2022	EBRADFORI	300,000.00	-400.00	289,963.00
	To cover building maintenance	27833	09/12/2022	EBRADFORI	300,000.00	-1,250.00	288,713.00
	To cover audit expenses	27838	09/12/2022	EBRADFORI	300,000.00	-17,000.00	271,713.00
Governing Body	10-10-4100-5300-040 AUDIT FEES To cover audit expenses	27837	09/12/2022	EBRADFORI	88,000.00	17,000.00	105,000.00
Admin.	10-10-4200-5300-145 MAINTENANCE - BUILDINGS To cover misc. maintenance	27830	09/12/2022	EBRADFORI	0.00	500.00	500.00
Admin.	10-10-4200-5300-458 DATA PROCESSING SERVICES Renewal of Convertio annual file convers	27813	09/12/2022	JFernandez	36,673.00	71.88	36,744.88
Admin.	10-10-4200-5300-570 MISCELLANEOUS Renewal of Convertio annual file convers	27812	09/12/2022	JFernandez	31,253.00	-71.88	28,739.12
Accounting	10-10-4400-5300-145 MAINTENANCE - BUILDINGS To cover misc. maintenance	27831	09/12/2022	EBRADFORI	0.00	750.00	750.00
Planning	10-10-4900-5300-145 MAINTENANCE - BUILDINGS To cover kitchen appliances.	27829	09/12/2022	JFernandez	0.00	400.00	400.00
Planning	10-10-4900-5300-330 SUPPLIES - DEPARTMENTAL To cover kitchen appliances.	27828	09/12/2022	JFernandez	1,800.00	-400.00	1,400.00
Planning	10-10-4900-5300-441 C.S./ENG REVIEW To move MPO match from PubSp budget	27818	09/12/2022	EBRADFORI	50,000.00	30,000.00	80,000.00
Fleet Maint.	10-30-5550-5300-330 SUPPLIES - DEPARTMENTAL To cover uniform costs	27835	09/12/2022	EBRADFORI	27,267.00	-400.00	26,867.00
Fleet Maint.	10-30-5550-5300-350 UNIFORMS To cover uniform costs	27836	09/12/2022	EBRADFORI	5,250.00	400.00	5,650.00
Streets	10-30-5600-5700-741 CAPITAL - EQUIPMENT To cover brining equipment	27810	09/12/2022	EBRADFORI	0.00	7,351.00	7,351.00
Solid Waste	10-30-5800-5300-414 C.S./COMM.DUMP.COLL. To cover Hog Day dumpsters	27824	09/12/2022	EBRADFORI	800.00	400.00	1,200.00
Public Space	10-71-6300-5982-006 TRANSFER TO GEN CAP IMPROV FUND To move MPO match to Planning budget	27817	09/12/2022	EBRADFORI	70,000.00	-30,000.00	40,000.00
Billing & Coll.	30-80-7240-5300-145 MAINTENANCE - BUILDINGS To cover misc. maintenance	27832	09/12/2022	EBRADFORI	0.00	750.00	750.00
WTP	30-80-8120-5300-158 MAINTENANCE - EQUIPMENT Diesel fuel - generators at Water Treatmer	27822	09/12/2022	JFernandez	85,680.00	-5,000.00	80,680.00
WTP	30-80-8120-5300-310 GASOLINE Diesel fuel - generators at Water Treatmer	27823	09/12/2022	JFernandez	3,450.00	5,000.00	8,450.00
WTP	30-80-8120-5300-323 SUPPLIES - CHEMICALS To cover alum order invoice at WTP.	27808	09/12/2022	JFernandez	207,490.00	13,600.00	221,090.00
WFER	30-80-8130-5300-154 MAINTENANCE - GROUNDS To cover tree removal at reservoir.	27807	09/12/2022	JFernandez	14,000.00	6,740.00	20,740.00
W&S Contingency	30-80-9990-5300-000 CONTINGENCY To cover tree removal at reservoir.	27806	09/12/2022	JFernandez	400,000.00	-6,740.00	310,760.00

FY 2022-2023

**TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT**

DATES: 09/12/2022 TO 09/12/2022

<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>
To cover alum order invoice at WTP.	27809	09/12/2022	JFernandez	400,000.00	-13,600.00	297,160.00
To cover building maintenance	27834	09/12/2022	EBRADFORI	400,000.00	-750.00	296,410.00
					0.00	

APPROVED: 5/0

DATE: 9/12/22

VERIFIED: *Sharon E. Kimrey*



ORDINANCE

Capital Project Amendment

Greenway South System

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.

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
Greenway South System	\$150,000	(\$150,000)	\$0

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

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
Greenway South System	\$150,000	(\$150,000)	\$0

Section 3. 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 12th day of September in 2022.

Ayes: 5
Noes: 0
Absent or excused: 0





Sarah E. Kimrey, Town Clerk

FY 2022-2023

**TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT
 DATES: 09/12/2022 TO 09/12/2022**

<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>
Greenway 60-28-3870-3870-408 TRANSFER FROM GF - GREENWAY SOUTH South System Move feasibility study to operating budge	27841	09/12/2022	EBRADFORI	0.00	-30,000.00	0.00
Greenway 60-28-6300-5700-782 GREENWAY SOUTH SYSTEM South System Move feasibility study to operating budge	27842	09/12/2022	EBRADFORI	0.00	-30,000.00	0.00
					<u>-60,000.00</u>	

APPROVED: 5/0

DATE: 9/12/22

VERIFIED: *Sam E Kimrey*



PROCLAMATION

International Day of Peace

Sept. 21, 2022

WHEREAS, in 1981 the United Nations General Assembly, designated Sept. 21 as the International Day of Peace to be “devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples, through education and public awareness”; and

WHEREAS, in 2001 the United Nations General Assembly declared that the International Day of Peace shall be observed as a day of global ceasefire and non-violence; an invitation to all nations and people to honor a cessation of hostilities for the duration of the day; and

WHEREAS, the 2022 theme for the International Day of Peace is “End racism. Build peace.”; and

WHEREAS, we acknowledge that achieving true peace entails much more than laying down arms; it requires the building of societies where all members feel that they can flourish. It involves creating a world in which people are treated equally and have the same opportunities to thrive, regardless of their race; and

WHEREAS, we all have a role to play in fostering peace, and tackling racism is a crucial way to contribute; and

WHEREAS, all are invited to join the efforts of the United Nations to work towards a world free of racism and racial discrimination. A world where compassion and empathy overcome suspicion and hatred. A world that we can truly be proud of.

NOW, THEREFORE, I, Jenn Weaver, mayor of the Town of Hillsborough, join with other communities throughout the world to hereby proclaim Sept. 21, 2022, as the **International Day of Peace** in the Town of Hillsborough and encourage all residents to participate in peace week events being held in the area Sept. 18 through Sept. 25 in an effort to promote peace and equality.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 12th day of September in the year 2022.



Jenn Weaver, Mayor
Town of Hillsborough



PROCLAMATION

2022 Diaper Need Awareness Week

Sept. 24 through Oct. 2

WHEREAS, diaper need, the condition of not having a sufficient supply of clean diapers to keep babies and toddlers clean, dry, and healthy, can adversely affect the health and well-being of babies, toddlers, and their families; and

WHEREAS, national surveys and research studies report that one in three families struggle with diaper need and 48 percent of families delay changing a diaper to extend their supply; and

WHEREAS, purchasing enough diapers to keep a baby or toddler clean, dry, and healthy can consume 14 percent of a low-wage family's post-tax income, making it difficult to obtain a sufficient supply; and

WHEREAS, a daily or weekly supply of diapers is generally an eligibility requirement for babies and toddlers to participate in child care programs and quality early-education programs; and

WHEREAS, without enough diapers, babies and toddlers risk infections and health problems that may require medical attention, and may prevent parents from attending work or school, thereby hurting the family's economic prospects and well-being; and

WHEREAS, the people of Hillsborough recognize that diaper need is a public health issue, and addressing diaper need can lead to economic opportunity for the state's families and communities and improved health for children, thus ensuring all people have access to the basic necessities required to thrive and reach their full potential; and

WHEREAS, Hillsborough is proud to be home to trusted community-based organizations including Diaper Bank of North Carolina that recognize the importance of diapers in ensuring health and providing economic stability for families and thus distribute diapers to families through various channels; and

WHEREAS, Diaper Bank of North Carolina and its staff and volunteers served on the front lines of Hillsborough's COVID-19 pandemic response helping families in our communities weather the crisis;

NOW, THEREFORE, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim the week of Sept. 24 through Oct. 2, 2022, as **DIAPER NEED AWARENESS WEEK** in the Town of Hillsborough, thank the aforementioned diaper bank, their staff, volunteers and donors, for their service and encourage the residents of Hillsborough to donate generously to diaper banks, diaper drives, and those organizations that collect and distribute diapers to those struggling with diaper need, so that all of Hillsborough's children and families can thrive and reach their full potential.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 12th day of September in the year 2022.



Jenn Weaver, Mayor
Town of Hillsborough



RESOLUTION

Resolution Exempting Design for Repairs to the Exchange Park Lane bridge from NCGS 143-64.31

WHEREAS, N.C.G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee; and

WHEREAS, the town proposes to enter into one contract for design services for repairs need to the Exchange Park Lane bridge based on safety inspection reports from NCDOT; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$20,000.

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

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

Approved this 12th day of September 2022.



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

Jenn Weaver, Mayor
Town of Hillsborough

ATTEST:

A handwritten signature in black ink, appearing to read "Sarah E. Kimrey".

Sarah E. Kimrey, Town Clerk



RESOLUTION

Naming Future Greenway as “Ridgewalk”

WHEREAS, the Community Connectivity Plan has recommended a greenway connecting Riverwalk and downtown southwards to Cates Creek Park and the surrounding neighborhoods since 2009; and

WHEREAS, the alignment of this greenway has shifted as feasibility and design have progressed; and

WHEREAS, a community survey conducted from June 1 to June 18, 2022 suggested the name Ridgeway and while the community responded well to the name, an alternative of Ridgewalk was also suggested; and

WHEREAS, the name Ridgewalk was unanimously recommended by the Parks and Recreation Board on Aug. 16, 2022, as it coordinates with the existing Riverwalk greenway name and doesn't create awkward or redundant language; and

WHEREAS, this greenway is under development by the town, the above steps are in reasonable alignment with Town Code Section 3-29 since the public is not asking to rename an existing facility;

NOW, THEREFORE, be it resolved the Hillsborough Board of Commissioners establishes the name “Ridgewalk” for the proposed greenway running south from Riverwalk to Cates Creek Park.

Approved this 12th day of September 2022.



Handwritten signature of Jenn Weaver in black ink.

Jenn Weaver, Mayor
Town of Hillsborough

Attestation:

Handwritten signature of Sarah Kimrey in black ink.

Sarah Kimrey, Town Clerk

Ordinance No. 20220912-6B

Return to: Hillsborough Planning Department, P.O. Box 429, Hillsborough, NC 27278

The following ordinance was introduced by Commissioner Matt Hughes, and duly seconded by Commissioner Kathleen Ferguson.

**AN ORDINANCE ANNEXING
CERTAIN CONTIGUOUS PROPERTY**

WHEREAS, a petition was received requesting the annexation of 60.2 +/- acres on Cates Creek Parkway by the owner, Charles Moren, Trustee of the Carolyn Davis Moren Living Trust dated 13 February 2018 in conjunction with applicant, Beach Equity Investments LLC;

WHEREAS, the Parcel Identification Number (PIN) for the requesting property is 9873-15-3366;

WHEREAS, the petition was signed by the owner of all the real property located within such area; and

WHEREAS, a public hearing on the annexation was held on July 21, 2022 following notice of such hearing published in the News of Orange County on July 6 and 13, 2022.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE TOWN OF HILLSBOROUGH ORDAINS:

Section 1. The Board of Commissioners finds that a petition requesting the annexation of the area described in Section 2 was properly signed by the owners of all the real property located within such area and that such area is contiguous to the boundaries of the town of Hillsborough, as the term "contiguous" is defined in G.S. 160A-31(f).

Section 2. The following area is hereby annexed to and made a part of the Town of Hillsborough:

Being all of that certain tract of land consisting of 62.74 acres shown and more fully described on that certain plat entitled "Exempt Plat of WATERSTONE-Recombination and Private Access Easement Plat" dated 11/16/06, revised 1/24/07, 02/02/07 and 02/12/07, prepared by the John R. McAdams Company, Inc. and recorded in Plat Book/File 101, Page 136 in the Office of the Orange County Register of Deeds. [PIN# 9873-15-3366]

Tract 1 (A)

Beginning at an existing iron pipe located on the intersection of the eastern edge of the Old NC 86 right-of-way and the northern edge of the Cates Creek Parkway right-of-way; thence following the eastern edge of the Old NC 86 right-of-way with a curve turning to the right having an arc length of 70.37', a radius of 1694.08' and a chord bearing of N 17°27'14" W with a chord length of 70.36' to a new iron pipe; thence N 14°14'37" W a distance of 239.09' to a new iron pipe; thence N 14°15'11" W a distance of 149.60' to a new iron pipe; thence leaving the eastern edge of the Old NC 86 right-of-way N 73°56'50" E a distance of 419.37' to an existing iron pipe; thence S 82°01'52" E a distance of 1099.21' to a point; thence S 56°55'58" W a distance of 290.44' to a point; thence S 41°31'48" W a distance of 159.73' to a point; thence S 61°35'45" W a distance of 209.45' to an existing magnetic nail located on the northern edge of the Cates Creek Parkway right-of-way; thence following the northern edge of the Cates Creek Parkway with a curve turning to the left having an arc length of 502.57', with a radius of 399.40', with a chord bearing of N 78°51'06" W and a chord length of 470.06' to an existing iron pipe; thence S 65°14'11" W a distance of 341.81' to a new iron pipe; thence with a curve turning to the right with an arc length of 69.07', with a radius of 44.92', and a chord bearing of N 63°03'31" W, with a chord length of 62.46' to an existing iron pipe; thence S 67°41'19" W a distance of 15.19' to an existing iron pipe which is the point of Beginning, having an area of 515,615 square feet, 11.837 acres.

Tract 2 (B)

Beginning at a new iron pipe located at the intersection of the eastern edge of the right-of-way of Old NC 86 and the southern right-of-way of Cates Creek Parkway; thence leaving the eastern right-of-way of Old NC 86 and following the southern edge of the Cates Creek Parkway right-of-way N 63°59'55" E a distance of 15.00' to an existing iron pipe; thence with a curve turning to the right with an arc length of 71.32', with a radius of 44.57', with a chord bearing of N 19°35'29" E, and a chord length of 63.95' to an existing iron pipe; thence N 65°06'47" E a distance of 341.64' to an existing iron pipe; thence with a curve turning to the right with an arc length of 427.44', with a radius of 339.26', with a chord bearing of S 78°51'12" E, with a chord length of 399.72' to an existing iron pipe; thence leaving the southern right-of-way of Cates Creek Parkway S 28°46'30" W a distance of 279.03' to a point; thence N 83°30'59" W a distance of 318.56' to an existing iron pipe; thence N 83°33'33" W a distance of 188.73' to an existing iron

pipe; thence N 83°05'19" W a distance of 75.90' to an existing iron pipe located on the eastern edge of the Old NC 86 right-of-way; thence following the eastern edge of the Old NC 86 right-of-way N 27°23'04" W a distance of 50.65' to a new iron pipe which is the point of Beginning, having an area of 174,002 square feet, 3.995 acres.

Tract 3 (C)

Beginning at an existing magnetic nail located on the northern edge of the Cates Creek Parkway right-of-way and also being located approximately 900' east of the Old NC 86 and Cates Creek Parkway intersection; thence leaving the northern edge of the Cates Creek Parkway right-of-way N 61°35'45" E a distance of 209.45' to a point; thence N 41°31'48" E a distance of 159.73' to a point; thence N 56°55'58" E a distance of 290.44' to a point; thence S 82°01'52" E a distance of 17.74' to a new iron pipe; thence S 29°34'40" E a distance of 188.85' to an existing iron pipe; thence S 33°32'32" E a distance of 287.77' to an existing iron pipe located on the northern edge of the Cates Creek Parkway right-of-way; thence following the right-of-way of Cates Creek Parkway S 67°51'06" W a distance of 352.79' to an existing iron pipe; thence with a curve turning to the right with an arc length of 447.48', with a radius of 369.88', with a chord bearing of N 77°30'11" W, and a chord length of 420.68' to an existing iron pipe; thence N 42°55'06" W a distance of 96.73' to an existing magnetic nail which is the point of Beginning, having an area of 247,160 square feet, 5.674 acres.

Tract 4 (D)

Beginning at an existing iron pipe located on the southern edge of the Cates Creek Parkway and being located approximately 900' east of the Old NC 86 and Cates Creek Parkway intersection; thence following the southern edge of the Cates Creek Parkway right-of-way S 42°52'55" E a distance of 96.74' to an existing iron pipe; thence with a curve turning to the left with an arc length of 520.14', with a radius of 430.71', with a chord bearing of S 77°30'50" E, and a chord length of 489.11' to an existing iron pipe; thence N 67°49'59" E a distance of 353.32' to an existing iron pipe; thence S 16°21'09" E a distance of 683.79' to an existing iron pipe; thence S 05°05'56" E a distance of 1310.00' to an existing rebar; thence N 89°15'51" W a distance of 947.79' to an existing iron pipe; thence N 02°21'17" W a distance of 589.41' to an existing iron pipe; thence N 02°22'30" W a distance of 1126.02' to an existing concrete monument; thence N 83°30'59" W a distance of 297.15' to a point; thence N 28°46'30" E a distance of 279.03' to an existing iron pipe located on the southern edge of Cates Creek Parkway right-of-way, which is the point of Beginning, having an area of 1,683,147 square feet, 38.640 acres.

Section 3. This Ordinance shall become effective on adoption.

Section 4. The Town Clerk shall cause to be recorded in the Office of the Register of Deeds of Orange County and in the Office of the Secretary of State an accurate map of the annexed territory described in Sections 2 together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Orange County Board of Elections as required by G.S. 163-288.1.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of September 2022.

Ayes: 5
Noes: 0
Absent or Excused: 0



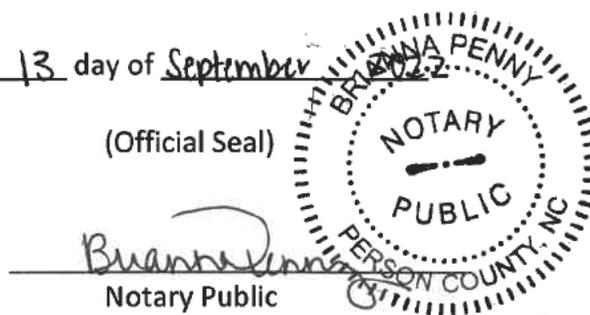
Sarah E. Kimrey
Town of Hillsborough
Sarah E. Kimrey, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, Brianna Penny, a Notary Public of the County and State aforesaid, certify that Sarah E. Kimrey personally appeared before me this day and acknowledged that she is the Town Clerk for the Town of Hillsborough, a North Carolina municipal corporation, and that she, as Town Clerk, being duly authorized to do so, executed the foregoing instrument to acknowledge that it is an Annexation Ordinance duly adopted by the Town of Hillsborough Board of Commissioners on the date indicated.

Witness my hand and official seal, this the 13 day of September

(Official Seal)



Notary Public

My commission expires. June 23, 2024

Town Board's Statement per N.C. Gen. Stat. 160D-605

The Town of Hillsborough Town Board has received and reviewed the application of Charles Moren, Trustee of the Carolyn Davis Moren Living Trust dated 13 February 2018 in conjunction with applicant, Beach Equity Investments LLC to amend the Town of Hillsborough Official Zoning Map as follows:

Rezone 2.43 acres of PIN 9873153366 from EDD (Economic Development District) to MF (Multi-Family) and zone the remaining area of 44.31 acres to MF (Multi-Family). Retain existing EDD zoning on the remaining 15.84 acres.

The Hillsborough Town Board has determined that the proposed action is consistent with the Town of Hillsborough's comprehensive plan and the Town Board's proposed action on the amendment is reasonable and in the public interest for the following reason(s):

The rezoning is consistent with the Vision 2030 plan as it provides increased and diverse housing options and supports future connectivity and connectedness in this area of town. It also continues to support and encourage sustainable practices in public and private development.

Adopted by the Town of Hillsborough Board of Commissioners this 12th day of September, 2022.





Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Zoning Map of the Town of Hillsborough

The Hillsborough Board of Commissioners ordains:

- Section 1.** An application has been made for the zoning map amendment of the property herein.
- Section 2.** The application has been referred to the town Planning Board for its recommendation and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning and future land use plan map amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate.
- Section 3.** The town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.
- Section 4.** The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone 2.43 acres of PIN 9873153366 from EDD (Economic Development District) to MF (Multi-Family) and zone the remaining area of 44.31 acres to MF (Multi-Family). The remaining 15.84 acres is currently zoned EDD and is requested to remain zoned EDD.
- Section 5.** The legal description of the parcel area of PIN 9873153366 to be zoned MF is as follows:

Tract 3 (C)

Beginning at an existing magnetic nail located on the northern edge of the Cates Creek Parkway right-of-way and also being located approximately 900' east of the Old NC 86 and Cates Creek Parkway intersection; thence leaving the northern edge of the Cates Creek Parkway right-of-way N 61°35'45" E a distance of 209.45' to a point; thence N 41°31'48" E a distance of 159.73' to a point; thence N 56°55'58" E a distance of 290.44' to a point; thence S 82°01'52" E a distance of 17.74' to a new iron pipe; thence S 29°34'40" E a distance of 188.85' to an existing iron pipe; thence S 33°32'32" E a distance of 287.77' to an existing iron pipe located on the northern edge of the Cates Creek Parkway right-of-way; thence following the right-of-way of Cates Creek Parkway S 67°51'06" W a distance of 352.79' to an existing iron pipe; thence with a curve turning to the right with an arc length of 447.48', with a radius of 369.88', with a chord bearing of N 77°30'11" W, and a chord length of 420.68' to an existing iron pipe; thence N 42°55'06" W a distance of 96.73' to an existing magnetic nail which is the point of Beginning, having an area of 247,160 square feet, 5.674 acres.

Tract 4 (D)

Beginning at an existing iron pipe located on the southern edge of the Cates Creek Parkway and being located approximately 900' east of the Old NC 86 and Cates Creek Parkway intersection; thence following the southern edge of the Cates Creek Parkway right-of-way S 42°52'55" E a distance of 96.74' to an existing iron pipe; thence with a curve turning to the left with an arc length of 520.14', with a radius of 430.71', with a chord bearing of S 77°30'50" E, and a chord length of 489.11' to an existing iron pipe; thence N 67°49'59" E a distance of 353.32' to an existing iron pipe; thence S 16°21'09" E a distance of 683.79' to an existing iron pipe; thence S 05°05'56" E a distance of 1310.00' to an existing rebar; thence N 89°15'51" W a distance of 947.79' to an existing iron pipe; thence N 02°21'17" W a distance of 589.41' to an existing iron pipe; thence N 02°22'30" W a distance of 1126.02' to an existing concrete monument; thence N 83°30'59" W a distance of 297.15' to a point; thence N 28°46'30" E a distance of 279.03' to an existing iron pipe located on the southern edge of Cates Creek Parkway right-of-way, which is the point of Beginning, having an area of 1,683,147 square feet, 38.640 acres.

Section 6. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 7. 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 12th day of September in 2022.

Ayes: 5

Noes: 0

Absent or excused: 0



Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Unified Development Ordinance of the Town of Hillsborough

The Hillsborough Board of Commissioners ordains the following amendments:

5.2.1 EVENT CENTER

5.2.1.1 Standards for Evaluation

The following specific standards shall be used to evaluate an application for approval of this use:

~~5.2.12.1.a~~ The proposed uses must occupy a structure that exists on the applicant parcel before application is submitted.

~~5.2.12.1.b~~ The proposed use of the site shall not require a structural expansion or addition of more than fifty (50) percent of the gross floor area existing in the building to be used at the time of application and planned to be retained for use.

~~5.2.12.1.c~~ If a state, county or town license or permit is required to operate such a facility, the standards necessary to qualify for such a permit have been, or can be met; no building permit or certificate of occupancy for such use shall be issued until all other state, county and/or local permits required for the use are submitted to the Town.

~~5.2.12.1.a~~ If live or recorded music is allowed at events, *the venue will have to comply with the standards outlined in Town Code of Ordinances Chapter 5, Article I- Noise, which regulates noise levels at various times of day.. no amplified sound and/or music shall be allowed outdoors after 9 PM or indoors after 12:00 AM (midnight).*

~~5.2.12.1.b~~ The proposed methods of soundproofing the buildings must be sufficient to reduce noise from the interior of the building. ~~The noise level at the property line shall not exceed forty five (45) decibels.~~

~~5.2.12.1.c~~ Outdoor areas planned to be used in connection with the event center shall be located and buffered in such a manner as to protect neighboring uses from light, noise, and loss of privacy.

~~5.2.12.1.d~~ See Section 3.2 for additional requirements applicable to all review processes

3.2 APPLICABLE TO ALL REVIEW PROCESSES

3.2.1 COMPLETE APPLICATIONS

All applications for any approval required by this Ordinance must be complete. Planning Director will establish application deadlines to allow time to review applications for completeness before continuing the application process. Applicants who submit incomplete applications will receive a written notice stating the information needed to complete the application and a date by which the information must be submitted to maintain the review schedule. No application will be considered complete until all fees required by the Town's fee schedule have been paid in full. Application Packets including application deadlines, submittal requirements, and application forms can be found in the *Administrative Manual*.

3.2.2 EXPEDITIOUS REVIEW

Town shall make every reasonable effort to process applications expeditiously, consistent with the need to ensure that all development conforms to the requirements of this chapter.

3.2.3 FEES

Filing fees for all development approvals pursuant to this ordinance shall be established by the Fee Schedule adopted by the Town Board. The fee schedule can be found in the *Administrative Manual*.

3.2.4 AUTHORITY TO FILE

Applications for any approval or permit required by this Ordinance must be signed by the property owner, a designated owner's agent, or a contract purchaser of a property with authorization of the property owner. Written proof of authority must be submitted with every application.

3.2.5 PERMIT ISSUANCE

Unless otherwise designated in this ordinance, the Town shall not issue or sign off on any building permit or certificate of occupancy for any use requiring additional state, county, or local permits or licenses that have not yet been obtained or are not working toward being obtained as demonstrated by the applicant.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of September in 2022.

Ayes: 5

Noes: 0

Absent or excused: 0



Sarah E. Kimrey, Town Clerk