



Minutes

Board of Commissioners Regular Meeting

7 p.m. Feb. 12, 2024

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

Present: Mayor Mark Bell and commissioners Meaghun Darab, Robb English, Kathleen Ferguson, Matt Hughes, and Evelyn Lloyd

Staff: Planning and Economic Development Manager Shannan Campbell, Administrative Services Director Jen Della Valle, Assistant Town Manager and Community Services Director Matt Efird, Budget and Management Analyst Josh Fernandez, Lead for North Carolina Fellow Marshall Grayson, Environmental Engineering Supervisor Bryant Green, Police Chief Duane Hampton, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Finance Director Dave McCole and Town Manager Eric Peterson

Opening of the meeting

Mayor Mark Bell called the meeting to order at 7 p.m.

1. Public charge

Bell did not read the public charge.

2. Audience comments not related to the printed agenda

Public comments:

- Karl Sakas – Spoke on the Crisis Diversion Center development and potential nuisance concerns for neighboring properties.
- Dorie Bargmann – Spoke for the Corbinton Commons Homeowners Association. She provided an update on road progress and offered thanks for the town's continued work.
- Doug Peterson – Asked the board to discuss Item 6F Amendment to Town Code Section 14-1 – Definitions

3. Agenda changes and approval

The following agenda changes were made:

- Item 4A – Introduction of recently hired police officers Megan Carter and Haiden Jannetta and public reaffirmation of oaths of office was removed from the agenda.
- Item 6E was moved from the consent agenda to Item 7C for discussion.
- Item 6F was moved from the consent agenda to Item 7D for discussion.

Motion: Commissioner Kathleen Ferguson moved to approve the amended agenda. Commissioner Robb English seconded.

Vote: 4-0. Absent: Commissioner Evelyn Lloyd

4. Presentations

~~A. Introduction of recently hired Police Officers Megan Carter and Haiden Jannetta and public re-affirmation of oaths of office~~

5. Appointments

- A. Planning Board – Reappointment of Robert Iglesias for a three-year term expiring Jan. 31, 2027
- B. Planning Board – Reappointment of Hooper Schultz for a three-year term expiring Jan. 31, 2027
- C. Tourism Board – Reappointment of Victoria Pace for a term expiring Dec. 13, 2026

D. Tourism Board – Reappointment of Barney Caton for a term expiring Dec. 9, 2026

Motion: Commissioner Matt Hughes moved to approve all appointments. Ferguson seconded.
Vote: 4-0. Absent: Lloyd

6. Items for decision – consent agenda

- A. Minutes
 - Regular meeting Jan. 8, 2024
 - Work session Jan. 22, 2024
 - Work session closed session Jan. 22, 2024
- B. Miscellaneous budget amendments and transfers
- C. Classification and pay amendment
- D. Resolution authorizing the Town of Hillsborough to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441
- ~~E. Minor Modifications to Section 14-56 Cross Connection Town Code of Ordinances~~
- ~~F. Amendment to Town Code Section 14-1 – Definitions~~
- G. Unified Development Ordinance (UDO) text amendment (staff-initiated):
 - Section 3.10.3 Variance: General Standards/Findings of Fact
 - Section 3.10.6 Variance: Procedure
 - Section 6.20.16 Stormwater Management: Riparian Buffers
- H. Unified Development Ordinance (UDO) text amendment (staff-initiated):
 - Table 5.1.8 Use Table for Non-Residential Districts: Gov. Maintenance Yard
 - Section 9.2 Definitions: Government Maintenance Yard
- I. Unified Development Ordinance (UDO) text amendment (staff-initiated):
 - Section 6.5.11.3 South Churton Non-Residential Buffer: Requirements
 - Section 6.7.11.2 Parking and Circulation, Site Layout
 - Sections 6.13.3.1 – 6.13.3.3 Off-Street Parking Provisions
 - Sections 6.13.9.1 – 6.13.9.2 Off-Street Parking Design Requirements
- J. Unified Development Ordinance (UDO) text amendment to Section 6.21.2 Streets – Applicability (staff-initiated)
- K. Amendment to the Water and Sewer Management, Planning, and Boundary Agreement
- L. Acceptance of Sidewalk at Aldi
- M. Acceptance of Water Utilities at Aldi
- N. Acceptance of Water Utilities at Chrysler, Dodge, Jeep, and Ram (CDJR) Dealership

Motion: Ferguson moved to approve all items on the amended consent agenda. Commissioner Meaghun Darab seconded.
Vote: 4-0. Absent: Lloyd

7. Items for decision - regular agenda

- A. Retention schedule for meeting audio and video recordings follow-up discussion
Town Clerk and Human Resources Technician Sarah Kimrey presented to the board and requested direction on a retention schedule policy for video recordings of Board of Commissioner meetings. Staff recommended a policy requiring video recordings to be retained for three years. The mayor asked for clarification on current town retention policies. Kimrey explained that video recordings of Board of Commissioner meetings are currently available through the town's website and on YouTube.

Lloyd joined the meeting at 7:14 p.m.

Kimrey introduced Information Technology Manager Beth Yurchisin to clarify current practices and costs. Yurchisin clarified that storage charges are insignificant. Kimrey explained that the public can currently view

but cannot download a copy of video recordings without submitting a request to the town. Assistant Town Manager and Community Services Director Matt Efird provided clarification to Ferguson's questions on bookmarking videos, explaining that users can currently save videos through their YouTube account for future use.

Ferguson expressed a desire to keep recordings indefinitely. Hughes concurred, supporting the idea of keeping videos and audio to provide more context to discussions. Lloyd suggested video recordings should be maintained for a shorter period to alleviate staff duties. English asked what Chapel Hill and Carrboro's current video retention practices are, suggesting the possibility of using additional software to serve as a backup to YouTube storage. Darab clarified that no statutory requirement mandates the retention of video recordings if approved minutes are available.

Hughes suggested staff draft an internal policy guaranteeing the retention of public meeting audio and video recordings for 10 years, with indefinite retention thereafter if possible given storage limitations.

B. Police Department update – 2023 crime trends and summary

Police Chief Duane Hampton gave a presentation to the board on 2023 police activity and crime trend information. The report detailed crime throughout the past year, highlighting topics that included violent crimes, property crimes, traffic stops and crisis intervention calls. Hampton showed a rise in calls for service but explained that violent crime — while a primary concern for the department moving forward — has continued to fluctuate at an expected level in response to town growth and population change. Hampton said overall he has seen consistent crime patterns and is thankful that most crime has trended downward since 2022.

In 2023, the number of violent crimes in Hillsborough was less than the state average while the property crime rate was higher. Hampton attributed the latter to the growing population and the high number of larcenies occurring at big box retailers. The number of traffic stops also increased from 1,481 in 2022 to 1,566 in 2023. Hampton attributed the increase to the department's focus on addressing moving violations, such as speeding. Hampton also said that about 300 arrests were made in the past year.

Hampton concluded the presentation by stating confidence in the department and highlighting the completion of over 1,797 hours of mandatory training, 2,985 hours of nonmandatory training and over 70 internal accountability reviews to monitor areas like use of force. The department had 18 actual uses of physical force in 2023, showing an overall decrease in use of force as a percentage of arrests compared to 2022. Hampton said over 919 hours of community engagement initiatives and the department's new diversion social worker also were having a positive impact on community relations and advanced mental health support. He echoed positive sentiments about the program and said the department is benefiting from having a social worker and wants to continue support for the position.

Ferguson asked for clarification on where most crimes originated. Hampton answered it stems mostly from surrounding Orange County geographic areas. The mayor asked if COVID had an impact on crime levels. Hampton discussed the pandemic as a potential component for increased crime rates, citing a decrease in civility over the past few years. Ferguson asked for more information on the effectiveness of online training. Hampton explained that various forms of training are being used to educate personnel most effectively. Ferguson also asked for more information on drug abuse in town. The chief said marijuana is present most, but cocaine and heroin overdoses are also a concern.

C. Minor modifications to Section 14-56 – Cross Connection in Code of Ordinances

The board discussed a modification to Section 14-56 of the town code to not mandate annual inspections for backflow prevention devices that are not required by the town. Environmental Engineering Supervisor Bryant

Green discussed the benefits of annual checks, suggesting that yearly inspections should still be encouraged for all applicable residents if a modification was approved. Ferguson favored maintaining a yearly inspection requirement for all backflow devices. Darab explained that alleviating this mandate would help reduce additional cost burdens. Other commissioners were in agreement.

Motion: Darab moved to approve the modification as presented with an additional text amendment to (f)(1). English seconded.

Vote: 4-1. Nays: Ferguson

D. Amendment to town code Section 14-1 – Definitions

The board discussed a proposed amendment to add definitions for “development” and “redevelopment” to the town code. Hughes asked for additional clarification on where the definitions originated. The environmental engineering supervisor explained that the definitions are directly related to North Carolina General Statute 160D-102. He discussed the complexity of definitions and the danger of creating different classes of customers through misinterpreted terms. Town Attorney Bob Hornik emphasized that the town has little say in altering the language in the statute.

Motion: Ferguson moved to approve the ordinance amendment as presented. English seconded.

Vote: 5-0.

E. Hot topics for work session Feb. 26, 2024

Town Manager Eric Peterson noted the following topics:

- Legislative priority meeting with Sen. Graig Meyer and Rep. Renée Price
- Downtown parking updates

The mayor asked to discuss strategies for maintaining cleanliness and respectful public use of town cemeteries following resident concerns. Peterson said it will be discussed during the next session if staff have sufficient time to prepare a substantive presentation.

The Water and Sewer Advisory Committee was also discussed. Hughes asked if it should continue as a joint body given slow progress over the past few months. Bell suggested that the topic be revisited when time allows but before the next joint meeting in August.

Bell said he will share information on legislative priorities at the next meeting.

8. Updates

A. Board members

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

B. Town manager

Peterson asked board members to complete homework assignments prior to the budget retreat on Feb. 17.

C. Staff (written reports in agenda packet)

No additional updates.

Motion: Ferguson moved to go into closed session at 9:15 p.m. Darab seconded.

Vote: 5-0.

9. Closed session

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

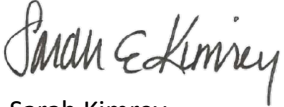
- B. Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(7) regarding cybersecurity

Motion: Ferguson moved to return to open session at 10:28 p.m. Hughes seconded.
Vote: 5-0.

10. Adjournment

Bell adjourned the meeting at 10:28 p.m.

Respectfully submitted,



Sarah Kimrey
Town Clerk

Staff support to the Board of Commissioners



RESOLUTION

Authorizing the Town of Hillsborough to Engage in Electronic Payments As Defined by N.C.G.S. 159-28 or N.C.G.S. 115C-44I

WHEREAS, it is the desire of the Board of Commissioners that the Town of Hillsborough is authorized to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441; and

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the Board of Commissioners, to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by N.C. Administrative Code 20 NCAC 03 .0409; and

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the Board of Commissioners, to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by N.C. Administrative Code 20 NCAC 03 .0410;

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

- Authorizes the Town of Hillsborough to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441; and
- Authorizes the Finance Officer to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by N.C. Administrative Code 20 NCAC 03 .0409; and
- Authorizes the Finance Officer to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by N.C. Administrative Code 20 NCAC 03 .0410; and
- This resolution shall take effect immediately upon its adoption. Upon motion of Commissioner Kathleen Ferguson and seconded by Commissioner Meaghun Darab.

Approved this 12th day of February of the year 2024.

Ayes: 4

Noes: 0

Absent or excused: 1



Mark Bell

Mark Bell, Mayor
Town of Hillsborough

Attestation:

Sarah E. Kimrey

Sarah Kimrey, Town Clerk

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

Text Amendment Request from: Staff - Planning and Economic Development Division
February 12, 2024

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 §3.10.3 (Variance – General Standards/Findings of Fact), §3.10.6 (Variance – Procedure), and §6.20.16 (Stormwater Management – Riparian Buffers) to conform with state regulations on riparian buffers and associated variance procedures for the Neuse River Basin.

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

1. The amendments are consistent with the *Environment and Natural Systems* chapter goal to "Employ an integrated ecosystem approach and stewardship mentality to protect, conserve, and restore critical environmental areas and natural systems."

Strategy: Develop and participate in programs that contribute to sustained ecological health of the environment and natural systems.

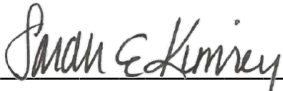
The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 12th day of February in the year 2024.

Ayes: 4

Noes: 0

Absent or excused: 1





Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Hillsborough Unified Development Ordinance

Sections 3.10.3, 3.10.6, and 6.20.16

The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to UDO Section 3.10.3 *Variance – General Standards/Findings of Fact*; Section 3.10.6 *Variance – Procedure*; and Section 6.20.16 *Stormwater Management – Riparian Buffers* as attached hereto.
- Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of February in the year 2024.

Ayes: 4
Noes: 0
Absent or excused: 1



A handwritten signature in black ink, reading "Sarah E. Kimrey".

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
February 12, 2024

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 §5.1.8 (Use Table for Non-Residential Districts) and §9.2 (Definitions) to allow government maintenance yards by right in the Light Industrial (LI) district, making the permitting requirements for government maintenance yards consistent with comparable uses in the district.

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

1. The amendments are consistent with the *Land Use and Development* chapter goal to "ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater capacity."

Strategy: Revise zoning and development regulations in accordance with the Future Land Use Plan and Future Land Use Map and water and sewer needs. Condense land use classifications.

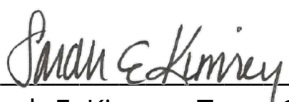
The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 12th day of February in the year 2024.

Ayes: 4

Noes: 0

Absent or excused: 1





Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Hillsborough Unified Development Ordinance

Table 5.1.8 and Section 9.2

The Hillsborough Board of Commissioners ordains the following amendments:

Section 1. The amendment to the “Government Maintenance Yard” category in Table 5.1.8 *Use Table for Non-Residential Districts* as follows:

5.1.8 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS															
P = Permitted by Right	SUP = Permitted with a Special Use Permit								PA = Permitted as accessory use						
	LO	NB	OI	CC	GC	HIC	ARU	BP	EDD	LI	GI		ESU	NBSU	SDSU
Government Maintenance Yard			SUP						SUP	P					

Section 2. The amendment to Section 9.2 *Definitions* as follows:

Government Maintenance Yard

A facility owned and operated by a unit of government to park, store, repair, and stage service vehicles and repair equipment, including but not limited to transit vehicles, solid waste and street repair vehicles, and utility system and park vehicles.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. 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 February in the year 2024.

Ayes: 4
Noes: 0
Absent or excused: 1



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
February 12, 2024

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 §6.5.11.3 (South Churton Non-Residential Buffer – Requirements); §6.7.11.2 (Parking and Circulation, Site Layout); §6.13.3.1 – 6.13.3.3 (Off-Street Parking Provisions); and §6.13.9.1 - 6.13.9.2 (Off-Street Parking Design Requirements) to clarify parking area requirements so that regulations are consistent across sections and to allow flexibility when needed, particularly for smaller projects requiring ten (10) or fewer parking spaces.

The Hillsborough Board of Commissioners has determined the proposed action **is** consistent with the Town of Hillsborough's Comprehensive Sustainability Plan (CSP) 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.

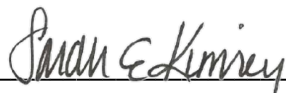
The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 12th day of February in the year 2024.

Ayes: 4

Noes: 0

Absent or excused: 1





Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Hillsborough Unified Development Ordinance

Sections 6.5.11.3; 6.7.11.2; 6.13.3.1 – 6.13.3.3; and 6.13.9.1 – 6.13.9.2


The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to Section 6.5.11.3 *South Churton Non-Residential Buffer – Requirements*; Section 6.7.11.2 *Parking and Circulation, Site Layout*; Sections 6.13.3.1 – 6.13.3.3 *Off-Street Parking Provisions*; and Sections 6.13.9.1 – 6.13.9.2 *Off-Street Parking Design Requirements* as attached hereto.
- Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of February in the year 2024.

Ayes: 4
Noes: 0
Absent or excused: 1





Sarah E. Kimrey, Town Clerk

6.5 BUFFERS

6.5.11 SOUTH CHURTON NON-RESIDENTIAL BUFFER

6.5.11.3 Requirements

- 6.5.11.3.a** The South Churton buffer area shall be measured from the property edge of the South Churton Street right of way. The 1999 Feasibility Study for the widening of this facility required 100 feet of right of way for the improved South Churton Street. Any property undergoing development or significant redevelopment will need to dedicate any right of way not already secured for this project before certificates of occupancy will be issued for the property's requested improvements.
- 6.5.11.3.b** The buffer shall be at least 30 feet wide and shall be improved with trees and landscaping consistent with Section 6.5.11.4 below.
- 6.5.11.3.c** New structures shall be setback at least 30 feet, but not more than 100 feet, from the edge of the right of way.

6.7 DESIGN REQUIREMENTS FOR NEW NON-RESIDENTIAL AND MULTI-FAMILY BUILDINGS

6.7.11 PARKING AND CIRCULATION, SITE LAYOUT

6.7.11.1 Applicability

This section applies to all buildings unless at least one tenant space within a building is 30,000 sf or larger. A building size equal to or exceeding 30,000 sf but divided into smaller tenant spaces, the presence of multiple buildings, multiple primary buildings, or buildings oriented in different directions does not affect applicability. If multiple buildings are considered primary, the requirements will be applied to each building to the extent that such application does not create a clear violation of these requirements for the site overall.

- 6.7.11.2** Primary buildings shall be placed along the right-of-way at the front of lot or immediately behind any allowed parking or circulation areas, sidewalks, and landscape areas.
- 6.7.11.3** On corner lots, primary buildings shall be placed along the right-of-way at front or front corner of the lot or immediately behind any allowed parking or circulation areas, sidewalks, and landscape areas.

6.13 PARKING, LOADING, AND CIRCULATION

6.13.3 OFF-STREET PARKING PROVISIONS

6.13.3.1 General

Except as detailed in Section 6.13.3.2, *Minimum Number of Parking Spaces Required in the CC District*, the required number of off-street parking spaces shall be calculated using Table 6.13.3.4, *Minimum Number of Parking Spaces Required*. When a calculation results in a fraction, fractions of less than 0.5 shall be rounded down and fractions of 0.5 or more shall be rounded up. This same rounding convention applies when calculating allowable reductions or additions as detailed in this section. The term "per employee" shall mean per employee at the time the maximum number of employees is present.

6.13.3.2 Minimum Number of Parking Spaces Required in the CC District

Due to the presence of on street and off-street public parking and the overlapping and walkable nature of areas zoned Central Commercial, the requirement of parking applies by square feet of building within the entire Central Commercial district rather than use by use.

In 2010, the town prepared an inventory of downtown parking. Any off-street parking shown in that inventory (Parking Study, Phase 2) should be retained by the private property owner or replaced space for space if proposed to be built over.

In the CC district, parking shall be provided at a rate of one parking space per 500 square feet of gross floor area. If a property owner proposes to build additional building area or renovate space not occupied during the 2010 inventory, the owner shall provide additional parking to reflect the demand generated by the addition of occupied square footage.

6.13.3.3 Number of Parking Spaces Required outside the CC District

The following Table establishes the formulas to be used to calculate the number of parking spaces required for a particular use. If no specific parking standard is established in this Table for a particular use, the permit issuing authority shall apply the most analogous standard. Some uses identified in this Table are not identified in the Table of Permitted Uses as specific uses. Nevertheless, parking standards for the most similar use shall apply.

6.13.3.3.a Allowable Parking Reductions and Additions

The number generated by applying the parking standard is the required number of parking spaces for a defined use. This constitutes both a minimum and maximum with the following exceptions:

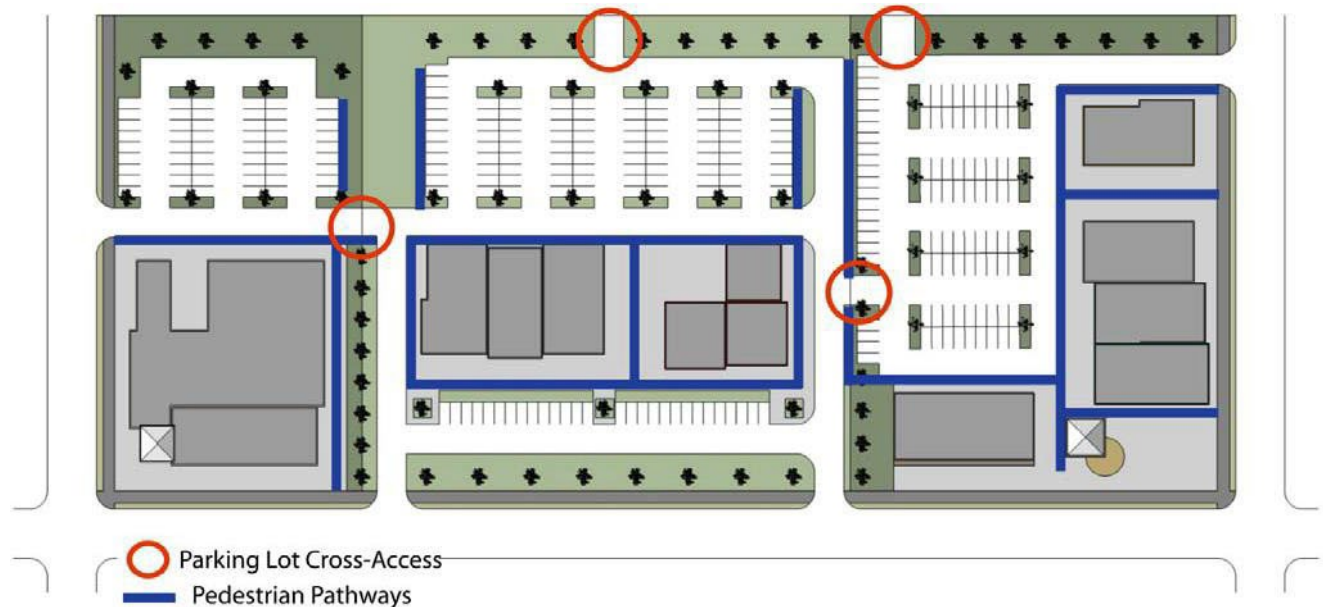
- (a) Uses requiring 5-20 spaces after rounding are allowed to build up to 2 more or 2 fewer spaces.
- (b) Uses requiring 21-99 spaces after rounding are allowed to build up to 5 more or 5 fewer spaces.
- (c) Uses requiring 100 spaces or more after rounding are allowed to build up to 10 more or 10 fewer spaces.

6.13.9 OFF-STREET PARKING DESIGN REQUIREMENTS

- 6.13.9.1** One row of parking spaces and one drive aisle, which together shall not exceed 44 feet in width, may be located between the primary building(s) and the street right-of-way. All other off-street parking areas shall be located to the side or rear of the primary building(s) behind the front façade(s).
- 6.13.9.2** Except as otherwise allowed under subsection 6.13.9.1, visual impact of parking areas shall be reduced by locating the parking areas away from rights-of-way.
- 6.13.9.3** Surface parking shall not be located at street corners.
- 6.13.9.4** Parking areas shall be broken up into groups of no more than 14 contiguous spaces separated by landscaped areas. Parking areas shall be divided into a series of lots that are interconnected but separated by planted areas.

- 6.13.9.5** Adjacent parking lots shall be connected by cross access easements to provide shared parking areas whenever possible.
- 6.13.9.6** Off street parking shall not be located along any street frontage that also has on- street parking.
- 6.13.9.7** All off-street parking spaces, vehicle accommodation areas, and access areas shall be surfaced with an all-weather paving material, such as asphalt, and maintained in a safe, sanitary, and neat condition. The use of innovative and pervious surfaces for the use of parking is encouraged. Parking is not permitted on landscaped areas.
- 6.13.9.8** Off-street parking spaces shall be designed to prevent interference of parked vehicles with travel lanes, walkways, public property, or other private property by means of walls, curbs, wheel stops, or other appropriate means.
- 6.13.9.9** All parking areas shall be properly maintained by the owner of the property.

Figure 6-9: Off-Street Parking Design Requirements



- 6.13.9.10** See Section 6.10 for Landscaping (Parking Lot).

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

Text Amendment Request from: Staff - Planning and Economic Development Division
February 12, 2024

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 §6.21.2 (Streets - Applicability) to clarify that this section applies to both new and improved streets and to affirm that new or improved streets within town limits must comply with the standard specifications and adopted street manual for the town.

The Hillsborough Board of Commissioners has determined the proposed action **is** consistent with the Town of Hillsborough's Comprehensive Sustainability Plan (CSP) 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 12th day of February in the year 2024.

Ayes: 4

Noes: 0

Absent or excused: 1





Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Hillsborough Unified Development Ordinance

Section 6.21.2

The Hillsborough Board of Commissioners ordains the following amendment:

Section 1. The amendment to Section 6.21.2 *Streets – Applicability* as follows:

6.21.2 APPLICABILITY

New or improved streets will generally be dedicated to the town or NC Department of Transportation. New or improved streets within town limits must comply with the town's standard specifications and its adopted street manual, including the submission of a Traffic Impact Analysis, if required. Private streets are generally permitted only in minor subdivisions and some developments where land ownership is not defined by the vehicle circulation system (e.g., apartment complexes, shopping centers, or office parks). Allowable private streets are also regulated by this section.

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of February in the year 2024.

Ayes: 4

Noes: 0

Absent or excused: 1



A handwritten signature in black ink, reading "Sarah E. Kimrey".

Sarah E. Kimrey, Town Clerk



RESOLUTION

Amending the Chapel Hill, Hillsborough, Orange County and OWASA Water and Sewer Management, Planning, and Boundary Agreement

WHEREAS, in 2001, Carrboro, Chapel Hill, Hillsborough, Orange County, and OWASA adopted a Water and Sewer Management, Planning and Boundary Agreement (WASMPBA); and

WHEREAS, the agreement was last amended on Nov. 17, 202; and

WHEREAS, the Chamber for a Greater Chapel Hill-Carrboro submitted a petition to the Town of Chapel Hill on June 14, 2023, requesting that the town extend the water and sewer boundary along the US 15-501 South corridor to the Chatham County line; and

WHEREAS, OWASA's Primary Service Area (Urban Services Area) is where water and/or sewer service is now provided or might reasonably be provided in the future; and

WHEREAS, the area proposed for inclusion into OWASA's Primary Service Area is within the Town of Chapel Hill's planning jurisdiction and is currently designated as either Extraterritorial Jurisdiction (ETJ) or "Transition Area" on the Orange County – Chapel Hill – Carrboro Joint Planning Land Use Plan Map and Agreement; and

WHEREAS, both of these designations expect urban services, such as public water and sewer will be provided; and

WHEREAS, the area proposed for designation as OWASA Primary Service Area has been reviewed by OWASA and is technically feasible for the provision of both water and sewer service; and

WHEREAS, amendments to the agreement require the approval of all signatories to the agreement.

NOW, THEREFORE, be it resolved that the Hillsborough Board of Commissioners approves the amendments to Appendix A of the agreement to designate additional "Primary Service Area" in Chapel Hill's jurisdiction as shown on the map attached hereto.

Approved this 12th day of February of the year 2024.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough

Attestation:

Sarah Kimrey

Sarah Kimrey, Town Clerk



ORDINANCE

Modification to Town Code Section 14-56 (Cross Connection Control)

The Town of Hillsborough Board of Commissioners ordains the following redline amendments while the remainder of the section remains unchanged:

Sec. 14-56. Cross-connection control.

(a) *General policy.*

(3) *Designation of responsibility.*

- c. *Plumbing inspector's responsibility.* The plumbing inspection departments of the town and Orange County have the responsibility to not only review building plans and inspect plumbing as it is installed but, they have the explicit responsibility of preventing cross-connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross-connections being made an integral part of the plumbing system, the plumbing inspector has the Responsibility, under the North Carolina Building Code, for requiring that such cross-connections be either eliminated or provided with backflow prevention equipment approved by the North Carolina State Building Code.

The plumbing inspector's responsibility begins at the point of delivery downstream of the first installed backflow prevention assembly and continues throughout the entire length of the consumer's water system. The inspector should inquire about the intended use of water at any point where it is suspected that a cross-connection might be made or where one is actually called for by the plans. When such is discovered, it shall be mandatory that a suitable, approved backflow prevention assembly approved by the North Carolina Building Code. North Carolina Department of Environmental Quality and the town be required by the plans and be properly installed.

- d. *Consumer responsibility.* The consumer has the primary responsibility of preventing pollutants and contaminants from entering his/her potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his/her water system. It is the consumer's responsibility to install and maintain a continuous operable assembly where required by this Section 14-56 in accordance with subsections (e) through (g). The consumer, at his/her expense shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the town. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by the town and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping, or relocation of an assembly, the consumer shall have it tested to ensure that it is in good operating condition and will prevent backflow. Tests, maintenance, and repairs of backflow prevention assemblies shall be made by a town-approved certified backflow prevention assembly tester. Consumer shall follow the specifications of the town regarding

configuration and placement of backflow prevention assemblies. Where required, bypass detection meters shall be purchased from the town.

(b) *Definitions.*

Potable water. The term "potable water" shall mean water from any source which has been approved for human consumption by the North Carolina Department of Environmental Quality.

Public potable water system. The term "public potable water system" shall mean any publicly or privately owned water system operated as a public utility, under a current North Carolina Department of Environmental Quality permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

Unapproved water supply. The term "unapproved water supply" shall mean a water supply which has not been approved for human consumption by the North Carolina Department of Environmental Quality.

(c) *Right of entry.*

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

(f) *Testing and repair of assemblies.*

- (1) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester approved by the town. Such tests are to be conducted upon installation and annually thereafter for backflow prevention assembly devices required by the town or at a frequency established by the town. A record of all testing and repairs is to be retained by the consumer. Copies of the records must be provided to the town, or its identified third-party manager, within ten business days after the completion of any testing, and/or repair work.

- (g) *Facilities requiring protection.* Approved backflow prevention assemblies shall be installed on the service line to any facility that the town has identified as having a potential for backflow. All assemblies and installations shall be subject to inspection and approval by the town.

The following types of facilities or services have been identified by the town as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly shall be required on all such services according to the degree of hazard present. Other

types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the town. As a minimum requirement, all non-residential services shall be required to install a double-check valve assembly. The minimum requirements are listed below. The best protection recommended even if not required is a reduced pressure principle assembly.

(2) Auxiliary water systems:

- a. Approved public/private water supply: DCVA
- b. Unapproved public/private water supply: AG or RP
- c. Used water and industrial fluids: RP

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

- a. Community or non-residential: RP
- b. Residential without direct piping: AG or RP
- c. Residential with direct piping from potable supply: RP

(h) *Connections with unapproved sources of supply.*

- (1) No person shall connect or cause to be connected any supply of water not approved by all regulating authorities having jurisdiction, to the water system supplied by the town. Any connections allowed by the town shall be in conformance with the backflow prevention requirements of this section.

The foregoing ordinance having been submitted to a vote, received the following vote, and was duly adopted this 12th day of February in the year 2024.

Ayes: 4

Noes: 1

Absent or excused: 0



Sarah E. Kimrey, Town Clerk



ORDINANCE

Revision to Section I4-I of the Town Code of Ordinances

The Hillsborough Board of Commissioners ordains the following addition to Section 14-1. Definitions:

Section 1. Insert the following language as new item (10) and renumber all subsequent definitions in the Section sequentially now ending with item (50) being the definition of *Water system*.

- (10) *Development, and Redevelopment*, where used in this section or in the town's Technical Specifications and Design Standards for Water and Sewer Systems refers to any of the following:
- (i) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
 - (ii) The excavation, grading, filling, clearing, or alteration of land.
 - (iii) The subdivision of land as defined in G.S. 160D-802.
 - (iv) The initiation or substantial change in the use of land or the intensity of use of land.
 - (v) All other definitions of development provided in G.S. 160D-102.12.

Section 2. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote, and was duly adopted this 12th day of February in the year 2024.

Ayes: 5

Noes: 0

Absent or excused: 0



Sarah E. Kimrey, Town Clerk