



# Agenda

## Board of Commissioners Regular Meeting with Tentative Budget Adoption

7:00 PM June 12, 2023

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

### 1. Public charge

The Hillsborough Board of Commissioners pledges to the community of Hillsborough its respect. The board asks community members to conduct themselves in a respectful, courteous manner with the board and with fellow community members. At any time should any member of the board or attendee fail to observe this public charge, the mayor or the mayor's designee will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the mayor or mayor's designee will recess the meeting until such time that a genuine commitment to the public charge is observed.

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

### 3. Agenda changes and approval

### 4. Presentations

A. Follow-up on Engage Hillsborough: Safety event

### 5. Items for decision – consent agenda

A. Minutes

– Regular meeting May 8, 2023

– Work session and budget public hearing May 22, 2023

B. Miscellaneous budget amendments and transfers

C. Proclamation – Juneteenth Independence Day

D. Proclamation – National Pollinator Week 2023

E. 2023 Schools Adequate Public Facilities Ordinance Technical Advisory Committee Annual Report

F. Memorandum of Understanding for the operation of the Orange County Partnership to End Homelessness

G. Authorization to Enter into a Comprehensive Participation Agreement for Orange County Transit Funds

H. Amendment to the HOME Investment Partnership American Rescue Plan Allocation

I. Orange County Article 46 Economic Development Collaborative Funds

J. Proposed location for Mariah G. McPherson Memorial Bench

### 6. Items for decision – regular agenda

A. Annexation and General Use Rezoning: 220 & 300 US 70 E (PINS 987500537 & 9875104533); Entryway Special Use to General Commercial

B. Collins Ridge Master Plan Amendments – 2023

C. Hillsborough Comprehensive Sustainability Plan (2030)

D. Fiscal Year 2024 Budget Adoption

E. Hot topics for work session June 26, 2023

101 E. Orange St., PO Box 429, Hillsborough, NC 27278  
919-732-1270 | [www.hillsboroughnc.gov](http://www.hillsboroughnc.gov) | @HillsboroughGov

**7. Updates**

- A. Board members
- B. Town manager
- C. Staff (written reports in agenda packet)

**8. Adjournment**

Interpreter services or special sound equipment for compliance with the Americans with Disabilities Act is available on request. If you are disabled and need assistance with reasonable accommodations, call the Town Clerk's Office at 919-296-9443 a minimum of one business day in advance of the meeting.





## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date:	June 12, 2023
Department:	Communications, Police, Public Space
Agenda Section:	Presentation
Public hearing:	No
Date of public hearing:	N/A

#### PRESENTER/INFORMATION CONTACT

Senior Communications Specialist Cheryl Sadgrove

#### ITEM TO BE CONSIDERED

**Subject:** Follow-up on Engage Hillsborough: Safety event

**Attachments:**

Slideshow: Spring 2023 Event Follow-up

**Summary:**

Staff hosted the town's first Engage Hillsborough event on Saturday, April 29. The safety-focused event included opportunities for community members to:

- Talk with safety-related staff members at information tables, many with interactive activities (about 23 community members and 21 staff members participated).
- Engage in small- and large-group conversations about safety with one another.
- Receive childcare with a supervised art activity during the event (about 5 children participated).
- Receive Spanish interpreting services during the event (no one used the service, but several attendees expressed support and enthusiasm for the town offering it).

Staff reported that, in one-on-one conversations with community members, they heard questions or concerns about:

- Diversity in the community
- Lowering speed limits
- Pedestrian safety and the need for sidewalks
- Mental health response
- Affordability
- Tenant rights
- Water cleanliness and supply
- Nearby construction impacting Bellvue Street

The same topics arose in the small- and large-group conversations on safety.

The event turned out to be the same day as the River Park Concert, which may have pulled some community members away. It was an attempt to offer an alternative method of outreach that could lead to more and different voices engaging with the town. Eleven community members completed evaluations. The evaluations and sign-in sheet indicated representation from nine neighborhoods. Eight people marked that they were white, two Black and one "other." Two people identified themselves as Latino/Latina/Latinx/Hispanic. One person noted being under age 25.

The idea for the meeting was grown from:

- Town board and staff discussions of the recommendations of the Mayor’s Task Force on Reimagining Public Safety.
- Hillsborough’s Government 101.
- The topic-based outreach recommended by the Government Alliance on Race and Equity.

Fall occurrences of the meeting would allow it to inform budget requests for the next budget cycle and could immediately follow the Government 101 program, with the meeting serving as one session of the program that is opened to the larger community.

**Financial impacts:**

Expenses for the spring event totaled about \$1,100 for interpretation services, childcare and art activities, refreshments and promotional materials. Translation of materials cost an additional \$800.

**Staff recommendation and comments:**

Staff plans to offer a second trial meeting in Fall 2023. The tentative date is Nov. 4.

**Action requested:**

Staff requests that the board provide any direction on the planned, second trial engagement event.

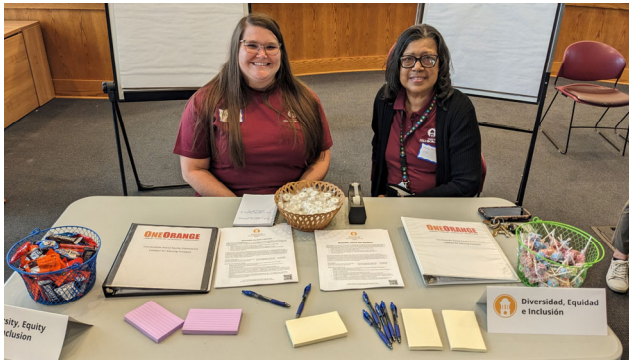
# Engage Hillsborough: Safety

Spring 2023 Event Follow-up



ENGAGE  
HILLSBOROUGH  
SAFETY

1



**The event offered:**

- Spanish interpretation services
- Free childcare with art activities
- Time to talk with staff one on one
- Small- and large-group conversations on safety



ENGAGE  
HILLSBOROUGH

2

Between 20 and 25 community members joined us on a beautiful Saturday afternoon while the River Park Concert was attracting a large crowd a few blocks away.



3



A firetruck, garbage truck and police cruiser were on display in the parking lot.



The vehicles attracted some families with children, but we may have inadvertently implied that the event was outdoors by advertising the vehicles.

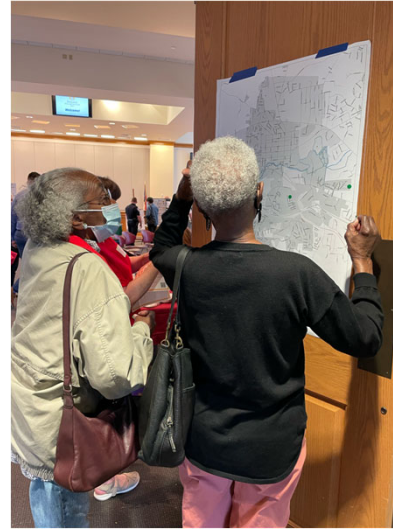


4

Eleven participants completed evaluations. Comments were positive, encouraging the town to hold similar events.

At future engagement events, participants said continue to offer:

- Childcare
- Spanish interpretation
- Refreshments



5

Residents attended from several neighborhoods, including:

- Collins Ridge
- Corbin Creek Woods
- Cornwallis Hills
- Fairview
- Forest Ridge
- Historic District
- Holiday Park Road
- Oak Street
- West Hillsborough

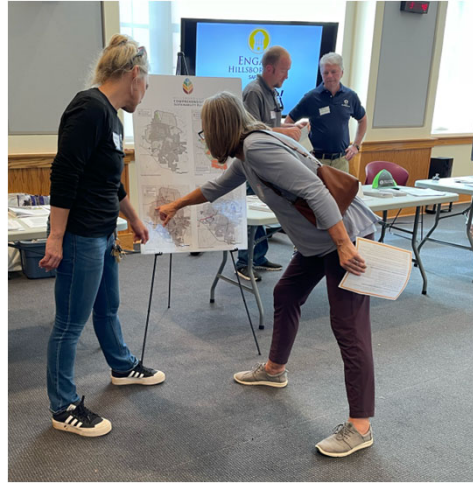


6



Staff would like to hold another Engage Hillsborough event Nov. 4.

The focus would be connectivity. The group discussion time likely would include a short presentation and a Q&A session.





## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Town Clerk  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Town Clerk Sarah Kimrey

#### ITEM TO BE CONSIDERED

**Subject:** Minutes

**Attachments:**

1. Regular meeting May 8, 2023
2. Work session May 22, 2023

**Summary:**

None.

**Financial impacts:**

None.

**Staff recommendation and comments:**

Approve minutes as presented.

**Action requested:**

To approve minutes of the Board of Commissioners regular meeting May 8, 2023 and work session May 22, 2023.



# Minutes

## Board of Commissioners Regular Meeting

7 p.m. May 8, 2023

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

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

**Staff:** Budget Director Emily Bradford, Assistant Town Manager and Community Services Director Matt Efird, Budget and Management Analyst Josh Fernandez, Police Chief Duane Hampton, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Utilities Infrastructure Protection Supervisor Troy Miller, Town Manager Eric Peterson, Utilities Director Marie Strandwitz and Communications Manager Catherine Wright

### Opening of the meeting

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

#### A. Public charge

Weaver did not read the public charge.

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

There were none.

#### C. Agenda changes and approval

The following was added as Item 5D: Resolution in Support of the Constitutional Right to Reproductive Health Care

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

**Vote:** 5-0.

#### 4. Items for decision – consent agenda

- A. Miscellaneous budget amendments and transfers
- B. Proclamation – Period Poverty Awareness Week
- C. Proclamation – Memorial Day 2023
- D. Proclamation – Police Week and Peace Officers Memorial Day
- E. Proclamation – National Public Works Week 2023
- F. Resolution Authorizing the Submission of the FY2023-2024 HOME Annual Action Plan and FY2023-2024 Program Design for Orange County, North Carolina
- G. Resolution Accepting American Rescue Plan Grant Award for Water System Master Planning
- H. Municipal Agreement Amendment No. 1 for proposed Hillsborough Train Station
- I. Rail Traffic Controller (RTC) Modeling Agreement for proposed Hillsborough Train Station
- J. Preliminary Engineering (PE) agreement concerning the proposed Hillsborough Train Station
- K. Non-binding summary of proposed terms for Hillsborough Train Station with North Carolina Department of Transportation and Amtrak
- L. Special Event Permit – The Big Run 5K
- M. Classification and Pay Amendment



Motion: Commissioner Matt Hughes moved to approve all items on the consent agenda. Ferguson seconded.

Vote: 5-0.

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

**A. Resolution Approving the Amended Charter Resolution of Central Pines Regional Council (formerly Triangle J Council of Governments)**

Lee Worsley, executive director of the Triangle J Council of Governments, outlined the process by which the organization carried out its effort to rebrand as Central Pines Regional Council.

Motion: Ferguson moved to adopt the resolution approving the amended charter resolution of Central Pines Regional Council. Hughes seconded.

Vote: 5-0.

**B. Cross Connection Control Program Presentation**

Utilities Director Marie Strandwitz gave a presentation about the town's cross-connection control program and was assisted by Utilities Infrastructure Protection Supervisor Troy Miller. The presentation focused on a recent phased effort to require backflow prevention on 60 in-ground residential pools. Strandwitz explained cross connections and how they can pose a contamination risk. Miller provided details on the reduced pressure zone assembly staff was requiring to prevent backflow. He also explained shortcomings of several less-expensive devices proposed by local pool owners as alternatives. Strandwitz said the town should have done a better job with educating Hillsborough's pool owners about the potential causes and hazards of backflow and should have provided more information on the need for backflow prevention.

After the presentation, 10 community members expressed to the board their frustrations and concerns with the cost, implementation and need for the equipment specified by staff. Residents pointed out a range of less-strict requirements in other North Carolina towns and noted some towns allow use of less expensive devices or require devices of only pool owners with a direct-connection water source. Community members also voiced concerns over a lack of data and examples of backflow. Several speakers said educating pool owners about the causes and risks of cross connection would be sufficient for prevention.

Public comments were provided by Tom Gambill, Pamela Prebula, Danny Davis, Bill Stecker, Eric Lindblom, Carlos Williams, Kevin Cheshire, Nancy Ciocci and Gill Ciocci.

Motion: Bell moved to authorize suspension of the reduced pressure zone requirement for properties with existing residential pools and to task the Water and Sewer Advisory Committee to reconsider various aspects of the Cross Contamination Control Program, including an education plan on backflow prevention, whether a reduced pressure zone assembly is needed for both direct and indirect connection and the risk level for each, and air gap and vacuum connector options for existing pools; to clean up language and make recommendations to update the town code; and to call a special meeting if needed. Hughes seconded.

Vote: 5-0.

**C. Fiscal Year 2024 Manager's Recommended Budget Presentation**

Town Manager Eric Peterson presented the recommended budget, which would total about \$31.8 million. It proposes expenditures of \$16.5 million in the General Fund; \$14.3 million in the Water and Sewer Fund; and \$992,000 in the Stormwater Fund. Peterson recommends no changes in Hillsborough's property tax or stormwater fees and 6% increases to water and sewer rates. The monthly minimum usage charged to utility

customers would decrease by 125 gallons to 2,125 gallons in the third year of a four-year plan to drop the usage amount to 2,000 gallons. Peterson noted the increase to water and sewer rates would minimize the impacts of inflation. He said both the General Fund and Water and Sewer Fund currently have deficits under the proposed budget and that the board and staff will need to determine how to handle the deficits, such as through delaying or eliminating requests or relying on savings. The draft budget packet was to be released later in the week.

D. Resolution in Support of the Constitutional Right to Reproductive Health Care (added)

Motion: Hughes moved to adopt resolution. Bell seconded.

Vote: 5-0.

**6. Updates**

A. Board members

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

B. Town manager

There was none.

C. Staff (written reports in agenda packet)

There was none.

**7. Adjournment**

Weaver adjourned the meeting at 10:34 p.m.

Respectfully submitted,

Sarah Kimrey  
Town Clerk  
Staff support to the Board of Commissioners

DRAFT

FY 2022-2023

**TOWN OF HILLSBOROUGH  
BUDGET CHANGES REPORT**

DATES: 04/24/2023 TO 05/08/2023

	<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 - Revenue	10-00-3100-3101-222 2022 TAX LEVY To cover PW Intern	34304	04/24/2023	EBRADFORI	8,210,000.00	2,700.00	8,212,700.00
Gov. Body	10-10-4100-5300-530 DUES & SUBSCRIPTIONS For NCLM dues & other coverage through]	34305	04/24/2023	JFernandez	21,362.00	1,634.00	23,071.00
Gov. Body	10-10-4100-5300-570 MISCELLANEOUS For NCLM dues & other coverage through]	34306	04/24/2023	JFernandez	4,500.00	-1,634.00	2,791.00
Admin. Services	10-10-4200-5300-145 MAINTENANCE - BUILDINGS To cover minor office renovation in Admi	34365	05/08/2023	JFernandez	0.00	4,180.00	4,680.00
Admin. Services	10-10-4200-5300-350 UNIFORMS To cover branded shirts for public safety r	34294	04/24/2023	JFernandez	0.00	1,000.00	1,000.00
Admin. Services	10-10-4200-5300-570 MISCELLANEOUS To cover branded shirts for public safety r	34295	04/24/2023	JFernandez	31,253.00	-1,000.00	17,453.62
	To cover minor office renovation in Admi	34364	05/08/2023	JFernandez	31,253.00	-4,180.00	13,273.62
Safety & Risk	10-10-6600-5300-330 SUPPLIES - DEPARTMENTAL To establish Uniform account	34360	05/08/2023	EBRADFORI	6,000.00	-500.00	23,877.07
Safety & Risk	10-10-6600-5300-350 UNIFORMS To establish Uniform account	34361	05/08/2023	EBRADFORI	0.00	500.00	500.00
Police	10-20-5100-5300-080 TRAINING/CONF./CONV. To cover office suplies through end of yea	34307	04/24/2023	JFernandez	26,900.00	-500.00	18,900.00
Police	10-20-5100-5300-320 SUPPLIES - OFFICE To cover office suplies through end of yea	34308	04/24/2023	JFernandez	5,000.00	500.00	8,500.00
Police	10-20-5100-5300-447 C.S./COPIER To cover overages in C.S. Copier line.	34369	05/08/2023	JFernandez	5,000.00	1,000.00	6,000.00
Police	10-20-5100-5300-730 DRUG ENFORCEMENT OPERATIONS To cover overages in C.S. Copier line.	34368	05/08/2023	JFernandez	5,000.00	-1,000.00	1,250.00
Fleet Maint.	10-30-5550-5300-330 SUPPLIES - DEPARTMENTAL To cover annual subscription	34367	05/08/2023	EBRADFORI	27,267.00	-15.00	26,852.00
Fleet Maint.	10-30-5550-5300-530 DUES & SUBSCRIPTION To cover annual subscription	34366	05/08/2023	EBRADFORI	0.00	15.00	15.00
Streets	10-30-5600-5100-020 SALARIES To cover PW Intern	34302	04/24/2023	EBRADFORI	152,604.00	2,300.00	154,904.00
Streets	10-30-5600-5120-050 FICA To cover PW Intern	34303	04/24/2023	EBRADFORI	11,674.00	400.00	12,074.00
Water Dist.	30-71-8140-5982-001 TRANSFER TO UTIL CAP IMPROV FUND Gov Burke Water Main Replc	34322	05/08/2023	EBRADFORI	120,000.00	80,592.00	200,592.00
	Adj per grant award for US-70	34327	05/08/2023	EBRADFORI	120,000.00	-30,000.00	170,592.00
Billing & Collect.	30-80-7240-5300-583 MISC.-AUTO TAGS,TAX To cover replacement vehicle for meter se	34319	05/08/2023	JFernandez	0.00	3,000.00	3,000.00
Billing & Collect.	30-80-7240-5700-740 CAPITAL - VEHICLES To cover replacement vehicle for meter se	34318	05/08/2023	JFernandez	31,000.00	25,000.00	56,000.00
Water Dist.	30-80-8140-5300-326 SUPPLIES - PATCH To cover patching.	34330	05/08/2023	JFernandez	6,000.00	3,000.00	13,000.00
Water Dist.	30-80-8140-5300-351 RENTAL - EQUIPMENT JFernandez		05/01/2023	3:57:04PM			
	fl142r03						

FY 2022-2023

TOWN OF HILLSBOROUGH  
BUDGET CHANGES REPORT

DATES: 04/24/2023 TO 05/08/2023

	<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>
	To cover patching.	34329	05/08/2023	JFernandez	4,000.00	-3,000.00	950.00
Water Dist.	30-80-8140-5300-570 MISCELLANEOUS To cover shipping for backhoe replacemei	34296	04/24/2023	JFernandez	3,000.00	-247.50	1,652.50
Water Dist.	30-80-8140-5700-741 CAPITAL - EQUIPMENT To cover shipping for backhoe replacemei	34297	04/24/2023	JFernandez	35,000.00	247.50	35,247.50
WW Collect.	30-80-8200-5300-322 SUPPLIES - LIFT STATION PUMPS For replacement pump at lift station.	34311	05/08/2023	JFernandez	150,000.00	-5,425.00	151,925.00
	To allocate funds to correct account.	34363	05/08/2023	JFernandez	150,000.00	-15,150.00	136,775.00
WW Collect.	30-80-8200-5300-570 MISCELLANEOUS To cover shipping for backhoe replacemei	34298	04/24/2023	JFernandez	1,500.00	-247.50	1,252.50
WW Collect.	30-80-8200-5700-741 CAPITAL - EQUIPMENT To cover shipping for backhoe replacemei	34299	04/24/2023	JFernandez	35,000.00	247.50	201,076.62
	For replacement pump at lift station.	34312	05/08/2023	JFernandez	35,000.00	5,425.00	206,501.62
	To allocate funds to correct account.	34362	05/08/2023	JFernandez	35,000.00	15,150.00	221,651.62
WWTP	30-80-8220-5300-158 MAINTENANCE - EQUIPMENT To cover fall protection equipment.	34315	05/08/2023	JFernandez	98,930.00	-7,500.00	99,453.47
	To replace SCADA computer - motherboa	34353	05/08/2023	JFernandez	98,930.00	-3,400.00	96,053.47
WWTP	30-80-8220-5300-164 MAINTENANCE - INSTRUMENTATION To replace SCADA computer - motherboa	34354	05/08/2023	JFernandez	19,000.00	3,400.00	22,400.00
WWTP	30-80-8220-5300-165 MAINTENANCE - INFRASTRUCTURE To cover fall protection equipment.	34316	05/08/2023	JFernandez	4,000.00	7,500.00	15,500.00
WWTP	30-80-8220-5300-310 GASOLINE To cover generator fuel costs.	34371	05/08/2023	JFernandez	4,390.00	3,000.00	7,390.00
WWTP	30-80-8220-5300-323 SUPPLIES - CHEMICALS For fire resistant clothing used in electric	34309	04/24/2023	JFernandez	92,500.00	-447.00	84,003.00
	For remaining costs of fire resistant unifoi	34313	05/08/2023	JFernandez	92,500.00	-100.00	83,903.00
	To cover generator fuel costs.	34370	05/08/2023	JFernandez	92,500.00	-3,000.00	80,903.00
WWTP	30-80-8220-5300-350 UNIFORMS For fire resistant clothing used in electric	34310	04/24/2023	JFernandez	600.00	447.00	1,347.00
	For remaining costs of fire resistant unifoi	34314	05/08/2023	JFernandez	600.00	100.00	1,447.00
W&S Contingency	30-80-9990-5300-000 CONTINGENCY To cover replacement vehicle for meter se	34317	05/08/2023	JFernandez	400,000.00	-28,000.00	189,178.79
	Gov Burke Water Main Replc	34323	05/08/2023	EBRADFORI	400,000.00	-80,592.00	108,586.79
	Adj per grant award for US-70	34328	05/08/2023	EBRADFORI	400,000.00	30,000.00	138,586.79
W&S Cap. Proj.	69-22-3870-3870-750 TRANSFER FROM FUND 76-RIVER PS Adj to actual	34351	05/08/2023	EBRADFORI	400,000.00	-1,080,000.00	400,000.00
W&S Cap. Proj.	69-22-3870-3870-801 TRANSFER FROM FUND 70-RIVER PS Adj to actual	34352	05/08/2023	EBRADFORI	0.00	1,080,000.00	1,080,000.00
W&S Cap. Proj.	69-24-3870-3870-509 TRANSFER FROM WSF - GOV BURKE WTR Adj to actual SDFs	34321	05/08/2023	EBRADFORI	0.00	80,592.00	80,592.00
W&S Cap. Proj.	69-24-3870-3870-702 TRANSFER FROM FUND 75-GOV BURKE Adj to actual SDFs	34320	05/08/2023	EBRADFORI	30,000.00	-80,592.00	149,408.00
W&S Cap. Proj.	69-33-3870-3870-752 TRANSFER FROM FUND 76 - ENO RIVER I Use Cap Fees rather than SDFs	34332	05/08/2023	EBRADFORI	0.00	-750,000.00	0.00

JFernandez  
fl142r03

05/01/2023 3:57:04PM

Page 2 of 3

FY 2022-2023

TOWN OF HILLSBOROUGH  
 BUDGET CHANGES REPORT

DATES: 04/24/2023 TO 05/08/2023

REFERENCE	CHANGE NUMBER	DATE	USER	ORIGINAL BUDGET	BUDGET CHANGE	AMENDED BUDGET
W&S 69-33-3870-3870-800 TRANSFER FROM FUND 70-ENO RIVER INT Cap. Proj. Use Cap Fees rather than SDFs	34333	05/08/2023	EBRADFORI	0.00	750,000.00	750,000.00
W&S 69-35-3300-3310-016 GRANT - AIA Cap. Proj. Adj per grant award	34325	05/08/2023	EBRADFORI	0.00	30,000.00	30,000.00
W&S 69-35-3870-3870-513 TRANSFER FROM WSF-US-70 WTR IMPROV Cap. Proj. Adj per grant award	34326	05/08/2023	EBRADFORI	30,000.00	-30,000.00	0.00
Special Revenue 72-00-5100-3301-055 RESTRICTED REVENUE - STRAW FOR DOGS Adj to actual	34300	04/24/2023	EBRADFORI	0.00	775.00	775.00
Special Revenue 72-20-5100-5300-365 STRAW FOR DOGS Adj to actual	34301	04/24/2023	EBRADFORI	0.00	775.00	775.00
Cap. Res.75-71-3870-3870-151 TRAN FR W/S CRF - EDD WATER LINE EX Water SDF Close out - funds exhausted	34340	05/08/2023	EBRADFORI	259,404.00	-259,404.00	0.00
Cap. Res.75-71-3870-3870-152 TRAN FR W/S CRF - 16" WTR CONNECT Water SDF Close out - funds exhausted	34336	05/08/2023	EBRADFORI	465,000.00	-465,000.00	0.00
Cap. Res.75-71-3870-3870-156 TRAN FR W/S US BUS 70 WTR PHASE I Water SDF Adj to actual	34343	05/08/2023	EBRADFORI	429,997.50	-147,202.00	282,795.50
Cap. Res.75-71-3870-3870-509 TRAN FR W/S - GOV BURKE Water SDF Adj to actual	34338	05/08/2023	EBRADFORI	179,408.00	-60,000.00	119,408.00
Cap. Res.75-71-6900-5970-923 TRAN TO FUND 69 - EDD WTR LINE Water SDF Close out - funds exhausted	34341	05/08/2023	EBRADFORI	259,404.00	-259,404.00	0.00
Cap. Res.75-71-6900-5970-928 TRAN TO FUND 69 - US 70 PHASE I Water SDF Adj to actual	34342	05/08/2023	EBRADFORI	429,997.50	-147,202.00	282,795.50
Cap. Res.75-71-6900-5970-932 TRAN TO FUND 69 - 16" WTR CONNECT Water SDF Close out - funds exhausted	34337	05/08/2023	EBRADFORI	465,000.00	-465,000.00	0.00
Cap. Res.75-71-6900-5970-933 TRAN TO FUND 69 - GOV BURKE WTR Water SDF Adj to actual	34339	05/08/2023	EBRADFORI	179,408.00	-60,000.00	119,408.00
Cap. Res.76-71-3870-3870-154 TRAN FR W/S - RIVER PUMP UPGRAD Sewer SDF Adj to actual	34344	05/08/2023	EBRADFORI	512,424.00	-112,424.00	400,000.00
Adj to actual	34346	05/08/2023	EBRADFORI	512,424.00	-400,000.00	0.00
Cap. Res.76-71-3870-3870-155 TRAN FR W/S - COLLECT SYS REHAB Sewer SDF Adj to actual	34334	05/08/2023	EBRADFORI	1,249,169.50	-163,785.00	1,085,384.50
Adj to actual	34348	05/08/2023	EBRADFORI	1,249,169.50	-87,576.00	997,808.50
Cap. Res.76-71-6900-5970-926 TRAN TO UTIL CAP IMP FD - RIVER PUM Sewer SDF Adj to actual	34345	05/08/2023	EBRADFORI	512,424.00	-112,424.00	400,000.00
Adj to actual	34347	05/08/2023	EBRADFORI	512,424.00	-400,000.00	0.00
Cap. Res.76-71-6900-5970-927 TRAN TO UTIL CAP IMP FD - COLL SYS Sewer SDF Adj to actual	34335	05/08/2023	EBRADFORI	1,249,169.50	-163,785.00	1,085,384.50
Adj to actual	34349	05/08/2023	EBRADFORI	1,249,169.50	-87,576.00	997,808.50
					<u>-3,383,832.00</u>	

APPROVED: 5/0

DATE: 5/8/23

VERIFIED: \_\_\_\_\_

*Sam E. Kinney*



# PROCLAMATION

## Period Poverty Awareness Week

May 22-28, 2023

**WHEREAS**, approximately half of the population will have a period every month for decades of their lives and period supplies are a necessary product, each month, for millions of people across the country; and

**WHEREAS**, national surveys and research studies report that one in four menstruating individuals struggle to secure enough period supplies to meet their needs each month due to a lack of income and this lack of period supplies, known as period poverty, can adversely affect the health and well-being of menstruators; and

**WHEREAS**, national surveys also report that one in five women and girls miss work or school due to lacking a sufficient period supplies, exacerbating the vicious cycle of poverty by forcing menstruators to withdraw from daily life, losing pay or missing educational opportunities; and

**WHEREAS**, menstruators struggling with period poverty risk infections by using proxy products not intended for this purpose or not changing products as often as needed; and

**WHEREAS**, the people of Hillsborough recognize that period poverty is a public health issue, and addressing period poverty can enhance economic opportunity for Hillsborough's people and surrounding communities and improved health for women and girls/menstruators, 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 organizations, including On the Spot, a program of the Diaper Bank of North Carolina, that recognize the importance of period products in ensuring health and providing economic stability and thus distribute period products through various channels; and

**WHEREAS**, the Hillsborough Board of Commissioners extends its sincere gratitude to the aforementioned period supply banks, their staff, volunteers and donors, for their courageous service during the crisis, and encourage the citizens of Hillsborough to donate generously to period supply banks, product drives, and those organizations that collect and distribute period products to those struggling with period poverty, so that the Hillsborough community can thrive and reach their full potential;

**NOW, THEREFORE**, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim May 22 through May 28, 2023, as "Period Poverty Awareness Week" in the Town of Hillsborough.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 8<sup>th</sup> day of May in the year 2023.



Handwritten signature of Jenn Weaver.

Jenn Weaver, Mayor  
Town of Hillsborough



# PROCLAMATION

## Memorial Day 2023

**WHEREAS**, Memorial Day is a day of reflection and solemn observance to honor the men and women of the armed forces who have lost their lives in service to their country; and

**WHEREAS**, what is now known as “Memorial Day” has its roots in Decoration Day – a day first observed on May 1, 1865 and led by Black soldiers including the 54th Massachusetts and the 34th and 104th U.S. Colored Troops, Black veterans, white missionaries, and newly emancipated Black citizens of Charleston, South Carolina to honor the dead Union troops buried at a planters’ racetrack; and

**WHEREAS**, we honor all men and women of all wars and conflicts who fought and died on behalf of our treasured ideals and do so with the clear-eyed recognition of the horrors war brings to all those it touches; and

**WHEREAS**, the military service members who have fallen in combat leave behind families and other loved ones who are left with the pain of their loss and carry that loss with them for the remainder of their days, experiencing the true cost of war in ways the majority of their countrymen and women cannot; and

**WHEREAS**, Memorial Day, in accordance with a joint resolution of Congress passed May 11, 1950, is also a day dedicated as a call to prayer for permanent peace; and

**WHEREAS**, toward the goal of peace, Memorial Day is a day for somber reflection on lives lost and potentials left unfulfilled, and for holding fast to our earnest hope for and commitment to non-violent solutions to conflict and a true, lasting peace where all people can thrive; and

**WHEREAS**, from that first Decoration Day until now, we have made much progress as a nation and people to live up to the ideals for which so many have given the ultimate sacrifice, yet have much more work to do; and

**WHEREAS**, one way to honor the dead is to treat the living well;

**NOW, THEREFORE**, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim May 29, 2023 as “Memorial Day” in the Town of Hillsborough in honor of all members of the armed forces who have lost their lives in service to their country and I call on community members to recognize and support the loved ones of the fallen, and encourage all residents to reflect on their role in creating a more just, peaceful nation and world.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 8<sup>th</sup> day of May in the year 2023.



Jenn Weaver, Mayor  
Town of Hillsborough



# PROCLAMATION

## Police Week and Peace Officers Memorial Day

May 14-20, 2023

**WHEREAS**, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Hillsborough Police Department; and

**WHEREAS**, on April 29, 1786, Sheriff Benjamin Brach of Chesterfield County, Virginia, became the first law enforcement officer to die in the line of duty in the United States; since then, more than 22,000 law enforcement officers in the United States have paid the ultimate price during the performance of their duties, including 594 in North Carolina; and

**WHEREAS**, over 50,000 assaults against law enforcement officers are reported each year, resulting in approximately 17,000 injuries; and

**WHEREAS**, the 87th Congress passed Public Law 87-726, a Joint Resolution authorizing the president to proclaim May 15th of each year as Peace Officers Memorial Day, and the calendar week during which May 15th occurs as Police Week; this was signed into law by President John F. Kennedy on Oct. 1, 1962; and

**WHEREAS**, the members of the Hillsborough Police Department play an essential role in safeguarding the rights and freedoms of our residents, they protect the innocent against deception and the weak against oppression, they unceasingly provide a vital public service without which our town would not enjoy the peace and liberty that we so dearly value; and

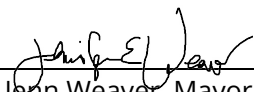
**WHEREAS**, it is important that all citizens know and understand the duties and responsibilities of our law enforcement officers and acknowledge the hazards and sacrifices that are a fundamental aspect of their profession;

**THEREFORE**, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim May 14 through May 20, 2023 as "Police Week" and call upon all organizations and residents to commemorate law enforcement officers, past and present, who have rendered dedicated service to their communities.

**NOW, THEREFORE**, I proclaim Monday, May 15, 2023 as "Peace Officers Memorial Day" and call upon all residents of Hillsborough to honor those law enforcement officers who made the ultimate sacrifice in service to their community or became disabled in their performance of their duty.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 8th day of May in the year 2023.



  
\_\_\_\_\_  
Jenn Weaver, Mayor  
Town of Hillsborough





# PROCLAMATION

## National Public Works Week 2023

### Connecting the World Through Public Works

**WHEREAS**, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Hillsborough; and

**WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are responsible for rebuilding, improving, and protecting our town's transportation, water supply, water and sewer treatment, solid waste systems, and facilities essential for our citizens; and

**WHEREAS**, it is in the public interest for the residents of Hillsborough to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in our community; and

**WHEREAS**, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association; and

**WHEREAS**, all residents are urged to join with representatives of the American Public Works Association and Town of Hillsborough to pay tribute to our public works professionals and to recognize the substantial contributions they make to protecting our town's health, safety, and quality of life.

**NOW, THEREFORE**, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim May 21 through May 27, 2023 as "National Public Works Week" in the Town of Hillsborough.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 8th day of May in the year 2023.



Jenn Weaver, Mayor  
Town of Hillsborough



# RESOLUTION

## Authorizing the Submission of the FY 2023 - 2024 HOME Annual Action Plan and FY 2023 - 2024 Program Design for Orange County, North Carolina

**WHEREAS**, the Hillsborough Board of Commissioners as a member of the Orange County HOME Consortium authorize the town manager to submit the Orange County Annual Action Plan for FY24 to the U.S. Department of Housing and Urban Development, including all understandings, assurances, and certifications required therein; and

**WHEREAS**, the board approves the following activities for the FY 2023-2024 HOME Program:

<b><u>Rental Construction - Pee Wee Homes</u></b>	<b>\$50,000</b>
<i>Funds will be allocated to Pee Wee Homes to finance construction of three (3) small rental units at 106 Hill Street in Carrboro. Units will be leased to households experiencing homelessness and earning less than thirty percent (30%) of the area median income</i>	
<b><u>Rental Construction - CASA</u></b>	<b>\$446,489</b>
<i>Funds will be allocated to CASA for the predevelopment and new construction costs for twenty-two (22) units for households at or below eighty percent (80%) AMI</i>	
<b><u>Program Administration</u></b>	<b>\$42,949.60</b>
<b><u>Total Funding</u></b>	<b>\$539,438.60</b>

**WHEREAS**, the town manager is hereby designated as the authorized representative of the town to act in connection with the submission of these plans, to act in connection with the HOME program, and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

**NOW, THEREFORE**, be it resolved the Hillsborough Board of Commissioners that this resolution is effective upon approval.

Approved this 8<sup>th</sup> day of May of the year 2023.



Jenn Weaver, Mayor  
Town of Hillsborough

Attestation:

Sarah Kimrey, Town Clerk



# RESOLUTION

## Accepting American Rescue Plan Grant Offer for Water System Master Planning Project AIA-D-ARP-0113

**WHEREAS**, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$100,000 to perform an Asset Inventory and Assessment study detailed in the submitted application; and

**WHEREAS**, the Town of Hillsborough, North Carolina intends to perform said project in accordance with the agreed scope of work, and

**NOW, THEREFORE**, be it resolved the Hillsborough Board of Commissioners does hereby accept the American Rescue Plan (ARP) offer of \$100,000.

The Town of Hillsborough, North Carolina does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

Town Manager Eric J. Peterson and successors so titled, is hereby authorized and directed to furnish such information as the appropriate state agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure..

Approved this 8<sup>th</sup> day of May of the year 2023.



Jenn Weaver, Mayor  
Town of Hillsborough

Attestation:

Sarah Kimrey, Town Clerk



## RESOLUTION

### In Support of the Constitutional Right to Reproductive Health Care

**WHEREAS**, access to a full range of reproductive care options, including safe and legal abortion, is a fundamental human right; and

**WHEREAS**, following the U.S. Supreme Court's decision to overturn *Roe v. Wade* in the case *Dobbs v. Jackson Women's Health Organization*, both houses of the North Carolina General Assembly passed Senate Bill 20 — Care for Women, Children and Families Act on a party line vote to severely limit the rights of women and their bodily autonomy by reducing legally allowed abortions from 20 to 12 weeks and reducing access to medication abortion to 10 weeks; and

**WHEREAS**, Senate Bill 20 also imposes new barriers to the provision of care that are not medically necessary, such as additional in-person appointments and new clinic practices; and

**WHEREAS**, creating barriers to reproductive health care, including abortions, will make it harder for the most vulnerable to access health care, which medical professionals say will lead to preventable deaths; and

**WHEREAS**, despite that the majority of North Carolinians support access to safe, legal abortion and despite the legislature's bill filing rules, Senate Bill 20 was released with little notice and no transparency, with the bill crafted by legislative leadership behind closed doors and with no opportunity for public comment;

**NOW, THEREFORE BE IT RESOLVED** that the Hillsborough Board of Commissioners supports the right for all to access the full spectrum of reproductive health care, including abortion care; and

**BE IT FURTHER RESOLVED** that the town board commends Senator Graig Meyer and Representative Renée Price for their votes against Senate Bill 20; supports Governor Roy Cooper's decision to veto the bill; and encourages members of the General Assembly to uphold the governor's veto when a vote to override occurs; and

**BE IT FURTHER RESOLVED** that the town board urges our elected officials at the North Carolina General Assembly to prioritize the health care needs of residents — not further banning of abortion — and additionally urges the General Assembly to increase investment in access to health care and affordable birth control, including emergency contraception, and to the provision of comprehensive age-appropriate sex education; and

**BE IT FURTHER RESOLVED** that the town board urges residents to speak out against these egregious attacks on bodily autonomy and make their views known to members of the North Carolina General Assembly.

Approved this 8th day of May in the year 2023.



Jenn Weaver, Mayor  
Town of Hillsborough

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

Salary Grade	Minimum	Midpoint	Maximum	FLSA Status	Class Code	Classification
1	34,205	44,467	54,728			
2	35,915	46,690	57,465	N	201	ADMINISTRATIVE SUPPORT SPECIALIST
2	35,915	46,690	57,465	N	202	METER SERVICES TECHNICIAN
2	35,915	46,690	57,465	N	205	CUSTOMER SERVICE REPRESENTATIVE
3	37,711	49,024	60,338	N	302	EQUIPMENT OPERATOR I
3	37,711	49,024	60,338	N	303	UTILITY MAINTENANCE TECHNICIAN I
4	39,597	51,476	63,355	N	401	SENIOR CUSTOMER SERVICE REPRESENTATIVE
4	39,597	51,476	63,355	N	402	UTILITY MAINTENANCE TECHNICIAN II
4	39,597	51,476	63,355	N	403	WASTEWATER PLANT OPERATOR I
4	39,597	51,476	63,355	N	404	WATER PLANT OPERATOR I
5	41,576	54,049	66,522	N	502	EQUIPMENT OPERATOR II
5	41,576	54,049	66,522	N	503	SENIOR ADMINISTRATIVE SUPPORT SPECIALIST
5	41,576	54,049	66,522	N	504	UTILITY MAINTENANCE TECHNICIAN III
5	41,576	54,049	66,522	N	505	WASTEWATER PLANT OPERATOR II
5	41,576	54,049	66,522	N	506	WATER PLANT OPERATOR II
6	43,655	56,752	69,848	N	605	ACCOUNTS PAYABLE TECHNICIAN
6	43,655	56,752	69,848	N	601	PLANNING TECHNICIAN
6	43,655	56,752	69,848	N	602	PLANT MAINTENANCE MECHANIC I
6	43,655	56,752	69,848	N	604	UTILITY SYSTEMS MECHANIC I
	43,655	56,752	69,848	N	605	EQUIPMENT OPERATOR III
7	45,838	59,589	73,341	N	706	ACCOUNTING TECHNICIAN
7	45,838	59,589	73,341	N	701	CREW LEADER
7	45,838	59,589	73,341	N	702	PLANT MAINTENANCE MECHANIC II
7	45,838	59,589	73,341	N	703	UTILITY SYSTEMS MECHANIC II
7	45,838	59,589	73,341	N	704	WASTEWATER PLANT OPERATOR III
7	45,838	59,589	73,341	N	705	WATER PLANT OPERATOR III
8	48,130	62,569	77,008	N	801	FLEET MECHANIC
8	48,130	62,569	77,008	N	802	PLANT MAINTENANCE MECHANIC III
8	48,130	62,569	77,008	N	803	UTILITY SYSTEMS MECHANIC III
9	50,536	65,697	80,858	E	901	BILLING & CUSTOMER SERVICE SUPERVISOR
9	50,536	65,697	80,858	N	902	METER SERVICES SUPERVISOR
9	50,536	65,697	80,858	N	903	UTILITIES INSPECTOR
9	50,536	65,697	80,858	E	904	PUBLIC WORKS SUPERVISOR
10	53,063	68,982	84,901	N	1001	BACKFLOW/FOG SPECIALIST
10	53,063	68,982	84,901	N	1002	CHIEF WASTEWATER PLANT OPERATOR
10	53,063	68,982	84,901	N	1003	COMMUNICATIONS SPECIALIST
10	53,063	68,982	84,901	N	1004	FACILITIES COORDINATOR
10	53,063	68,982	84,901	N	1005	OPERATOR IN RESPONSIBLE CHARGE
11	55,716	72,431	89,146	E	1101	PLANNER
12	58,502	76,053	93,604	E	1201	BUDGET & MANAGEMENT ANALYST
12	58,502	76,053	93,604	E	1202	FINANCIAL ANALYST
12	58,502	76,053	93,604	E	1203	FLEET MAINTENANCE SUPERVISOR
12	58,502	76,053	93,604	E	1204	HUMAN RESOURCES ANALYST
12	58,502	76,053	93,604	E	1205	MANAGEMENT ANALYST
12	58,502	76,053	93,604	N	1206	STORMWATER PROGRAM COORDINATOR
12	58,502	76,053	93,604	N	1207	WASTEWATER LABORATORY SUPERVISOR

12	58,502	76,053	93,604	N	1208	SENIOR COMMUNICATIONS SPECIALIST
13	61,427	79,856	98,284	E	1301	CIVIL ENGINEERING TECHNICAN
13	61,427	79,856	98,284	E	1302	SENIOR PLANNER
13	61,427	79,856	98,284	E	1303	UTILITY MAINTENANCE SUPERVISOR
13	61,427	79,856	98,284	E	1304	UTILITY SYSTEM SUPERVISOR
14	64,499	83,848	103,198	E	1401	TOWN CLERK/HUMAN RESOURCES TECHNICIAN
15	67,724	88,041	108,358	E	1501	SAFETY & RISK MANAGER
16	71,110	92,443	113,776	E	1601	WATER PLANT SUPERINTENDENT
17	74,665	97,065	119,465	E	1701	PUBLIC WORKS MANAGER
17	74,665	97,065	119,465	E	1702	STORMWATER & ENVIRONMENTAL SERVICES MANAGER
17	74,665	97,065	119,465	E	1703	UTILITY SYSTEM SUPERINTENDENT
18	78,399	101,918	125,438	E	1802	COMMUNICATIONS MANAGER
19	82,319	107,014	131,710	E	1901	INFORMATION TECHNOLOGY MANAGER
20	86,434	112,365	138,295	E	2001	BUDGET DIRECTOR
20	86,434	112,365	138,295	E	2002	ENVIRONMENTAL ENGINEERING SUPERVISOR
20	86,434	112,365	138,295	E	2003	HUMAN RESOURCES MANAGER
20	86,434	112,365	138,295	E	2004	PLANNING & ECONOMIC DEVELOPMENT MANAGER
20	86,434	112,365	138,295	E	2005	PUBLIC SPACE & SUSTAINABILITY MANAGER
20	86,434	112,365	138,295	E	2006	DEPUTY UTILITIES DIRECTOR - WATER TREATMENT
21	90,756	117,983	145,210			
22	95,294	123,882	152,470			
23	100,059	130,076	160,094			
24	105,062	136,580	168,099	E	2401	ADMINISTRATIVE SERVICES DIRECTOR
24	105,062	136,580	168,099	E	2402	ASSISTANT TOWN MANAGER/COMMUNITY SERVICES DIRECTOR
24	105,062	136,580	168,099	E	2403	FINANCE DIRECTOR
25	110,315	143,409	176,504	E	2501	UTILITIES DIRECTOR

**Sworn Law Enforcement Officer Positions**

Salary Grade	Minimum	Midpoint	Maximum	FLSA Status	Class Code	Classification
100	45,138	58,679	72,220	N	100	POLICE OFFICER TRAINEE
102	51,912	67,485	83,059	N	102	POLICE OFFICER/POLICE OFFICER FIRST CLASS
201	54,508	70,860	87,212	N	203	SENIOR POLICE OFFICER
202	57,233	74,403	91,573	N	204	POLICE CORPORAL
303	59,619	77,505	95,390	N	304	MASTER POLICE OFFICER
402	65,730	85,449	105,168	N	405	POLICE SERGEANT
502	72,467	94,207	115,947	E	507	POLICE LIEUTENANT
601	83,700	108,809	133,919	E	606	POLICE MAJOR
701	105,062	136,580	168,099	E	707	CHIEF OF POLICE



# Minutes

## Board of Commissioners

### Budget Workshop and Public Hearing

7 p.m. May 22, 2023

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

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

**Absent:** Commissioner Robb English

**Staff:** Budget Director Emily Bradford, Communications Specialist Dale Edwards, Assistant Town Manager and Community Services Director Matt Efirm, Budget and Management Analyst Josh Fernandez, Stormwater and Environmental Services Manager Terry Hackett, Police Chief Duane Hampton, Public Works Manager Dustin Hill, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Finance Director Dave McCole, Town Manager Eric Peterson, Utilities Director Marie Strandwitz, Public Space and Sustainability Manager Stephanie Trueblood and Communications Manager Catherine Wright

#### 1. Opening of the work session

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

#### 2. Agenda changes and approval

Addition of Item 5A – North Carolina Department of Transportation’s request for an overnight road closure of West King Street

Motion: Commissioner Kathleen Ferguson moved to approve the agenda as amended. Commissioner Matt Hughes seconded.

Vote: 3-0.

#### 3. Public hearing

##### A. Fiscal Year 2024 Budget Public Hearing

Motion: Ferguson moved to open the public hearing at 7:02 p.m. Commissioner Mark Bell seconded.

Vote: 3-0.

Public comments were made about the Recommended Budget for Fiscal Year 2024, which was presented by Town Manager Eric Peterson at the May 8 Board of Commissioners meeting. Alice Jacoby, who is affiliated with Habitat for Humanity of Orange County, spoke about the importance of funding affordable housing initiatives and said she appreciated that the proposed budget includes funding efforts to address the town’s lack of affordable housing. William Johnson, a Hillsborough resident, questioned whether the proposed 6% rate increases for water and sewer services are needed.

Commissioner Evelyn Lloyd joined the meeting at 7:07 p.m.

Motion: Hughes moved to close the public hearing at 7:12 p.m. Ferguson seconded.

Vote: 4-0.

#### 4. Items for decision – consent agenda



- A. Minutes
  - Regular meeting, April 10, 2023
  - State of the Town Address, April 24, 2023
- B. Miscellaneous budget amendments and transfers
- C. Proclamation – LGBTQ+ Pride Month
- D. Proclamation – Gun Violence Awareness Day

Motion: Ferguson moved to approve all items on the consent agenda. Bell seconded.  
Vote: 4-0.

**5. In-depth discussion and topics**

- A. Addition of Item 5A – North Carolina Department of Transportation’s request for an overnight road closure of West King Street

Assistant Town Manager and Community Services Director Matt Efird presented the request. The road closure for street resurfacing would be for the section of King Street between Churton and Wake streets. Weather permitting, the work would be done the night of Sunday, June 11, as most downtown businesses are closed at that time. Board members agreed that Sunday night would be favorable but also asked if the state would consider a Monday closure as nearly all businesses are closed then.

Motion: Bell moved to grant NCDOT an overnight road closure for street resurfacing. Ferguson seconded.  
Vote: 4-0.

- B. Fiscal Year 2024 Budget Workshop

Budget Director Emily Bradford led the board through areas of the recommended budget needing discussion, starting with requests for community reinvestment funds. The Exchange Club and Hillsborough Arts Council submitted requests, with the Arts Council requesting an increase of \$4,000. Hillsborough Arts Council Executive Director Mollie Thomas confirmed the increase was to restart a poet laureate program.

The board discussed how to reach a contribution amount equivalent to 2 cents on the property tax rate, expressing support of an option that gradually brings contributions for affordable housing to \$326,000 by FY27.

The board also discussed funding in the current and next fiscal year for two organizations providing homeless support services. Members expressed support for granting the Partnership to End Homelessness \$43,292 in unallocated FY23 funds and no support for the Inter-Faith Council’s FY23 request. They also did not support FY24 expansion funding requests from both organizations due to lack of money available for those requests.

Discussion of the mayor and Board of Commissioners’ operating budget included adding funding to attend the National League of Cities’ Women in Municipal Government conference in FY24 and the Newly Elected Officials Course in FY27.

On the topic of the Capital Improvement Plan, Bell asked about the resurfacing of Waterstone Drive, which will cost \$950,000 and is being repaved less than 20 years after the road was built. Public Works Manager Dustin Hill said the original construction of the road was poorly done and the road has many cracks and potholes because it receives a lot of traffic, has little shade, and is heavily salted in the winter.

In discussing the Water and Sewer Fund, the budget director clarified that the water and wastewater plants have each requested funds for a work truck in FY24. One request will be accommodated through a fleet transfer when a new vehicle arrives for another department.



In the discussion of merit and cost-of-living adjustment proposals, Bradford noted these were increased from \$1,000 to \$1,500 for cost-of-living and from an average of 3.25% to 4% for a merit pay raise.

Motion: Ferguson moved to approve a \$2,000 increase to the Hillsborough Arts Council's annual allocation.  
Bell seconded.

Vote: 3-2. Ayes: Bell, Ferguson and Weaver. Nays: Hughes and Lloyd.

Motion: Ferguson moved to amend the Board of Commissioners' 2023 meeting schedule to cancel the May 30 budget workshop. Hughes seconded.

Vote: 4-0.

**6. Committee updates and reports**

Lloyd said the Orange Rural Fire Department had its first committee meeting at its new facility at 352 College Park Road in the Waterstone development.

**7. Adjournment**

Weaver adjourned the meeting at 9:13 p.m.

Respectfully submitted,

Sarah Kimrey  
Town Clerk  
Staff support to the Board of Commissioners

DRAFT

**From:** Town of Hillsborough <[no-reply@hillsboroughmail.org](mailto:no-reply@hillsboroughmail.org)>  
**Sent:** Monday, May 15, 2023 8:47 PM  
**To:** Emily Bradford <[Emily.Bradford@hillsboroughnc.gov](mailto:Emily.Bradford@hillsboroughnc.gov)>; Josh Fernandez <[Josh.Fernandez@hillsboroughnc.gov](mailto:Josh.Fernandez@hillsboroughnc.gov)>  
**Subject:** Contact form message: Comments on proposed budget

William Lang sent the message below via the Town of Hillsborough website "Contact Budget Division" form. To respond, reply to this email or contact

The proposed budget renders a true yet concerning picture of Hillsborough's fiscal status. My interest is in supporting the Council members in their deliberations. Many town residents regularly state their desire to limit growth, yet given the deficits presented in the proposed budget the opportunity for increased revenues through system development fees might drive Council decisions. Residents interested in limiting growth offer another revenue path... increasing property tax. Asking residents to support the necessary infrastructure and programmatic needs of the budget can be "sold" as a "put your money where your mouth is" message. Increasing the property tax offers an option of reducing the dependence on system development fees and therefore an option for slowing growth, possibly limiting growth to in-fill development and higher density building within the town limits. Thank you for the opportunity to comment. Please feel free to contact me as needed.  
Best regards,  
Will Lang

DRAFT

TOWN OF HILLSBOROUGH  
BUDGET CHANGES REPORT

FY 2022-2023

DATES: 05/22/2023 TO 05/22/2023

	<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>
Admin. Services	10-10-4200-5300-145 MAINTENANCE - BUILDINGS To cover office renovation project.	34372	05/22/2023	JFernandez	0.00	1,000.00	5,680.00
Admin. Services	10-10-4200-5300-330 SUPPLIES - DEPARTMENTAL To cover office renovation project.	34373	05/22/2023	JFernandez	3,599.00	-1,000.00	2,599.00
Financial Services	10-10-4400-5300-487 TAX COLLECTION To cover tax collection services - Orange	34395	05/22/2023	JFernandez	42,000.00	2,100.00	44,100.00
Financial Services	10-10-4400-5300-570 MISCELLANEOUS To cover tax collection services - Orange	34394	05/22/2023	JFernandez	19,210.00	-2,100.00	17,110.00
Police	10-20-5100-5100-010 OVERTIME COMPENSATION To cover property room updates	34382	05/22/2023	EBRADFORI	40,000.00	-15,000.00	25,000.00
Police	10-20-5100-5300-145 MAINTENANCE - BUILDINGS To cover PDHQ bathroom reno	34380	05/22/2023	EBRADFORI	36,613.00	-24,000.00	12,878.00
	To cover property room updates	34390	05/22/2023	EBRADFORI	36,613.00	-750.00	12,128.00
Police	10-20-5100-5300-310 GASOLINE To cover property room updates	34383	05/22/2023	EBRADFORI	100,000.00	-15,000.00	85,000.00
Police	10-20-5100-5300-330 SUPPLIES - DEPARTMENTAL To cover property room updates	34385	05/22/2023	EBRADFORI	54,100.00	15,000.00	56,100.00
	To cover handgun transition	34387	05/22/2023	EBRADFORI	54,100.00	2,000.00	58,100.00
Police	10-20-5100-5300-452 C.S. - ELEVATOR To cover property room updates	34389	05/22/2023	EBRADFORI	3,000.00	-2,000.00	1,000.00
Police	10-20-5100-5300-460 C.S./DRIVER SAFTEY TRAINING To cover handgun transition	34386	05/22/2023	EBRADFORI	4,000.00	-2,000.00	500.00
Police	10-20-5100-5300-730 DRUG ENFORCEMENT OPERATIONS To cover property room updates	34388	05/22/2023	EBRADFORI	5,000.00	-1,250.00	0.00
Police	10-20-5100-5700-735 CAPITAL - BUILDINGS & IMPROVEMENTS To cover PDHQ bathroom reno	34381	05/22/2023	EBRADFORI	0.00	24,000.00	64,960.00
	To cover property room updates	34384	05/22/2023	EBRADFORI	0.00	15,000.00	79,960.00
	To cover property room updates	34391	05/22/2023	EBRADFORI	0.00	4,000.00	83,960.00
Fleet Maintenance	10-30-5550-5300-530 DUES & SUBSCRIPTION To cover membership fee	34392	05/22/2023	EBRADFORI	0.00	45.00	60.00
Fleet Maintenance	10-30-5550-5300-570 MISCELLANEOUS To cover membership fee	34393	05/22/2023	EBRADFORI	1,000.00	-45.00	955.00
Cemetery	10-40-6400-5300-165 MAINTENANCE - INFRASTRUCTURE To cover cemetery software	34377	05/22/2023	EBRADFORI	2,000.00	-660.00	1,340.00
Cemetery	10-40-6400-5300-458 DATA PROCESSING SERVICES To cover cemetery software	34376	05/22/2023	EBRADFORI	840.00	660.00	1,500.00
WW Collection	30-80-8200-5300-320 SUPPLIES - OFFICE To cover office supplies from last order.	34397	05/22/2023	JFernandez	2,000.00	65.00	2,065.00
WW Collection	30-80-8200-5300-351 RENTAL - EQUIPMENT To cover office supplies from last order.	34396	05/22/2023	JFernandez	9,200.00	-65.00	1,654.05
WWTP	30-80-8220-5300-145 MAINTENANCE - BUILDINGS To cover HVAC unit repair.	34375	05/22/2023	JFernandez	3,950.00	4,000.00	7,950.00
WWTP	30-80-8220-5300-158 MAINTENANCE - EQUIPMENT						

JFernandez  
fl142r03

05/15/2023 1:05:43PM

Page 1 of 2

FY 2022-2023

TOWN OF HILLSBOROUGH  
BUDGET CHANGES REPORT

DATES: 05/22/2023 TO 05/22/2023

<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>
To cover outside laboratory services.	34398	05/22/2023	JFernandez	98,930.00	-500.00	95,553.47
WWTP 30-80-8220-5300-323 SUPPLIES - CHEMICALS						
To cover HVAC unit repair.	34374	05/22/2023	JFernandez	92,500.00	-4,000.00	76,903.00
WWTP 30-80-8220-5300-340 OUTSIDE LAB SERVICES						
To cover outside laboratory services.	34399	05/22/2023	JFernandez	18,100.00	500.00	20,850.00
					<u>0.00</u>	

APPROVED: 4/0

DATE: 5/22/23

VERIFIED: *Simon E. Kimrey*

DRAFT



# PROCLAMATION LGBTQ+ Pride Month 2023

**WHEREAS**, all are welcome in the Town of Hillsborough to live, work, and play, and every family deserves a place to call home where they are safe, happy, accepted and supported; and

**WHEREAS**, the Town of Hillsborough denounces prejudice and discrimination based on age, gender identity, gender expression, race, religion, marital or familial status, national origin, immigration status, sexual orientation, or physical attributes as an affront to our fundamental principles; and

**WHEREAS**, Pride Month began in June of 1969 on the one-year anniversary of the Stonewall Uprising in New York City after LGBTQ+ and allied friends rose and fought against the constant police harassment and discriminatory laws that have since been declared unconstitutional; and

**WHEREAS**, throughout much of the history of the United States, same-sex relationships were criminalized in many states and many LGBTQ+ people in the United States were forced to hide their LGBTQ+ identities while living in secrecy and fear, including under previous policies such as "Don't Ask, Don't Tell"; and

**WHEREAS**, LGBTQ+ people in the United States face disparities in employment, healthcare, education, housing, and many other areas central to the pursuit of happiness in the United States; and

**WHEREAS**, 30 states have no explicit ban on discrimination based on sexual orientation and gender identity in the workplace, housing, or public accommodations, and 30 states have no explicit ban on discrimination against LGBTQ+ individuals in education; and

**WHEREAS**, there are members of the North Carolina General Assembly who remain insistent on attempting to pass legislation that prohibits LGBTQ+ people, especially transgender youth, from living authentic, thriving lives; and

**WHEREAS**, Hillsborough has historically offered support to the LGBTQ+ community by extending same-sex partner benefits to town employees before the legalization of same-sex marriage and officially opposing the 2012 amendment to the North Carolina Constitution defining marriage as being between one man and one woman; and

**WHEREAS**, Hillsborough first proclaimed LGBTQ+ Pride Month in 2019 at the suggestion of the town's first out member of the Board of Commissioners; and

**WHEREAS**, Hillsborough became the first municipality in North Carolina to pass a non-discrimination ordinance after the sunset of House Bill 142 to extend vital protections to LGBTQ+ individuals living, working, and visiting our town; and

**WHEREAS**, the Town of Hillsborough appreciates the cultural, civic, and economic contributions of the Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ+) community which strengthens our collective community and social welfare; and

**WHEREAS**, it is imperative that young people in our community, regardless of sexual orientation, gender identity, and expression, feel valued, safe, empowered, and supported by their community; and

**WHEREAS**, despite being marginalized, LGBTQ+ people continue to celebrate authenticity, acceptance, and love;

**NOW, THEREFORE**, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim the month of June 2023 as **LGBTQ+ Pride Month** and urge residents to recognize the contributions made by members of the LGBTQ+ community and to actively promote the principles of equality, liberty, and justice in the Town of Hillsborough.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 22nd day of May in the year 2023.



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

---

Jenn Weaver, Mayor  
Town of Hillsborough

DRAFT



# PROCLAMATION

## Gun Violence Awareness Day

**WHEREAS**, every day, more than 110 people in the United States are killed with guns; and

**WHEREAS**, according to the National Center for Health Statistics, in 2020, 1,699 North Carolinians were killed with guns, North Carolina had the 21<sup>st</sup> highest rate of gun deaths in the United States, and firearms were the leading cause of death among children; and

**WHEREAS**, as of May 8, 2023, there had been 202 mass shootings in the United States this year, serving as horrifying reminders that the United States stands alone among the high-wealth countries in its exceptionally high level of gun violence; and

**WHEREAS**, the high level of gun violence in the United States is not an unstoppable force of nature, but is a consequence of policy choices by federal and state lawmakers that enable easy access to guns; and

**WHEREAS**, in January 2013, 15-year-old Hadiya Pendleton was shot and killed on a playground in Chicago, Illinois; and since 2015, people across the United States have observed National Gun Violence Awareness Day on the first Friday in June in honor of Hadiya Pendleton and other victims of gun violence and their loved ones; and

**WHEREAS**, advocates also observe "Wear Orange Weekend" on the weekend accompanying National Gun Violence Awareness Day by wearing orange, a tradition begun by Hadiya Pendleton's childhood friends; and

**WHEREAS**, residents and elected leaders of Hillsborough have expressed outrage and sorrow at the continued loss of life due to gun violence, including those of beloved friends and relatives of our own community, and have asked for action to be taken to end mass shootings and gun violence;

**NOW, THEREFORE**, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim Friday, June 2, 2023, to be Gun Violence Awareness Day in Hillsborough. I encourage all residents to participate in Wear Orange Weekend events in the area and to support local efforts to raise awareness about gun violence, such as the work of Students Demand Action, Everytown for Gun Safety, and the North Carolina Chapter of Moms Demand Action.

**FURTHERMORE**, I encourage all residents to contact state and federal lawmakers — including Senator Ted Budd and Senator Thom Tillis — to insist they enact widely supported gun restrictions and gun safety legislation and to remind them that lawmakers' continued inaction on such legislation helps to make guns easily available and contributes to the deaths of North Carolinians and people across the United States.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 22 day of May in the year 2023.



Jenn Weaver, Mayor  
Town of Hillsborough



## Meeting Schedule: 2023 BOARD OF COMMISSIONERS



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

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

### Regular meetings

Regular meetings typically occur the second Monday of the month.

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

### Work sessions

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

Jan. 23		May 30	Budget workshop - CANCELED
Jan. 28	Budget retreat, 9 a.m. to 2:30 p.m.	June 26	Budget adoption, if needed
Feb. 27		Aug. 28	With joint WSAC meeting
March 27		Sept. 25	
April 24	With State of the Town Address	Oct. 23	
May 22	Budget workshop, public hearing	Nov. 27	

### Joint public hearings

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

Jan. 19		July 20
April 20		Oct. 19

### Joint meetings

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

Jan. 24	Assembly of Governments Whitted Human Services Center 300 W. Tryon St. — CANCELED	Feb. 2	Water and Sewer Advisory Committee
---------	---	--------	------------------------------------



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Administration  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Emily Bradford, Budget Director

#### ITEM TO BE CONSIDERED

**Subject:** Miscellaneous budget amendments and transfers

**Attachments:**

Budget Changes Report

**Summary:**

To adjust budget revenues and expenditures, where needed, due to changes that have occurred since budget adoption.

**Financial impacts:**

As indicated by each amendment.

**Staff recommendation and comments:**

To approve the attached list of budget amendments and transfers.

**Action requested:**

Consider approving budget amendments and transfers.

FY 2022-2023

TOWN OF HILLSBOROUGH  
BUDGET CHANGES REPORT

DATES: 06/12/2023 TO 06/12/2023

	<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>
Planning	10-10-4900-5300-423 C.S./HOMELESSNESS COORD. Move housing funds to exp acct	34410	06/12/2023	EBRADFORI	15,788.00	43,292.00	59,080.00
Facility Mgmt.	10-10-5000-5300-145 MAINTENANCE - BUILDINGS To cover facility repairs.	34433	06/12/2023	JFernandez	201,896.00	13,685.16	197,695.16
Facility Mgmt.	10-10-5000-5300-330 SUPPLIES - DEPARTMENTAL To cover facility repairs.	34431	06/12/2023	JFernandez	12,500.00	-12,484.46	15.54
Facility Mgmt.	10-10-5000-5300-583 MISC-TAX, TAGS, ETC. To cover facility repairs.	34432	06/12/2023	JFernandez	0.00	-1,200.70	1,044.30
Public Space	10-10-6300-5300-154 MAINTENANCE - GROUNDS To cover removal of three dying trees.	34422	06/12/2023	JFernandez	239,356.00	8,000.00	262,356.00
Public Space	10-10-6300-5300-155 MAINTENANCE - PARKS To cover removal of three dying trees.	34421	06/12/2023	JFernandez	75,000.00	-8,000.00	62,853.19
Special Approp.	10-60-6900-5300-570 MISCELLANEOUS Move housing funds to exp acct	34409	06/12/2023	EBRADFORI	430,300.00	-43,292.00	387,008.00
Utilities Admin.	30-80-7220-5300-320 SUPPLIES - OFFICE To cover uniforms through year-end.	34423	06/12/2023	JFernandez	750.00	-350.00	1,740.87
Utilities Admin.	30-80-7220-5300-350 UNIFORMS To cover uniforms through year-end.	34424	06/12/2023	JFernandez	200.00	350.00	770.00
Billing & Collect.	30-80-7240-5300-080 TRAINING/CONF./CONV. To cover year-end expenses and office ren	34403	06/12/2023	JFernandez	5,000.00	-300.00	4,700.00
Billing & Collect.	30-80-7240-5300-145 MAINTENANCE - BUILDINGS To cover year-end expenses and office ren	34402	06/12/2023	JFernandez	0.00	300.00	1,775.00
WTP	30-80-8120-5300-310 GASOLINE To cover gasoline expenses through end o	34405	06/12/2023	JFernandez	3,450.00	2,000.00	10,450.00
WTP	30-80-8120-5300-330 SUPPLIES - DEPARTMENTAL To cover supplies expenses through end o	34406	06/12/2023	JFernandez	5,000.00	1,300.00	6,300.00
WTP	30-80-8120-5300-422 C.S./FILTRATION CONTROLS TESTING Gasoline/supplies expenses through end o	34404	06/12/2023	JFernandez	3,300.00	-3,300.00	0.00
Water Dist.	30-80-8140-5300-080 TRAINING/CONF./CONV. To cover gasoline costs.	34427	06/12/2023	JFernandez	5,000.00	-4,000.00	1,500.00
Water Dist.	30-80-8140-5300-310 GASOLINE To cover gasoline costs.	34428	06/12/2023	JFernandez	20,535.00	4,000.00	28,955.00
WW Collect.	30-80-8200-5300-080 TRAINING/CONF./CONV. For parts, supplies, and tools for dept and To cover training costs for three employe	34412 34430	06/12/2023 06/12/2023	JFernandez JFernandez	5,000.00 5,000.00	-2,565.83 373.50	1,434.17 1,807.67
WW Collect.	30-80-8200-5300-145 MAINTENANCE - BUILDINGS For parts, supplies, and tools for dept and	34413	06/12/2023	JFernandez	4,500.00	-500.00	2,000.00
WW Collect.	30-80-8200-5300-310 GASOLINE To cover gasoline costs.	34426	06/12/2023	JFernandez	20,535.00	4,000.00	27,685.00
WW Collect.	30-80-8200-5300-322 SUPPLIES - LIFT STATION PUMPS For parts, supplies, and tools for dept and To cover gasoline costs. To cover training costs for three employe	34414 34425 34429	06/12/2023 06/12/2023 06/12/2023	JFernandez JFernandez JFernandez	150,000.00 150,000.00 150,000.00	-10,000.00 -4,000.00 -373.50	126,775.00 122,775.00 122,401.50

JFernandez  
fl142r03

06/05/2023 4:20:13PM

Page 1 of 2

FY 2022-2023

TOWN OF HILLSBOROUGH  
BUDGET CHANGES REPORT

DATES: 06/12/2023 TO 06/12/2023

	<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>
WW	30-80-8200-5300-323 SUPPLIES - CHEMICALS						
Collect.	For parts, supplies, and tools for dept and	34415	06/12/2023	JFernandez	1,000.00	-1,000.00	0.00
WW	30-80-8200-5300-326 SUPPLIES - PATCH						
Collect.	For parts, supplies, and tools for dept and	34416	06/12/2023	JFernandez	20,000.00	-1,752.75	13,147.25
WW	30-80-8200-5300-330 SUPPLIES - DEPARTMENTAL						
Collect.	To cover pipes	34408	06/12/2023	EBRADFORI	60,000.00	50,000.00	116,610.00
	For parts, supplies, and tools for dept and	34420	06/12/2023	JFernandez	60,000.00	18,278.26	134,888.26
WW	30-80-8200-5300-351 RENTAL - EQUIPMENT						
Collect.	For parts, supplies, and tools for dept and	34417	06/12/2023	JFernandez	9,200.00	-1,486.72	167.33
WW	30-80-8200-5300-530 DUES & SUBSCRIPTIONS						
Collect.	For parts, supplies, and tools for dept and	34418	06/12/2023	JFernandez	2,000.00	-215.00	1,785.00
WW	30-80-8200-5300-570 MISCELLANEOUS						
Collect.	For parts, supplies, and tools for dept and	34419	06/12/2023	JFernandez	1,500.00	-757.96	494.54
WWTP	30-80-8220-5300-164 MAINTENANCE - INSTRUMENTATION						
	For emergency repairs of SCADA and prc	34401	06/12/2023	JFernandez	19,000.00	10,700.00	33,100.00
WWTP	30-80-8220-5300-323 SUPPLIES - CHEMICALS						
	For emergency repairs of SCADA and prc	34400	06/12/2023	JFernandez	92,500.00	-10,700.00	66,203.00
W&S	30-80-9990-5300-000 CONTINGENCY						
Contingency	To cover pipes	34407	06/12/2023	EBRADFORI	400,000.00	-50,000.00	88,586.79
						<u>0.00</u>	



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Governing Body  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Commissioner Matt Hughes

#### ITEM TO BE CONSIDERED

**Subject:** Proclamation – Juneteenth Independence Day

**Attachments:**

Proclamation

**Summary:**

Juneteenth honors the end to slavery in the United States and is considered the longest-running African American holiday. The Board of Commissioners passed a resolution in June 2020 designating Juneteenth as an official holiday in the Town of Hillsborough to provide residents and employees of the town an opportunity to reflect on the impact of slavery and remember those who were enslaved here and their profound contributions to our community.

**Financial impacts:**

None.

**Staff recommendation and comments:**

None.

**Action requested:**

Approve proclamation recognizing Juneteenth Independence Day as an important date in American history.



## PROCLAMATION Juneteenth Independence Day

**WHEREAS**, news of the end of slavery did not reach frontier areas of the United States, in particular the state of Texas and other Southwestern states, until months after the conclusion of the Civil War and more than 2½ years after President Abraham Lincoln issued the Emancipation Proclamation on Jan. 1, 1863; and

**WHEREAS**, isolated from both Union and Confederate forces during the Civil War, Texas had become a refuge for those who wished to continue the practice of holding human beings as property; and

**WHEREAS**, although the Emancipation Proclamation was issued on Jan. 1, 1863, 250,000 people still were held as human chattel in Texas when U.S. Army Major General Gordon Granger arrived in Galveston, Texas, and announced the Civil War had ended and enslaved people were free; and

**WHEREAS**, the following is the text of the official recorded version of the order:

"The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor. The freedmen are advised to remain quietly at their present homes and work for wages. They are informed that they will not be allowed to collect at military posts and that they will not be supported in idleness either there or elsewhere"; and

**WHEREAS**, African Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day," as inspiration and encouragement for future generations; and

**WHEREAS**, Texas became the first state to make Juneteenth a state holiday and, by June 2020, 47 states and the District of Columbia have established full or partial recognition of the holiday; and

**WHEREAS**, Juneteenth is the oldest nationally celebrated commemoration of the ending of slavery in the United States and celebrations have been held to honor African American freedom; and

**WHEREAS**, the U.S. Census discloses that the population of North Carolina in 1860 was 992,622, of which 331,059 were enslaved, including 5,108 slaves living in Orange County on plantations such as the Cameron Plantation in Hillsborough; and

**WHEREAS**, the United States Congress passed and President Joe Biden signed the Juneteenth National Independence Day Act on June 17, 2021 to designate Juneteenth as a nationally recognized federal holiday; and

**WHEREAS**, Juneteenth has been declared a paid holiday by the governing bodies of Orange County, the Town of Chapel Hill, the Town of Carrboro, the Town of Hillsborough, the Orange County School District and the Chapel Hill-Carrboro City School District; and

**WHEREAS**, slavery was not officially abolished until ratification of the Thirteenth Amendment to the United States Constitution by the required 27 of the then 36 states on Dec. 6, 1865, and the abolishment of slavery and involuntary servitude, except as punishment for a crime, was proclaimed on Dec. 18, 1865; and

**WHEREAS**, the Town of Hillsborough recognizes that while the Emancipation Proclamation and the Thirteenth Amendment may have officially ended the legal practice of enslaving human beings in the United States of America, 158 years later, there is still progress which must be made to dismantle the insidious systems and practices of white supremacy and systemic racism, the foundations of which were laid by the enslavement of Black people;

**NOW, THEREFORE**, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim that Hillsborough honors the perseverance and hope that inspired African Americans to celebrate freedom, to look for lost relatives, and to thrive in a hostile and white supremacist environment and that Hillsborough recognizes Juneteenth as an important date in American history.

**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 June in the year 2023.

---

Jenn Weaver, Mayor  
Town of Hillsborough





## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Public Space  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Public Space and Sustainability Manager Stephanie Trueblood

#### ITEM TO BE CONSIDERED

**Subject:** Proclamation – National Pollinator Week 2023

**Attachments:**

Proclamation

**Summary:**

Each year the Town of Hillsborough celebrates National Pollinator Week to honor and raise awareness about the essential role pollinators play in the ecosystem. Hillsborough is an affiliate of Bee City USA and works throughout the year in a continued partnership between Hillsborough Tree Board and Hillsborough Garden Club to promote the protection and improved habitat and food sources for pollinators.

**Financial impacts:**

None.

**Staff recommendation and comments:**

None.

**Action requested:**

Approve proclamation recognizing June 19 through June 25 as National Pollinator Week in the Town of Hillsborough.



# PROCLAMATION

## National Pollinator Week 2023

June 19-25, 2023

**WHEREAS**, pollinator species such as birds, bees, butterflies and other insects are essential partners in producing much of our food supply; and

**WHEREAS**, pollination plays a vital role in the health of our national forests and grasslands, which provide forage, fish and wildlife, timber, water, mineral resources, and recreational opportunities as well as enhanced economic development opportunities for communities; and

**WHEREAS**, pollinator species provide significant environmental benefits that are necessary for maintaining healthy, diverse urban and suburban ecosystems; and

**WHEREAS**, pollination plays a vital role for the trees and plants of our community, enhancing our quality of life, and creating recreational and economic development opportunities; and

**WHEREAS**, for years the Town of Hillsborough has managed urban landscapes and public lands that include many municipal parks and greenways, as well as wildlife habitats; and

**WHEREAS**, the Town of Hillsborough provides recommendations to developers and residents regarding landscaping to promote wise conservation stewardship, including the protection of pollinators and maintenance of their habitats in urban and suburban environments; and

**WHEREAS**, the Town of Hillsborough is a proud affiliate of Bee City USA®;

**NOW, THEREFORE**, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim the week of June 19 through 25, 2023 as our municipality's **National Pollinator Week** in the Town of Hillsborough and urge all citizens to recognize this observance.

**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 June in the year 2023.

---

Jenn Weaver, Mayor  
Town of Hillsborough



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Planning & Econ. Development  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

#### ITEM TO BE CONSIDERED

**Subject:** 2023 Schools Adequate Public Facilities Ordinance Technical Advisory Committee Annual Report

#### Attachments:

1. Executive Summary
2. Orange County Schools Projections

#### Summary:

Staff members of the parties to the Schools Adequate Public Facilities ordinance meet annually to update the student projections and data. No schools are projected to be needed in the planning horizon for the Orange County School system. The executive summary and Orange County Schools projections have been included in the packet for review.

The entire report is available on the documents section of the Orange County Planning Department's website here: <https://www.orangecountync.gov/DocumentCenter/View/23992/2023-SAPFOTAC-Annual-Report?bidId=>

During this years' technical advisory committee meetings representatives from both school districts and planning staff from each municipality discussed ways that we could better project school capacity and needs based on future development. The process created in 2003 has served us well for many years, but there are improvements that could be made to the process; this could be an opportunity to better involve Mebane, a growing municipality with city limits partially in Orange County. Alternative options are being explored and any changes or updates will require a new Memorandum of Understanding (MOU) between all parties. Additional information is expected to be forthcoming in the Fall.

#### Financial impacts:

None.

#### Staff recommendation and comments:

None.

#### Action requested:

None. Information item.

## 2023 SAPFOTAC Executive Summary

### I. Base Memorandum of Understanding

#### A. Level of Service .....(No Change).....Pg. 1

	<i>Chapel Hill/Carrboro School District</i>	<i>Orange County School District</i>
<i>Elementary</i>	105%	105%
<i>Middle</i>	107%	107%
<i>High</i>	110%	110%

#### B. Building Capacity and Membership .....(Change).....Pg. 2

	<i>Chapel Hill/Carrboro School District</i>			<i>Orange County School District</i>		
	Capacity	Membership	Change from Prior Year	Capacity	Membership	Change from Prior Year
<i>Elementary</i>	5664	4657	- 81	3361	3059	+36
<i>Middle</i>	2944	2798	- 4	2166	1598	-58
<i>High</i>	3975	3950	+10	2939	2487	+15

#### C. Membership Date – November 15.....(No Change).....Pg. 17

### II. Annual Update to SAPFO System

#### A. Capital Investment Plan (CIP) .....(No Change).....Pg. 18

#### B. Student Membership Projection Methodology .....(No Change).....Pg. 19 *The average of 3, 5, and 10-year history/cohort survival, linear and arithmetic projection models.*

#### C. Student Membership Projections .....(Change).....Pg. 29

#### Analysis of 5 Years of Projections for 2022-2023 School Year – Chapel Hill/Carrboro City Schools

(The first column for each year includes the student membership projection made for 2022-2023 in that given year. The second column for each year includes the number of students the projection was off compared to actual membership. An “L” indicates the projection was low compared to the actual, whereas an “H” indicates the projection was high compared to the actual.)

		Year Projection Made for 2022-2023 Membership									
	Actual 2022 Membership	2017-2018		2018-2019		2019-2020		2020-2021		2021-2022	
<b>Elementary</b>	4657	5504	H847	5498	H841	5367	H710	4708	H51	4582	L75
<b>Middle</b>	2798	2881	H83	2943	H145	2992	H194	2830	H32	2742	L56
<b>High</b>	3950	4028	H78	4037	H87	4085	H135	3915	L35	3908	L42

## Analysis of 5 Years of Projections for 2022-2023 School Year – Orange County Schools

(The first column for each year includes the student membership projection made for 2022-2023 in that given year. The second column for each year includes the number of students the projection was off compared to actual membership. An “L” indicates the projection was low compared to the actual, whereas an “H” indicates the projection was high compared to the actual.)

		Year Projection Made for 2022-2023 Membership									
	Actual 2022 Membership	2017-2018		2018-2019		2019-2020		2020-2021		2021-2022	
<b>Elementary</b>	3059	3228	H169	3321	H262	3320	H261	2994	L65	3000	L59
<b>Middle</b>	1598	1682	H84	1710	H112	1713	H115	1611	H13	1622	H24
<b>High</b>	2487	2517	H30	2426	H61	2433	L54	2367	L120	2508	H21

### D. Student Membership Growth Rate .....(Change).....Pg. 37

Projected Average Annual Growth Rate Over Next 10 Years										
	Chapel Hill/Carrboro School District					Orange County School District				
Year Projection Made:	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
<i>Elementary</i>	0.56%	0.65%	-0.23%	-0.88%	-0.47%	0.91%	0.84%	-0.02%	-0.04%	0.26%
<i>Middle</i>	0.19%	-0.07%	-1.50%	-2.10%	-1.77%	0.28%	0.37%	-0.67%	-0.72%	-0.15%
<i>High</i>	0.16%	0.03%	-1.44%	-2.15%	-2.09%	0.21%	0.21%	-0.98%	-1.06%	0.98%

### E. Student / Housing Generation Rate .....(No Change).....Pg. 40

## SCHOOL ADEQUATE PUBLIC FACILITIES ORDINANCE STATUS

(Based on future year Student Membership Projections)

### CHAPEL HILL/CARRBORO SCHOOL DISTRICT

#### Elementary School Level

- A. Does not currently exceed 105% LOS standard (current LOS is 82.2%).
- B. The projected growth rate at this level is expected to increase, but remain negative over the next 10 years (average ~ -0.47% per year compared to -1.37% over the past 10 years).
- C. Similar to last year, projections are not showing a need for an additional Elementary School in the 10-year projection period.

#### Middle School Level

- A. Does not currently exceed 107% LOS standard (current LOS is 95%).
- B. The projected growth rate at this level is expected to decrease over the next 10 years (average ~ -1.77% compared to an average of 0.21% over the past 10 years).
- C. Similar to last year, projections are not showing a need for an additional Middle School in the 10-year projection period.

#### High School Level

- A. Does not currently exceed the 110% LOS standard (current LOS is 99.4%).
- B. The projected growth rate at this level is expected to decrease over the next 10 years (average ~ -2.09% compared to 0.61% over the past 10 years).
- C. Similar to last year, projections are not showing a need to expand Carrboro High School from the initial capacity of 800 students to the ultimate capacity of 1,200 students in the 10-year projection period.

## **ORANGE COUNTY SCHOOL DISTRICT**

### **Elementary School Level**

- A. Does not currently exceed 105% LOS standard (current LOS is 91%).
- B. The projected growth rate at this level is expected to increase over the next 10 years (average ~ 0.26% compared to -0.98% over the past 10 years).
- C. Similar to last year, projections are not showing a need for an additional Elementary School in the 10-year projection period.

### **Middle School Level**

- A. Does not currently exceed 107% LOS standard (current LOS is 73.8%).
- B. The projected growth rate at this level is expected to increase, but remain negative over the next 10 years (average ~ -0.15% compared to -0.25% over the past 10 years).
- C. Similar to last year, projections are not showing a need for an additional Middle School in the 10-year projection period.

### **High School Level**

- A. Does not currently exceed 110% LOS standard (current LOS is 84.6%).
- B. The projected growth rate at this level is expected to increase over the next 10 years (average ~ 0.98% compared to 0.83% over the past 10 years).
- C. Similar to last year, projections are not showing a need for additional High School in the 10-year projection period.

## **ADDITIONAL INFORMATION**

### **Pre-K Students**

In recent years, Pre-K enrollment has been a topic of discussion with both school districts. At this time, SAPFO has not been amended to include Pre-K in the membership and capacity numbers. However, Pre-K numbers and impacts continue to be monitored by the SAPFOTAC. Pre-K students for each district is as follows:

	<b>Chapel Hill-Carrboro City Schools</b>	<b>Orange County Schools</b>
<b>School Year</b>	<b>Number of Students</b>	<b>Number of Students</b>
<b>2019-20</b>	267	144
<b>2020-21</b>	208	86
<b>2021-22</b>	222	125
<b>2022-23</b>	295	101

### **Charter and Private Schools**

Currently, there are two Charter Schools located in the Town of Hillsborough. Charter student membership for these two schools is as follows:

	<b>Eno River Academy</b>	<b>The Expedition School</b>
<b>School Year</b>	<b>Number of Students</b>	<b>Number of Students</b>
<b>2017-18</b>	542	326
<b>2018-19</b>	655 (+113)	355 (+29)
<b>2019-20</b>	715 (+60)	365 (+10)
<b>2020-21</b>	747 (+32)	365*
<b>2021-22</b>	751 (+4)	
<b>2022-23</b>	777 (+26)	
<i>*The Expedition School reached full capacity of 365 students in 2019-20</i>		

Charter and private schools are not included as part of the SAPFO Annual Report and, as a result, their membership and capacity numbers are not included in future projections. SAPFO projections are used for projecting only public school capacity/construction needs. However, the SAPFO Technical Advisory Committee does monitor charter and private schools and their effect on student enrollment in both school districts. If a charter or private school were to close and a spike were to be realized in school enrollment, the student projections would likely accelerate the need for additional capacity in future years, but likely still within an appropriate time for CIP planning. Charter Schools are also monitored by the Department of Public Instruction (DPI) which provides pupil information, based on data received from Charter Schools located in Orange County, to the County for funding purposes. The County budgeted for charter schools as follows:

	Chapel Hill-Carrboro City Schools	Orange County Schools
Fiscal Year	Number of Students	Number of Students
2017-18	162	617
2018-19	155 (-7)	769 (+152)
2019-20	169 (+14)	843 (+74)
2020-21	166 (-3)	885 (+42)
2021-22	156 (-10)	919 (+34)
2022-23	205 (+49)	951 (+32)

Although charter and private schools numbers are not collected for SAPFO purposes, impacts due to enrollment at these schools are accounted for in SAPFO process with the annual reporting of student membership and growth rates contained in the 10-year student projections.

### Future Residential Development

Proposed growth is not included in the SAPFO projection system until actual students begin enrollment. The Certificate of Adequate Public Schools (CAPS) test is conducted during the approval process at a certain stage. Once students are enrolled in a school year, through annual reporting of student membership numbers, 10-year student projections can be updated to display future capacity needs in time to efficiently plan for future school capacity/construction requests. The SAPFOTAC continue to monitor and evaluate the demand and growth of residential development throughout Orange County as well as its effect on student membership rates. Below is a list of larger residential projects and the potential number of students from these projects which may have an impact in the short term. Please note, the City of Mebane is not a party to the SAPFO agreement and therefore does not require that CAPS (Certificate of Adequate Public Schools) be issued prior to development approvals. As a result, the expected number of students is based on unit type and bedroom count estimates.

Residential Project	Jurisdiction	Proposed Total Units	Expected Number of Students
Collins Ridge Phase 1	Hillsborough	672	Elementary: 84 Middle: 45 High: 57
Weavers Grove	Chapel Hill	235	Elementary: 44 Middle: 18 High: 20
Stagecoach Corner	Mebane	35	Elementary: 9 Middle: 5 High: 6

<b>Bowman Village/Bowman Place</b>	Mebane	177	Elementary: 48 Middle: 23 High: 30
<b>The Townes of Oakwood Square</b>	Mebane	88	Elementary: 5 Middle: 4 High: 5
<b>Tupelo Junction I</b>	Mebane	181	Elementary: 49 Middle: 24 High: 31
<b>Tupelo Junction II</b>	Mebane	207	Elementary: 56 Middle: 27 High: 35
<b>Oakwood Subdivision</b>	Mebane	409	Elementary: 110 Middle: 53 High: 70

**School Renovation and Expansion**

The Schools Adequate Public Facilities Ordinance (SAPFO) student projections illustrate when the adopted level of service capacities are forecasted to be met and/or exceeded in anticipation of Capital Improvement Plan (CIP) planning and the construction of a new school. Both school districts continue planning efforts to renovate and expand existing facilities to address school capacity needs in a more feasible way. Additional capacity resulting from school renovations and expansions will be added to the projection models in stages, once funding is approved, versus the addition of greater capacity when a new school is constructed and completed. The renovation and expansion to existing facilities may delay construction of new schools further into the future, depending on how and how much capacity is added to the system. Decisions on the timing of reconstruction (i.e. capacity additions) funding would be directly linked to the SAPFO model at the appropriate time.



### OCS Student Projections (1) (4)

#### Elementary

School Year	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	
Actual	3,403	3,433	3,259	3,318	3,293	3,183	3,205	3,232	3,047	3,023	3,059											
Tischler (2)												3,038	3,018	2,997	2,976	2,956	2,935	2,914	2,894	2,873	2,852	
OC Planning												3,040	3,018	2,990	2,978	2,996	3,007	3,021	3,045	3,051	3,060	
10 Year Growth												3,083	3,068	3,055	3,086	3,112	3,143	3,175	3,206	3,239	3,271	
5 Year Growth												3,088	3,077	3,068	3,101	3,126	3,157	3,188	3,220	3,252	3,285	
3 Year Growth												3,066	3,038	3,017	3,043	3,068	3,098	3,129	3,161	3,192	3,224	
<b>Average</b>												3,063	3,044	3,025	3,037	3,051	3,068	3,085	3,105	3,121	3,138	
<b>Annual Change - Increase (Decrease) in Actual &amp; Projected Membership</b>	55	30	(174)	59	(25)	(110)	22	27	(185)	(24)	36	40	(20)	(18)	12	14	17	17	20	16	17	
<b>Capacity - 100% Level of Service</b>	3,694	3,694	3,694	3,694	3,694	3,361	3,361	3,361	3,361	3,361	3,361	3,361	3,361	3,361	3,361	3,361	3,361	3,361	3,361	3,361	3,361	3,361
<b>Number of Students, Actual and Projected, Over (Under) 100% LOS</b>	(291)	(261)	(435)	(376)	(401)	(178)	(156)	(129)	(314)	(338)	(302)	(298)	(317)	(336)	(324)	(310)	(293)	(276)	(256)	(240)	(223)	
<b>105% Level of Service</b>	3,879	3,879	3,879	3,879	3,879	3,529	3,529	3,529	3,529	3,529	3,529	3,529	3,529	3,529	3,529	3,529	3,529	3,529	3,529	3,529	3,529	3,529
<b>Number of Students, Actual and Projected, Over (Under) 105% LOS</b>	(476)	(446)	(620)	(561)	(586)	(346)	(324)	(297)	(482)	(506)	(470)	(466)	(486)	(504)	(492)	(478)	(461)	(444)	(424)	(408)	(391)	
Actual - % Level of Service	92.1%	92.9%	88.2%	89.8%	89.1%	94.7%	95.4%	96.2%	90.7%	89.9%	91.0%											
Average - % Level of Service												91.1%	90.6%	90.0%	90.4%	90.8%	91.3%	91.8%	92.4%	92.9%	93.4%	
<b>Annual Student Growth Rate (3)</b>	1.64%	0.88%	-5.07%	1.81%	-0.75%	-3.34%	0.69%	0.84%	-5.72%	-0.79%	1.19%	0.13%	-0.64%	-0.60%	0.38%	0.48%	0.55%	0.57%	0.64%	0.52%	0.55%	

Capacity decrease due to change in class size ratios per House Bill 13 (K-3 average class size ratios are 1:20 as directed by State legislative action)

(1) It is important to note that this reflects the November 15, 2022 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance  
 (2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CHCC  
 (3) Annual growth rate calculated using actual membership for years 2011-12 through 2022-23 and average membership for years 2023-24 through 2032-33  
 (4) Class sizes for grades K-3 = 1:23 for school years 2000 through 2007-08. In accordance with 2005 School Collaboration Work Group direction, effective the 2008-2009 school year with the opening of CHCCS Elementary #10, K-3 class sizes are 1:21 as directed by past State legislative action

### OCS Student Projections(1)

#### Middle

School Year	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	
Actual	1,684	1,747	1,762	1,739	1,724	1,730	1,779	1,763	1,654	1,656	1,598											
Tischler (2)												1,587	1,576	1,566	1,555	1,544	1,533	1,522	1,512	1,501	1,490	
OC Planning												1,648	1,636	1,631	1,621	1,620	1,615	1,615	1,621	1,626	1,640	
10 Year Growth												1,576	1,575	1,600	1,609	1,583	1,554	1,570	1,582	1,598	1,613	
5 Year Growth												1,563	1,554	1,572	1,585	1,564	1,540	1,558	1,567	1,583	1,599	
3 Year Growth												1,568	1,550	1,552	1,550	1,513	1,478	1,488	1,497	1,512	1,527	
<b>Average</b>												1,588	1,578	1,584	1,584	1,565	1,544	1,551	1,556	1,564	1,574	
<b>Annual Change - Increase (Decrease) in Actual &amp; Projected Membership</b>	(20)	63	15	(23)	(15)	6	49	(16)	(109)	2	(58)	(68)	(10)	6	(0)	(19)	(21)	7	5	8	10	
<b>Capacity - 100% Level of Service</b>	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166	2,166
<b>Number of Students, Actual and Projected, Over (Under) 100% LOS</b>	(482)	(419)	(404)	(427)	(442)	(436)	(387)	(403)	(512)	(510)	(568)	(578)	(588)	(582)	(582)	(601)	(622)	(615)	(610)	(602)	(592)	
<b>107% Level of Service</b>	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318	2,318
<b>Number of Students, Actual and Projected, Over (Under) 107% LOS</b>	(634)	(571)	(556)	(579)	(594)	(588)	(539)	(555)	(664)	(662)	(720)	(729)	(740)	(733)	(734)	(753)	(774)	(767)	(762)	(754)	(744)	
Actual - % Level of Service	77.7%	80.7%	81.3%	80.3%	79.6%	79.9%	82.1%	81.4%	76.4%	76.5%	73.8%											
Average - % Level of Service												73.3%	72.9%	73.1%	73.1%	72.3%	71.3%	71.6%	71.8%	72.2%	72.7%	
<b>Annual Student Growth Rate (3)</b>	-1.17%	3.74%	0.86%	-1.31%	-0.86%	0.35%	2.83%	-0.90%	-6.18%	0.12%	-3.50%	-0.60%	-0.65%	0.38%	-0.02%	-1.20%	-1.33%	0.44%	0.31%	0.52%	0.64%	

(1) It is important to note that this reflects the November 15, 2022 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance  
 (2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CHCC  
 (3) Annual growth rate calculated using actual membership for years 2011-12 through 2022-23 and average membership for years 2023-24 through 2032-33

### OCS Student Projections (1)

#### High

School Year	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	
Actual	2,315	2,421	2,502	2,469	2,446	2,445	2,349	2,397	2,381	2,472	2,487											
Tischler (2)												2,470	2,453	2,437	2,420	2,403	2,386	2,369	2,353	2,336	2,319	
OC Planning												2,415	2,397	2,348	2,327	2,336	2,339	2,356	2,383	2,393	2,400	
10 Year Growth												2,445	2,409	2,314	2,231	2,256	2,263	2,247	2,234	2,215	2,196	
5 Year Growth												2,452	2,414	2,316	2,220	2,234	2,231	2,212	2,234	2,211	2,196	
3 Year Growth												2,451	2,427	2,348	2,256	2,265	2,247	2,206	2,204	2,164	2,138	
<b>Average</b>												2,446	2,420	2,352	2,291	2,299	2,293	2,278	2,287	2,268	2,254	
<b>Annual Change - Increase (Decrease) in Actual &amp; Projected Membership</b>	32	106	81	(33)	(23)	(1)	(96)	48	(16)	91	15	(26)	(26)	(68)	(62)	8	(5)	(15)	9	(19)	(14)	
<b>Capacity - 100% Level of Service</b>	2,439	2,439	2,439	2,439	2,439	2,439	2,439	2,439	2,439	2,939	2,939	2,939	2,939	2,939	2,939	2,939	2,939	2,939	2,939	2,939	2,939	2,939
<b>Number of Students, Actual and Projected, Over (Under) 100% LOS</b>	(124)	(18)	63	30	7	6	(90)	(42)	(58)	(467)	(452)	(493)	(519)	(587)	(648)	(640)	(646)	(661)	(652)	(671)	(685)	
<b>110% Level of Service</b>	2,683	2,683	2,683	2,683	2,683	2,683	2,683	2,683	2,683	3,233	3,233	3,233	3,233	3,233	3,233	3,233	3,233	3,233	3,233	3,233	3,233	3,233
<b>Number of Students, Actual and Projected, Over (Under) 110% LOS</b>	(368)	(262)	(184)	(214)	(237)	(238)	(334)	(286)	(302)	(761)	(746)	(786)	(813)	(880)	(942)	(934)	(940)	(955)	(946)	(965)	(979)	
Actual - % Level of Service	94.9%	99.3%	102.6%	101.2%	100.3%	100.2%	96.3%	98.3%	97.6%	84.1%	84.6%											
Average - % Level of Service												83.2%	82.3%	80.0%	77.9%	78.2%	78.0%	77.5%	77.8%	77.2%	76.7%	
<b>Annual Student Growth Rate (3)</b>	1.40%	4.58%	3.35%	-1.32%	-0.93%	-0.04%	-3.93%	2.04%	-0.67%	3.82%	0.61%	-1.63%	-1.08%	-2.79%	-2.62%	0.33%	-0.24%	-0.64%	0.38%	-0.84%	-0.62%	

Orange High capacity decreased, per DPI study

Cedar Ridge High School adding 500 seats.

(1) It is important to note that this reflects the November 15, 2022 date of membership as outlined in by the Schools Adequate Public Facilities Ordinance  
 (2) The Tischler Model provides for the "Linear Method" of projections for both CHCCS and OCS. Original projections used in prior years projection models included the "Linear Extrapolation Method" for CHCC  
 (3) Annual growth rate calculated using actual membership for years 2011-12 through 2022-23 and average membership for years 2023-24 through 2032-33



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Community Services  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Matt Efird, Assistant Town Manager

#### ITEM TO BE CONSIDERED

**Subject:** Memorandum of Understanding for the operation of the Orange County Partnership to End Homelessness

**Attachments:**

Draft Memorandum of Understanding

**Summary:**

In June 2022, the board approved a one-year Memorandum of Understanding (MOU) for the continued operation of the Orange County Partnership to End Homelessness (OCPEH). That agreement expires in July 2023. The OCPEH executive team has reviewed and approved the attached one-year extension of the MOU under substantially the same terms and conditions as the agreement currently in effect. The Town of Chapel Hill has approved the new MOU, and the Town of Carrboro is scheduled to consider the renewal at their June 27 meeting.

**Financial impacts:**

N/A

**Staff recommendation and comments:**

This agreement is consistent with the current arrangements and facilitates the broader community conversations on the roles and responsibilities of housing and homelessness services.

**Action requested:**

To approve the attached Memorandum of Understanding.

**Memorandum of Understanding between Orange County and the  
Towns of Chapel Hill, Carrboro, and Hillsborough:  
Orange County Partnership to End Homelessness (OCPEH)**

Whereas, in April 2008, the Orange County Board of Commissioners, Chapel Hill Town Council, Carrboro Town Council, and Hillsborough Board of Commissioners endorsed the Orange County 10-Year Plan to End Chronic Homelessness and entered into a memorandum of understanding to fund and support the Plan's implementation by the Orange County Partnership to End Homelessness (OCPEH), and

Whereas, the Partnership has made significant progress in ending and preventing homelessness in Orange County over the past fourteen years, and

Whereas, the parties to this Memorandum came together and revised this Memorandum of Understanding in 2015, and

Whereas, reflecting a combination of national best practices, national funding models, and local experience, the Orange County 10-Year Plan to End Chronic Homelessness has evolved to become an ongoing program, the Orange County Plan to End Homelessness, and

Whereas, the role of the Partnership is to implement Orange County's Plan to End Homelessness and serve as the Continuum of Care for Orange County, and

Whereas, the parties to this Memorandum understand the value of this work to each jurisdiction and accordingly intend to continue to fund and support it, and

Whereas, the initial 10-Year Plan created a body called the Executive Team, now called the Leadership Team, consisting of representatives appointed from each of the above governmental partners and a cross-section of community representation, charged with providing oversight and direction to the plan, and the parties to this Memorandum intend for the Leadership Team to continue to perform this role, and

Whereas, the parties to this Memorandum intend to continue funding the Partnership's Homeless Programs Manager and Housing Access Coordinator, and provide partial funding for the Homeless Programs Coordinator, all of whom have job responsibilities outlined in a Job Description (Attachment A), and

Whereas, in order to implement the Plan, the Partnership is providing direct service programs via pass-through funding from other sources, and

Whereas, the four elected appointees continue to recommend and serve on the OCPEH Executive Team, which shall consist of the four elected appointees, to ensure that the interests of all four funding jurisdictions are consistently represented;

The parties to this Memorandum hereby clarify the roles and responsibilities of each body as it relates to funding and oversight.

A. The Executive Team will:

1. Provide ongoing supervision of the Homeless Programs Manager (HPM) through the County Manager by:
  - i. Conducting joint annual performance reviews of the HPM with the County Manager, after gathering input from the Chair of the Leadership Team and others, as appropriate;
  - ii. Approving an annual work plan for the HPM based on the goals of the Plan, subject to final approval by the County Manager;
  - iii. Meeting with and reviewing the work plan with the HPM and the County Manager quarterly;
  - iv. Participating in interviews for the hiring of the HPM;
  - v. Making recommendations to the County Manager regarding performance concerns related to the HPM.
2. Operate its program on the same fiscal year as that operated by the Towns and County.
3. Not have supervisory authority over any Town or County staff who may be assigned to provide assistance to the Leadership Team or Executive Team.
4. Meet quarterly, with staff support, to review progress under the annual work plan.

B. Towns and the County will:

1. Provide office space and supplies for the use of the Partnership staff as needed and available.
2. Provide staff assistance as needed to support the Executive Team and Leadership Team subject to Town Manager and County Manager direction.
3. Provide an annual appointment from the elected governing bodies to the Leadership/Executive Team.
4. Assist with the annual implementation efforts of the Plan.
5. Continue to support the Partnership.
6. Determine the amount of funding to be provided by each partner by utilizing a population-based formula based on the latest Census data.

Based upon the 2020 Census data, the percentage contributions, subject to each jurisdiction's approval, are as follows:

- Orange County 39.5%
- Town of Chapel Hill 39.7%
- Town of Carrboro 14.3%
- Town of Hillsborough 6.5%

7. Receive an annual report from the HPM reflective of system-level data and OCPEH programming data.
8. Not be required or expected to continue funding Partnership staff should the funding not be available through any one or more of the other partners.
9. Not require or suggest the HPM perform work on goals that are not in her/his work plan for the Partnership.
10. Work with the HPM to incorporate Homeless System Gaps Analysis into County-wide housing planning and supporting data sources

- C. The Plan is understood to be a living document that the Partnership will update over time to reflect its accomplishments and the evolution of policies, evidence-based practices, and funding.
- D. This Memorandum supersedes the 2015 Memorandum of Understanding that supported the Orange County 10-Year Plan to End Chronic Homelessness. It will remain in effect for one year from the date of its adoption by all Parties. Memorandum will be renewed for up to five additional two-year terms if agreed upon by all parties. Revisions will be presented to the Executive Team for consideration no later than the final quarterly meeting of the Executive Team prior to expiration of the one year term. Any Party hereto may withdraw from the Memorandum by providing written notice to every other Party at least 6 months prior to the start of the fiscal year in which the Party wishes to withdraw.

[SIGNATURES TO FOLLOW]

Wherefore the Parties hereto have set their hands and seals on the day and dates recorded below.

ORANGE COUNTY

\_\_\_\_\_  
Renee Price, Chair

\_\_\_\_\_  
ATTEST

STATE OF NORTH CAROLINA  
ORANGE COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that \_\_\_\_\_, personally came before me this day and acknowledged that she is the Clerk to the Board of Commissioners for Orange County, North Carolina and that by authority duly given and as the act of said County, the foregoing instrument was signed in its name by the Chair of said Board of Commissioners and attested by her as Clerk to said Board of Commissioners.

Witness my hand and official stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public\_\_\_\_\_

(Notary Seal)

My commission expires:\_\_\_\_\_

TOWN OF CHAPEL HILL

\_\_\_\_\_  
Pam Hemminger, Mayor

\_\_\_\_\_  
ATTEST

STATE OF NORTH CAROLINA  
ORANGE COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that \_\_\_\_\_, personally came before me this day and acknowledged that he/she is the Town Clerk for the Town of Chapel Hill, North Carolina and that by authority duly given and as the act of said Town, the foregoing instrument was signed in its name by the Mayor of the Town of Chapel Hill, NC and attested by her as Town Clerk for the Town of Chapel Hill, NC.

Witness my hand and official stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public\_\_\_\_\_

(Notary Seal)

My commission expires:\_\_\_\_\_

TOWN OF CARRBORO

\_\_\_\_\_  
Damon Seils , Mayor

\_\_\_\_\_  
ATTEST

STATE OF NORTH CAROLINA  
ORANGE COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that \_\_\_\_\_, personally came before me this day and acknowledged that she is the Town Clerk for the Town of Carrboro, North Carolina and that by authority duly given and as the act of said Town, the foregoing instrument was signed in its name by the Mayor of the Town of Carrboro, NC and attested by her as Town Clerk for the Town of Carrboro, NC.

Witness my hand and official stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public\_\_\_\_\_

(Notary Seal)

My commission expires:\_\_\_\_\_



TOWN OF HILLSBOROUGH

\_\_\_\_\_  
Jenn Weaver, Mayor

\_\_\_\_\_  
ATTEST

STATE OF NORTH CAROLINA  
ORANGE COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that \_\_\_\_\_, personally came before me this day and acknowledged that he/she is the Town Clerk for the Town of Hillsborough, North Carolina and that by authority duly given and as the act of said Town, the foregoing instrument was signed in its name by the Mayor of the Town of Hillsborough, NC and attested by her as Town Clerk for the Town of Hillsborough, NC.

Witness my hand and official stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public\_\_\_\_\_

(Notary Seal)

My commission expires:\_\_\_\_\_



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date:	June 12, 2023
Department:	Community Services
Agenda Section:	Consent
Public hearing:	No
Date of public hearing:	N/A

#### PRESENTER/INFORMATION CONTACT

Matt Efird, Assistant Town Manager

#### ITEM TO BE CONSIDERED

**Subject:** Authorization to Enter into a Comprehensive Participation Agreement for Orange County Transit Funds

##### Attachments:

1. Resolution
2. Draft Comprehensive Participation Agreement
3. Background Presentation – Durham Orange Transit Plan Governance
4. DCHC MPO Staff Background Memo
5. Orange County Staff Working Group Bylaws
6. Orange County Transit Funding Financial Policies
7. Orange County Transit Work Program Amendment Policy

##### Summary:

In 2021, Durham and Orange counties obtained the services of Atkins consulting to prepare a series of governing documents relating to the implementation and administration of the new county transit plans. The discontinuation of the Durham-Orange Light Rail Transit (DO LRT) project necessitated an update to the interlocal agreements between the counties, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, and GoTriangle. Discussions among the stakeholders lead to an interest in developing a new governance framework to guide the implementation of future transit plans. Three documents have been prepared: 1) a new comprehensive interlocal agreement (ILA) for the three signatory authorities, which for the Orange County Transit Plan includes Orange County, GoTriangle and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO), 2) a policy and procedure document which codifies the processes that the staff working group has been following since 2017, and 3) a Comprehensive Participation Agreement. The Comprehensive Participation Agreement (CPA) serves as the master agreement that each jurisdiction would sign to receive transit funds. The CPA outlines certain basic responsibilities for the jurisdiction to complete the project for which funding was requested (service operations/capital project), and for GoTriangle to provide the earmarked funds in accordance to the approved budget and annual work program. The parties will conduct a review of the agreement at least every four years to consider any desired updates through the agreement through the amendment process, or more often as necessary. Agreements may be terminated with a year's notice. The Town of Hillsborough has been asked to enter into a CPA with the three signatory authorities: Orange County, GoTriangle and the DCHC MPO to continue receiving Orange County Transit funds.

Orange County has approved the Interlocal Agreement between the county, the MPO and GoTriangle. The Town of Carrboro has approved the Comprehensive Participation Agreement, and the Town of Chapel Hill is scheduled to consider the item at their next meeting.

**Financial impacts:**

N/A

**Staff recommendation and comments:**

This draft agreement is the result of many months of committee work, and the primary governing Interlocal Agreement has been approved by Orange County. Board approval is required in order to receive any Orange County Transit Tax funding for town projects. Staff recommends approval.

**Action requested:**

Approval of the attached resolution.



## RESOLUTION

### Authorizing a Comprehensive Participation Agreement with Orange County, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and GoTriangle

**WHEREAS**, the Town of Hillsborough has a longstanding and extensive commitment to multimodal transportation, including local and regional public transit systems; and

**WHEREAS**, the Durham and Orange counties have engaged consultant services to update the governance documents related to the administration and implementation of the county transit plans; and

**WHEREAS**, the Town of Hillsborough has been or will be allocated Orange County Transit funds for capital projects related to improved access to transit service; and

**WHEREAS**, the updated agreement structure requires all participating Orange County organizations to enter into a Comprehensive Participation Agreement (CPA) with Orange County, GoTriangle and the DCHC MPO in order to receive transit tax revenues for operations or capital projects;

**NOW, THEREFORE**, be it resolved by the Hillsborough Board of Commissioners that the town manager is authorized to enter into a Comprehensive Participation Agreement with Orange County, GoTriangle and the DCHC MPO for the purpose of receiving Orange County Transit tax revenues.

Approved this 12<sup>th</sup> day of June of the year 2023.

---

Jenn Weaver, Mayor  
Town of Hillsborough

Attestation:

---

Sarah Kimrey, Town Clerk

**ORANGE COUNTY TRANSIT COMPREHENSIVE PARTICIPATION AGREEMENT  
("PARTICIPATION AGREEMENT")**

**Between**

**TRANSIT GOVERNANCE INTERLOCAL AGREEMENT (ILA) PARTIES:**

**RESEARCH TRIANGLE REGIONAL PUBLIC TRANSPORTATION AUTHORITY  
("GoTriangle"), DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN  
PLANNING ORGANIZATION ("DCHC MPO"), and COUNTY OF ORANGE ("Orange  
County")**

**And**

**The TOWN OF CHAPEL HILL, TOWN OF CARBORRO, TOWN OF  
HILLSBOROUGH, and CITY OF MEBANE**

**(All parties collectively referred to herein as "Parties")**

**And Parties will further coordinate with**

**IMPLEMENTATION PARTNERS:**

**TRIANGLE J COUNCIL OF GOVERNMENTS ("TJCOG"), and UNIVERSITY OF  
NORTH CAROLINA, CHAPEL HILL ("UNC Chapel Hill")**

**As current and/or future partners through specific project agreements that shall  
incorporate the terms of this document**

**WITNESSETH:**

**WHEREAS**, the Parties to this Agreement and the Implementation Partners, have or may have specific roles in public transit implementation and public transit infrastructure support in Orange County, they have determined it is in their best interest and that of their constituents to coordinate future public transit planning, funding, expansion and construction; and

**WHEREAS**, in conjunction with the Orange County Transit Multi-Year Vision Plan, the Governance ILA Parties adopted the Orange County Transit Governance Interlocal Agreement ("Governance ILA") that creates a governance structure for the implementation of the Orange County Transit Multi-Year Vision Plan by and through the Orange County Transit Annual Work Program; and

**WHEREAS**, the Governance ILA establishes the Staff Working Group ("SWG"), comprised of staff representatives from the Governance ILA Parties and the Implementation Partners, and charged the SWG with coordinating and recommending the planning and implementation aspects of the Orange County Transit Annual Work Program; and

**WHEREAS**, the Parties, and the Implementation Partners intend to implement an inclusive and cooperative process to continuously develop and improve the Orange County Transit Multi-Year Vision Plan. They will further develop a public involvement plan to guide the Parties' and SWG's coordinated efforts for engagement aligned with federal, state and local policies and guidelines; and

**WHEREAS** the Parties and Partners collectively make recommendations, develop and review the Orange County Transit Annual Work Program; and

**WHEREAS** the Parties have a formal role in approving the Orange County Transit Annual Work Program through structured representation on the Orange County Board of Commissioners, DCHC MPO Board, and GoTriangle Board of Trustees as the ILA defines their oversight and jurisdiction regarding the Orange County Transit Annual Work Program development and implementation; and

**WHEREAS**, this Participation Agreement serves as the Comprehensive Participation Agreement as formally defined in Section 2.040 in the Governance ILA to establish standards that will govern the Parties' and Partners' eligibility for inclusion of sponsored Implementation Elements in the Orange County Transit Annual Work Program and receipt of any funding allocation from Orange County Transit Tax Revenue and other Dedicated Local Transit Funding Sources; evidence of the Parties' acceptance of the most up-to-date Orange County Transit Annual Work Program (now and in the future) and the associated annual update process; and confirm the Parties' roles in carrying out Staff Working Group (SWG) responsibilities; and

**WHEREAS**, local Governmental Parties are authorized to enter into this Participation Agreement pursuant to, inter alia, N.C.G.S. 160A-20.1; 160A-312; 160A-313; 160A-610; 153A-275; 153A-276; and 153A-449; and

**NOW THEREFORE**, in consideration of the above recitals and the mutual covenants herein contained, the Parties hereto agree as follows:

**ARTICLE 1**  
**PURPOSE, SCOPE & LIMITATION OF AUTHORITY,**  
**RESPONSIBILITIES, TERM & EFFECTIVE DATE**

1.01 **Purpose.** The Parties hereby recognize that the Orange County Transit Multi-Year Vision Plan, as implemented by the Orange County Transit Annual Work Program, will be the guidance document for Orange County public transit investment with Local Government Public Transportation Sales Tax Act revenue and other Locally Dedicated Transit Funding Sources, as identified in the Orange County Transit Multi-Year Vision Plan. This Agreement

establishes standards for all Parties and Partners who desire to receive project funding from Dedicated Local Transit Funding Sources identified in the Orange County Transit Multi-Year Vision Plan. This Participation Agreement also confirms the Parties' respective roles for future planning, design, funding, and implementation of the Orange County Transit Multi-Year Vision Plan via their roles and responsibilities within the Staff Working Group (SWG).

**1.02 Scope & Limitation of Authority.** This Participation Agreement is limited to the purposes enumerated herein. No Party has the right to expand, abridge, limit or constrain the authority or actions of Orange County, GoTriangle, or the DCHC MPO or the SWG created by the Governance ILA with respect to the administration of the Orange County Transit Multi-Year Vision Plan, except as specifically agreed to herein. Nothing herein grants funding for any Implementation Element (defined herein in Article II) to any Party. Further, any Party receiving Dedicated Local Transit Funding Source revenue for an Implementation Element is wholly responsible for the completion of that element as set forth by future project or other specific agreements between such individual Parties. The Parties hereby recognize that the official governance and oversight for the Orange County Transit Multi-Year Vision Plan according to the terms of the Governance ILA and this Participation Agreement remains entirely with Orange County's Board of Commissioners, DCHC MPO's Policy Board, and the GoTriangle Board of Trustees.

**1.03 Responsibilities of the Governance ILA Parties.** The Governance ILA Parties have the responsibilities and duties set out in the Governance ILA.

**1.04 Responsibilities of the Participant Parties and Implementation Partners.** The Participant Parties shall:

- (a) Provide staff to serve on the SWG if designated as an SWG member in the Governance ILA; and
- (b) Negotiate and enter into Global/Capital Funding Agreement(s) and/or Global/Operating Agreement(s) for any project (using the Work Program Project Code as a unique identifier).
- (c) Receive dedicated Local Transit Funding Sources identified in the Orange County Multi-Year Transit Vision Plan for Implementation Elements identified within the Orange County Transit Annual Work Program in accordance with the agreements negotiated in (b).

**1.05 Term & Effective Date.** This Participation Agreement becomes effective upon approval and execution by the Parties ("Effective Date"). The Term of this Participation Agreement shall be from the Effective Date through a period of seventeen (17) years unless otherwise amended by the prior express written agreement of the Parties.

## **ARTICLE 2 DEFINITIONS**

2.01 "CAPITAL FUNDING AGREEMENT:" An agreement between agencies to provide a specified amount of funding for an Implementation Element. Any such agreement will include details of the capital improvements to be provided and detail expectations on Orange County Transit Annual Work Program resource funding, responsibilities, schedule, reporting and performance and shall adhere to any and all standards outlined in specific project worksheets through the Orange County Transit Annual Work Program.

2.02 "CAPITAL PROJECTS ORDINANCE:" The annual financial ordinance for the Orange Transit major capital fund pursuant to N.C.G.S. Chapter 159, tied to the multi-year Capital Improvement Plan, the Annual Capital Budget, and planned capital project funding agreements that implement needed capital projects.

2.03 "COMPONENT UNIT or SEPARATE COMPONENT UNIT:" A unit of local government within the Tax District that has administrative responsibility for the budget adoption, operation or, management of specified transit services and associated supporting implementation elements. The component unit is required to report Orange County Transit Plan Revenues, including Dedicated Local Transit Funding Sources, expenditures and fund balance in columns separate from the component's financial data in its annual audited statements.

2.04 "GOVERNANCE INTERLOCAL AGREEMENT" or "GOVERNANCE ILA:" The Transit Governance Interlocal Agreement dated March 8, 2023 between Research Triangle Regional Public Transportation Authority ("GoTriangle"), Durham-Chapel Hill-Carrboro Metropolitan Planning Organization ("DCHC MPO"), and Orange County for implementing public transit services and projects in the fiscally constrained Orange County Transit Multi-Year Vision Plan. This Governance ILA is included as Exhibit A to this Agreement.

2.05 "IMPLEMENTATION ELEMENT:" A discrete project, operation, or study or a discrete logical grouping of projects, operations, or studies tracked separately by the Orange County Transit Annual Work Program.

2.06 "IMPLEMENTATION PARTNERS:" The listed signatories to this agreement who are non-voting members of the Orange County SWG. These implementation partners have roles supporting implementing elements of the Orange County Transit Annual Work Program. These partners fulfill their roles and responsibilities as outlined in specific project agreements to deliver approved implementation elements in the Orange County Transit Annual Work Program along with the Dedicated Local Transit Funding Sources approved in these project specific agreements.

2.07 "MAJOR FUND:" A fund as defined by the Governmental Accounting Standards Board ("GASB"), is reported in a separate column in the basic fund financial statements and is subject to a separate audit opinion in the independent auditor's report. The Tax District shall



report at a minimum Major Fund for the Orange County Transit Annual Work Program Operating Funds and a Major Fund for the Orange County Transit Annual Transit Work Program Capital Funds.

2.08 "MULTI-YEAR CAPITAL IMPROVEMENT PLAN" ("CIP"): A multi-year document that identifies projected capital projects by year, project sponsors responsible for undertaking these projects, the financial costs, and anticipated funding sources, and projected operating costs associated with those projects. The CIP shall be coordinated with the Metropolitan Transportation Plan, the Transportation Improvement Program, and the annual program of projects developed and maintained by the DCHC MPO which is the designated recipient of federal formula transit grants. The plan shall be consistent with submittal deadlines for the Transportation Improvement Program and the horizon years of the Metropolitan Transportation Plan.

2.09 "MULTI-YEAR SERVICE IMPLEMENTATION PLAN:" A document or documents that detail how transit services, including expansion and reduction, are to be operated and maintained over a specific number of years. The plan(s) shall detail timing and schedule, justifications for implementation decisions, and public involvement steps. Different transit operators may have different plans for implementation, but the different plans must be coordinated with respect to anticipated funding, public outreach, and the extent to which the different operator's plans connect services between them.

2.10 "OPERATING AGREEMENT:" An agreement or operating plan between one or more Parties or Implementation Partners, the Tax District and others as needed to provide an Implementation Element. The agreement shall state the details of the service to be provided and detail expectations on funding, responsibilities, schedule, and performance and shall adhere to any and all standards outlined in specific project worksheets through the Orange County Transit Annual Work Program.

2.13 "OPERATING BUDGET ORDINANCE" The annual financial budget ordinance for the Orange Transit major operating fund pursuant to N.C.G.S. Chapter 159. The ordinance includes the funds for the operations of implementation elements identified in the Orange County Transit Annual Work Program, allocations for reserves, and transfers to other major funds identified by the Component Unit (ex. Orange Transit). The Operating Budget Ordinance must include the Component Unit's general administrative expenses designated separately from a Project's Operating Funds.

2.14 "SPECIAL DISTRICT" or "TAX DISTRICT:" Any tax district administered by GoTriangle pursuant to authorizing resolutions and N.C.G.S. 105-508 *et seq.* or N.C.G.S. 105-561 *et seq.* to which Orange County is a member, now or in the future.

2.15 "STAFF WORKING GROUP" or "SWG:" The committee as created by the Governance ILA. The SWG is jointly charged by all parties to this Agreement, including the Implementation Partners, to coordinate and develop the Orange County Transit Annual Work

Program, the Orange County Transit Multi-Year Vision Plan, and serve in an advisory role to the Orange County Board of Commissioners, DCHC MPO Board, and GoTriangle Board of Trustees in their review consideration, and approval of these two documents.

2.16 **SUBCOMPONENT UNIT:** The subcomponent unit is required to report its financial information as aggregated at the COMPONENT UNIT level and not separately stated. Durham County Transit Plan Revenues, including Dedicated Local Transit Funding Sources, expenditures and fund balance in columns separate from the component’s financial data in its annual audited statements.

2.17 **"DEDICATED LOCAL TRANSIT FUNDING SOURCES:"** All revenues derived from transit funding sources designated for use in the Orange County Transit Multi-Year Vision Plan. These shall include but are not limited to items defined through the Governance ILA in Section 2.012.

2.18 **"TRANSIT PLAN" or "MULTI-YEAR VISION PLAN:"** The comprehensive multi-year vision plan for transit operating and capital needs over a period of time of at least the next 4 years through coordination with the DCHC MPO Metropolitan Transportation Plan adoption process and shall also be prepared by the SWG for approval by appropriate governing boards, which shall include all the separate components, as further defined in the Governance ILA in Section 2.038.

2.19 **"ORANGE COUNTY TRANSIT ANNUAL WORK PROGRAM" or "WORK PROGRAM:"** shall mean the comprehensive annual program for transit capital and operations annually presented by the SWG which shall include the separate components further defined in the Governance ILA in Section 2.011.

2.20 **"GLOBAL AGREEMENT:"** An Operating or Capital Funding agreement that encompasses a discrete logical grouping of capital projects, transit operations, or studies.

### **ARTICLE 3 STAFF WORKING GROUP**

3.01 **Scope & Authorization.** The Governance ILA establishes and enables the Staff Working Group. The Parties confirm their commitment to serve on the SWG and to carry out their SWG membership responsibilities by executing this participation agreement.

3.02 **Membership.** SWG Membership includes voting & non-voting categories

- a) Voting members: two (2) staff persons appointed by each of the Governance ILA Parties; two (2) staff persons appointed by the Town of Chapel Hill; one (1) staff person appointed by the Town of Carrboro, Town of Hillsborough, and City of Mebane
- b) Non-Voting members: Each of the Implementation Parties must appoint one (1) staff person

- c) Each member may designate one (1) alternate empowered to fully participate in the SWG in the absence of the appointed staff person.

3.03 **Bylaws.** The SWG must enact bylaws. The SWG bylaws will govern quorum and voting standards, SWG operations and responsibilities, and, scheduling of efforts to develop the Orange County Transit Annual Work Program and the Orange County Transit Multi-Year Vision Plan.

3.04 **SWG Responsibility for the annual Orange County Transit Annual Work Program.** Subject to the Governance ILA, the SWG shall develop annual recommendations for the review and approval of the governing bodies. This work program approval process is documented in Article VII of the Governance ILA. Recommendations shall be developed for each of the following Orange County Transit Annual Work Program components:

- (a) Annual Work Program, including all the separate elements defined in Section 2.011 of the Governance ILA
- (b) Multi-Year Service Implementation & Capital Improvement Plans
- (c) Templates containing minimum standards for project and financial reports
- (d) Designation of project sponsors (agencies responsible for each respective capital and operating project), including agencies responsible for each Implementation Element;
- (e) A strategy for each Implementation Element which includes a scope, schedule, project boundaries, an estimated budget, specifies the sponsoring agency/jurisdiction, purpose and goals and (*defines the standard for individual project/Implementation Element worksheets*)
- (f) An articulated strategy for incorporating or accounting for public outreach, involvement, and communication with all components in the annual work program.
- (g) Facilitation to transcribe project worksheets (composition outlined in 3.04(e) above) into Global/Project Agreements.

The SWG shall reference the fiscal year 2024 Work Program Development process, which is to be recognized as the baseline for future work program development cycles and corresponding global/project agreement needs, as long as this Agreement and Governance ILA serve as the governing documents for county transit plan implementation efforts.

3.05 **SWG Responsibility for Engagement with Elected Officials.** The SWG shall schedule touchpoints on an annual basis with appropriate bodies of elected officials who either serve as a governing board through the Governance ILA or are responsible for a project(s) through the Orange County Transit Annual Work Program. These touchpoints shall be scheduled to allow for elected officials to:

- (a) Provide feedback on the draft Annual Work Program
- (b) Receive as information, and provide feedback as necessary, regarding progress reports developed on a quarterly basis.

3.06 **Non-Delegation.** The SWG cannot delegate its responsibility to review and present the documents and products defined in Section 3.04.

3.07 **Right to Inspect.** All Parties to this Participation Agreement, or their authorized representative(s), shall have the right to inspect, examine, and make copies of project work products as they deem necessary for the operation and day-to day business of the SWG or as specifically requested by formal action of any one of the parties' governing bodies. The SWG shall maintain all its records in a manner which facilitates review by the Parties and Implementation Partners.

#### **ARTICLE IV ELIGIBILITY FOR ORANGE COUNTY TRANSIT TAX REVENUE FUNDING**

4.01 **Requirements for Inclusion in the Orange County Transit Annual Work Program.** Only Parties in good standing to this Participation Agreement, Implementation Partners recognized through the Staff Working Group, or other partners as deemed critical, may request inclusion of an Implementation Element in the Orange County Transit Annual Work Program. The Parties agree that the terms and conditions of this agreement are pre-requisites to requesting and receiving Orange County Transit Tax Revenues funding allocations.

4.02 **Implementation.** An Operating or Capital Project Funding Agreement shall be required to support each implementation element submitted by each project sponsor identified in the Orange County Transit Annual Work Program except as specified in Section 4.03. Parties to this Comprehensive Participation Agreement shall endeavor to develop global-level agreements with appropriate timeframes for each project sponsor seeking to implement operating or capital projects. These agreements must be prepared prior to distributing funds and starting the Project(s). All Operating or Capital Project Funding Agreements shall have at least two signatories from appropriate parties and shall also adhere to the requirements further defined in Section 7.07 of the Governance ILA. Signatory authorizations to any Global/Project Agreements shall be determined by the minimum financial threshold by any party to such agreement.

4.03 **Grace Period for Legacy Projects.** Active project supported by Orange County Transit Plan Revenues or other Dedicated Local Transit Funding Sources at the time of execution of this Agreement and projects in the adopted Fiscal Year 2024 Work Program shall be eligible for continued funding through the end of Fiscal Year 2024 (Grace Period). If a global/operating or global/capital project funding agreement that conforms to the conditions in this Agreement is not in place prior to the start of Fiscal Year 2025, the project shall no longer be eligible for ongoing/additional funding until such Agreement is in place.

4.04 **Capital/Operating Agreement Development.** Each Capital Funding Agreement and Operating Agreement entered into by any of the Parties or the Partners must contain all components defined in this Participation Agreement. If any Implementation Agreement involves federal or state funding must in addition contain those elements required to maintain eligibility for such funds.

4.05 **Capital Improvement Program (CIP) Review.** Each year's work program development process shall include a review of the CIP to determine which, if any, projects no longer meet the needs of the overall transit plan. Goal for this would be to remove such project(s) and reallocate funding as necessary to other areas of need.

4.06 **Good Faith Effort.** For any Party to this Agreement, or any involved Implementation Partner, that is unable to deliver a project as included in the Annual Work Program due to issues outside their control, Parties to a specific Project Agreement will work with the Staff Working Group through good faith to determine appropriate action to help resolve issues and facilitate delivery of said project. Parties shall reference supporting Orange County Transit Financial Policies and Procedures to guide the resolution process.

## ARTICLE V SUPPLANTATION/SUPPLEMENTATION

5.01 As of the Effective Date of this Participation Agreement, N.C.G.S. § 105-508.2 and N.C.G.S. § 105-564 require that Special District net tax proceeds must supplement and not supplant existing public transportation systems' funds or other resources as defined in Section 2.012 of the Governance ILA. The Parties acknowledge that the only funds subject to these requirements as of the execution of this Participation Agreement are:

- (a) Local Government Sales and Use Taxes for Public Transportation (N.C.G.S. 105-506:514) which is levied at its maximum allowable rate of one-half (1/2%) percent (*non-supplantation cited in N.C.G.S. 105-507.3.b*);
- (b) Regional Transit Authority Registration Tax (N.C.G.S. 105-560:569) which is levied at its maximum amount of \$8.00 per year with \$3.00 of each \$8.00 collected allocated locally to Orange County (*non-supplantation cited in N.C.G.S. 105-564*).

5.02 All Parties may pursue additional state and federal funding sources, which are not controlled locally, when appropriate for implementation of eligible projects. The use of existing funds or other resources, including state and federal funds, must be documented and made publicly available as a condition of receiving Orange County Transit Tax Revenue or other Locally Dedicated Transit Funding Sources. To the extent permitted by law, any audits required as a condition of receiving the identified funding sources shall be available for public inspection as well.

5.03 The most recently audited and reported local fiscal year prior to the January 15, 2012 of the one half (1/2%) percent Public Transportation Sales Tax Act local option sales and use tax as defined by N.C.G.S. 105-508 is the baseline for comparing all Parties' annual budgets for the Agreement.

5.04 Nothing herein shall be construed to modify, abridge, or deny the authority or discretion of any Party to independently develop, administer, or control transportation projects pursuant to enumerated authority or funding sources separate from the authority and funding sources outlined in this Participation Agreement.

5.05 All Parties shall work together in good faith to determine if the Participation Agreement's intent and purpose can be accomplished by executing necessary Amendments if statutory language in or judicial interpretation of N.C.G.S 105-508.2 or N.C.G.S 105-564 changes after Participation Agreement, execution.

## **ARTICLE VI AMENDMENT, TERMINATION AND NOTICE**

6.01 **Amendment.** This Participation Agreement may be amended to add or remove Parties or to change content. After the Effective Date of this Participation Agreement, any Eligible Participant Party or Governance ILA Party may become a Party to this Participation Agreement upon execution of the Participation Agreement by an authorized designee of that Party's governing board (or equivalent). If any Party proposes to amend Participation Agreement content, then the proposed amendment and the reasons for the proposed amendment must be communicated in writing to the SWG. All the Parties that have executed the Participation Agreement must adopt the amendment. The Parties will conduct a review of the Agreement at least every four (4) years to consider any desired updates through the Agreement through the Amendment process. If any Party desires to amend the Agreement outside the four (4) year review cycle, then the proposed amendment and the reasons for the proposed amendment shall be communicated in writing to the other Parties. If the Parties agree to the proposed amendment, then the amendment shall be affected by entering a written amendment to the Agreement. An amendment that does not change the substantive or financial commitments of the Agreement may be executed by the Durham County Manager, the DCHC-MPO Executive Director, and the GoTriangle Chief Executive Officer. Any other amendment to the terms of this Agreement to be effective must be in the form of a written instrument properly authorized and executed by the governing boards of each Party to this Agreement.

6.02 **Termination upon a year's notice.** Any Party may terminate its obligations to this Participation Agreement by giving written notice of intent to terminate to the other Parties at least one (1) year prior to the effective termination date. A withdrawing Party must fulfill all obligations and duties of their Implementation Agreements unless such Agreements are terminated in accordance with their provisions. Any Party terminating participation is ineligible for future Orange County Transit Tax Revenue Funding or other Locally Dedicated Transit Funding Sources for any Implementation Element until and unless the Party re-enters into the Participation Agreement.

6.03 **Cooperation Provisions.** In the event of a termination, the terminating Party must fulfill existing and unperformed obligations until the effective termination date. The Participation Agreement remains in effect for the remaining Parties. The non-withdrawing Parties, beginning at the time notice of termination is received, shall work together in good faith to determine if the Participation Agreement's intent and purpose can be accomplished by executing necessary amendments and/or adding necessary Parties to perform the executory obligations of the withdrawing Party.

6.04 **Notice.** Any written or electronic notice required by this Participation Agreement shall be delivered to the Parties at the following addresses, with a copy where designated for each party, which copy shall not in and of itself constitute notice:

For DCHC MPO:

Durham Chapel Hill Carrboro Metropolitan Planning Organization  
Executive Director  
101 City Hall Plaza  
Durham, NC 27701

For GoTriangle:

GoTriangle General  
President/CEO  
PO BOX 13787  
Research Triangle Park, NC 27709

with a copy to:

GoTriangle General Counsel  
PO Box 13787  
Research Triangle Park, NC 27709

For the Town of Hillsborough:

Town of Hillsborough  
Attn: Town Manager  
PO Box 429  
Hillsborough, NC 27278

with a copy to:

Town of Hillsborough  
Attn: Town Attorney  
PO Box 429  
Hillsborough, NC 27278

For the Town of Carrboro:

Town of Carrboro  
Attn: Town Manager  
301 W Main Street  
Carrboro, NC 27510

with a copy to:

Town of Carrboro  
Attn: Town Attorney  
301 W Main Street  
Carrboro, NC 27510

For the Town of Chapel Hill:

Town of Chapel Hill  
Attn: Town Manager  
405 Martin Luther King Jr Blvd  
Chapel Hill, NC 27514

with a copy to:

Town of Chapel Hill  
Attn: Town Attorney  
405 Martin Luther King Jr Blvd  
Chapel Hill, NC 27514

For the City of Mebane:

City of Mebane  
Attn: City Manager  
106 East Washington Street  
Mebane, NC 27302

with a copy to:

City of Mebane  
Attn: City Attorney  
106 East Washington Street  
Mebane, NC 27302

For Orange County:

Orange County  
Attn: County Manager  
300 West Tryon Street  
PO Box 8181  
Hillsborough, NC 27278

with a copy to:

Orange County Attorney  
300 West Tryon Street  
PO Box 8181  
Hillsborough, NC 27278



## ARTICLE VII MISCELLANEOUS PROVISIONS

7.01 **Representations and Warranties.** The Parties each represent, covenant, and warrant for the other's benefit as follows:

- (a) Each Party has all necessary authority to enter into this Participation Agreement and to conduct the processes created by this Participation Agreement. This Participation Agreement has been executed by each Party's governing body. This Participation Agreement is a valid and binding obligation of each Party.
- (b) To the knowledge of each Party, the execution and delivery of this Participation Agreement, the fulfillment of or compliance with its terms and conditions, and/or completing transactions conducted within this Participation Agreement results in a breach of the terms, conditions and provisions of any agreement or instrument to which a Party is now a party or by that it is bound or constitutes a default.
- (c) To the knowledge of each Party, there is no litigation or other court, or administrative proceeding pending or threatened affecting the Party's rights to execute or deliver this Participation Agreement or to comply with its obligations under this Participation Agreement.
- (d) Neither such Party's execution and delivery of this Participation Agreement, nor its compliance with its obligations under this Participation Agreement, requires the approval of any regulatory body or any other entity the approval of which has not been obtained.
- (e) The Parties agree to work together in good faith and with all due diligence to provide for and carry out the purpose of this Participation Agreement.

7.02 **Agreement Related Dispute Resolution.** It is the desire and intent of the Parties to resolve any disputes in a collaborative manner and to avoid, if possible, the expense and delay of litigation. In the event that any Party cannot resolve an issue with another Party under this Agreement, the affected party shall engage in the following process:

- (a) Any Party may give written notice to another Party or Parties of any dispute not resolved in the ordinary course of business. Within ten (10) business days after delivery of the written notice by regular or electronic mail, the receiving Party(ies) shall submit a written response to the disputing Party and designate in the notice a representative who will represent that Party in the negotiation to resolve the dispute. If a third-party mediator is necessary, the Party providing initial written notice will indicate as such in the notice and seek confirmation/approval by the receiving parties in written response. It shall be the responsibility of the Party giving notice to cover any costs related to any third-party mediator once confirmed/approved by the receiving parties.
- (b) Within ten (10) business days of receiving the response, the appointees of the disputing and receiving Parties shall meet at a mutually acceptable time and place, and thereafter, as often as necessary to resolve the dispute.

- (c) All reasonable requests for information made by one Party to the other shall be honored in a timely fashion to permit constructive discussion.
- (d) The duty to engage in dispute resolution is a material part of this Agreement enforceable by equitable relief.
- (e) Upon failure to resolve a dispute through the steps outlined in this Agreement, any Party may engage in other dispute resolutions processes agreed upon by the Parties or pursue any legal or equitable remedies available.

**7.03 Waivers of Non-Compliance with Participation Agreement.**

- (a) No provision of this Participation Agreement may be waived once the grace period as defined in Section 4.03, as applied to Legacy Projects, has concluded.
- (b) Any waiver of a provision or provisions of this document must be formally executed in accordance with section 7.07 of this Participation Agreement.
- (c) The failure of any Party to require timely compliance with this agreement or another agreement executed based upon this agreement shall not affect the right of the other Party to enforce the provisions of the agreement.
- (d) No waiver or acquiescence by a Party to any breach of any provision of an agreement is to be taken as authorization or a waiver to commit any subsequent breach of that provision or any other provision.

**7.04 Governing Law.** The parties intend that this Participation Agreement be governed by the law of the State of North Carolina. Proper venue for any action shall solely be Orange County.

**7.05 Assignment.** No Party may sell or assign any interest in or obligation under this Participation Agreement without the prior express written consent of the other Parties.

**7.06 Independence of the Parties.** Nothing herein shall be construed to modify, abridge, or deny the authority or discretion of any Party to independently develop, administer, or control Implementation Elements pursuant to enumerated authority or funding sources separate from those outlined in this Participation Agreement.

**7.07 Execution in Counterparts/Electronic Version of Participation Agreement.** This Participation Agreement may be executed via the use of counterparts. Any Party may convert the fully executed Participation Agreement to an electronic record pursuant to a North Carolina Department of Natural and Cultural Resources approved procedure and process for record retention purposes. Such electronic record of the Participation Agreement shall be deemed for all purposes to be an executed Participation Agreement.

**7.08 No Waiver of Sovereign Immunity.** Nothing in this Participation Agreement shall be construed to mandate purchase of insurance by Orange County pursuant to N.C.G.S. 153A-435 or purchase of insurance by any municipality pursuant to N.C.G.S. 160A-485; or to in any other

way waive any Party's defense of sovereign or governmental immunity from any cause of action alleged or brought against any Party for any reason if otherwise available as a matter of law.

**7.09 No Waiver of Qualified Immunity.** No officer, agent or employee of any Party shall be subject to any personal liability by reason of the execution of this Participation Agreement or any other documents related to associated transactions. Such officers, agents, or employees execute this Participation Agreement in their official capacities only and not in their individual capacities. This section shall not relieve any such officer, agent, or employee from the performance of any official duty provided by law.

**7.10 Verification of Work Authorization; Iran Divestment Act.** All Parties, and any permitted subcontractors, must comply with Article 2, Chapter 64, of the North Carolina General Statutes. The Parties hereby certify that they, and all permitted subcontractors, if any, are not on the Iran Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58.

**7.11 Third-Party Beneficiaries.** There are no third-party beneficiaries to this Participation Agreement.

The Comprehensive Participation Agreement between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, Research Triangle Regional Public Transportation Authority, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, and City of Mebane was \_\_\_\_\_ by the Orange County Board of Commissioners by a vote of \_\_\_\_\_ on \_\_\_\_\_, 2023.

**ATTEST:** **ORANGE COUNTY, NORTH CAROLINA**  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: Chairperson, Board of County  
Commissioners

The Comprehensive Participation Agreement between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, Research Triangle Regional Public Transportation Authority, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, and City of Mebane was \_\_\_\_\_ by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Board by a vote of \_\_\_\_\_ on \_\_\_\_\_, 2023.

**ATTEST:** **DURHAM-CHAPEL HILL-CARRBORO  
METROPOLITAN PLANNING ORGANIZATION**  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: Chairperson, Durham-Chapel Hill-Carrboro  
Metropolitan Planning Organization Board

The Comprehensive Participation Agreement between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, Research Triangle Regional Public Transportation Authority, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, and City of Mebane was \_\_\_\_\_ by the GoTriangle Board of Trustees by a vote of \_\_\_\_\_ on \_\_\_\_\_, 2023.

**ATTEST:** **RESEARCH TRIANGLE REGIONAL PUBLIC  
TRANSPORTATION AUTHORITY D/B/A  
GOTRIANGLE**  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: Chairperson, Board of Trustees

The Comprehensive Participation Agreement between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, Research Triangle Regional Public Transportation Authority, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, and City of Mebane was \_\_\_\_\_ by the Town of Chapel Hill Town Council by a vote of \_\_\_\_\_ on \_\_\_\_\_, 2023.

**ATTEST:** **TOWN OF CHAPEL HILL, NORTH CAROLINA**  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: Chairperson, Town Council

The Comprehensive Participation Agreement between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, Research Triangle Regional Public Transportation Authority, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, and City of Mebane was \_\_\_\_\_ by the Town of Carrboro Town Council by a vote of \_\_\_\_\_ on \_\_\_\_\_, 2023.


**ATTEST:** **TOWN OF CARRBORO, NORTH CAROLINA**  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: Chairperson, Town Council

The Comprehensive Participation Agreement between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, Research Triangle Regional Public Transportation Authority, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, and City of Mebane was \_\_\_\_\_ by the Town of Hillsborough Board of Commissioners by a vote of \_\_\_\_\_ on \_\_\_\_\_, 2023.


**ATTEST:** **TOWN OF HILLSBOROUGH, NORTH CAROLINA**  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: Chairperson, Board of Commissioners

The Comprehensive Participation Agreement between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, Research Triangle Regional Public Transportation Authority, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, and City of Mebane was \_\_\_\_\_ by the City of Mebane Town Council by a vote of \_\_\_\_\_ on \_\_\_\_\_, 2023.

**ATTEST:** **CITY OF MEBANE, NORTH CAROLINA**  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: Chairperson, City Council




Technical Committee 5/24/2023 Item 7



## Durham & Orange Counties Transit Plan Governance Study

Governing Boards Review & Approval of the  
Policies and Procedures Manual  
Spring 2023



1



Technical Committee 5/24/2023 Item 7

## Presentation Outline

- › **Reminder of Accomplishments since Fall 2021**
- › **Comprehensive Participation Agreement (CPA)**
- › **Policies & Procedures Manual (PPM)**
  - › *Financial Policies & Procedures*
  - › *Work Program Amendment Policies*
  - › *SWG Bylaws*
- › **Road to CPA & PPM Adoption**
- › **Action Requested**



2

1

## Reminder of Accomplishments

### The study set out on a path to:

- › Create a clear, operationally efficient governance structure that ensures that Durham & Orange Counties' priorities are funded and implemented with the County transit taxes and fees.
- › Form new levels of accountability, which includes development of an equitable set of processes, seeking to gain further community trust.



## Reminder of Accomplishments

### Partners from Counties, Regional Partners and Local Municipalities engaged in:

- › 15 Elected Official & Staff Listening Sessions
- › 1 Elected Official Workshop
- › 5 Staff Workshops
- › Several Formal/Informal Legal Reviews
- › Which ultimately enabled the **successful adoption** of 2 NEW Transit Governance Interlocal Agreements for each Durham and Orange Counties.



## Comprehensive Participation Agreement

Formally invites the local municipalities in each County to be a party to transit plan implementation efforts. It also recognizes the ex-officio (non-voting) members of each County’s SWG as ‘Implementation Partners’ that will require future coordination through specific project agreements when appropriate.



## Comprehensive Participation Agreement

### Critical elements include:

- › Clear Definitions
- › SWG Details Incorporated
- › Article defining Eligibility for County Transit Tax Revenue Funding
- › Supplantation/Supplementation Emphasis
- › Built-In Waivers of Non-Compliance with CPA





## Comprehensive Participation Agreement

- › Article defining Eligibility for County Transit Tax Revenue Funding
  - › Requirements for Inclusion in the County Transit Work Program
  - › Implementation (*requirements for global/capital or global/operating agreements*)
  - › Grace Period for Legacy Projects (*a 1-year 'clock' for all active projects prior to FY24 to enter into project agreements or lose funding eligibility*)
  - › Capital Improvement Program (CIP) Review
  - › Good Faith Effort Clause



## Financial Policies & Procedures

Serves the Parties and Partners as a comprehensive manual regarding relevant financial policies and procedures for the purposes of transit plan implementation. The document includes:

- › Operating Fund Balance and Liquidity Policy and Guidelines
- › Billing, Payment and Reimbursement Policy and Guidelines
- › Debt Policy and Guidelines
- › Increased Cost of Existing Services (ICES)
- › Carryover Policy
- › Bus Operating Cost Per Hour Policy
- › Exhibit – GoTriangle Financial Policies & Procedures



## Financial Policies & Procedures

- › Operating Fund Balance and Liquidity Policy and Guidelines
    - › Policy of the Triangle Tax District to maintain both minimum fund balance and cash reserve requirements.
      - › *A minimum of 90 days unrestricted cash must be maintained in the County Operating Fund*
  
  - › Capital Fund Balance Policy and Guidelines
    - › Policy of the Triangle Tax District to maintain a minimum capital fund balance.\*
      - › *Target fund balance will be 5% of a 10-year rolling horizon timeframe*
- \*Durham County will also keep a minimum \$10M in addition to the 5% CIP reserve*



## Financial Policies & Procedures

- › Debt Policy and Guidelines
  - › Debt may be periodically issued by GoTriangle in support of County Transit Plan Implementation efforts
  - › Any debt sought to be issued by GoTriangle is reviewed/recommended by the SWG and approved by the County BOCC and GoTriangle BoT



## Financial Policies & Procedures

- › Debt Policy and Guidelines
  - › Gross debt service coverage ratio will not go below 2X gross revenue to annual debt service (excluding short-term principal payments)
    - › *This is the measure of COSTS versus the borrowers GROSS Revenue*
  - › Debt service coverage (i.e., ability to pay debt service after operations) will not go below 1.25X annual debt service (excluding principal payments on short-term debt)



## Work Program Amendment Policies

- › Serves the Parties and Partners as a comprehensive and clear set of thresholds to define a minor vs major amendment, and associated protocols as to who would need to approve such amendments during prescribed amendment cycles.



## Work Program Amendment Policies

### › Minor Amendment Definitions:

- › An amendment that requires a transfer between budget ordinance appropriations but requires less than a 20% change to a project appropriation for projects equal to or less than \$250,000;
- › Changes to any adopted financial assumptions supporting the applicable Work Program that **does not have significant impact on the overall revenue or expenditure forecast** which is defined to be no more than one percent (1%) over the life of the plan;
- › Changes in reporting requirements for performance on implementation elements authorized in the applicable Work Program;
- › Changes in funding amounts less than \$250,000 for implementation elements programmed in future fiscal years;
- › Any other change that does not meet any of the criteria of a Minor Amendment is a Major Amendment.



## Work Program Amendment Policies

### › Major Amendment Definitions:

- › A project requested to be added to the Work Program.
- › A project requested to be removed from the Work Program.
- › Changes to any adopted financial assumptions supporting the applicable Work Program that **does have significant impact on the overall revenue or expenditure forecast** which is defined to be over one percent (1%) over the life of the plan;
- › Changes in scope for implementation elements programmed in current and future fiscal years;
- › Any amendment that requires a transfer of funds between capital or operating funding categories.
- › Any change that requires a change in budgeted reserves or fund balance.



## Work Program Amendment Policies

### › Additional Details:

- › There are 3 amendment cycles for parties and partners through which to consider submitting amendments in each fiscal year (2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarters).
- › Public review of amendment requests will be for no less than 21 days each quarter.
- › The SWG Administrator will facilitate collection and dissemination of amendment requests through appropriate documentation/templates; upon review/recommendation by the SWG, the SWG Administrator will then facilitate agenda/material development for County and GoTriangle governing boards review/approvals.



## Staff Working Group Bylaws & Operating Procedures

- › Serves the Parties and Partners as the formal set of bylaws and clear set of operating procedures for how the SWG is to function, elect officers, and foster collaboration throughout each year to achieve annual work program development needs for transit plan implementation.



## Road to CPA and PPM Adoption

- › **Durham/Orange Counties, DCHC MPO & GoTriangle will be asked to review/take action to approve:**
  - › Comprehensive Participation Agreement(s)
  - › Financial Policies & Procedures
  - › Work Program Amendment Policies
  - › SWG Bylaws & Operating Procedures
  
- › **Local Municipalities will be asked to review/take action to approve:**
  - › Comprehensive Participation Agreement for respective County



## Action Requested

- › Recommend board approval of the Durham and Orange County Transit Governance documents:
  - › Comprehensive Participation Agreement
  - › Financial Policies and Procedures
  - › Work Program Amendment Policies
  - › SWG Bylaws and Operating Procedures





Technical Committee 5/24/2023 Item 7



## Durham & Orange Counties Transit Plan Governance Study

Staff Contact

Atkins Project Manager

- Adam Howell, AICP



19

10

**DURHAM • CHAPEL HILL • CARRBORO**  
**METROPOLITAN PLANNING ORGANIZATION**

101 City Hall Plaza • Durham, NC 27701 • Phone (919) 560-4366 • dchcmo.org



**DATE:** May 24, 2023  
**TO:** DCHC MPO Technical Committee  
**SUBJECT:** Durham & Orange Transit Plan Governance Study – Policies & Procedures Manual

Durham & Orange Transit Plan Governance Study – Policies & Procedures Manual for each County’s Transit Plan Implementation Plan efforts, are inclusive of:

1. Comprehensive Participation Agreements
2. Financial Policies & Procedures
3. Work Program Amendment Policies
4. Staff Working Bylaws (SWG) & Operating Procedures

**Purpose:** To consider adoption of the four elements listed above for each Durham and Orange County’s Transit Plan Implementation Efforts.

**Background:** The Durham and Orange Transit Governance ILA’s, which have been recently executed in Spring of 2023, which required the County and regional governing board partners to review and adopt a Policies & Procedures Manual, comprised of four components.

1. **Comprehensive Participation Agreement (CPA):** Formally invites the local municipalities in each County to be a party to transit plan implementation efforts. It also formally recognizes the ex-officio (non-voting) members of each County’s SWG as ‘Implementation Partners’ that will require future coordination through specific project agreements when appropriate. While it draws from each County’s Transit Governance ILAs to further apply towards municipalities and implementation partners (exclusive of state statute requirements that only apply to ILA Parties), it specifically defines criteria for eligibility to receive future County Transit Tax Revenue Funding.
2. **Financial Policies & Procedures:** Serves the Parties and Partners as a comprehensive manual regarding relevant financial policies and procedures for the purposes of transit plan implementation. This document includes:
  - a. Operating Fund Balance and Liquidity Policy and Guidelines
  - b. Billing, Payment and Reimbursement Policy and Guidelines
  - c. Debt Policy and Guidelines
  - d. Increased Cost of Existing Services (ICES)
  - e. Carryover Policy (originally approved in 2021, incorporated here for continuity)
  - f. Bus Operating Cost Per Hour Policy
  - g. Exhibit – GoTriangle Financial Policies & Procedures (for reference)
3. **Work Program Amendment Policies:** Serves the Parties and Partners as a comprehensive and clear set of thresholds to define a minor vs major amendment, and associated protocols as to who would need to approve such amendments during prescribed amendment cycles. It also outlines core roles and responsibilities for the SWG Administrator and GoTriangle regarding the processing, review and submission for consideration of any proposed Work Program Amendments.
4. **SWG Bylaws & Operating Procedures:** Serves the Parties and Partners as the formal set of bylaws and clear set of operating procedures for how the SWG is to function, elect officers, and foster



collaboration throughout each year to achieve annual work program development needs for transit plan implementation.

All local municipalities, both counties, GoTriangle and DCHC MPO have been engaging in a series of workshops in 2023. These workshops were facilitated to work through complex details regarding how best to streamline processes, but also equitably operationalize transit plan implementation efforts for all.

*The remaining background information below is context that informs the purpose and need for the overall Durham-Orange Transit Governance Study.*

In the early 2010's, Orange County approved a county-wide transit plan, which included a joint recommendation for the development of the Durham-Orange Light Rail Transit (DO LRT) project. In 2013, an interlocal agreement (ILA) was developed and approved by the County Board of Commissioners, DCHC-MPO Board and GoTriangle Board of Trustees. Upon the discontinuation of the DO LRT project, it was realized that a new governance framework was necessary to guide the implementation of future county transit plans.

Overall project goals include:

- Creation of a clear, operationally efficient governance structure that ensures that Orange County priorities are funded and implemented with the County transit taxes and fees.
- Formation of new levels of accountability, which includes development of an equitable set of processes, seeking to gain further community trust.

In the fall of 2021, the study invited many of you, as well as your colleagues serving on other transit plan governing boards (GoTriangle & DCHC-MPO) and staff, to participate in initial small group interviews. From those interviews, the team learned about overall needs and the study process continued to allow for a facilitated workshop with elected officials from each of the transit plan governing boards (GoTriangle & DCHC-MPO). These needs were defined through five overall elements to be incorporated into a new governance framework: Representative, Equitable, Collaborative, Transparent & Accessible.

From these five elements, you as elected officials helped to further weigh in on just how much change was necessary to be made on primary elements of the existing framework. The feedback provided leadership and guidance to develop draft alternatives for consideration in a new governance framework. Staff from all three parties to the existing governance framework attended a joint workshop in early March 2022. This workshop focused on critical elements that inform the foundation of a what a new ILA could offer to all parties.

Discussion focused on multiple alternatives of critical elements that comprise the following four areas: Membership, Voting Structures, Financial Planning, and Program & Plan Development. Throughout the summer and fall of 2022, several multi-agency staff meetings were held to work through some of the finer details of the ILA. The result is the final Transit Governance Interlocal Agreement for each County, recently adopted earlier this year.

#### **Adoption Process and Next Steps:**

Across each County, a framework has been drafted to guide appropriate documents to their approving bodies by the end of Fiscal Year 2023 (June 30, 2023):

- **Durham County, Orange County, DCHC MPO and GoTriangle**, per Transit Governance ILAs, will all need to review and approve the Comprehensive Participation Agreements, Financial Policies & Procedures, Work Program Amendment Policies, SWG Bylaws & Operating Procedures.
- **ALL local municipalities** will just need to review and adopt the Comprehensive Participation Agreement per the County in which they are located.

**BYLAWS AND OPERATING PROCEDURES**

**ORANGE STAFF WORKING GROUP**

**ARTICLE I – NAME**

The name of this organization shall be the Orange Staff Working Group, hereinafter referred to as the “Orange SWG”.

**ARTICLE II – PURPOSE**

Article III of the Transit Governance Interlocal Agreement (Governance ILA) for the implementation of the Orange County Transit Multi-Year Vision Plan established the Orange SWG for the following purposes:

- To coordinate the ongoing planning and implementation aspects of the Orange County Transit Multi-Year Vision Plan as defined in the “Transit Governance Interlocal Agreement Between Research Triangle Public Transportation Authority, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, and Orange County,” hereinafter referred to as the “ILA,” fully executed by the three parties on                      **XX, 2023.**
- To serve in a structured advisory role to the Orange County Board of Commissioners, the Research Triangle Public Transportation Authority (GoTriangle) Board of Trustees and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) Board in their decision-making responsibilities outlined in the ILA related to the implementation and ongoing maintenance of and updates to the Orange County Transit Multi-Year Vision Plan (Multi-Year Vision Plan).
- To review the Multi-Year Vision Plan at least every four years and recommend changes to the managers and governing boards of Orange County, GoTriangle, and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO).
- To prepare and make recommendations to the Orange County Board of Commissioners and GoTriangle’s Board of Trustees for the Annual Transit Work Program.
- To prepare and communicate mid-year and annual progress reports on implementation of the Orange County Transit Multi-Year Vision Plan.
- To evaluate whether a material change, as further defined in supporting Financial Policies & Procedures, to the Plan is necessitated, and if so, to recommend a course of action to the managers of Orange County, GoTriangle, and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO).

### **ARTICLE III - RESPONSIBILITIES**

As specified in the ILA, the responsibilities of the SWG shall include:

- Identification of one or more party(ies) to the ILA to serve as lead agency(ies) for each of its responsibilities enumerated in Section 3.03 of the ILA
- Developing or delegating to one or more agencies the development of the detailed elements of a multi-year service implementation plan, as defined in the ILA
- Developing or delegating to one or more agencies the development of templates containing minimum standards for project status and financial reports for the Orange County Transit Major Funds
- Receiving, reviewing and providing feedback on Q1, Enhanced Q2 Report, Q3 and annual financial plan and project status reports relating to the Orange County Transit Work Program
- Designating or delegating to one or more agencies the designation of agencies responsible for each respective implementation element, as defined in the ILA
- Developing or delegating to one or more agencies the development of a strategy or incorporating or accounting for public outreach, involvement and communication the Orange County Transit Work Program.
- Developing or delegating to one or more agencies the development of an articulated strategy for each implementation element, as defined in the ILA, or agreement, which shall include scope, geography, purpose and goals, processes for allowing amendments, and processes for addressing Significant Concerns, as defined in the ILA
- Developing an ongoing schedule for completion of work products for which it is responsible for producing.

### **ARTICLE IV – MEMBERS**

#### **Section 1 – Number and Qualifications:**

As specified in the Governance ILA dated \_\_\_\_\_ XX, 2023, a technical committee called the Staff Working Group (SWG) is to be formed to facilitate implementation of the Orange County Transit Multi-Year Vision Plan. . It is within the authority of the SWG’s initial membership to expand the committee’s permanent voting and non-voting membership to include additional members deemed necessary to fully execute the responsibilities of the SWG outlined in the ILA. Expansion of permanent voting membership shall be considered an amendment subject to the provisions of Article VI of these Bylaws. Each member agency’s representative(s) shall be appointed by action of the designated authority of each member. The Orange SWG shall include as voting members:

Primary ILA Signatories:

- A. Orange County (2 representatives)
- B. Durham-Chapel Hill-Carrboro MPO (2 representatives)
- C. GoTriangle (2 representatives)

Additional Parties to SWG:

- D. Town of Chapel Hill (2 representatives)
- E. Town of Carrboro (1 representative)
- F. Town of Hillsborough (1 representative)
- G. City of Mebane (1 representative)

**TOTAL 11 representatives**

Representatives and alternates shall be designated by the chief executive officer, or her/his designee, of each member agency. Designations shall be made in writing and submitted to the staff person appointed to provide administrative support to the Orange SWG (hereinafter, “SWG Administrator”). The SWG Administrator may not be appointed to the SWG as a representative of the member-agency for which they work.

In addition to voting members, the following agencies shall have one (1) non-voting representative participate in meetings:

- a. Triangle J Council of Governments
- b. University of North Carolina, Chapel Hill

Non-voting members of the SWG shall be authorized to attend regular and special meetings of the SWG and may participate in discussions and deliberations on items coming before the SWG for its consideration. An expansion of non-voting membership shall be considered an amendment to these Bylaws subject to Article VI and may be executed by a simple majority vote of SWG members. The SWG Administrator shall maintain an updated list of all designated representatives from both voting and non-voting members at all times.

**Section 2 – Terms of Representation**

There shall be no limitation on the length of time a voting member may serve on the SWG subject to the authorization to do so by the respective agency’s designated authority.

**Section 3 – Alternates**

Each member agency’s designated authority may appoint an alternate to its primary representative(s) provided each alternate also meets the same qualifications of membership. The alternate member may serve as a full voting member during any meeting at which that agency’s representative (s) is/are not in attendance. Alternates must also be appointed by action of the designated authority of each member in the same manner as regular voting members. Proxy and absentee voting are not permitted. The agency responsible for administering the SWG shall maintain an updated list of all designated alternate representatives from both voting and non-voting

members at all times.

## **ARTICLE V – OFFICERS**

### **Section 1 – Officers Defined:**

The Orange SWG shall, upon majority vote of its present and eligible voting members, appoint one voting member to act as Chair and one voting member to act as Vice-Chair. Chair and Vice Chair cannot be from the same jurisdiction for any consecutive term.

### **Section 2 – Elections:**

The Chair and Vice Chair shall be elected annually at the first regularly scheduled meeting of the fiscal year. The newly elected Chair and Vice-Chair shall take office immediately upon being elected.

### **Section 3 – Terms of Office:**

The term of office shall be one year. The Chair is limited to two consecutive terms. Each officer shall hold office until his/her successor has been duly elected or until his/her earlier death, resignation, disqualification, incapacity to serve, or removal from the SWG by his/her chief executive officer.

### **Section 4 – Duties of Officers:**

The Chair shall call and preside over meetings and appoint subcommittees. For meetings held jointly between the Orange and Durham Staff Working Groups, the responsibility for calling and presiding over the meetings shall alternate between the two groups each year. The Chair shall coordinate with the SWG Administrator in the development of meeting logistics, meeting agendas, and summary meeting notes of the SWG's proceedings. The SWG Administrator shall maintain a current copy of these Operating Procedures as an addendum to the Interlocal Implementation Agreement, to be distributed to the public upon request.

In absence of the Chair, the Vice-Chair shall preside and complete all other duties of the Chair.

## **ARTICLE VI – MEETINGS**

### **Section 1 – Clerk of the Committee**

The SWG Administrator shall serve as the clerk of the SWG and an impartial member of the SWG. They shall provide or otherwise delegate routine administrative services for the SWG, as needed, and will be responsible for taking summary minutes of the SWG's proceedings and also documenting all associated actions at each meeting. The SWG Administrator shall maintain a current copy of these Bylaws, to be distributed to the Orange County Board of Commissioners, DCHC MPO Board, and the GoTriangle Board of Trustees as required by the ILA and to the public, upon request. When a vote is called by any voting member of the SWG, the SWG

Administrator shall facilitate that vote as the impartial person administering the group. This allows the Chair and/or Vice Chair to cast votes in their appropriate role.

### **Section 2 – Regular Meetings:**

At the first regular meeting of each fiscal year (July 1 – June 30), in addition to electing a Chair and Vice Chair, the SWG shall adopt a regular meeting schedule. Meetings may be held jointly with the Durham County Staff Working Group. Meeting notices and agendas are to be distributed in sufficient time for them to have been received by each Orange SWG member no later than three business days prior to the meeting. Regular meetings may be canceled by the Chair should there be insufficient business on the Orange SWG’s tentative agenda. SWG meetings shall adhere to North Carolina Public Meetings Laws (as referenced in N.C.G.S. 143-318.9:18)

### **Section 3 – Special Meetings:**

Special meetings may be called by the Chair or at the request of the majority of the eligible voting members. At least seven (7) days’ notice shall be given.

### **Section 4 – Quorums:**

A quorum shall be when 7 of 11 SWG voting members appointed by the Parties to these Bylaws are present for a SWG meeting.

### **Section 5 – Attendance:**

Each member shall be expected to attend each regular meeting and each special meeting provided at least seven (7) days’ notice is provided. Attendance and voting through virtual access or phone call is allowable. A voting member may have an alternate to serve in her/his absence provided that: (1) the SWG Administrator is notified prior to the meeting who the voting member is; and (2) the alternate has been previously approved by the chief executive officer of the agency represented. This notification shall authorize the alternate to act as a present and eligible voting member in the member’s absence. Meetings are open to attendance by the public.

### **Section 6 – Agenda:**

The agenda is a list of considerations for discussion at a meeting. Items on the agenda originate as a carryover from previous Orange SWG meetings or are placed on the agenda prior to its distribution by any voting or non-voting member of the Orange SWG. Additional items may be placed on the regular agenda following discussion of the last item on the regular agenda, if a majority concurrence of present and eligible voting members is received. Items may be placed on the agenda by citizens with majority concurrence of the eligible voting members.

### **Section 7 – Voting Procedures:**

The Orange SWG will strive to reach consensus on recommendations. However, the Chair or any member may call for a vote on any issue, provided the motion to vote is seconded and the issue is within the purposes set forth in Article II and on the agenda as outlined in Section 6 of this article. During joint meetings of the Orange and Durham Staff Working Groups, votes shall be held separately by each county SWG. Each voting member of the Orange SWG shall have one vote. Voting members who are participating virtually or by phone are permitted to vote. A majority vote of the members (or their authorized alternates) present and eligible to vote shall be sufficient for approval of matters coming before the Orange SWG. The Chair is permitted to vote, however, non-

voting members and unauthorized alternates are not permitted to vote. In the absence of any direction from these Operating Procedures, Robert’s Rules of Order shall govern voting procedures.

**ARTICLE VI – AMENDMENTS TO OPERATING PROCEDURES**

Amendments to these Operating Procedures of the Orange SWG shall require the affirmative vote of all Orange SWG’s eligible voting members, provided that written notice of the proposed amendment has been received by each member at least seven (7) days prior to the meeting at which the amendment is to be considered and provided that such amendment does not conflict with the letter or fundamental intent of the Transit Governance Interlocal Agreement governing this document. In the event of any conflict, the Transit Governance Interlocal Agreement shall carry precedence over these Operating Procedures.

Approved by the Orange Staff Working Group on \_\_\_\_\_

Approved by the Orange County Board of Commissioners on \_\_\_\_\_

Approved by the GoTriangle Board of Trustees on \_\_\_\_\_

Approved by the DCHC MPO Policy Board on \_\_\_\_\_

DRAFT

**Triangle Tax District**  
**Orange County – Transit**  
**Financial Policies and Guidelines**

**Contents**

**Orange Operating Fund Balance and Liquidity Policy and Guidelines .....2**

    Fund Balance and Liquidity Policy:..... 2

        Procedures: ..... 2

    Orange Capital Fund Balance Policy and Guidelines..... 2

        Procedures: ..... 3

**Orange County Transit Billing, Payment and Reimbursement Policy and Guidelines.....4**

    Guidelines: ..... 4

**Debt Policy and Guidelines .....6**

    Debt Policy: ..... 6

    Debt Guidelines:..... 6

**Increased Cost of Existing Services (ICES) .....9**

**Carryover Policy .....11**

    Capital ..... 11

    Operating ..... 11

**Bus Operating Cost Per Hour Policy .....12**

**Exhibit A: GoTriangle Financial Policies & Procedures (for reference).....13**



## Orange Operating Fund Balance and Liquidity Policy and Guidelines

Purpose: As administrator of the Triangle Tax District, GoTriangle will maintain sound financial practices including minimum fund balance and liquidity requirements.

### Fund Balance and Liquidity Policy:

It is the policy of the Triangle Tax District to maintain both minimum fund balance and cash reserve requirements. Based on the funding sources and responsible fiscal management, the Orange Operating Fund will maintain a fund balance to be used as a resource for expected and unexpected, but agreed upon, financial demands and to demonstrate strong liquidity to credit rating agencies as well as federal and state governments. This information will be used to support applications for additional funding towards Orange County Transit projects, including applications for the issuance of debt, and request federal and state grant resources.

A minimum of 90 days unrestricted cash must be maintained in the Orange Operating Fund

Cash is defined as 'on-deposit' in the bank account.

The policy should be administered under the following requirements:

All restricted, committed, assigned and unassigned fund balance, as defined in Governmental Account Standards Board (GASB) Statement 54, may be used in the calculation of the minimum fund balance requirement.

Funds may only be spent in accordance with the external guidelines and enabling legislation as defined in Article II of the Orange County Transit Governance ILA.

Idle funds as defined in N.C.G.S. 159-30 will be invested in accordance with applicable North Carolina General Statutes and GoTriangle's investment guidelines.

### Procedures:

The Orange County Transit Financial Model for the Orange Operating Fund will include projections of fund balance and annual expenditures. Annual reporting will be provided by GoTriangle to the SWG, Orange County Board of Commissioners, DCHC MPO Policy Board and GoTriangle Board of Trustees, which will allow a review of budget compared to actuals for the Orange Operating Fund. Additionally, this annual review will ensure that sufficient fund balance will be available at year end to meet the adopted reserve requirement as defined above. The Orange County Transit Annual Work Program will include funds allocated, if needed, to maintain the Orange Operating Fund balance to meet financial policy guidelines. To demonstrate progress and compliance with this policy, GoTriangle will include a calculation of this liquidity measure within the statistical section of its Annual Comprehensive Financial Report ("ACFR").

### Orange Capital Fund Balance Policy and Guidelines

Purpose: As administrator of the Triangle Tax District, GoTriangle will maintain sound financial practices including minimum fund balance requirements.

Capital Fund Balance Policy: It is the policy of the Triangle Tax District to maintain a minimum capital fund balance. Based on the nature of the funding sources and responsible fiscal management, the

Orange Capital Fund will maintain a fund balance to act as a resource for capital project funding shortfalls.

The target fund balance for the Orange Capital Fund will be five percent (5%) of a 10-year rolling horizon timeframe to further inform the Orange County Transit Multi-Year Vision Plan's Capital Improvement Plan (CIP).

The policy should be administered under the following requirements:

The five percent (5%) fund balance will be separate and apart from project contingency budgeted as a part of individual projects appropriated in the Orange Capital Fund.

Idle funds as defined by N.C.G.S. 159-30 will be invested in accordance with applicable North Carolina General Statutes and GoTriangle's investment guidelines.

Procedures:

Projections of the fund balance as a percentage of the Orange County Transit Annual Work Program's CIP will be maintained, demonstrating future compliance with this policy. To demonstrate progress and compliance with this policy, GoTriangle will include a calculation within the statistical section of its ACFR.

DRAFT

## Orange County Transit Billing, Payment and Reimbursement Policy and Guidelines

**Purpose:** As administrator of the Triangle Tax District, GoTriangle will be responsible for the billing, payment and reimbursement of funds that support approved expenditures as part of the Orange County Transit Multi-Year Vision Plan.

**Policy:** It is the policy of the Orange Operating Fund and the Orange Capital Fund and participating local governments and other entities to maintain strong billing, payment and reimbursement practices.

### Guidelines:

Transit expenditures by the participating local governments and other entities are to be budgeted annually and recommended by the SWG and adopted by the Orange County Board of Commissioners and GoTriangle Board of Trustees.

The adopted budget ordinances for the Orange Operating Fund, the Orange Capital Fund, and the operating/capital funding agreements with the participating partners are the controlling documents for billing, payments, and reimbursement.

Dollars appropriated in the Orange Capital Fund are appropriated pursuant to Section 13.2 of N.C.G.S. Chapter 159 and therefore do not lapse at the end of the year and are available for reimbursement requests for the duration of the respective project unless subsequently amended by Board action or project closeout.

Reimbursement payments made for expenditures in conjunction with appropriations from the Orange Operating Fund and the Orange Capital Fund will be made to the participating local governments and other participants after GoTriangle Finance Department has received a request for reimbursement using the pre-established Orange County Transit template and associated required documentation. GoTriangle's reimbursement requests will be paid following review by the Staff Working Group Administrator. All other reimbursement requests will be reviewed by GoTriangle. Upon approval, GoTriangle will send payment to all parties.

Payments will be made in accordance with the North Carolina Local Government Budget and Fiscal Control Act.

Submissions for reimbursement may be done as often as is efficient and effective for the local participating entity; however, disbursements from GoTriangle are recommended to be completed quarterly but will be no more frequent than on a monthly basis.

Advance payments and/or establishment of a working capital fund for specific circumstances may be considered by GoTriangle.

The request for reimbursement and supporting documentation should be submitted either in writing or by electronic means as specified in the terms of the operating and capital agreements.

Reimbursement requests will include a statement signed by the requesting agency's Finance Officer or designee, stating funds were spent in accordance with the Orange County Transit's Annual Work Program and associated laws, rules and regulations, and the request for funds includes items due and payable.

Projects that involve federal funding agreements may require additional documentation and review that will be incorporated in project agreements.

DRAFT

## Debt Policy and Guidelines

Purpose: As administrator of the Triangle Tax District, GoTriangle may issue debt to support approved capital projects in the Orange County Transit Multi-Year Vision Plan. It is the goal of the SWG that debt issuances will strive to obtain favorable ratings available for transit financing. The debt policy outlines the requirements and criteria set forth to achieve this goal and to advance the Orange County Transit Multi-Year Vision Plan.

### Debt Policy:

It is expected that debt will periodically be issued by GoTriangle in support of the Orange County Transit Multi-Year Vision Plan under the following requirements:

Any debt to be issued will be reviewed and recommended by the SWG, approved by the Orange County Board of Commissioners, and approved and authorized by the GoTriangle Special Tax Board (pursuant to N.C.G.S. 160A-167).

Per North Carolina Law, debt issuances will be approved by the Local Government Commission.

Debt service payments will be made in accordance with the North Carolina Local Government Budget and Fiscal Control Act.

Any proposed debt issuance will be evaluated using prospective revenue expenditure amounts, as modeled in the Orange County Transit Financial Model, which is mutually agreed to by the SWG. The Orange Transit Financial Model assumptions will be agreed to annually by the SWG through coordination efforts defined in the Governance ILA.

### Debt Guidelines:

Debt issuances that are incorporated as part of the financial model will be modeled using the following guidelines:

It is the goal that all rated debt issued on behalf of approved capital projects in the Orange County Transit Multi-Year Vision Plan will obtain a rating no lower than A1 (Moody's) or A+ (S&P/Fitch) and preferable in a double-A category.

Actions recommended by the SWG, or adopted by the Orange County Board of Commissioners and GoTriangle Board of Trustees shall not diminish the financial health of Orange Operating and/or Orange Capital Funds.

Debt will be issued to ensure sufficient flexibility to meet future obligations outlined in the Orange County Transit Multi-Year Vision Plan and to take advantage of opportunities based on market conditions.

The gross debt service coverage ratio will not go below 2 times (2X) gross revenue to annual debt service, excluding short-term principal payments.

Gross revenue is defined as Orange County Locally Dedicated Transit Funding Sources as stated in Section 2 of the Orange County Transit Governance ILA, plus additional farebox revenue attributed to services funded by Orange County Locally Dedicated Transit Funding Sources plus any federal funds received.

The debt service coverage (i.e., the ability to pay debt service after operations) will not go below 1.25 times (1.25X) annual debt service excluding principal payments on short-term debt.

Debt service coverage is defined as Orange County Locally Dedicated Transit Funding Sources, plus additional fare box revenue attributed to services funded by Orange County Locally Dedicated Transit Funding sources plus and federal funds received, less the sum of expenses for tax district administration, and transit operations.

Upon the full funding of reserves, any cash that maintains the Orange Transit plan in accordance with above mentioned rules may be used as cash funding for capital projects to provide additional sources of funding for capital projects to minimize debt levels.

Future bonds issued will conform and adhere to

Additional bonds test contained in bond documents, and

Debt service coverage ratios of the Orange Operating Funds and Orange Capital Funds Debt Policies

A Debt Service Reserve Fund (“DSRF”) will be established for debt issuances where the DSRF creates a lower cost of funds and does not exceed the minimum amount permitted under federal tax law.

Investment of bond proceeds will be in accordance with all applicable North Carolina statutes and federal tax law.

Debt will be structured in a manner consistent with the useful life of related projects, not to exceed a final maturity of 35 years. Principal amortization will be level debt service or faster, except for deferrals of principal in connection with construction period financing or short-term financing related to future receipt of federal and/or state funds.

Debt issued in support of the Orange County Transit Multi-Year Vision Plan will be authorized under N.C.G.S. 160A-20. Alternative debt instruments may be evaluated and utilized subject to recommendation by the SWG and approved by the Orange County Board of Commissioners and GoTriangle Board of Trustees.

The combined liquidity position of the Orange Capital and Operating Funds shall be a minimum of 180 days unrestricted cash to meet the needs of the Orange County Transit Multi-Year Vision Plan.

If a project sponsor seeks repayment for debt issued outside of the Orange County Transit Multi-Year Vision Plan it will be paid after all debt service and operating expenses of the plan have been paid and will subordinate to as debt issued by Tax District Administration. Debt payments reimbursed to the project sponsor will be identified as a yearly capital project and included in all Capital Improvement programs (CIP) upon initial approval.

Select SWG members of SWG subcommittee members (if/when applicable) will participate in the following:

RFP and/or selection process of:

Financial Advisor; Investment Consultant for GoTriangle (as necessary)

Underwriter(s); Bond Counsel; and any other necessary roles related to GoTriangle debt financing in support of the Orange County Transit Multi-Year Vision Plan

Providing assistance as needed for guidance associated with debt issuances to include interactions with rating agencies.

DRAFT

## Increased Cost of Existing Services (ICES)

**UPDATE Spring 2023 – Parties and Implementation Partners will refer to legacy language from prior Transit Governance ILA to define how operators can seek funding to support increased cost of services. This language is shown below.**

The Orange County Transit Multi-Year Vision Plan (Plan) provides that all funding for bus services will be appropriated based on the supporting financial plan/model to Chapel Hill Transit (CHT), GoTriangle, and Orange Public Transit (OPT). The use of these bus service funds shall be limited to the support of new bus services above and beyond the existing transit system services in place at the time of the adoption of the local option ½ cent sales tax in November of 2012. However, CHT and OPT may use a portion of the bus service funds provided in the Plan to pay for the increased cost of existing services during the duration of this Agreement in the manner described below.

The “CHT Share” shall be a percentage derived by dividing the CHT local expenditures for bus services each year by the total of local expenditures for bus services by both CHT and OPT in that year. The “OPT Share” shall be a percentage derived by dividing the OPT local expenditures for bus services each year by the total of local expenditures for bus services by both CHT and OPT in that year. The respective CHT and OPT local expenditures for bus services in any year shall be based initially upon the audited financial statements for the fiscal year ending June 30, 2011. Local bus services expenditures shall include assigned overhead without any consideration of federal or state financial assistance. The determination of the CHT Share and OPT Share will be made each year thereafter based upon the most recent audited annual local expenditures for bus service by both.

CHT may use a portion of the bus services funds provided in the Plan up to a maximum amount that equals the CHT Share percentage of the prior year total receipts from the Orange County local vehicle registration fee of \$7.00 permitted by Article 52 of NCGS 105. OPT may use a portion of the bus services funds provided in the Plan up to a maximum amount that equals the OPT Share percentage of the prior year total receipts from the Orange County local vehicle registration fee of \$7.00 permitted by Article 62 of NCGS 105.

**The suggested scenario/formula below is drafted for future consideration by parties and implementation partners upon the next deliberation of the Multi-Year Transit Vision Plan.**

Purpose: Transit operators in Orange County are able to use one Locally Dedicated Transit Funding Source (the County Vehicle Registration Tax, pursuant to N.C.G.S. 105-570, which is levied at \$7.00 per year) to supplement projected increased costs of existing, or baseline, services that were in operation prior to the passage of the County’s ½ cent sales tax dedicated to public transportation investment.

ICES Policy: An equitable formula is to be used in determining annual allocations of available funds from the projects County Vehicle Registration Tax for each fiscal year to all operators providing services within Orange County (Chapel Hill Transit, Orange Public Transit & GoTriangle).

Variables include:

- Total Revenue Service Hours for Fixed Route Bus Services, per provider, at the end of FY2013
- Total Expenditures for Fixed Route Bus Services, per provider, at the end of FY2013
- Average annual historical cost escalation rate, per provider, from FY2013 to current fiscal year



- Mutually agreed upon cost escalation rate for upcoming fiscal year

Step one: Calculate ratio of Fixed Route Bus Revenue Service Hours operated by each agency in Orange County at the end of FY2013.

NOTE: GoTriangle will need to account for estimated number of hours of revenue service and associated costs operated ONLY within Orange County at end of FY2013.

Step two: Apply the ratio of each operator's revenue service hours to the upcoming fiscal year's County Vehicle Registration Tax projected amount. These three individual ratios will be applied in Step five.

Step three: calculate the estimated increased cost of services from FY2013 by escalating Total Expenditures for Fixed Route Bus Services, per provider, at the end of FY2013 (see NOTE for GoTriangle above) using the average annual historical cost escalation rate, per provider, from FY2013 to current fiscal year.

Step four: Through agency coordination, a mutually agreed upon escalation rate will be used to calculate the upcoming fiscal year's projected costs for the continuation of baseline services from FY2013.

Step five: Apply the ratios realized in Step two to each operator's projected costs calculated in Step four. This will indicate level of funding needed to support those FY2013 baseline services and associated increased cost of those services in the upcoming fiscal year.

IF the sum of ICES calculated for the upcoming fiscal year for each agency in step five is greater than the available amount of funding projected to be available from the County Vehicle Registration Tax funding source, then each agency and its governing jurisdiction are responsible for funding for the balance from other local funding sources not already dedicated to supporting local public transportation investments.

If the sum of ICES calculated for the upcoming fiscal year for each agency in step five is less than the available amount of funding projected to be available from the County Vehicle Registration Tax funding source, then the SWG will advise the Tax District and associated governing bodies on appropriate allocation into reserves.

## Carryover Policy

### Capital

- Orange County Tax District will work towards development and maintaining a capital reserve fund
- Capital project allocations as defined by the transit plan will be reserved and can be drawn on throughout the life of the project as per annual work plan programming
- Capital reserve fund dollars appropriated within the annual programming are available for reimbursement requests for the duration of each project unless subsequently amended by Board action or until project closeout.
  - Upon project closeout, any leftover funds (surplus) will be released and made available for future capital projects upon recommendation from the Orange County Staff Working Group.

### Operating

- Dollars appropriated in the operating fund will lapse at the end of the year as of June 30
- Any unutilized operating funds will be returned to the operating fund balance for future programming

## Bus Operating Cost Per Hour Policy

Transit agencies will be reimbursed for the following cost categories:

- Operations
- Fuel
- Maintenance
- Supervision of operators, safety, and maintenance staff

No overhead may be charged to the Tax District as part of bus service operations including service planning, financial management, management of contracts with operators or interlocal agreements, capital purchases, leasing of facilities, non-operations facility maintenance, etc. Those costs may be requested and paid for through other Transit Plan projects subject to approval of the Transit Plan and Annual Work Program.

The approval of the annual work program will include an estimated cost per hour for each agency. This cost per hour should be consistent with the transit agency's overall cost per hour paid through other funding sources. As such, the Transit Plan and local funding growth rates should be consistent when controlling for any new or expanded services. If any agency requests an increase that exceeds 2.5% compared to the previous year's Work Plan, transit agencies will be encouraged to submit a second quarter amendment that will include documentation to the Staff Working Group to verify their budgets meet this policy and be included as part of the recommendation of the amendment request. If the increase is recommended by the Staff Working Group, the revised cost per hour will be the starting point plus 2.5% increase for the following years cost per hour.

Reimbursements will be made based on the estimated cost per hour for quarters 1, 2, and 3. Quarter 4 will include a reconciliation based on the actual annual cost per hour. Transit agencies are expected to complete the Durham Transit Reimbursement year-end reconciliation template that is included in the reimbursement template. The cost per hour that is listed in the reconciliation template should be consistent with other funding source cost per hours across the transit agency's network.

GoTriangle will use a consistent cost per hour across all three County Transit Plans (i.e., Durham, Orange & Wake Counties).

## Exhibit A: GoTriangle Financial Policies & Procedures (for reference)

[INSERT GOTRIANGLE FINANCIAL POLICIES & PROCEDURES DOCUMENT AS EXHIBIT A]

DRAFT

## Orange County Transit Work Program Amendment Policy

Following the adoption of the Orange County Transit Annual Work Program, project sponsors and Orange County Transit lead agency staff may need to make changes to the scope or budget for approved Orange County Transit Annual Work Program implementation elements; to add or remove implementation elements from an applicable Work Program; or to make changes to other components of Orange County Transit Annual Work Programs, such as the controlling components of project funding agreements that tie to Orange County Transit Annual Work Program implementation elements (i.e., agreement periods of performance or reporting requirements), financial model assumptions that support the applicable Work Program, or scopes of work or funding amounts for future programmed implementation elements. Project sponsors may also need or desire for the operating funds allocated in an annual Work Program to be encumbered and carried over to a subsequent Work Program budget. The policies and procedures for making these changes are outlined below.

**Amendment Requests:** Requests should be submitted to the SWG Administrator using an Orange County Transit Annual Work Program Amendment Request Form in accordance with the published annual amendment schedule.

### **Amendment Types:**

1. The following Work Program amendment scenarios shall be classified as **Minor Amendments:**
  - a. An amendment that requires a transfer between budget ordinance appropriations but requires less than a 20% change to a project appropriation for projects equal to or less than \$250,000;
  - b. Changes to any adopted financial assumptions supporting the applicable Work Program that does not have a significant impact on the overall revenue or expenditure forecast, which is defined to be no more than a one percent (1%) over the life of the plan;
  - c. Changes in reporting requirements for performance on implementation elements authorized in the applicable Work Program;
  - d. Changes in funding amounts less than \$250,000 for implementation elements programmed in future fiscal years;
  - e. Any other change that does not meet any of the criteria of a Minor Amendment is a Major Amendment.
  
2. The following Work Program amendment scenarios shall be classified as **Major Amendments:**
  - a. A project requested to be added to the Work Program.
  - b. A project requested to be removed from the Work Program.
  - c. Changes to any adopted financial assumptions supporting the applicable Work Program that does have a significant impact on the overall revenue or expenditure forecast, which is defined to be

- more than a one percent (1%) over the life of the plan;
- d. Changes in scope for implementation elements programmed in current and future fiscal years;
  - e. Any amendment that requires a transfer of funds between capital or operating funding categories.
  - f. Any change that requires a change in budgeted reserves or fund balance.
3. Scenario where no amendment is required:
- a. Transfers within the same budget ordinance (i.e., within a capital or operating funding category) appropriation and insignificant scope changes are permitted without amendment. Changes of this type shall be disclosed as part of the established quarterly reporting process.

Any changes to project funding allocations, and all requested Work Program amendments, shall comply with the adopted Triangle Tax District - Orange County Transit Financial Policies and Procedures.

**Multiple Amendments to Single Project:**

If more than one amendment is requested for a single project in the adopted Operating Budget over the course of a fiscal year, its classification as a Minor versus Major amendment will be based on the cumulative change caused by all applicable amendments over the course of that fiscal year.

If more than one amendment is requested for a single project in the adopted Capital Budget over the life of the project, regardless of fiscal year, its classification as a Minor versus Major amendment will be based on the cumulative change caused by all applicable amendments over the life of the project.

**Removal of Work Program Projects:**

If a project sponsor determines that a project or implementation element included in the operating or capital budgets of an annual Work Program will not commence in the subject fiscal year or will not continue from a previous fiscal year, as budgeted, the project sponsor shall request that the project be removed from the annual Work Program.

If the project will commence in the subject fiscal year or continue from a previous fiscal year, as budgeted, but will not make use of Triangle Tax District – Orange Operating Fund or Orange Capital Fund revenues, the project sponsor is encouraged to notify Tax District staff of the change but is not required to request removal of the project from the annual Work Program unless it is determined by Tax District staff that the originally budgeted funding for the project is necessary to fund another Work Program amendment.

If a project sponsor determines that a project or implementation element included in the operating or capital budgets of an annual Work Program will not make use of the full amount of funds originally budgeted, the project sponsor is encouraged to submit an amendment request reducing the originally budgeted amount to a more realistic amount.

**Annual Work Program Amendment Schedule:**

The Staff Working Group (SWG) Administrator, with input from the Orange SWG and additional GoTriangle staff, will develop an annual Work Program Amendment Schedule that sets amendment request submission deadlines and public review periods for the upcoming fiscal year. There are three amendment cycles detailed on the schedule: 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarter of the fiscal year.

The schedule will generally be consistent with DCHC MPO’s Transportation Improvement Program (TIP) amendment schedule in the event that Orange County Transit project amendments require TIP action. The SWG may take exception outside the typical amendment cycle, through coordination with the MPO, where there is a need to maintain eligibility for federal or state funding.

## **Appendix: Roles and Responsibilities**

### **Role of the SWG Administrator and Orange County Transit Lead Agencies**

Per the Transit Governance ILA (2023), two of the three ILA parties have responsibilities as it relates to Work Program Amendment facilitation. They are Orange County, and GoTriangle. They execute the work required to ensure that Orange County Transit processes and SWG assigned tasks are completed in accordance with applicable laws, regulations, policies, and other guidance. Both agencies play a role in processing Work Program amendment requests and updating the Orange County Transit Annual Work Program Amendment Policy.

The SWG Administrator will:

- Develop the annual Work Program Amendment Schedule.
- Update the Work Program amendment request form as needed.
- Manage the Orange County Transit Annual Work Program Amendment Policy update process
- Collect and review amendment request forms for completeness and/or technical issues
- Work closely with project sponsors to address questions and resolve technical issues pertaining to amendment requests.
- Compile an initial amendment list that includes known information for each submitted request and will update the list as new or additional information becomes available.
  - The list shall clearly be grouped by amendment requests pertaining to operating projects/implementation elements versus those pertaining to capital projects/implementation elements and shall indicate whether the requests are Minor or Major.
- Prepare and present Work Program amendment request information, including GoTriangle financial slides, for review and consideration of the SWG, the Orange County Board of Commissioners, and GoTriangle Board of Trustees at appropriate decision-making points.
- Open a public-review period for quarterly amendment requests.
  - A review period of no less than 21days for Major amendments. If a mix of Major and Minor requests are submitted, the 21-day requirement applies to all requests.
- Work with County and GoTriangle engagement staff to develop public notice content and materials and then post on the GoForward/SWG website, share with SWG partners and otherwise support the engagement effort.
- Include an engagement summary report with the recommended amendment list for Orange County and GoTriangle governing board consideration.
- Forward all approved amendments and a list of actions that need to be taken to GoTriangle's Tax District for processing.
- Track authorized amendments and by September each year, update the Orange County Transit Annual Work Program database (if/when applicable), publish updated annual Work Program documents on the GoForward/SWG websites.

GoTriangle staff will:

- Review submitted amendment requests to assess financial impacts of proposed changes.
- Model financial scenario options, when needed, and present them to the SWG for review and discussion.
- Work with SWG Administrator/County staff to finalize financial dispositions for review and consideration.



- Produce slides detailing the financial impacts of requested amendments, submit them to the SWG Administrator to be incorporated into a master presentation file, and present the information for review and consideration of the SWG.
- Work with the SWG Administrator, County and GoTriangle to develop public notice content and materials and then post on the GoForward, County and GoTriangle web pages, share with Orange County Transit stakeholders and the community.
- Collect online analytics and performance data, public comments or questions, and other relevant information from the engagement period and provide it to the SWG Administrator for inclusion in the engagement summary report.
- Work with the SWG Administrator to make any needed adjustments to the financial components of the amendment list and slides prior to presentation to the governing boards.
- Process all approved Work Program amendment requests which may include changes to budget ordinance(s), changes to project agreements or other administrative actions.
- Ensure that links to the annual Orange County Transit Annual Work Program documents on the GoForward, County and GoTriangle websites are working and directed at the updated Work Program document(s) in September each year.

**SWG Review and Recommendation:**

SWG Administrator will consult with the SWG Chair regarding inclusion of Work Program amendment request items on SWG meeting agendas. Time allocated for each SWG presentation is set by the Chair and published on each agenda. SWG Administrator will provide the amendment request item description to be published on the agenda, will submit a master presentation file for discussion during the meeting, and will provide the most current amendment list, associated amendment request forms for SWG review and discussion.

The SWG can choose to re-categorize an amendment from Minor to Major, can recommend an adjustment, attach contingencies, or otherwise recommend a modification to an amendment request, and will make a recommendation to the Orange County Board of Commissioners and GoTriangle Board of Trustees for approval or disapproval of Work Program amendment requests.

SWG Administrator shall document the recommendation of the SWG including specific details and concerns that led to a recommended modification or disapproval of an amendment request.

**Governing Board Review and Adoption:**

The Orange County Board of Commissioners and the GoTriangle Board of Trustees shall review the amendment list, disposition(s) and SWG recommendation and consider authorizing the Orange County Transit Annual Work Program amendment requests. No amendments are authorized prior to board actions approving them. SWG Administrator will coordinate with Orange County and GoTriangle staff to ensure timely placement of Work Program amendment recommendations on agency agendas.

**Adjustments to Roles and Responsibilities**

Changes to the roles and responsibilities described within this appendix are classified as an administrative modification that can be implemented without requiring an amendment to the Orange County Transit Annual Work Program Amendment Policy, but must be agreed upon by the impacted agency, or other body which may require a process to formalize.



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Community Services  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Matt Efird, Assistant Town Manager

#### ITEM TO BE CONSIDERED

**Subject:** Amendment to the HOME Investment Partnership American Rescue Plan Allocation

**Attachments:**

Resolution

**Summary:**

The purpose of this item is to amend the HOME Investment Partnership American Rescue Plan (HOME-ARP) allocation plan that was previously approved by the board based on feedback from the U.S. Department of Housing and Urban Development (HUD) to bring the allocation plan into compliance with HUD requirements. The amendment is in regard to the current allocation plan's prioritization of projects serving the homeless population through Coordinated Entry, rather than allowing equal access to all eligible qualifying populations for HOME-ARP funds (homeless, at-risk of homelessness, fleeing or attempting to flee domestic violence or human trafficking, and other populations where providing supportive services would prevent homelessness or housing instability.)

The Orange County Affordable Housing Collaborative voted at their May 4, 2023 meeting to recommend amending the HOME-ARP allocation plan as needed for HUD compliance. The Town of Chapel Hill approved the amendment on May 24, and the Town of Carrboro is scheduled to consider the proposal at their June 20 meeting.

**Financial impacts:**

N/A

**Staff recommendation and comments:**

This amendment is required for the HOME-ARP allocation plan to meet federal approval.

**Action requested:**

Approval of the attached resolution.



## RESOLUTION

### Approving an Amendment to the HOME Investment Partnership American Rescue Plan Allocation

**WHEREAS**, on May 10, 2021 the Board of Commissioners approved the Fiscal Year 2022 HOME Investment Partnership annual plan to be carried out by members of the Orange County HOME Consortium; and

**WHEREAS**, in September 2021 the U.S. Department of Housing and Urban Development (HUD) notified the Consortium of an additional one-time award of HOME Investment Partnership American Rescue Plan Program (HOME-ARP) funding in the amount of \$1,371,401 to reduce homelessness and increase housing stability; and

**WHEREAS**, HUD requires a HOME-ARP Allocation Plan be submitted for the funding as an amendment to the FY22 HOME Investment Partnership Program Annual Plan; and

**WHEREAS**, Orange County submitted a HOME-ARP Allocation Plan that was rejected and must be changed; and

**WHEREAS**, the Orange County HOME Consortium recommends removing the preference for serving households experiencing homelessness and the Coordinated Entry prioritization for projects;

**NOW, THEREFORE**, be it resolved by the Hillsborough Board of Commissioners that the Orange County HOME Consortium recommended amendment to the plan to remove Coordinated Entry is approved, and that the town board authorizes this amended plan to be incorporated into the Annual Update to the 2020-2024 Consolidated Plan for submission to HUD.

Approved this 12<sup>th</sup> day of June of the year 2023.

---

Jenn Weaver, Mayor  
Town of Hillsborough

Attestation:

---

Sarah Kimrey, Town Clerk



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Planning and Econ. Dev.  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Shannan Campbell, Planning and Economic Development Manager

#### ITEM TO BE CONSIDERED

**Subject:** Orange County Article 46 Economic Development Collaborative Funds

**Attachments:**

Fiscal Year 2023 Article 46 Collaborative Outreach Request Form

**Summary:**

Orange county annually offers a portion of the collected Article 46 taxes reserved for economic development projects to each municipality in the county based on population for a collaborative project. The county offered \$5,400 in Fiscal Year 2022 and \$6,222 in FY23. We did not request the funds for FY22 so there is \$11,622 available for a project.

Staff proposes to request the funds to support installing two town branded wayfinding signs on Allison Street and two riverwalk branded wayfinding blades on the trail for the new Eno Arts Mill run by the Orange County Arts Commission. There has been a huge response to the presence of arts programming and classes at the Mill, including redevelopment of the adjacent site into a brewery space. It is anticipated that as the mill grows their presence that this site will continue to have an economic impact. Signage for the Eno Arts Mill will help people wanting to attend classes and events in the mill to find it, due to its unique location in a historic mill property and low visibility from the street. It is anticipated that this area of town, with its proximity to Riverwalk and the Eno Arts Mill, will continue to grow business and event traffic spurring economic activity.

Quotes are still being gathered but it is anticipated that the full cost of this project (\$18,000 budget) will exceed the available Article 46 funds (\$11,622.00) so support may need to be requested from the Tourism Program in FY24 to cost share the project. Orange County Economic Development has asked that we request these funds from FY22 and FY23 before the end of the fiscal year.

**Financial impacts:**

Low.

**Staff recommendation and comments:**

None.

**Action requested:**

Approve, modify or suggest another project, or deny the project idea.



## Article 46 Collaborative Outreach Request Form

Town of Hillsborough

FY 2021 – 22 Allocation: \$5,400.00

FY 2022 – 23 Allocation: \$6,222.00

Total Allocation Available: \$11,622.00

To request funds from Orange County’s Collaborative Outreach program, please complete the following information and submit to Orange County’s Economic Development office. The services or activities that qualify under this funding category shall consist of and be limited to economic development programs that aid in job creation, drive economic growth, support existing businesses, recruit new businesses, and in the promotion of other activities such as innovation and entrepreneurial growth, agri-tourism and agriculture in Orange County. The local government should also express any additional role Orange County may be expected to contribute as it relates to the identified services or activities, and acknowledge use of the Collaborative Outreach funding as a joint economic development partnership between the local government and Orange County.

**Date requested:** [Click here to enter a date.](#)

**Amount requested:** [Click here to enter text.](#)

**Description of service/activity the funding would support:** [Click here to enter text.](#)

**Outcomes expected:** [Click here to enter text.](#)

<b><u>Additional partners involved in the service/activity:</u></b> Click here to enter text.
<b><u>Resources the Town is providing to the service/activity:</u></b> Click here to enter text.
<b><u>Any additional assistance the Town will require from the County for this service/activity:</u></b> Click here to enter text.

Completed forms should be returned to Steve Brantley by email [sbrantley@orangecountync.gov](mailto:sbrantley@orangecountync.gov) or mailed to 131 W. Margaret Lane, Suite 205, Hillsborough, NC 27278.



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Public Space and Sustainability  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Stephanie Trueblood, Public Space and Sustainability Manager

#### ITEM TO BE CONSIDERED

**Subject:** Proposed location for Mariah G. McPherson Memorial Bench

**Attachments:**

Proposed Location: Photos

**Summary:**

When the Nash Street sidewalk was built the town board discussed placing a memorial bench to recognize the efforts of community member Mariah G. McPherson, who advocated for a safe sidewalk system for school children on Nash Street. The bench was not installed as part of the sidewalk project. Several years ago, the idea re-emerged. Numerous potential sites were investigated on Nash and Hayes streets. Finding a location has been difficult for several reasons. Nash Street is a state road and the right-of-way along Nash Street is narrow. There are numerous utility conflicts in the right-of-way along Nash Street. Significant topography is present on the back side of the sidewalk along Nash Street. Also, staff tries to avoid placing benches directly in front of homes, which limits options.

Recently, staff has identified a location on Union Street near Hillsborough Elementary that is suitable for the bench. Staff talked with the school administration, and they expressed support for the bench. Public Works has verified that they can install a small concrete pad and the memorial bench at this spot.

**Financial impacts:**

None

**Staff recommendation and comments:**

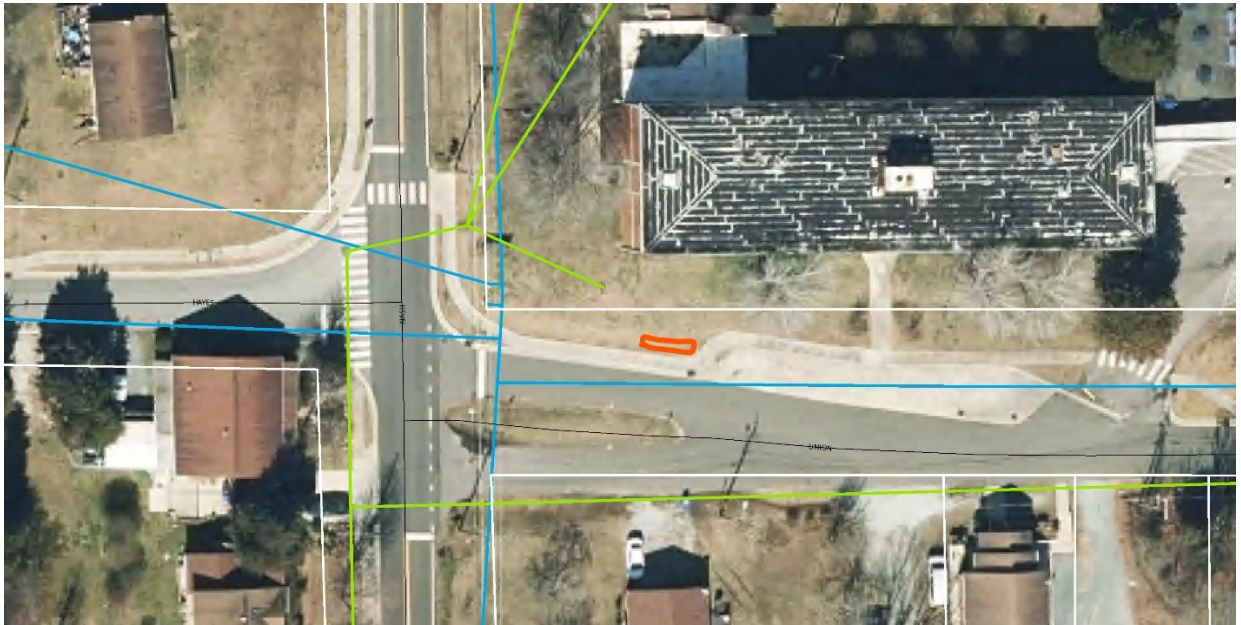
None

**Action requested:**

Approve proposed location for Mariah G. McPherson Memorial Bench.



Proposed location for Mariah G. McPherson memorial bench



Plan view of proposed bench location



View looking north. Proposed bench location shown in orange.





View looking west. Proposed bench location shown in orange.



Plaque for Mariah McPherson's memorial bench.



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date:	June 12, 2023
Department:	Planning and Econ. Dev.
Agenda Section:	Regular
Public hearing:	Yes
Date of public hearing:	April 20, 2023

#### PRESENTER/INFORMATION CONTACT

Shannan Campbell, Planning and Economic Development Manager

#### ITEM TO BE CONSIDERED

**Subject:** Annexation and General Use Rezoning: 220 & 300 US 70 E (PINS 987500537 & 9875104533); Entryway Special Use to General Commercial

#### Attachments:

1. Annexation and Rezoning Application materials and maps
2. General Commercial (GC) Permitted use list
3. Annexation Ordinance
4. Rezoning Consistency Statement
5. Rezoning Ordinance

#### Summary:

The request is for annexation and general use rezoning – meaning a range of uses are permitted by right and some require additional review. This is a legislative decision for the boards – meaning the members can take a wide range of information into consideration and testimony may be in writing and does not need to be sworn. The boards have broad discretion in determining whether or not to approve this request. No statements by the applicant as to potential use of the property are binding on the applicant or the town. For this reason, the town requires no development plans from applicants seeking rezoning to a general-purpose district. No conditions can be placed if the application is approved. The application is complete.

#### GENERAL STANDARDS/FINDINGS OF FACT:

Before amending this Ordinance or the Official Zoning Map, the town board must find, after conducting the process below, that the request is not inconsistent with the adopted Comprehensive Plan for the Town of Hillsborough.

Amending the Official Zoning Map (Rezoning) is a matter committed to the legislative discretion of the town board. In determining whether to adopt a proposed amendment, the town board shall consider and weigh the relevance of the following factors:

- (a) The extent to which the proposed amendment is consistent with all applicable town-adopted plans;
- (b) The extent to which there are changed conditions that require an amendment;
- (c) The extent to which the proposed amendment addresses a demonstrated community need;
- (d) The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

- (e) The extent to which the proposed amendment would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;
- (f) The extent to which the proposed amendment would encourage premature development;
- (g) The extent to which the proposed amendment would result in strip or ribbon commercial development;
- (h) The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts;
- (i) The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands; and
- (j) The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

**April 20, 2023 Public Hearing Draft Minutes:**

- A. Annexation and general use rezoning: Gatewood parcels – 220 and 300 U.S. 70 E. (PINS 987500537 and 9875104533); Entryway Special Use to General Commercial

Planning and Economic Development Manager Shannan Campbell introduced the item and explained that the original project had come through as a rezoning and masterplan through the Entryway Special Use zoning district process; however, due to COVID-19 and other mitigating factors, the owners had not been able to build out everything approved in that master plan. She indicated that the original plan included a restaurant, a brewery, meeting/event facility and more. She said that master plan has now expired. The applicant is now seeking a general rezoning to General Commercial to move forward with future commercial development. Campbell said this approach does not require the submittal of a site plan or master plan. She said the applicant is also requesting annexation in conjunction with the rezoning request. The applicant was listed as House at Gatewood/Ron and Jen Spada.

Jen Spada approached the podium and said she and her husband are applying for commercial zoning in order to renovate a building on the property into a new business.

Regarding the annexation, Johnston asked if it is typical for the annexation request to run concurrent with the rezoning request. Campbell replied in the affirmative. Planning Board Chair Frank Casadonte asked if the property is contiguous with the town. Campbell said it is. Johnston asked about the hours of operation. Spada said the business they run is more events-based right now, but they are open on some Fridays for restaurant service.

Casadonte asked if there were any public comments for this item. There were none. The public hearing remained open as the board moved on to the next item.

**May 18, 2023 Planning Board Recommendation Draft Minutes:**

- A. Annexation and General Use Rezoning: Gatewood Parcels-220 & 300 U.S. 70 East (PINs 987500537 and 9875104533); Entryway Special Use to General Commercial

Campbell explained that the Gatewood property, which currently has a restaurant, is zoned entryway special use (ESU). It once had a master plan that included a brewery, event venue, and trails, but that plan has expired. The owners must develop a new master plan with a conditional rezoning or apply for a general use rezoning if

they want to further develop the property. The owners are asking for a general use rezoning to general commercial. She said the request is consistent with the Future Land Use Plan. She noted that there is no plan of development associated with the request and no statements by the owner about intended use would be legally binding. The owner would be legally allowed to develop the uses listed as permitted in the Zoning District or other uses listed that require a special use permit, which would require another board review.

Johnston asked what would happen if the board denied the request for rezoning. Campbell said the owner could not develop. They would have to apply for another general use zoning district or develop another master plan in conjunction with a planned development conditional zoning district. Johnston asked if the board could suggest another zoning district. Campbell said no the request could not change at this point without going back to public hearing, the board can only recommend approval or denial of the owner's request.

At Johnston's request, Campbell showed the Future Land Use Plan Map, with retail services indicated in red. Johnston said that a general commercial zoning appeared consistent with the Future Land Use Plan.

Salvi said she opposed the rezoning, noting traffic congestion at the intersection of N.C. 86 and U.S. 70. She expressed concern about building height and density and wondered how many businesses or residences could fit on the property. Campbell noted that any development would have to undergo a site plan review and abide by Unified Development Ordinance restrictions on height (a maximum of 40 feet), parking, lighting, stormwater, and buffers.

Salvi raised concerns about the potentially high cost of providing water and sewer services. Johnston noted that water and sewer services could be denied by utilities based on what the owners proposed. Casadonte agreed, noting water and sewer services have not been able to be offered elsewhere in town depending on capacity at the time.

Johnston said the alternative to rezoning it as general commercial is for the board to deny the request and the applicant to return to ask for a more restrictive zoning or masterplan the site again. Campbell noted the owner could request zoning for the planned development district, which is a conditional zoning that would require more details about what they intend to build. Johnston pointed out the property already has a commercial structure and said the board must respond to the request by deciding if this zoning fits with the area.

Casadonte asked Salvi what she thought would be the proper zoning for the property. Salvi said she would recommend not changing the current zoning and waiting until the board knew what utilities could serve the site.

Iglesias noted the original intent for the parcel was commercial, and the expectation is that the board makes decisions in keeping with town's vision. Schultz said the board can't wait to make a decision until it hears from the Utilities Department about capacity. Giglia said that whatever the owners wanted to do with the property, they would still have to submit a site plan to staff and get approval for water and sewer services.

Polly summarized the discussion, saying the rezoning fits with the Future Land Use Map, the property is already commercial, and water and sewer are overseen by staff based on capacity and not something the board should weigh in on. Staff would ensure that the town would have capacity for any proposed development, she added.

Salvi noted Iglesias's comments regarding the town's vision plan. Schultz said that at the U.S. 70 corridor traffic study meetings it was reported that most of the increasing traffic in the corridor is due to commuters driving to Interstate 85, not visitors to local retail businesses.

Johnston referred to the list of permitted uses and asked if there was anything allowed in a general commercial zoning district that board members would object to. Polly noted that central commercial zoning is a little more

limiting than general commercial. Campbell explained that central commercial is the downtown zoning district. She said the other similar zoning is neighborhood business, which doesn't allow an event center, which is a current accessory use of the Gatewood property. Johnston said the board should deny the request only if there was a permitted use it objected to and not just because the board wanted it to be more restrictive.

Motion: Johnston moved that the board recommend approval of the general use rezoning for the Gatewood property to general commercial. Giglia seconded.

Vote: 6-1. Nay: Salvi

**Financial impacts:**

Low.

**Staff recommendation and comments:**

None.

**Action requested:**

Approve or deny the annexation and rezoning petition.

# Appendix J

## Application Packet for Annexations

### Complete Application Deadline (12 Noon)

December 19, 2022  
March 27, 2023  
June 26, 2023  
September 25, 2023  
December 18, 2023

### Joint Public Hearing Date

January 19, 2023  
April 20, 2023  
July 20, 2023  
October 19, 2023  
January 18, 2024

### Planning Board Recommendation Date

February 16, 2023  
May 18, 2023  
August 17, 2023  
November 16, 2023  
February 15, 2024

### Earliest Decision Date

March 13, 2023  
June 12, 2023  
September 11, 2023  
December 11, 2023  
March 11, 2024

### Fee Schedule

Rezoning to General Purpose or Overlay District:  
Rezoning to conditional District:

the greater of \$500.00 or \$50.00 per acre  
the greater of \$2,000.00 or \$200.00 per acre

\* Rezoning reviewed in conjunction with an annexation request should first calculate the standard fee and then double it to account for fiscal impact analysis of the application.

### Submittal Requirement Checklist

#### Voluntary Annexation Request

- Annexation Petition
- Zoning Map Amendment request (see **Appendix I**)

#### Involuntary Annexation Request

- Zoning Map Amendment application (see **Appendix I**)

# Appendix I

## Application Packet for Unified Development Ordinance Text & Zoning Map Amendments (Rezoning) / Future Land Use Plan & Comprehensive Plan Amendments

<u>Complete Application</u> <u>Deadline (12 Noon)</u>	<u>Joint Public Hearing</u> <u>Date</u>	<u>Planning Board</u> <u>Recommendation Date</u>	<u>Earliest Decision</u> <u>Date</u>
December 19, 2022	January 19, 2023	February 16, 2023	March 13, 2023
March 27, 2023	April 20, 2023	May 18, 2023	June 12, 2023
June 26, 2023	July 20, 2023	August 17, 2023	September 11, 2023
September 25, 2023	October 19, 2023	November 16, 2023	December 11, 2023
December 18, 2023	January 18, 2024	February 15, 2024	March 11, 2024

### Fee Schedule

Future Land Use/Comprehensive Plan Map Amendment:	\$300.00
UDO Text Amendment	\$300.00
Rezoning to General Purpose or Overlay District:	The greater of \$500.00 or \$50.00 per acre

\*Rezoning reviewed in conjunction with an annexation request should first calculate the standard fee and then double it to account for the fiscal impact analysis of the application.

### Submittal Requirement Checklist

#### **Unified Development Ordinance & Future Land Use/Comprehensive Plan Text Amendments**

- Complete application and applicable review fee
- For UDO text amendments, a written narrative addressing UDO Section 3.7.2 (see page 3 of this packet)

#### **Zoning Map & Future Land Use Map Amendments**

- Complete application and applicable review fee
- Copy of the deed and/or a fully dimensioned survey to a scale greater than 100 ft to the inch and smaller than 20 ft to the inch that includes existing structures, critical areas (specified on application), rights-of-way and width, and driveways (existing and new)
- For zoning map amendments, a written narrative addressing UDO Section 3.7.2 (see page 3 of this packet)





TOWN OF HILLSBOROUGH

APPLICATION FOR Text and/or Map Amendment Request

Planning Department
101 E. Orange Street/P.O. Box 429
Hillsborough, NC 27278
Phone: (919) 296-9477 Fax: (919) 644-2390
Website: www.hillsboroughnc.gov

Amendment Type: [ ] Future Land Use Plan Map [X] Zoning Map [ ] Comprehensive Plan Text [ ] Unified Development Ordinance text [16.43ac]

Property Address: 300 Rte. 70 East PIN: 9875009537 7.36ac
9875704533 9.07ac

Applicant Name: House at Gatewood / Spada

Mailing Address: 4017 McKee School Rd. Phone: 607.275.6127

City, State, Zip: Hurdle Mills, NC 27541 E-mail: ronspada@houseatgatewood.com

Property Owner Name: Gatewood Property, LLC / Spada

Mailing Address: 4017 McKee School Rd. Phone: 607.275.6127

City, State, Zip: Hurdle Mills, NC 27541 E-mail: ronspada@houseatgatewood.com

Location/Streets Accessed: Rte. 70

Current Zoning District(s): Special Use Proposed Zoning District(s): General Purpose Commercial

Acreage: 16

Water Service: [X] Public Water [ ] Well Sewer Service: [X] Public Sewer [ ] Septic Tank

Existing Structures on Site: House at Gatewood restaurant

Critical Areas: 1-bedroom house


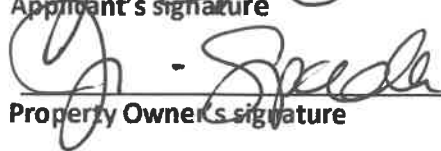
[ ] Flood [X] Drainage/Stream/Pond [ ] Cemetery [ ] Historic Resource [ ] Steep Slopes
[ ] Easement See next page



**Describe how the request will address the following factors that the Town Board of Commissioners must determine when considering an amendment to the test of the Unified Development Ordinance or Zoning Map (use separate sheet):**

1. The extent to which the amendment is consistent with all applicable Town-adopted plans.
2. The extent to which there are changed conditions that require an amendment.
3. The extent to which the proposed amendment addresses a demonstrated community need.
4. The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
5. The extent to which the proposed amendment would result in a logical and orderly development pattern or deviate from logical and orderly development patterns.
6. The extent to which the proposed amendment would encourage premature development.
7. The extent to which the proposed amendment would result in strip or ribbon commercial development.
8. The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts.
9. The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands.
10. The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

I/We certify that all of the information presented by me/us in this application is accurate to the best of my/our knowledge, information, and belief. **APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF PROPERTY OWNER.**

 Applicant's signature	<u>3.27.23</u> date
 Property Owner's signature	<u>3.27.23</u> date



TOWN OF  
HILLSBOROUGH

PETITION FOR  
Annexation of Contiguous Property

Planning Department  
101 E. Orange Street / P.O. Box 429  
Hillsborough, NC 27278

Phone: (919) 296-9471 Fax: (919) 644-2390

Website: [www.hillsboroughnc.gov](http://www.hillsboroughnc.gov)

TO THE BOARD OF COMMISSIONERS OF THE TOWN OF HILLSBOROUGH:

(1) The undersigned, Gate wood Property, LLC and  
Ronald & Jennifer Spada  
being the owner(s) of all real property located within the area described in paragraph two below requests that such area be annexed to the Town of Hillsborough.

(2) The area to be annexed is contiguous to the Town of Hillsborough and is located at  
300 Rte. 70 Hillsborough, NC ~~27277~~ 27278  
PIN 9875009537 ; 9875104533

(3) A map of the foregoing property, showing its relationship to the existing corporate limits of the town, is attached hereto.

(4) This petition is presented under the authority contained in G.S. 160A-31.

Respectfully submitted this 21<sup>th</sup> day of March, 2023

Ronald Spada  
Property Owner \_\_\_\_\_ Witness \_\_\_\_\_

Jennifer Spada  
Property Owner \_\_\_\_\_ Witness \_\_\_\_\_

\_\_\_\_\_  
Property Owner \_\_\_\_\_ Witness \_\_\_\_\_

\_\_\_\_\_  
Property Owner \_\_\_\_\_ Witness \_\_\_\_\_

\_\_\_\_\_  
Property Owner \_\_\_\_\_ Witness \_\_\_\_\_

\_\_\_\_\_  
Property Owner \_\_\_\_\_ Witness \_\_\_\_\_

1/3

9  
②



EMI

20160317000050610 DEED  
Bk: RB6090 Pg: 419  
03/17/2016 01:01:05 PM 1/3

FILED Mark Chilton  
Register of Deeds, Orange Co., NC  
Recording Fee: \$26.00  
NC Real Estate TX: \$1500.00

NAT

**NORTH CAROLINA  
GENERAL WARRANTY DEED**

---

Excise Tax: \$1500.00	Recording Time, Book and Page
Parcel Identifier No. 9875-00-9537 – 7.36 acres	Parcel Identifier No. 9875-10-4533 – 9.07 acres <del>9875-00-9537</del>

---

XKB

Mail after recording to: Grantee  
This instrument was prepared by: John D. Loftin, Box 733, Hillsborough, NC 27278

---

THIS DEED made this 16<sup>th</sup> day of March, 2015 by and between

---

**GRANTOR**

S & T Investment Properties, LLC, a NC Limited Liability Corp.  
220 Stagg Rd, Hillsborough, NC 27278

---

**GRANTEE**

GATEWOOD PROPERTY, LLC, a NC Limited Liability Corp.  
662 Driftwood Lane  
Northbrook, IL 60082

---

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land located in Alamance County, NC and more particularly described as follows:

Tract I: PIN 9875-10-4533, Containing 9.07 acres and being described as follows: Beginning at a point in the right-of-way of U.S. Highway 70 By-Pass, the southeast corner of the property of Byrd's Food Stores, Inc. as shown on the survey hereinafter referred to and running thence along the right-of-way of U.S. Highway 70 By-Pass South 77-28-35 East 175.14 feet; thence South 77-04-45 East 731.91 feet; thence North 11-26-29 East 49.90 feet; thence

feet; thence South 01-20-12 West 100.02 feet; thence South 00-18-11 West 591.25 feet to the point and place of beginning, consisting of 16.43 acres, more or less, as shown on the plat of the survey by Alois Callemyn (L-2544), dated October 16, 1987, entitled – property surveyed for Joseph D. Gatewood and M. K. Gatewood.” Together with all rights of water and pipeline as shown in Deed Book 132, Page 398 of the Orange County Registry. LESS AND EXCEPT the 7.36 acre tract described in Deed Book 1251, Page 326.

Tract II: PIN 9875-00-9537, Containing 7.36 acres and described as follows: Beginning at a point in the right-of-way of U.S. Highway 70 By-pass, the southeast corner of the property of Byrds Food Stores, Inc. as shown on the survey hereinafter referred to and running thence along the right-of-way of U. S. Highway 70 By-pass South 77° 26’ 35” East 175.14 feet; thence South 77° 04’ 45” East 260.00 feet; thence North 00° 37’ 05” 754.37 feet; thence North 77° 50’ 35” West 259.27 feet; thence North 78° 55’ 00” West 174.28 feet; thence South 02° 39’ 54” West 55.04 feet; thence South 01° 20’ 12” West 100.02 feet; thence South 00° 18’ 11” West 591.25 feet to the point and place of Beginning and being shown as Lot 1 on the survey entitled “Property Split/Property Survey for Joseph D. Gatewood” by Alois Callemyn, Land Surveyor, dated October 16, 1987. Together with all rights of water and pipeline as shown in Deed Book 132, Page 398, Orange County Registry.

This conveyance is made subject to all applicable easements, covenants and restrictions of record

All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book 5600, Page 27, Orange County Registry.

A map showing the above described property is recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_, and referenced within this instrument.

The above described property does not include the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

**IN WITNESS WHEREOF**, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year first above written.

S & T INVESTMENT PROPERTIES, LLC \_\_\_\_\_ (SEAL)  
(ENTITY NAME)

By: Stephen W. Johnson (SEAL)  
STEPHEN W. JOHNSON, MEMBER/MANAGER

By: Thomas L. Merritt (SEAL)  
THOMAS L. MERRITT, MEMBER/MANAGER



State of NC, County of Orange

I, Sandra Borland Rimmer, a Notary Public of the County and State aforesaid, do hereby certify that Stephen W. Johnson and Thomas L. Merritt, Member/Managers of S & T INVESTMENT PROPERTIES, LLC, a NC Limited Liability Co. personally appeared before me this day and acknowledged the execution of the foregoing Deed on behalf of and as the act of said company, all by authority duly given. I further certify that Stephen W. Johnson and Thomas L. Merritt, Member/Managers of S & T INVESTMENT PROPERTIES,, LLC, a NC Limited Liability Co. personally appeared before me this day and acknowledged the execution of the foregoing Deed on behalf of and as the act of said company, all by authority duly given. Witness my hand and official stamp or seal, this the 16th day of March, 2016.

**SANDRA BORLAND RIMMER**  
Notary Public  
Orange County, NC

*Sandra Borland Rimmer*  
NOTARY PUBLIC

Sandra Borland Rimmer  
PRINTED NAME OF NOTARY

My commission expires 11-11-2017



1/3

9  
②



EML

20160317000050610 DEED  
Bk:RB6090 Pg:419  
03/17/2016 01:01:05 PM 1/3

FILED Mark Chilton  
Register of Deeds, Orange Co, NC  
Recording Fee: \$26.00  
NC Real Estate TX: \$1500.00

N/A

**NORTH CAROLINA  
GENERAL WARRANTY DEED**

Excise Tax: \$1500.00	Recording Time, Book and Page
Parcel Identifier No. 9875-00-9537 -- 7.36 acres	Parcel Identifier No. 9875-10-4533 -- 9.07 acres 4875-00-9537

XKB

Mail after recording to: Grantee  
This instrument was prepared by: John D. Loftin, Box 733, Hillsborough, NC 27278

THIS DEED made this 16<sup>th</sup> day of March, 2015 by and between

**GRANTOR**

S & T Investment Properties, LLC, a NC Limited Liability Corp.  
220 Stagg Rd, Hillsborough, NC 27278

**GRANTEE**

GATEWOOD PROPERTY, LLC, a NC Limited Liability Corp.  
662 Driftwood Lane  
Northbrook, IL 60082

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land located in Alamance County, NC and more particularly described as follows:

Tract I: PIN 9875-10-4533, Containing 9.07 acres and being described as follows: Beginning at a point in the right-of-way of U.S. Highway 70 By-Pass, the southeast corner of the property of Byrd's Food Stores, Inc. as shown on the survey hereinafter referred to and running thence along the right-of-way of U.S. Highway 70 By-Pass South 77-28-35 East 175.14 feet; thence South 77-04-45 East 731.91 feet; thence North 11-26-29 East 49.90 feet; thence

feet; thence South 01-20-12 West 100.02 feet; thence South 00-18-11 West 591.25 feet to the point and place of beginning, consisting of 16.43 acres, more or less, as shown on the plat of the survey by Alois Callemyn (L-2544), dated October 16, 1987, entitled – property surveyed for Joseph D. Gatewood and M. K. Gatewood.” Together with all rights of water and pipeline as shown in Deed Book 132, Page 398 of the Orange County Registry. LESS AND EXCEPT the 7.36 acre tract described in Deed Book 1251, Page 326.

Tract II: PIN 9875-00-9537, Containing 7.36 acres and described as follows: Beginning at a point in the right-of-way of U.S. Highway 70 By-pass, the southeast corner of the property of Byrds Food Stores, Inc. as shown on the survey hereinafter referred to and running thence along the right-of-way of U. S. Highway 70 By-pass South 77° 26' 35" East 175.14 feet; thence South 77° 04' 45" East 260.00 feet; thence North 00° 37' 05" 754.37 feet; thence North 77° 50' 35" West 259.27 feet; thence North 78° 55' 00" West 174.28 feet; thence South 02° 39' 54" West 55.04 feet; thence South 01° 20' 12" West 100.02 feet; thence South 00° 18' 11" West 591.25 feet to the point and place of Beginning and being shown as Lot 1 on the survey entitled “Property Split/Property Survey for Joseph D. Gatewood” by Alois Callemyn, Land Surveyor, dated October 16, 1987. Together with all rights of water and pipeline as shown in Deed Book 132, Page 398, Orange County Registry.

This conveyance is made subject to all applicable easements, covenants and restrictions of record

All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book 5600, Page 27, Orange County Registry.

A map showing the above described property is recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_, and referenced within this instrument.

The above described property does not include the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

**IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year first above written.**

S & T INVESTMENT PROPERTIES, LLC \_\_\_\_\_ (SEAL)  
(ENTITY NAME)

By: Stephen W. Johnson (SEAL)  
STEPHEN W. JOHNSON, MEMBER/MANAGER

By: Thomas L. Merritt (SEAL)  
THOMAS L. MERRITT, MEMBER/MANAGER



State of NC, County of Orange

I, Sandra Borland Rimmer, a Notary Public of the County and State aforesaid, do hereby certify that Stephen W. Johnson and Thomas L. Merritt, Member/Managers of S & T INVESTMENT PROPERTIES, LLC, a NC Limited Liability Co. personally appeared before me this day and acknowledged the execution of the foregoing Deed on behalf of and as the act of said company, all by authority duly given. I further certify that Stephen W. Johnson and Thomas L. Merritt, Member/Managers of S & T INVESTMENT PROPERTIES,, LLC, a NC Limited Liability Co. personally appeared before me this day and acknowledged the execution of the foregoing Deed on behalf of and as the act of said company, all by authority duly given. Witness my hand and official stamp or seal, this the 16th day of March, 2016.

**SANDRA BORLAND RIMMER**  
Notary Public  
Orange County, NC

*Sandra Borland Rimmer*  
NOTARY PUBLIC

Sandra Borland Rimmer  
PRINTED NAME OF NOTARY

My commission expires 11-11-2017





## House at Gatewood Zoning Appendix

- 1) The extent to which the amendment is consistent with all applicable Town-adopted plans.  
This amendment aligns to Town land use plans.
- 2) The extent to which there are changed conditions that require an amendment.  
The current zoning was discontinued and new zoning is required to renovate current buildings and/or develop property.
- 3) The extent to which the proposed amendment addresses a demonstrated community need.  
Renovating existing buildings will expand retail space on property for food service, which is a community need.
- 4) The extent to which the proposal is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.  
The Town's land use plan designates the land for commercial use and there are commercial properties adjacent to the land.
- 5) The extent to which the proposed amendment would result in a logical and orderly development pattern or deviate from logical and orderly development patterns.  
The Town's land use plan designates the land for commercial use and there are commercial properties adjacent to the land.
- 6) The extent to which the proposed amendment would encourage premature development.  
There is already commercial development in this area of the Town.
- 7) The extent to which the proposed amendment would result in strip or ribbon development.  
We are not proposing strip or ribbon development.
- 8) The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent or surrounding zoning districts.  
The Town's land use plan designates the land for commercial use and there are commercial properties adjacent to the land.
- 9) The extent to which the proposed amendment would result in significant adverse impacts of property values of surrounding lands.  
Further enhancement to our existing property will likely increase values of surrounding properties as our previous development efforts have.
- 10) The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.  
We do not expect environmental impacts. We are keeping the pond in tact.



TOWN OF  
**HILLSBOROUGH**  
 NORTH CAROLINA

## Zoning District Intent and Use List

**GENERAL COMMERCIAL DISTRICT (GC)** The purpose of the GC District is to accommodate a diverse range of retail, service, and office uses that provide goods and services to the residents and businesses in the community at large – e.g., shopping centers, convenience stores, and retail sales establishments. Performance standards shall be used to insure the absence of adverse impacts beyond the zoning district boundary.

By-Right

- Artisan Studio
- Bank & Financial Institution
- Bar
- Botanical Garden & Arboretum
- Building/Trade Contractor’s office
- Child Day Care
- Dwelling: Accessory
- Dwelling: Single-family
- Event Center
- Farmer's Market
- Food Preparation Business
- Funeral Home
- Gallery/Museum
- Health Care Facility
- Health/Fitness Club
- Hotels & Motels
- Library
- Meeting Facility
- Office operations
- Offices and professional services
- Park, Athletic or Community
- Park, Cultural or Natural
- Park and Ride Facility
- Parking as Principal Use, Surface or Structure
- Performance Facility
- Personal service business
- Pharmacy, Retail
- Postal and Parcel Delivery Services
- Public Safety Services

- Recreational Facilities
- Research Facility
- Restaurant
- Retail sales/rentals of goods with outside display/storage of merchandise
- Retail sales/rentals of goods within wholly enclosed structure
- School: Art & Music
- School: Dance, Martial Arts
- Storage & Warehousing: Inside building, excluding explosives & hazardous wastes
- Veterinarian/Animal Hospital

With a Special Use Permit

- Homeless Shelter
- Motor Vehicle Fuel Station
- Motor Vehicle Maintenance, & Service
- Motor Vehicle Repair
- Motor Vehicle Sales & Rentals
- Pharmacy, Convenience
- Public Utilities
- Restaurant, Convenience
- Telecommunication Tower
- Transmission Lines

As an Accessory Use with certain uses or with a Special Use Permit when not co-located

- Electronic Gaming Operation

**Ordinance No. 20230612-\_\_\_\_\_**

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

The following ordinance was introduced by Commissioner \_\_\_\_\_, and duly seconded by Commissioner \_\_\_\_\_.

**AN ORDINANCE ANNEXING  
CERTAIN CONTIGUOUS PROPERTY**

**WHEREAS**, a petition was received requesting the annexation of 16.43 +/- acres by the owner, Gatewood Property LLC, dated March 27, 2023;

**WHEREAS**, the Parcel Identification Numbers (PIN) for the requesting properties are 9875104533 and 9875009537;

**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 April 20, 2023 following notice of such hearing published in the News of Orange County on April 5 and 12, 2023.

**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:

Tract I: PIN 9875-10-4533, Containing 9.07 acres and being described as follows: Beginning at a point in the right- of-way of U.S. Highway 70 By-Pass, the southeast comer of the property of Byrd's Food Stores, Inc. as shown on the survey hereinafter referred to and running thence along the right-of-way of U.S. Highway 70 By-Pass South 77- 28-35 East 175.14 feet; thence South 77-04-45 East 731.91 feet; thence North 11-26-29 East 49.90 feet; thence feet; thence South 01-20-12 West 100.02 feet; thence South 00-18-11 West 591.25 feet to the point and place of beginning, consisting of 16.43 acres, more or less, as shown on the plat of the survey by Alois Callemyn (L-2544), dated October 16, 1987, entitled- property surveyed for Joseph D. Gatewood and M. K. Gatewood." Together with all rights of water and pipeline as shown in Deed Book 132, Page 398 of the Orange County Registry. LESS AND EXCEPT the 7.36 acre tract described in Deed Book 1251, Page 326.

Tract II: PIN 9875-00-9537 Containing 7.36 acres and described as follows: Beginning at a point in the right-of- way of U.S. Highway 70 By-pass, the southeast comer of the property of Byrds Food Stores, Inc. as shown on the survey hereinafter referred to and running thence along the right-of-way of U. S. Highway 70 By-pass South 77'26' 35" East 175.14 feet; thence South 77°04' 45" East 260.00 feet; thence North 00° 37' 05" 754.37feet; thence North 77° 50' 35" West 259.27 feet; thence North 78° 55' 00" West 174.28 feet; thence South 02° 39' 54" West 55.04 feet; thence South 01° 20' 12" West 100.02 feet; thence South 00° 18' 11" West 591.25 feet to the point and place of Beginning and being shown as Lot 1 on the survey entitled "Property Split/Property Survey for Joseph D. Gatewood" by Alois Callemyn, Land Surveyor, dated October 16, 1987. Together with all rights of water and pipeline as shown in Deed Book 132, Page 398, Orange County Registry.

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 12<sup>th</sup> day of June 2023.

Ayes:

Noes:

Absent or Excused:

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

SEAL

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

I, \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Official Seal)

\_\_\_\_\_  
Notary Public

My commission expires.

**Hillsborough Board of Commissioners Statement per N.C. Gen. Stat. 160D-605**

The Town of Hillsborough Board of Commissioners has received and reviewed the application of Gatewood Property, LLC to amend the Town of Hillsborough Official Zoning Map as follows:

Rezone approx. 16.43 acres at 220 & 300 US HWY 70E (PINs 9875104533 and 9875009537) from ESU (Entryway Special Use) to GC (General Commercial).

The Board of Commissioners 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 supports economic development in the community.

Adopted by the Town of Hillsborough Board of Commissioners this 12<sup>th</sup> day of June, 2023.

---

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 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 in the reasonable and in the public interest.
- Section 4.** The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone 7.36 ac PIN 9875009537 and 9.07 ac PIN 9875104533 from ESU (Entryway Special Use) to GC (General Commercial).
- Section 5.** The legal description of the parcel areas to be zoned GC is as follows:

Tract I: PIN 9875-10-4533, Containing 9.07 acres and being described as follows: Beginning at a point in the right- of-way of U.S. Highway 70 By-Pass, the southeast corner of the property of Byrd's Food Stores, Inc. as shown on the survey hereinafter referred to and running thence along the right-of-way of U.S. Highway 70 By-Pass South 77- 28-35 East 175.14 feet; thence South 77-04-45 East 731.91 feet; thence North 11-26-29 East 49.90 feet; thence feet; thence South 01-20-12 West 100.02 feet; thence South 00-18-11 West 591.25 feet to the point and place of beginning, consisting of 16.43 acres, more or less, as shown on the plat of the survey by Alois Callemyn (L-2544), dated October 16, 1987, entitled- property surveyed for Joseph D. Gatewood and M. K. Gatewood." Together with all rights of water and pipeline as shown in Deed Book 132, Page 398 of the Orange County Registry. LESS AND EXCEPT the 7.36 acre tract described in Deed Book 1251, Page 326.

Tract II: PIN 9875-00-9537 Containing 7.36 acres and described as follows: Beginning at a point in the right-of- way of U.S. Highway 70 By-pass, the southeast corner of the property of Byrds Food Stores, Inc. as shown on the survey hereinafter referred to and running thence along the right-of-way of U. S. Highway 70 By-pass South 77'26' 35" East 175.14 feet; thence South 77°04' 45" East 260.00 feet; thence North 00° 37' 05" 754.37feet; thence North 77° 50' 35" West 259.27 feet; thence North 78° 55' 00" West 174.28 feet; thence South 02° 39' 54" West 55.04 feet; thence South 01° 20' 12" West 100.02 feet; thence South 00° 18' 11" West 591.25 feet to the point and place of Beginning and being shown as Lot 1 on the survey entitled "Property Split/Property

Survey for Joseph D. Gatewood" by Alois Callemyn, Land Surveyor, dated October 16, 1987. Together with all rights of water and pipeline as shown in Deed Book 132, Page 398, Orange County Registry.

**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 12<sup>th</sup> day of June in 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk





## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Planning and Econ. Dev.  
Agenda Section: Regular  
Public hearing: Yes  
Date of public hearing: April 20, 2023

#### PRESENTER/INFORMATION CONTACT

Shannan Campbell, Planning and Economic Development Manager

#### ITEM TO BE CONSIDERED

**Subject:** Collins Ridge Master Plan Amendments – 2023

##### Attachments:

1. Draft Collins Ridge Master Plan Conditions – amended Oct. 12, 2021 and June 12, 2023 (if approved)
2. Master Plan Amendment Application
3. Draft Collins Ridge Master Plan Conditions Amendment Narrative Exhibit A (updated May 22, 2023)
4. Draft Collins Ridge Master Plan Amendment Exhibit Map (updated May 23, 2023)
5. Resolution amending the Master Plan Conditions

##### Summary:

The developer is requesting a handful of changes to the original Collins Ridge Master Plan conditions as a result of a change in developers, site conditions, and development conditions since the project was originally approved in 2017. Staff also had a handful of conditions to add and modifications to the original conditions that reflect best development practices in place now.

The developer and Planning Board discussed an additional condition that was not considered during the public hearing at their meeting on May 18, 2023. This is a new Condition under #8 c. to allow for payment in lieu of bringing Open Air Lane to the property line due to topography challenges and lack of construction easements on the Daniel Boone Square property. Additionally, utilities staff asked for a \$15,000 meter reading contribution to be converted to a \$15,000 sewer outfall.

##### Amendment Summary:

##### Staff added Conditions:

- #4.v. Landscaping- to indicate that landscaping cannot be planted in water/sewer easements and where there is a conflict a Type B intent buffer shall be planted;
- Conditions # 17 and 18 tying town dedication/acceptance of infrastructure to Phase 1 and Phase 2.

##### Staff Modified Conditions:

- #8 Street and Pedestrian Connectivity, c. d. e. & f. Tying zoning compliance permits and certificates of occupancy to phases instead of units for the construction of road improvements and the developer evaluating the stormwater system at Churton Street and James J Freeland Memorial Drive;

##### Staff Deleted Condition:

- Condition #8. i. due to redundancy and the 12 ac parcel now being dedicated to the town in Condition #6.a Town Park

Staff requests to further amend:

- Condition #9 Voluntary Contributions- to amend a \$15,000 contribution toward Utility Meter Reading Antennae over to a \$15,000 contribution to sewer flow monitoring equipment in this sewer outfall. The developer has agreed to this condition.

-----  
Developer added Conditions:

- Condition #16 Lot Width Variation to match current development pattern of SUP 1/Phase 1.
- 'Single Family Detached' to anticipated land uses for POD A and POD B.

Developer amended Conditions:

- Condition #3 Affordable Housing to modify the date the property will be transferred to CASA;
- Amended Condition #6 Community Amenities a. Town Park- by dedicating the 12.45 ac tract south of I-85 and the remaining .7 ac portion of the original public park site along Gold Hill Way to the town. f. Walking/Biking Trails- to allow grading and clearing within the 100' perimeter buffer.
- Condition #8 a. to allow for the alternative street cross section used in SUP1/Phase 1 to continue ton Open Air Lane and Lightfoot Lane in SUP 2/Phase 2.
- Condition #8 j. to acknowledge that NCDOT and NC Railroad redesigned projects that caused additional ROW dedication and modified the boundaries of PODS E and F.

Developer requests to further amend:

- Condition #8 c. to allow for payment in lieu of bringing Open Air Lane to the property line due to topography challenges. Town staff and the Planning Board have reviewed and amended the condition.

**April 20, 2023 Public Hearing Draft Minutes:**

- C. Collins Ridge Master Plan Amendments: Developer-requested amendments to certain Master Plan conditions of approval

Campbell said the Collins Ridge developers have submitted the plans for Special Use Permit 2. She said changes to the conditions of approval for the master plan are required before staff review continues. Campbell said she met with the developers the day before to clear up some questions and concerns ahead of the public hearing. She said the meeting helped generate staff suggestions for new and revised conditions, as well.

Campbell said one suggested condition relates to an original condition connected to the number of dwelling units. She said that approach is confusing and the number of units has changed as housing types have changed. She said another permanent access road needs to be constructed and staff would like to ensure the road is completed before home construction starts on the second special use permit. Campbell said staff would like project completion tied to the second permit so such items as road completion and town acceptance of public roads and infrastructure are completed before the last building permits are issued. She said this would prevent the developer from completing all the housing units and not completing other items that need to be done.

Laura Holloman with McAdams came forward to address the boards. She said McAdams is a planning and civil engineering firm working on the Collins Ridge development. She said the changes being presented would bring items up to the town's standards since this is an older project. Holloman said her firm has agreed to all the changes recommended by staff.

Commissioner Matt Hughes asked about an offer from the developer to donate about 12 acres to the town as park land. He said this arose from a road reconfiguration and railroad realignment that mostly consumed 2

previously designated acres. Hughes said acceptance of the 12 acres would help other town greenway plans. He also mentioned .7 acres of diminished park land that would remain from the original 2 acres for the planned park and asked what the developer would do with this parcel if the town did not accept it. Holloman asked the developer to provide the response.

Jonathan Cooper, entitlements manager for the developer D.R. Horton, clarified that two areas are being discussed as proposed park land – one for .7 acres and one for 12 acres that is on the other side of Interstate 85. He said the .7 acres is what would remain from the 2 acres previously set aside for a park for that section of development. He said changes that arose from some development land being taken for the railroad realignment caused the area to be reduced. The speaker said an outcome of the previous day's meeting was staff seemed to welcome receiving 12 acres and maybe the .7 acres as well. He said the original master plan also required the developer to provide right of way to Interstate 85 and he understood the town is planning to develop access across the interstate through an overpass for the greenway. Cooper said the donation of property could serve as a landing and would allow the trail that will run through the development to continue onto that side. He said if the developer kept the land, it could be sold to the homeowners, but there would be a question as to how to provide vehicle access since it is landlocked.

Chandler asked if the developer's intent is to donate the 12 and .7 acres. Campbell demonstrated the two areas on a map, for clarity. The representative said an avenue to donate both parcels to the town exists if there is interest.

Commissioner Mark Bell requested to structure the question-and-answer session to discuss the parks first and then return to the other items. Others agreed. Bell said the intersection at Churton Street and Interstate 85 is due for replacement in the near future, which could affect the proposed park area on the 12 acres. He said the area could have highway on both sides and the value to community members may be diminished.

Bell also asked for clarity on language about conveyance of the land in about 30 months or 2.5 years and asked when the land would be conveyed. The representative said that language refers to how long the town has to accept the property, but the land will be conveyed within 6 months once the town accepts the property. The developer said the language and timeline could be revisited and updated.

Bell said the Parks and Recreation Board should have input on whether the town should accept the land as a park.

Commissioner Robb English indicated the Parks and Recreation Board had discussed the park land dedication at its last meeting. He asked if Pod B will be the only pod without a park if the town accepts the land. The developer said pods E and F are affected by the railroad. He said the .7 acres could be a trailhead or combined with the town's adjacent train station area land. He said the pods will still have direct access to a park area.

Brad Rhinehalt with McAdams addressed the boards. He clarified that each pod needs a .25-acre park and said the developer wants to have the 12-acre parcel counted as the .25-acre park area for Pod F. He clarified that the required park area for each pod is not 2 acres but .25 acres.

Commissioner Evelyn Lloyd asked who will be required to maintain the parks once built. Cooper with DR Horton said the parks within the pods that are required by the master plan will be maintained by the homeowners association. He said areas donated to the town will be maintained by the town.

Lloyd asked if there would be a new map to reflect the changes caused by the railroad right-of-way acquisition. The developer said there will be a new map, but more changes that are being made through the process will need to be incorporated into it. Campbell indicated that she could get Lloyd a bigger, updated map.

Planning Board member Robert Iglesias asked at what point it will be determined whether the land is feasible as a park and what other use the land could possibly have. Campbell said due to the size and topography, the land will more likely be open space rather than a park. Planning Board member Alyse Polly, who also serves on the Parks and Recreation Board, said having enough space to do switchbacks to make the area wheelchair accessible is also a potential benefit and is a concern regarding the proposed Ridgewalk greenway and the landing area on the 12-acre parcel.

Cooper referred back to the .7-acre parcel and said while it may not be large enough to do a park, it abuts town owned property and could be recombined for broader use.

Casadonte asked for questions or comments related to the affordable housing portion of the development. Campbell said the developer is concerned about meeting a June performance date and is working with the nonprofit organization CASA to aim for an October date. She said it is still up in the air, but she wants to make the boards aware.

Casadonte asked if the affordable housing portion is still expected to be pad-ready in March of 2025. Cooper affirmed and said the date change is because the affordable housing location within the larger development needed to change per the negotiations with CASA. Weaver said she understood the reasons for the delay but encouraged remembering any expiration of low income housing tax credits for the project.

The discussion moved to street cross sections. Hughes said he and Efird had exchanged emails about Hughes' concerns about utilities and roads. He asked Efird if he had an update. Efird said part of the previous day's meeting was to discuss a punch list for Phase 1A. He said that discussion led staff to recommend the items be completed before moving into Special Use Permit 2. Hughes asked if there are any concerns about the inspections of the projects. Efird said part of the negotiations of the second permit is to have a requirement for third-party inspections.

Ryan Randall requested to ask a question during this item. He said he is a resident of one of the townhomes in Collins Ridge. Casadonte allowed the question. Randall said more parking is occurring on the street and the community is concerned there will not be enough parking when more homes are built. The representative for the developer pointed to a purple area on a map and showed that more on-street parking is planned in the vicinity of the townhomes.

The discussion moved to item 5 on lot width variation modification. Bell asked for clarification that this is simply a codification since the lot widths have already been approved. Rhineholt said this lot width variation modification was a waiver in the original special use permit, but waivers are no longer available per the UDO. He said the developer is not able to ask for waivers in the new special use permit, so they are requesting the variation modification as a condition in the Master Plan. He said since it was a waiver in the original special use permit, this is the way the project has been developed already along the way. Bell asked if staff is okay with this. Campbell indicated yes.

The discussion moved to Item 6 on grading and clearing for trails. Chandler said the request is to allow the developer to grade and clear within the buffer to facilitate the trail's construction. She said her concern is what that means and how many trees will be removed. She asked the representative to explain what was included in the italics of that section. She said she fears a lot of mature trees will be removed and replaced with young trees that will take 30 years to reach the same stage of growth. The representative said this is a clarification item. He said trails are allowed within the buffer, but the language in the Unified Development Ordinance doesn't allow them to run parallel in the buffer.

Campbell said that buffers may be crossed with trails. She pointed to an area on the plan where the developer is having a hard time with a 100-foot buffer and will need to enter the buffer to construct the trail because it is

on the property's periphery. She said the developer is still planning to do all the required planting within the buffer. Chandler asked if that means replacing older trees with younger ones. Hughes said he has a similar concern. The representative said the developer only intends to remove the trees necessary to install the trail. He said the exact location will depend on the terrain and the existing trees. Campbell showed the area where the trail is proposed on an aerial map and said not much tree coverage exists on the site since it has been mass graded. Ebird clarified that this is not a change to the developer's plans but rather an attempt to reconcile that the developer was previously approved to build a trail but was not allowed to work in the buffer to build it. Rhineholt said some of the area is very steep and some retaining walls may need to be built as a result. He said he had talked to the public space and sustainability manager about walking the area with her after surveying and modifying as needed. He said the developer will be fine with including language to that effect in the approval. Polly said she likes including this as well as minimizing tree removal.

The discussion moved to Item 7. The representative said the expected land use originally only had apartments and the area in question is the former CASA site. He said this request is to allow single-family homes to be included in the area. Weaver asked if this approval adds a higher number of single-family homes or if it only moves the different types of development around. She reflected on an earlier meeting with the developer regarding capping the amount of single-family homes. Rhineholt said Pod D was discussed in an earlier meeting attended by Weaver and it is not changing. He said this request is related to Pod A, which was not part of the discussion. Cooper said the request for the additional home type is still under the single-family cap. Johnston asked what is going into Pod D. Rhineholt said it will be market-rate apartments.

Casadonte asked for comments for the public hearing.

Shawn Flynn spoke first. He said he owns a townhome in Collins Ridge. He said that Collins Ridge Land Co., LLC, dissolved on Feb. 28 for failing to file an annual report and that the residents now have no name for the new developer. The representative said D.R. Horton is the developer and builder. Flynn directed a question to the boards about how they came to require the roads and utilities be tied to construction since the market and inflation can change the incentive to build. He said a lot of people already living in Collins Ridge would like to see stormwater improvements, completed roads, and the homeowners association eventually conveyed to them. He said that will not happen until all the development is completed and sold. Flynn asked what the thinking is among the boards for unit-based versus calendar-based requirements. He said there are not a lot of trees, and he encouraged the board members to see the site in person. He said a lot has changed in the last year, but there has not been a lot of construction recently. The latter fuels his concerns about the completion of the utilities and roads. He suggested Special Use Permit 2 may be a good place to take a break as the existing residents wonder what is next for them. Chandler asked Flynn to clarify whether his concern is about a certain type of development. Flynn said his concern is tying the completion of roads in areas of already completed homes to the completion of the remaining development since there may not be enough incentive for the remaining development to happen.

Campbell said that was the reason for the staff-initiated conditions that recommend connecting the completion of roads to the second permit versus to the completion of a certain number of homes. She said that the town really can do nothing to keep a developer from rotating between building projects in different locations and that the practice is relatively common. Campbell said staff is recommending withholding the last few building permits to make sure everything is done before the developer leaves. She also said the town holds bonds for situations where developers leave, and those funds could be used to ensure completion of the development.

Johnston asked if the development areas referred to as pods each have their own homeowners associations. Planning Board member Sherra Lawrence said Flynn is referring to the association now being managed by a third party and the residents not having a say until a certain number of homes are built. She also lives in Collins Ridge.

Campbell said the town does not become involved when the developer turns over the association to the homeowners. Cooper said until the town accepts the utilities and roads, they are the developer's responsibility. He said the developer cannot turn over anything until everything is up to the town's standards for approval. He said it is a common predicament when someone comes into a development early on, noting he is in the same situation in his own home in Wake County. Cooper said he understands the residents' positions. He said the most recent meeting with town staff was very positive and a move in the right direction for the developer to be able to convey as much as it can as soon as it can. He said the proposed updates prevent the developer from running into stopping points.

Casadonte asked Cooper if there is anything he could rely on regarding an update to the residents on when the roads may be completed. Flynn also asked that stormwater improvements be addressed due to existing issues. Cooper offered to exchange contact information with the resident.

Amanda Barbee spoke on behalf of CASA, the developer building the affordable housing portion of the project. She asked the boards to consider October over December for the targeted approvals due to the time and money CASA has invested in applying for the tax credits that could be lost if prolonged. She reiterated the need from CASA's perspective to not have the project approvals go into 2024.

Roseanne Maillie introduced herself as a resident of Collins Ridge. She asked if the updated map is available on the D.R. Horton website. The representative said it is not on the D.R. Horton site at this point, but it is on the town's website. Maillie asked what park she will have and where it will be. The representative said the map does not change any parks that have been built. He said the only park it changes is for an area that has not been constructed yet. Maillie asked when the trail will be done. The representative said a big part of the trail was changed by the railroad right of way. He said once all the approvals are finalized, the developer can begin to evaluate the construction of the trail. Campbell said the condition says Dec. 31, 2027, is when the trail has to be built and turned over to the town. Maillie asked for confirmation that the byway mentioned to cross the interstate would extend the trail. Several board members confirmed it will eventually but that it is a town project. Polly said the estimate for building the Ridgewalk Greenway is maybe another 10 years. Lawrence clarified that the greenway will extend through Collins Ridge and other neighborhoods, as well. The developer's representative said the Collins Ridge neighborhood likely will have the greenway before other areas.

Campbell asked Randall to speak again about the parking concerns for the townhomes so his comments could be captured with the other public comment. Randall said some of the townhomes have only one garage, so people are parking on the street. He said there is concern that as more of these homes are built, more cars will be parking on the street, potentially causing a problem in emergency situations. Randall said there does not seem to be an opportunity for more general use parking. He said the issue was brought up in homeowners association meetings and there did not seem to be a good mechanism for resolving the problem. Hughes asked for a response from staff since the homeowners association will not be able to regulate the street parking once the roads are turned over to the town. Campbell said once they are town roads, areas of no parking can be designated on one side of the street if there is a safety issue. She said staff can discuss with the developer about having small visitor parking pads in the townhome area or overflow parking in Pod D.

Rhinehalt said the developer has been or intends to place no parking signs on one side of the street. Randall said there is already an issue with the existing number of residents when construction vehicles are in the area. Rhinehalt said the developer has added additional parking for Special Use Permit 2, but street parking is also a part of the long-term plan.

## **May 18, 2023 Planning Board Recommendation Draft Minutes:**

C. Collins Ridge Master Plan Amendments: Developer-requested amendments to certain master plan conditions of approval

Campbell displayed a summary of staff recommendations for changes to the Collins Ridge Master Plan with explanations for each. She said staff also added an amendment to have the developer contribute \$15,000 towards sewer flow monitoring equipment rather than towards a utility meter reading antenna, as originally requested.

Campbell explained the developer had added one condition and amended several others. The developer also had asked for a condition after the public hearing, which was permission to post a payment in lieu so that if the developer can't extend Open Air Lane to the property line because of topography, then a payment can be made instead. She explained the developer needs to stop construction of Open Air Lane before the property line to avoid grading on neighboring property and the developer needs a construction easement to grade on the adjacent parcel.

Iglesias asked if there was previously an exit or entrance at the location. Campbell said there was not, but when the adjacent Boone Square property is redeveloped, this would be an ability to tie in so there's more connectivity between Churton Street businesses and the Collins Ridge neighborhood. The amendment would be to create an easement for the town to build the connection or for the redevelopment company that does Boone Square to make this connection with town reimbursement from the payment in lieu funds. When asked by the town attorney if staff had a formula for payment, Campbell said 125% of the engineer's estimate is used for sidewalk payment in lieu, with 25% intended to account for inflation.

Town Attorney Bob Hornik noted the Boone Square developer would have the right to make the connection. Johnston asked if the redeveloper of Boone Square could decline to make the connection. Hornik said the town could require the connection as a condition for approving any plan submitted. Campbell added that the town would probably require it for the connectivity.

Salvi said the developer wants to pay the town in lieu of doing the work themselves, but the board doesn't know if the cost will be more than the estimate. Campbell explained the 125% formula is meant to ensure the amount fully covers the cost, adding the board could recommend raising it to 150%.

Casadonte noted that there's currently nothing for Open Air Lane to connect with. Johnston pointed out that the original plan had this connection, and there was nothing to connect when the plan was written.

Polly said it could be many years before Boone Square is redeveloped and that 125% or 150% may not be enough to keep up with inflation. Giglia said the developer wouldn't be asking to make a payment in lieu unless they thought it would save them money, so the board should stick with the original plan. Others agreed.

Casadonte asked the applicants if they'd like to speak.

Brad Rhinehalt, engineer for McAdams, said the topography was very challenging and that Open Air Lane was a road to nowhere until the adjacent property is developed. He added that the applicant could be held hostage by the adjacent property owner because the adjacent property owner can ask whatever they want for a construction easement to grade.

Polly said she felt sure the town was going to have the connection built because connectivity is a high priority for the town, but that 15 to 20 years from now, it may cost more than 150% of today's estimate.

Hornik asked if the developer had approached the adjacent property owner about an easement. Otherwise, he said, this could be a premature conversation.

Johnston asked if the developer was not aware of the topographical issue earlier, and Rhinehalt explained they were not the original developer.

Casadonte asked the developer to answer Hornik's question regarding discussions with the adjacent property owner about an easement. D.R. Horton representative Jonathan Cooper indicated that he did not know. He added that uncertainty about the adjacent development left the question very open.

Salvi agreed the conversation was premature.

David Bergmark, senior planner for McAdams, explained the applicant was in the middle of modifying their request and trying to look ahead to potential problems. He noted many jurisdictions have a payment in lieu built into their code for situations like this, which allows relief when the adjacent property owner will not accommodate. Because Hillsborough's code doesn't have that built into it, the developer is trying to build that in now so that if the developer finds the adjacent property owner isn't reasonable, the developer doesn't have to come back to the board to modify the master plan again to address this one issue.

Johnston asked if there was a way to modify this amendment so that if an easement dispute comes up that can't be resolved, it then reverts to a payment in lieu of a certain percent, which would save the applicant the trouble of coming back to the Planning Board.

Giglia asked if this arrangement would require the town to make the connection. Campbell said no, the town would either make the connection or use payment in lieu to pay the Boone Square owner/developer to make the connection.

Casadonte noted the board didn't know what a reasonable cost for the easement was. Polly said she didn't want the town to spend more than it needed to.

Rhinehalt said municipalities typically pay the payment in lieu amount to the other developer and not more. Bergmark said if anyone gets shortchanged, it's the other developer.

Polly asked about the typical standard practice for the town. Campbell said the town doesn't allow payment in lieu for construction of streets, unless there's a condition that allows it. The current payment in lieu option in Hillsborough is only for sidewalks.

Polly asked what would happen if the cost were higher than the payment in lieu. Hornik said the developer of the adjacent property would pick up the shortage. Polly asked what would happen if the estimate is too high. Hornik said in that case the town would have to reimburse the difference.

Johnson asked if there was a scenario in which the cost falls back on the town. Hornik said if the adjacent property is never redeveloped, the town would have to pay for the connection if it was desired. Campbell added that if the redeveloper of Boone Square found the cost is astronomical, they could ask the town to waive the requirement that they make that connection as a condition of their development plan.

Casadonte asked if the applicant is granted an easement by the adjacent property owner, would they be obligated to build at their cost when that property's redeveloped. Hornik answered the applicant would have to build the connection.

Bergmark noted if the board approves the request, the board would be allowing the applicant in the future the ability to ask for payment in lieu. They would approach the other property owner. If an agreement about the



easement is reached, they would make the connection; if not, they would be allowed to make a payment in lieu based on an estimate of the cost today.

Iglesias asked, by agreeing to this, if the board is committing the town to accepting payment in lieu.

Hornik said if the town agrees to the fee in lieu now, what is the applicant's incentive to try to get the easement? Rhinehalt said the board can add a clause requiring proof that the developer approaches the adjacent property owner about an easement for a reasonable amount. Casadonte asked what is a reasonable amount. Hornik suggested the appraisal be done by a third party to determine if it's reasonable.

Giglia asked if the easement or the topography is the issue. Hornik explained that the topography requires the construction easement.

Casadonte noted worries among board members about the town incurring extra costs. Rhinehalt said he'd never heard of a municipality incurring extra costs in this situation.

Concern was expressed about the town never getting the payment in lieu until the connection is made. Campbell noted that the town would collect payment in lieu before approving the special use permit tied to Open Air Lane.

Polly suggested the applicant talk with the adjacent property owner and determine whether a payment in lieu would be needed. If the cost of an easement is unreasonable, the applicant would pay for an appraisal to determine if it's reasonable; if not, they would then make a payment in lieu of 150%.

Salvi suggested the process should stop at the appraisal and she clarified for Campbell that the applicant should come back to the Planning Board after the appraisal. The applicant explained that they were making the request now so they don't have to come back, which would delay approval of the project.

Campbell summarized the points made thus far. She said the board would recommend the developer approach the Boone Square owner and ask for necessary easements to construct the road to the property line, and an appraiser would determine whether the cost of the easements was reasonable.

Johnston said that 125% was stipulated in the town ordinances for payment in lieu for sidewalks and that 150% seemed capricious. There was discussion about the right percentage. Campbell said 150% was not unheard of. Hornik noted the board would just be making a recommendation to the town board, which would know the Planning Board debated the percentage.

Casadonte asked if the board had articulated all the stipulations they thought would be appropriate for this condition.

Giglia asked what if the redeveloper of Boone Square refused to build the connection. Hornik said the town could require the Boone Square owner to build it as a condition for approving their development plan.

Casadonte summarized the conditions discussed: if the adjacent property owner's offer for granting an easement is deemed unreasonable, the board would require a third-party appraisal. If the appraisal confirms the applicant's assessment, the town would allow the applicant to make a payment in lieu. The town would then require the property owner of Boone Square to build the connection using the payment in lieu funds. Casadonte asked the applicant if they accepted these conditions. They agreed.

Motion: Johnston moved that the board recommend to the Hillsborough Board of Commissioners a four-step plan: (1) the developer will reach out to the Boone Square property owner about the

easement; the developer will either (2) accept the offer and build the connection or (3) refuse the offer and get an independent appraisal; (4) if the Boone Square owner's estimate for the easement is unreasonable, the developer will be allowed to make a payment in lieu of 150% to the town. Schultz seconded.

Vote: 7-0.

**Financial impacts:**

Low.

**Staff recommendation and comments:**

None.

**Action requested:**

Approve, approve with conditions or modifications, or deny the request.

## **COLLINS RIDGE**

### **CONDITIONS OF APPROVAL (AMENDED 10/11/2021 [& 06/12/2023](#))**

#### **Statement of Intent Applicable Generally to the Master Plan**

Collins Ridge Master Plan (“Collins Ridge”) is proposed to provide a residential community with a mix of housing styles designed to comply with the Town of Hillsborough’s (“Town”) Future Land Use Plan, respect the visual character of its site, minimize environmental impacts and maximize water and energy conservation principles. This proposal meets the requirements of the Future Land Use Plan, which designates the property subject to the Collins Ridge Master Plan for “Mixed Residential Neighborhood”. Further, Hillsborough Vision 2030 encourages development that is compatible with the special character of Hillsborough. Collins Ridge strives to be an integral part of the unique Town of Hillsborough.

The site is situated between Highway 70 to the north, the North Carolina Railroad to the east and north, I-85 to the south and South Churton Street to the west. The property subject to the Collins Ridge Master Plan is well-located to provide a mix of residential land use designed to support existing and planned retail and other commercial land uses on the Daniel Boone property, and the nearby rail station and community park.

To the extent not specifically addressed in the Collins Ridge Master Plan, or otherwise required by the Town Unified Development Ordinance to be addresses as a part of the Special Use permit process, the developer of the Collins Ridge project, its successors and assigns, shall explain specifically the manner in which the design for improvements on each Parcel address the following issues at the time that application for Special Use Permits are submitted to the Town for each Parcel depicted in Collins Ridge Master Plan: (1) site lighting; (2) whether and how on-street parking should be accommodated; (3) emergency vehicle access to the site; (4) buffering between different land uses; and (5) street design within the parcel; (6) connectivity (vehicular and pedestrian) within the parcel and among neighboring parcels; (7) building and site design on the site; (8) location, specific design, and timing of construction of recreation features and amenities; signage for and within parcels, including location and design; (9) compliance with applicable stormwater regulations applicable to the parcel and/or to the Property as a whole; (1) buffers and setbacks within parcels .

#### **General Conditions Applicable to the Entire Project**

1. Land Uses. The following land uses shall be permitted within Collins Ridge, and all uses shall be permitted on all Parcels:
  - Dwelling;
  - Dwelling, Attached, including Townhomes and other attached dwellings (all uses in this category may be traditional, age-restricted and age-targeted dwellings);
  - Dwelling, Multi-family, including Condominiums and Apartments dwellings (all uses in this category may be traditional, age-restricted and age-targeted dwellings)

- Dwelling, Single-family Detached;
- Attached and detached garages;
- Community Garden;
- Park, Athletic or Community;
- Park, Cultural or Natural;
- Park, Neighborhood;
- Passive Recreation Area;
- Public Utilities;
- Private Utilities, including stormwater and erosion control devices;
- Public and private streets, private alleys, sidewalks, trails, and paths;
- Recreational Facilities;
- Community pool, Community Center, tennis courts, volleyball courts and other recreational amenities generally associated with residential communities;
- Health/Fitness Club for exclusive use of Collins Ridge residents, and operated by developer or one or more homeowner’s associations; and
- Any and all other uses ancillary to or supportive of a residential subdivision.

2. Density: No more than 950 dwelling units, plus a minimum of 60 and a maximum of 88 Affordable Housing Units, shall be permitted on the property subject to the Collins Ridge Master Plan.

3. Affordable Housing. The Collins Ridge Master Plan provides for a range of housing types at varying price points. The availability of single-family homes, townhomes and multi-family units is naturally conducive to affordable housing as these varying home types and sizes will appeal to residents with a range of incomes and housing needs.

In order to provide additional opportunities for housing for Low-Income Households (“Affordable Housing”), as defined by the North Carolina Housing Coalition below, the developer shall offer to donate and convey without charge at least three (3) acres of land available to support eighty-eight (88) multi-family dwellings to CASA or its assignee at a mutually agreeable location with a deed restriction ensuring the property will be used for Affordable Housing for Low-Income Households (“Affordable Housing Property”). Specifically, the deed into CASA for the Affordable Housing Property shall require each of the following: (i) the parcel be used for a minimum of sixty (60) and a maximum of eighty-eight (88) Affordable Housing units, including but not limited to Veterans with Disabilities; (ii) CASA, or its assignee, shall accept all types of rental subsidies; (iii) CASA, or its assignee, will apply for federal and/or state funding for construction within two (2) years of receipt by CASA of fee title to the property; (iv) that CASA will use its best efforts to obtain funding for construction of rental units as described above; and (v) if CASA has not received at least one building, grading or other related construction permit on the fifth (5th) anniversary of the date CASA takes ownership of the Affordable Housing

Property, ownership of the parcel shall, at the Town of Hillsborough’s formal written request and at no cost to the town of Hillsborough, be transferred to the Town of

Hillsborough. The Developer shall provide the Town with a copy of the recorded deed of the property conveyed to CASA within thirty (30) of recordation on the deed.

The developer and CASA may agree to a different location (as generally depicted on the attached sketch plan) for the Affordable Housing Property outside the boundary of Collins Ridge as shown on the current Collins Ridge Master Plan if such location better meets the criteria of the Low-Income Housing Tax Credit program. In that event, the declaration of restrictions and covenants for Collins Ridge must specifically and irrevocably include the substitute location so residents of the Affordable Housing Property have full rights as if they were residents within the Collins Ridge. Deed restrictions shall also be applied to the substitute parcel to ensure the conditions listed in paragraph 2 above, the commitment of CASA or its assignee to pay a fair share of the assessments and dues to the association, and the commitment of CASA or its assignee to participate and maintain membership in the association.

The developer of Collins Ridge, and its successors or assigns, shall ensure that the Affordable Housing Property, whether on-site or off-site, has vehicular and pedestrian access to public streets and on-site access to all public utilities that are available to the remainder of the Collins Ridge Community. The design and location of such vehicular and pedestrian access must be approved by the Town under the specified review process at the time of review. CASA or its assigns commits that the design of amenities and landscape features on the Affordable Housing Property shall be consistent with and of quality and quantity equal to all other parcels in Collins Ridge. The Affordable Housing Property shall be conveyed to CASA at no cost by- ~~October 31, 2023. December 31, 2021.~~ (Condition amended 6/12/2023)

The developer of Collins Ridge shall ensure that the Affordable Housing Property to be conveyed to CASA (or its assignee), or to the Town of Hillsborough in the even that CASA has not received its first construction permit by the fifth anniversary date of the date CASA takes ownership of the Affordable Housing Property, shall be fully integrated into the Collins Ridge Community so that residents of Affordable Housing units shall have access to all amenities in Collins Ridge on the same basis and to the same extent as all other residents of Collins Ridge.

CASA, or its assignees, shall be responsible for constructing, managing and maintaining the dwelling units, including submitting and obtaining development approval for development of the site.

The definition of the term “Low-Income Households” is derived from the North Carolina Housing Coalition and set out in its entirety below.

**Low-Income Household(s)** – Household(s) whose income does not exceed Eighty Percent (80%) of the median income for the area as determined by HUD. (Condition amended 10/11/2021)

4. Conservation Measures. The following conservation measures shall apply to the property within the Collins Ridge Master Plan:

- a. All dwelling units shall be constructed with Energy Star Appliances, with the exception of ovens, ranges and microwave ovens which are not rated by Energy Star at this time.
- b. To encourage water conservation, all dwelling units shall be constructed with WaterSense Certified High Efficiency Toilets (1.28 GPF), or equivalent.
- c. To ensure compliance with the North Carolina State Building Code, each application for a certificate of occupancy for a home subject to the One or Two Family Building Code, shall submit a photograph or copy of a certificate confirming that the dwelling unit has passed a blower door test or a duct leakage test.
- d. Solar panels will be offered as an option at the time of purchase for all single-family home and townhomes within Collins Ridge Community. Solar panels will be available to apartment developers at the time of construction.
- e. Landscape materials planted within street rights-of-way, in open space or in common areas shall meet the following requirements:
  - i. Planting shall be made in accordance with the requirements and specifications of the Town’s Administrative Manual. Plant materials shall be chosen to thrive based on their exposure to sun, wind, and soil conditions.
  - ii. All landscape beds shall provide a 3” layer of mulching material.
  - iii. Plants shall be grouped according to water needs, or “hydrozones,” to limit overwatering.
  - iv. All landscaping in the public right-of way shall be maintained by the Developer or by a property owners’ association for the Collins Ridge Master Plan Property, and/or for the Parcel within which the landscaping is situated.
  - ~~iv~~v. Landscaping shall not be planted within public water or sewer utility easements. Due to an existing utility easement and sewer infrastructure in place along the western boundary of Collins Ridge, the applicant shall be permitted to install a modified Type A1 buffer in Phase 2 between Open Air Lane and Gold Hill Way. The planting rate for the Type A buffer will be modified to include 10 mid-sized or small shrubs per 100 linear feet of buffer. All shrubs used will be of a species that will provide a visually opaque screen of at least six feet and deter pedestrian access through the buffer. (Condition amended 6/12/2023)
- f. Installation of landscaping on residential lots as a part of the initial construction process shall meet the following requirements:
  - i. Planting shall be made in accordance with the Town’s Administrative Manual. Plant materials shall be chosen to thrive based on their exposure to

sun, wind, and soil conditions.

- ii. All landscape beds shall provide a 3” layer of mulching material.
- iii. Plants shall be grouped according to water needs, or “hydrozones,” to limit overwatering.

- 5. Open Space. At least ten percent (10%) of the property that is subject to the Collins Ridge Master Plan shall be open space.

6. Community Amenities. The following amenities shall be provided:

a. ~~Town Park.~~ ~~The developer shall offer to dedicate to the Town of Hillsborough at least two (2) acres of land generally as shown on Exhibit 9, entitled Master Plan Collins Ridge, within thirty (30) days of purchase of the property subject to the Collins Ridge Master Plan by Caruso Homes. The developer shall dedicate to the Town of Hillsborough a 12.45 ac tract, south of I-85, and as shown in the Master Plan Amendment Exhibit Map dated 5/26/23 as ‘New Park Location’ to satisfy the original 2-acre Town Park dedication requirement, within 24 (twenty-four) months from the date of this approved Master Plan amendment.~~

---

The developer also shall dedicate to the Town of Hillsborough the remaining .7 ac a portion of the former proposed 2-acre public park site along Gold Hill Way within 24 (twenty-four) months from the date of this approved Master Plan amendment. (Condition amended 6/12/2023)

b. Community Center. The developer shall construct a community center building at least 3,000 square feet in size, including at least one meeting room, a catering kitchen, an outdoor swimming pool at least 2,500 square feet in size, two tennis courts, restroom/changing rooms and twenty (20) parking spaces to serve the townhome and single-family homes. The Community Center tract shall be at least 3 acres in size. The Community Center shall be completed prior to the issuance of a certificate of occupancy for the 300th townhome and/or single family detached home in Collins Ridge (it being the intent that apartment units are not counted for purposes of this subparagraph because apartment units will have some recreational amenities incorporated into their design as required by subparagraph d below).

c. Neighborhood Parks. The developer shall construct at least six (6) neighborhood parks one (1) within each of the six Parcels (A-F) in Collins Ridge Community. At least three (3) of the neighborhood parks shall include fenced children’s playgrounds. Each park shall be at least one-quarter (1/4) acre in size. The timing of the construction and completion of the required neighborhood park within each parcel shall be determined during the special use permit process that Parcel. Neighborhood parks may be provided in combination with Recreational Amenities in Apartment Complexes. Although the general location of neighborhood parks are shown on Exhibit 9, entitled Proposed Master Plan, the final location of each neighborhood park shall be determined during the Special Use Permit review and approval process for the Parcel in which each park is located.

d. Additional Recreational Amenities for Apartment Complexes. Each apartment complex shall provide at least one (1) additional recreational amenity, such as a swimming pool, playgrounds, play field or play court, as a part of the apartment complex. Neighborhood Parks may be provided in combination with Recreational Amenities in Apartment Complexes.

e. Sidewalks. Sidewalks meeting Town of Hillsborough standards shall be provided on



both sides of all public streets. At least 9,600 linear feet (1.8± miles) of public sidewalk shall be provided within Collins Ridge.

- f. Walking/Biking Trails. The developer shall construct at least 6,000 linear feet (1.1± miles) of walking/biking trails, in addition to sidewalks. Walking/biking trails shall be constructed generally as shown on the "Collins Ridge Multi-Use Path Map", dated October 1, 2021 and part of the October 11, 2021 amendment to the master plan. The final path alignment shall be shown on construction drawings reviewed and approved by the Town of Hillsborough prior to trail development. The developer and the Town

may agree to minor trail location modifications that provide a superior product for the town prior to development. Walking/biking trails shall be at least ten feet (10') wide and constructed of asphalt in accordance with Town of Hillsborough greenway standards, including the Access Board Guidelines. Walking/biking trails located within the perimeter buffer of Collins Ridge shall be dedicated to the Town of Hillsborough and accepted by the Town of Hillsborough for maintenance. This trail shall be constructed and ready for dedication prior December 31, 2027. (Condition amended 10/11/2021) In order to provide the required walking/biking trails the developer shall be permitted to grade and clear within the 100' perimeter buffer as needed to facilitate construction of the proposed multiuse path, including construction of retaining walls and boardwalks needed due to grade and topography. Developer shall still be responsible for the adherence to all applicable buffer planting requirements. (Condition amended 6/12/2023)

- g. Bicycle Racks. In order to encourage the use of bicycles within the community, the developer shall provide at least twelve (12) total Bike Rack Stations located at the community center, apartment complexes, parks and transit stops throughout the Collins Ridge Community. Each Bike Rack Station shall contain parking for at least six (6) bicycles.
  - h. Transit/Bus Stops. The developer shall provide easements to the Town of Hillsborough, or to Go Triangle or another public entity which provides public transportation services in the area, for at least three (3) transit stops measuring at least twenty feet by fifteen feet (20' x 15') (the specific design and location of each transit stop shall be determined during the Special Use Permit review and approval process for the Parcel within which, or adjacent to which, the transit stop is to be located) prior to issuance of the first certificate of occupancy for the first dwelling unit in the Parcel associated with the transit stop. The developer shall install a bench (to be designed and installed in accordance with approved Town of Hillsborough standards) at each transit stop location. Although the general location of transit stops are shown on Exhibit 9, entitled Proposed Master Plan, the transit stops may be relocated during the Special Use Permit process for that Parcel to another location along the main spine road.
7. Public Water and Sewer. All property subject to the Collins Ridge Master Plan shall be served by public water and sewer subject to availability of capacity in accordance with the terms of a Water and Sewer Agreement to be negotiated between Collins Ridge and the Town.
8. Street and Pedestrian Circulation. The following streets and pedestrian walkways shall be provided within the Collins Ridge Master Plan:
- a. Streets within the Collins Ridge Master Plan shall be built to the standards shown on Exhibit 13 of the Collins Ridge Master Plan, entitled "Proposed Street Sections". Developer shall be permitted to apply alternative street cross sections to match those that were approved as part of the 'Collins Ridge Revision to Special Use Permit Drawings- Phase 1' dated December 8, 2017 (SUP 1) along Open Air Lane, -and Lightfoot Lane, Gold Hill Way, Poet Pointe, and Flat Ford Road as shown in the Master

Plan Amendment Exhibit Map dated 5/26/23. (Condition amended 6/12/2023)

- b. The street network shall be designed to provide interconnection between and among the various parcels that make up the Collins Ridge Master Plan.

c. Cul-de-sacs shall not be permitted on the public streets within the Collins Ridge Master Plan except for “stub” streets and any town required turn-arounds. Open Air Lane shall be permitted to “stub” short of the Collins Ridge western property boundary (but shall be constructed as closely as feasible without requiring off-site easements) with a payment in lieu of construction paid to the Town of Hillsborough for the unconstructed portion of Open Air Lane if the following steps are taken:

- The developer shall reach out to the adjacent property owner (Boone Square Incorporated) to negotiate purchase of easements needed to support construction of Open Air Lane to the Collins Ridge western property boundary.
- If said negotiations do not result in an agreement for easement acquisition (negating the need for a payment in lieu request), the developer shall obtain a Third-Party appraisal for the fair market value of the easements and provide the Town with evidence of their easement purchase offer (meeting or exceeding fair market value), a copy of the appraiser’s report, and an engineer’s estimate of the construction cost to complete the unconstructed portion of Open Air Lane.
- A fee in lieu payment in the amount of 150% of the engineer’s construction estimate (to be reviewed and verified by Town of Hillsborough staff) shall be provided prior to final plat approval of this phase. The acceptance of this fee in lieu payment does not negate the developer’s responsibility to dedicate necessary Right-of-way to the property line and provide any necessary construction easements within Collins Ridge to support the future connection of Open Air Lane.

~~e. The developer shall provide an engineer’s estimate for the unconstructed portion of Open Air Lane and shall pay a fee in lieu in the amount of 125% of the engineers estimate to the Town of Hillsborough prior to platting. Furthermore, the developer shall dedicate right of way to the property line and any construction easement (within the developer’s property) necessary to support the future connection of Open Air Lane at the time of development by the adjacent property owner. These easements shall be provided via the recorded plat for this phase.~~

~~d.c.~~ Prior to the issuance of the first Special Use Permit in the Collins Ridge Master Plan property, the developer shall secure an irrevocable legal right to provide a second permanent vehicular and pedestrian access point in a location acceptable to the Town’s consulting traffic/transportation consultant and to NCDOT, connecting the main north-south “spine” road on Collins Ridge Master Plan property to Churton Street in Phase 2 of the Collins Ridge Master Plan generally as shown on Exhibit 11, entitled Phasing Plan, in addition to the primary access shown on Proposed Collins Ridge Master Plan map from Orange Grove Road. The second permanent access does not need to be constructed at the time of issuance of the first special use permit in Collins Ridge. The second permanent access must be constructed and available for use prior to the issuance of a zoning compliance permit for the first dwelling unit within SUP 2/Phase 2. of the certificate of occupancy for the 451<sup>st</sup> dwelling unit within Collins Ridge.

~~e.d.~~ The developer shall be permitted to construct 450 dwelling units within Phase I of Collins Ridge Master Plan generally as shown on Exhibit 11, entitled Phasing Plan, provided that the following access points are constructed: a permanent access from Orange Grove Road into Collins Ridge (as currently contemplated by NCDOT TIP Project No. U-5848) and a second temporary access through the power line easement to Churton Street at least twenty feet (20’) wide and graveled in accordance with Town Standards. The developer shall be required to maintain the secondary temporary access easement in good condition, satisfactory to the Town of Hillsborough Fire Marshall, the Town of Hillsborough Police Department and the Fire Department serving the Collins Ridge Master Plan property. Should the Developer fail to adequately maintain the easement, then the Town may suspend the issuance of permits or certificates of occupancy for new dwelling units until the condition of the temporary access easement is restored or until another secondary access acceptable to the Town has been provided.

~~f.e.~~ Prior to the issuance of the zoning compliance permit for the 751<sup>st</sup> first dwelling unit in SUP 2/Phase 2, the developer shall install the 2018 road improvement recommended in Section X entitled “Recommendations” of the CRTIA unless these improvements are required to be installed earlier by the North Carolina Department of Transportation. (Condition amended 6/12/2023)

~~f.~~ Prior to the issuance of the final 5 (five) Certificates of Occupancy for SUP 2/Phase 2 zoning permit for 950<sup>th</sup> dwelling unit, the developer shall install the 2022 road improvements recommended in Section X entitled “Recommendations” of the CRTIA unless these improvements are required to be installed earlier by the North Carolina Department of Transportation.

As part of these improvements the stormwater system at Churton Street and James J. Freeland Memorial Drive shall be evaluated for correct sizing and brought up to

~~g.~~ Town standards along with the requirements of the TIA Phasing Letter from NCDOT dated February 4, 2017 for Phase 2 (2022- full build out). (Condition amended 6/12/2023)

~~h.g.~~ The developer shall submit construction drawings to the Town for review and approval prior to commencement of construction of the public spine street for Collins Ridge which is generally depicted on Exhibit 12 (“Connectivity Plan – Collins Ridge”). The

spine street shall be completed up to the point of secondary temporary access easement as described in Section 8(e) prior to the issuance of any certificate of occupancy in Collins Ridge. The timing of construction and completion of the remainder of the spine street shall be determined during the special use permit process for each Parcel located south of the temporary access easement (Parcels B, C, D and E). The public spine street generally as shown on Exhibit 12, entitled Connectivity Plan Collins Ridge, shall be constructed within at least a fifty-nine foot (59') right-of-way along the common

boundary line of Parcels D and E ending in a stub one hundred feet (100') from the right-of-way for Interstate 85 for the purpose of construction by the Town of Hillsborough of a public street to the south and across Interstate 85 connecting to the existing street network prior to the issuance of a building permit in Parcel D. In addition, the developer shall reserve a strip of land at least fifty-nine (59') feet wide from the end of the public spine street to the right-of-way for Interstate 85 until the issuance of a building permit in Parcel D for the Town of Hillsborough to be used as right-of-way for a possible crossing of Interstate 85. The applicant shall not be required to construct a street within this reserved strip of land, nor shall the applicant be required to install a bridge, tunnel or other crossing over or under Interstate 85.

~~i. The developer is the owner of an approximately 12 acre parcel of land (the "Southern Parcel") on the south side of Interstate 85, lying generally between Interstate 85 and the Old Mill Business Park and the Beckett's Ridge development. The developer agrees to reserve and to make available to the Town at no cost for a period of ten (10) years from the date of issuance of the first certificate of occupancy in Collins Ridge, a sufficient area of land on the Southern Parcel to accommodate pedestrian and bicycle connectivity to the strip of land reserved by the developer at the southern end of the "spine street" referred to in subparagraph h above. The Town may extend the reservation period by up to five (5) additional years at no cost provided that (i) the Town has a plan in place to connect the bicycle and/or pedestrian amenities in Collins Ridge with the Southern Parcel within said five (5) year extension period, and (ii) the Town notifies the developer in writing of the Town's intention to extend the reservation term prior to expiration of the initial ten (10) year period.~~

~~The developer shall work with the Town to determine the location and specific design details of the area reserved pursuant to this condition, toward the end of facilitating pedestrian and bicycle connectivity between development south of Interstate 85 and the public rights of way, sidewalks, greenways and trails in Collins Ridge.~~

j. The developer acknowledges that the North Carolina Department of Transportation ("NCDOT") engaged in redesign is currently in the process of reviewing/designing projects along South Churton Street and along the North Carolina Railroad line adjacent to, and running generally north and east of, the Collins Ridge property. The developer shall coordinate its development plans to the maximum extent practicable with the NCDOT to facilitate compatible design and construction. Nothing in this condition shall be deemed a requirement by the Town for the developer to convey any right of way to NCDOT or to the North Carolina Railroad. This design process resulted in additional ROW dedication along the eastern boundary of POD E and POD F, effectively reducing the boundary of each POD from what was originally planned and represented in Exhibit 9. (Condition amended 6/12/23)

9. Voluntary Annual Contributions. The developer shall make the following voluntary contributions to equitably offset the initial impact of the Collins Ridge project upon the Town's obligation to provide public utilities, police and fire protection, taking into account the improvements and other benefits provided by the Collins Ridge project:

**Public Safety Capital Contribution:** Three (3) annual contributions totaling \$235,440.00 shall be made to the Town of Hillsborough to defray the cost of providing public safety services to the property subject to the Collins Ridge Master Plan. The developer shall make

an initial contribution of \$78,480.00 within thirty (30) days of approval of the first Special Use Permit on property subject to the Colling Ridge Master Plan. Thereafter, contributions of \$78,480.00 shall be made annually on the anniversary date of the initial contribution for a total contribution of \$235,440.00.

To secure payment of the voluntary contributions described above, the property owner shall provide an irrevocable letter of credit issued by a financial institution acceptable by Town of Hillsborough in a form acceptable to the Town of Hillsborough in the amount of \$156,960.00 simultaneously with the first annual payment of \$78,480.00. The amount of this letter of credit shall be reduced in an amount equal to each contribution made by the property owner to Town of Hillsborough within thirty (30) days after each contribution is received by the Town.

~~Utility Meter Reading Antennae: To defray the cost of reading utility meters in the property subject to Colling Ridge Master Plan, the developer shall make a contribution of \$15,000.00 to the Town of Hillsborough within thirty (30) days of formal application for the first special use permit within the Collins Ridge Master Plan. The developer shall also cooperate and coordinate with the Town to incorporate a location (or locations) within Collins Ridge for the utility meter reading antennae during the special use permit process for each parcel in Collins Ridge. Sewer Flow Monitoring: To defray the cost of sewer flow monitoring, the developer shall make a contribution of \$15,000 toward sewer flow monitoring equipment within thirty (30) days of approval of this Master Plan Amendment (brought before the Town of Hillsborough Board of Commissioners on 6/12/23). Utilities proposes allocation of the \$15,000 toward sewer flow monitoring equipment instead. Developer approval or denial is needed before a condition can be crafted.~~

10. Stormwater Facilities. All stormwater control devices to be located on the property subject to the Collins Ridge Master Plan shall be reviewed and approved by the Town prior to construction, but shall remain the property and maintenance responsibility of the developer, or in its sole discretion, a property owner and/or tenants' association to be established by the developer. In addition, the developer shall comply with all Federal, state and local stormwater regulations, including riparian buffer regulations. The developer shall submit to the Town for its prior approval proposed conditions and covenants addressing continuing operation and maintenance of all stormwater control measures. The conditions and covenant shall include provisions authorizing the Town to perform maintenance of such facilities and to charge the cost thereof against the developer or property owners' or tenants' association(s) in the event that they fail to properly and timely maintain the stormwater control measures.
11. Informal Concept Plan Submission. The developer shall submit to the Town a concept plan for informal review by the Planning Director or her designee prior to submitting a formal application for Special Use Permit for any Parcel as shown on the Collins Ridge Master Plan.
12. Assignment of Rights and Obligations. The developer shall be entitled to assign the rights and obligations contained in Collins Ridge Master Plan and these Conditions of Approval to subsequent purchasers of any portion of the property subject to the Collins Ridge Master



Plan, provided that any subsequent purchasers must acknowledge in writing to the Town that they have acquired the property, or any portion thereof, subject to the obligations and conditions stated in the Collins Ridge Master Plan and these Conditions of Approval and that they agreed to be bound by them.

13. Restrictive Covenants. Prior to recording any restrictive covenants or any other document intended to affect development on any portion of the property subject to the Collins Ridge Master Plan (the “Restrictive Covenants”), the developer or any other subsequent owner of any portion of the property subject to the Collins Ridge Master Plan shall first submit the Restrictive Covenants to the Town for review.
14. Vested Rights. A vested right pursuant to G. S. 160A-385.1 and Section 1.8 of the Town of Hillsborough Unified Development Ordinance is established as of the date hereof. The vested right arising from the approval of this Collins Ridge Master Plan shall be valid for five years from the date of approval, unless such date is formally extended by the Town Board prior to its expiration.
15. Compliance with Unified Development Ordinance. The Collins Ridge Master Plan was submitted to the Town in compliance with the requirements of Section 3.7 of the Town of Hillsborough’s Unified Development Ordinance. Prior to development of any specific Parcel shown on Collins Ridge Master Plan, a Special Use Permit Application for that Parcel shown on the Collins Ridge Master Plan will be submitted to Town in accordance with the applicable provisions of the Town Unified Development Ordinance in effect at the time the application is made; provided, however, that in the event that there are inconsistencies between the Town Unified Development Ordinance and the Collins Ridge Master Plan at the time any Special Use Permit application is submitted, the terms of the Collins Ridge Master Plan shall control. The requirements of section 3.8.3 of the Town Unified Development Ordinance shall be addressed in detail for each specific Parcel shown on the Collins Ridge Master Plan at the time a Special Use Permit application for each parcel is submitted to the Town for approval.
16. Lot Width Variation.  
Within the Collins Ridge Master Plan each block of single-family homes longer than 400 feet shall have atleast 2 (two) different lot widths on each street section. Every third lot must contain a lot width variation of at least 10 feet from it’s adjacent lots. Lots shall have  
~~15.~~ a minimum width of 30 feet. (Condition added 6/12/2023)
17. Developer shall complete, certify and make submittals for town acceptance of all public sidewalk, street, greenways built to this point, and utility infrastructure, and shall install all landscaping, street trees and stormwater conveyances in Phase 1A before a zoning compliance permit will be issued for the first 30 9th dwelling unit in SUP 2/Phase 2. (Condition added 6/12/2023)
18. Developer shall complete, certify and make submittals for town acceptance of all public sidewalk, street, greenway and utility infrastructure, and shall install all landscaping, street trees and stormwater conveyances in all sections and phases before the zoning compliance permits will be issued for the final 5 (five) lots in SUP 2/Phase 2. (Condition added 6/12/2023)
- ~~16-18.~~ These Conditions of Approval shall supersede the terms of the Collins Ridge Master Plan application to the extent these Conditions of Approval are inconsistent with the terms of

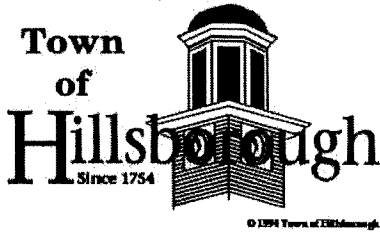
the Collins Ridge Master Plan Application. The Summary of Conditions of Approval Chart below is a reference and shall not supersede this Conditions of Approval document.

**Summary of Conditions of Approval Applicable to Specific Parcels Identified on the Collins Ridge Master Plan:**

<u>POD/Pa</u>	<u>Anticipated Land Use</u>	<u>Conditions &amp; Other Information</u>
A	Apartments, <a href="#">Single Family Detached</a> , Townhomes and/or other Attached Dwellings	<ul style="list-style-type: none"> <li>• The developer shall be entitled to be built to a maximum density of 24 units per acre. Provided, however, that the maximum number of dwelling units allowed on the entire Collins Ridge Master Plan property shall not exceed 950 units (not including up to 88 Affordable Housing units on Parcel B)</li> <li>• A recreational amenity shall be provided for each apartment complex. See Section 6, sub-bullet entitled “Additional Amenities for Apartment Complexes”.</li> <li>• Neighborhood Park required. See Section 6, sub-bullet entitled “Neighborhood Parks.”</li> <li>• No building shall exceed four (4) stories above grade.</li> </ul>
B	Apartments, <a href="#">Single Family Detached</a> , Townhomes and/or other Attached Dwellings	<ul style="list-style-type: none"> <li>• The developer shall be entitled to build to a maximum density of 30 units per acre. Provided, however, that the maximum number of dwelling units allowed on the entire Collins Ridge Master Plan property shall not exceed 950 units. At least 60, and no more than 88, Affordable Housing units shall be built on Parcel B, and the Affordable Housing units shall be in addition to the 950 dwelling unit maximum otherwise applicable to the Collins Ridge property.</li> <li>• Neighborhood Park required. See Section 6, sub-bullet entitled “Neighborhood Parks.”</li> <li>• A recreational amenity shall be provided for each apartment complex. See Section 6, sub-bullet entitled “Additional Amenities for Apartment Complexes”.</li> <li>• No building shall exceed four (4) stories above grade.</li> </ul>

C	Single-family Detached	<ul style="list-style-type: none"> <li>• The developer shall be entitled to build to a maximum density of 8 units per acre. Provided, however, that the maximum number of dwelling units allowed in the entire Collins Ridge Master Plan property shall not exceed 950 units (not including up to 88 Affordable Housing units on Parcel B).</li> <li>• No lot for a single-family detached dwelling shall exceed 10,000 square feet in size.</li> <li>• Neighborhood Park required. See Section 6, sub-bullet entitled “Neighborhood Parks.”</li> <li>• No building shall exceed three (3) stories above grade.</li> </ul>
D	Apartments	<ul style="list-style-type: none"> <li>• The developer shall be entitled to build to a maximum density of 24 units per acre. Provided, however, that the maximum number of dwelling units allowed in the entire Collins Ridge Master Plan property shall not exceed 950 units (not including up to 88 Affordable Housing units on Parcel B).</li> <li>• Neighborhood Park required. See Section 6, sub-bullet entitled “Neighborhood Parks.”</li> <li>• A recreational amenity shall be provided for each apartment complex. See Section 6, sub-bullet entitled “Additional Amenities for Apartment Complexes”.</li> <li>• No building shall exceed four (4) stories above grade.</li> </ul>

E	Townhomes and other Attached Dwellings, Single-family homes detached and/or Community Center	<ul style="list-style-type: none"> <li>• The developer shall be entitled to build to a maximum density of 16 units per acre. Provided, however, that the maximum number of dwelling units allowed in the entire Collins Ridge Master Plan property shall not exceed 950 units (not including up to 88 Affordable Housing units on Parcel B).</li> <li>• Neighborhood Park required. See Section 6, sub-bullet entitled “Neighborhood Parks.”</li> <li>• No building shall exceed three (3) stories above grade.</li> </ul>
F	Townhomes and other Attached Dwellings, and/or Single-family homes detached	<ul style="list-style-type: none"> <li>• The developer shall be entitled to build to a maximum density of 16 units per acre. Provided, however, that the maximum number of dwelling units allowed in the entire Collins Ridge Master Plan property shall not exceed 950 units (not including up to 88 Affordable Housing units on Parcel B).</li> <li>• Neighborhood Park required. See Section 6, sub-bullet entitled “Neighborhood Parks.”</li> <li>• No building shall exceed three (3) stories above grade.</li> </ul>



**APPLICATION FOR  
Master Plan Modification**

Planning Department  
101 E. Orange Street / P.O. Box 429  
Hillsborough, NC 27278  
Phone: (919) 296-9471, Fax: (919) 644-2390  
Website: [www.hillsboroughnc.gov](http://www.hillsboroughnc.gov)

Project Title: Collins Ridge Master Plan Amendment (2023) Permit Type:  SUP  CUP  
Address: 258 Orange Grove Street PIN #: 9874104407

Applicant Name: David Bergmark (McAdams)  
Mailing Address: 2905 Meridian Parkway Phone: 919-449-4005  
City, State, Zip: Durham, NC 27713 E-mail: bergmark@mcadamsco.com

Property Owner Name: SFTEN, INC c/o DR Horton (ATTN: Robert Stuart)  
Mailing Address: 2000 Aerial Drive, Suite 110 Phone: 919-460-2943  
City, State, Zip: Morrisville, NC 27560 E-mail: RCStuart@drhorton.com

**Minor Change Requested:** In the space provided below, or on a separate sheet of paper, explain the details of the proposed change(s) requested. Be as specific as possible. Also, attach a site plan indicating all proposed changes.

See Attached Exhibit A - Summary of proposed Master Plan changes.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, the applicant, hereby certify that the forgoing application is complete and accurate. I understand that I am bound to comply at all times with the rules and regulations of the issued Special or Conditional Use Permit issued for the property identified in this application, as well as all applicable requirements of the Town of Hillsborough Zoning Ordinance. **APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF LEGAL OWNER OR OFFICIAL AGENT.**

SFTEN, LLC By Robert C Stuart 3/23/23  
Applicant's signature date  
Owner

<b>DEPARTMENT USE ONLY</b>		Date Received: _____	SUP/CUP #: _____
Fee: \$ __.00	Receipt #: _____	Staff: _____	_____

## Exhibit A: Collins Ridge Master Plan Modification Summary

### **I. PURPOSE**

Due to the age of the Collins Ridge Master Plan and changes in procedural requirements by the Town of Hillsborough, it has become apparent that certain amendments to the Collins Ridge Master Plan have become necessary to permit the approval Phase 2 of the development. The section below details the specific changes to the Collins Ridge Master Plan proposed by the application, with justification provided for each requested change. These requested amendments described below are accompanied by an exhibit visually highlighting the areas of Collins Ridge impacted by the proposed changes.

### **II. REQUESTED MASTER PLAN MODIFICATIONS (SUBMITTED 3/30/2023)**

#### **1. Modification to POD E & POD F Boundary**

The original Master Plan geographically divided the Collins Ridge development into a series of PODs, with certain development requirements tied to those POD boundaries. For simplicity, many POD boundaries were established along existing or proposed rights-of-way.

Due to the substantial taking of land by NCDOT along the existing southern railroad, the eastern boundary of POD E and POD F have been effectively reduced to the new boundary of PIN # 9874225033, as reflected on the Collins Ridge Phase 2 Master Plan Amendment exhibit. Furthermore, the realignment of Goldhill way by the previous engineering firm (approved by the Town of Hillsborough and now fully constructed) effectively reduced the area planned and shown in the original master plan as the proposed location of a 2-acre public park.

In order to adjust for these land reductions, the applicant hereby requests for the Boundary of POD F to be modified to add the ~0.7 acre park area on the eastern side of Gold Hill Way (identified on the Master Plan exhibit and labeled a 'former 2-acre park location') to POD F. Similarly, the applicant requests to adjust the boundary of POD E and POD F to accurately reflect the new boundary established by NCDOT along the site's eastern border. Reference to these changes should be added to Section 8J of the Collins Ridge Master Plan Conditions of Approval, which discusses proposed redesign by NCDOT.

#### **2. Town Park Dedication**

The 'Community Amenities' section of the Collins Ridge Master Plan required the developer to "offer to dedicate to the Town of Hillsborough at least two (2) acres of land generally as shown on Exhibit 9, entitled Master Plan Collins Ridge, within thirty (30) days of purchase of the property subject to the Collins Ridge Master Plan by Caruso Homes".



The prescribed deadline for the described land dedication has long passed, and the land area generally shown on Exhibit 9 (along the northern side of Goldhill Way) has been reduced from 2 acres to ~0.7 acres due to the realignment of Goldhill Way.

As a result, the applicant requests to amend the Master Plan to permit the dedication of an approximately 12.45 acre parcel of land on the south side of Interstate I-85 (lying generally between Interstate 85 and the Old Mill Business Park and the Beckett’s Ridge development and identified on the Master Plan Amendment exhibit as ‘New Park Location’) to satisfy the original Town Park dedication requirement.

The applicant hereby agrees to reserve and make available to the Town at no cost the proposed 12.45 acre tract for a period of thirty (30) months (i.e. 2.5 years) from the date of the this approved Master Plan amendment. Upon receipt of the Town’s formal acceptance of this land for dedication, the applicant shall convey the 12.45 acre parcel to the Town of Hillsborough within 6 months. This 6-month period is established to provide the necessary time to complete all legal requirements for conveyance.

If it is the Town’s desire to have the remaining 0.7 acre portion of the former proposed public park site along Goldhill Way publicly dedicated to the Town, the developer agrees to convey this land per the same conditions as the 12.45 acre parcel.

**3. Timing of the Affordable Housing Conveyance**

Per the Collins Ridge Master Plan (last amended 10/11/2021) the developer is committed to offer to donate and convey without charge at least three (3) acres of land available to support eighty-eight (88) multi-family dwellings to CASA or its assignee at a mutually agreeable location with a deed restriction ensuring the property will be used for Affordable Housing for Low-Income Households.

The applicant offered multiple locations to CASA before the third proposed location was accepted, which has since been formally accepted by the Hillsborough Board of Commissioners. However, the approval of the relocated CASA site by the Town Board of Commissioners did not establish a new timeline by which this conveyance needed to occur.

Per the current Master Plan agreement, “the Affordable Housing Property shall be conveyed to CASA at no cost by December 31, 2021”. The selection of the CASA site in a mutually agreeable location exceeded original expectations, causing the rezoning needed to support CASA’s new site to not be approved until June 13, 2022.

As such, the proposed deadline for this affordable housing conveyance must be updated. The applicant hereby request to amend this condition as follows:

“the Affordable Housing Property shall be conveyed to CASA at no cost by October 30, 2023, with the condition that the applicant be permitted to continue to perform grading work on and around the CASA site to develop a pad ready site served by utilities (per their agreement with CASA).”

It is expected that the pad ready site will be completed by 3/30/2025.

#### **4. Alternative Street Cross Sections**

Per the approved Collins Ridge Master Plan ordinance, Streets within the Collins Ridge Master Plan “shall be built to the standards shown on Exhibit 13 of the Collins Ridge Master Plan, entitled “Proposed Street Sections”.

SUP Phase 1 of Collins Ridge included a waiver request (which was approved by the Board of Commissioners) to permit minor modifications to the proposed street sections as shown in the Collins Ridge Master Plan. In order to create consistent street cross-section where stubbing to existing roadways, the applicant hereby requests the ability to apply alternative street cross-sections (corresponding to those used in the SUP1 approval) along Open Air Lane, Lightfoot Lane, Gold Hill Way, Poet Pointe, and Flat Ford Road.

Gold Hill Way is the only road segment over 500 LF in length (~ 530 LF) and all segments represent a continuation of the roads constructed with SUP1. Thus, it is the applicants desire to apply a consistent street cross-section along these short segments rather than modify the roadway design for such a short extent. The applicable portion of these roadways is identified in the corresponding Master Plan amendment exhibit.

#### **5. Lot Width Variation Modification**

Section 6.6.5 of the UDO (Diversity in single-family detached home neighborhoods) requires single-family detached home developments containing 20 or more lots to have at least 3 different lot widths on each straight street section (may be multiple blocks) longer than 400 feet. Contiguous lot widths must vary by at least 10 feet to meet this standard.

To align with the developer’s product types, an exception was granted to this requirement as part of the Collins Ridge SUP1 approval. Within Phase 1 of Collins Ridge, the applicant has two different sized lot widths which vary by 10 feet, with a change in lot width occurring at least every third lot such that you have no more than 2 adjacent lots of the same size.

Though this requirement originated in the UDO rather than the Master Plan, the applicant hereby requests to modify the Master Plan to add the following Lot width standard (replacing the UDO standard contained in Section 6.6.5):

Collins Ridge Lot Width Variation Requirement:

Within the Collins Ridge Master Plan, each block of single-family homes longer than 400 feet shall have at least 2 different lot widths on each straight street section. Every third lot must contain a lot width variation of at least 10 feet from its adjacent lots.

**6. Grading / Clearing for Trail**

The 'Community Amenities' section of the approved Collins Ridge Master Plan contains a requirement for the developer to construct at least 6,000 linear feet of walking/biking trails, in addition to sidewalks. Walking/biking trails shall be constructed generally as shown on the "Collins Ridge Multi-Use Path map", dated October 1, 2021 and part of the October 11, 2021 amendment to the master plan. The final path alignment shall be shown on construction drawings review and approved by the Town of Hillsborough prior to trail development.

In order to construct the multi-use trail in the location as generally shown in the Collins Ridge Multi-Use Path map and as required by the approved Master Plan, the developer will be required to conduct clearing and grading within the 100' buffer along the railroad right-of-way. The location of this trail has long been established within this buffer, but it has recently come to the applicant's attention that Section 6.5.8.6 of the UDO (subsections a and c) would require that no canopy trees be eliminated as part of the trail construction and that all required buffer standards (width, plantings, and fences) be maintained between the trail and the adjoining railroad. These code requirements, if enforced, would effectively negate the ability of the developer to provide the required trail.

Thus, the applicant hereby requests to amend the Community Amenities section of the Collins Ridge Master Plan (sub-section f – Walking/Biking Trails) as follows (additional text shown in underlined italics):

f. Walking/Biking Trails. The developer shall construct at least 6,000 linear feet (1.1± miles) of walking/biking trails, in addition to sidewalks. Walking/biking trails shall be constructed generally as shown on the "Collins Ridge Multi-Use Path Map", dated October 1, 2021 and part of the October 11, 2021 amendment to the master plan. The final path alignment shall be shown on construction drawings reviewed and approved by the Town of Hillsborough prior to trail development. The developer and the Town may agree to minor trail location modifications that provide a superior product for the town prior to development. Walking/biking trails shall be at least ten feet (10') wide and constructed of asphalt in accordance with Town of Hillsborough greenway standards, including the Access Board Guidelines.

Walking/biking trails located within the perimeter buffer of Collins Ridge shall be dedicated to the Town of Hillsborough and accepted by the Town of Hillsborough for maintenance. This trail shall be constructed and ready for dedication prior December 31, 2027. In order to provide the required walking/biking trails, the applicant shall be permitted to grade and clear within the 100' perimeter buffer as needed to facilitate construction of the proposed multi-use path. This condition does not negate the applicant's responsibility to adhere to all applicable planting rates for perimeter buffers.

**7. Collins Ridge Conditions of Approval Applicable to Specific Parcels Identified on the Collins Ridge Master Plan**

Page 10 of the Collins Ridge Master Plan approval included a summary table of conditions for specific parcels (also referred to as PODs) within the Collins ridge development. The 'Anticipated Land Use' column of this table identified those land uses which the developer thought most likely to occur within the different pod boundaries.

While the applicant maintains that this table represents land use expectations rather than land use restrictions (as might otherwise be the case if this table established 'Required' or 'Permitted' uses rather than 'anticipated' land uses), for the sake of clarity the applicant seeks to update this table to include the proposed single family uses within the list of anticipated uses for Parcels # A and Parcel #B, as shown on the following page (amendments **underlined and bold**). Also, for consistency, the applicant proposes to change the term 'Parcel #' to 'POD #'

<u>POD #</u>	<u>Anticipated Land Use</u>	<u>Conditions &amp; Other Information</u>
A	Apartments, <b><u>Single-family Detached</u></b> , Townhomes and/or other Attached Dwellings	<p>The developer shall be entitled to be built to a maximum density of 24 units per acre. Provided, however, that the maximum number of dwelling units allowed on the entire Collins Ridge Master Plan property shall not exceed 950 units (not including up to 88 Affordable Housing units on Parcel B).</p> <p>A recreational amenity shall be provided for each apartment complex. See Section 6, sub-bullet entitled "Additional Amenities for Apartment Complexes".</p> <p>Neighborhood Park required. See Section 6, sub-bullet entitled "Neighborhood Parks."</p> <p>No building shall exceed four (4) stories above grade</p>
B	Apartments, <b><u>Single-family Detached</u></b> , Townhomes and/or Attached Dwellings	<p>The developer shall be entitled to build to a maximum density of 30 units per acre. Provided, however, that the maximum number of dwelling units allowed on the entire Collins Ridge Master Plan property shall not exceed 950 units. At least 60, and no more than 88, Affordable Housing units shall be built on Parcel B, and the Affordable Housing units shall be in addition to the 950 dwelling unit maximum otherwise applicable to the Collins Ridge property.</p> <p>Neighborhood Park required. See Section 6, sub-bullet entitled "Neighborhood Parks."</p> <p>A recreational amenity shall be provided for each apartment complex. See Section 6, sub-bullet entitled "Additional Amenities for Apartment Complexes".</p> <p>No building shall exceed four (4) stories above grade.</p>

**8. Phase 1A infrastructure Improvements**

The developer shall complete, certify and make submittals for town acceptance of all public sidewalk, street, greenways built to this point, and utility infrastructure, and shall install all landscaping, street trees and stormwater conveyances in Phase 1A before a zoning compliance permit will be issued for the 30th dwelling unit in SUP 2.

**9. Phase 2 infrastructure Improvements**

The developer shall complete, certify and make submittals for town acceptance of all public sidewalk, street, greenway and utility infrastructure, and shall install all landscaping, street trees and stormwater conveyances in all sections and phases before the zoning compliance permits will be issued for the final 5 (five) lots in SUP 2.



**McADAMS**

The John R. McAdams Company, Inc.  
2905 Meridian Parkway  
Durham, NC 27713

phone 919. 361. 5000  
fax 919. 361. 2269  
license number: C-0293, C-187

www.mcadamsco.com

**CLIENT**

DR HORTON  
2000 AERIAL DRIVE  
MORRISVILLE, NC 27560  
Contact  
PHONE: 919. 460. 2943



**COLLINS RIDGE - PHASE 2  
MASTER PLAN AMENDMENT  
258 ORANGE GROVE STREET  
HILLSBOROUGH, NC**



**SITE LEGEND**

	SIGNAGE
	YARD LIGHTS
	LIGHT POLE
	POWER POLE
	TRAFFIC DIRECTIONAL ARROW
	ACCESSIBLE PARKING STALL
	VAN ACCESSIBLE PARKING STALL
	POD BOUNDARY
	PROPERTY LINE
	RIGHT-OF-WAY LINE
	LOT LINE
	EASEMENT LINE
	CENTERLINE
	PROPOSED RETAINING WALL
	OPEN SPACE
	SUP 2 AREAS

**MASTER PLAN AMENDMENT LEGEND**

- ① - LOT WIDTH VARIATION EXCEPTION (STREET A, OPEN AIR LN, LIGHTFOOT LN)  
\* LOT VARIATION REQUIREMENT DOES NOT APPLY TO STREET B (<400')
- ② - LAND DEDICATION CHANGE
- ③ - ALTERNATE STREET SECTIONS (SUP II)
- ④ - 'AFFORDABLE HOUSING' CONVEYANCE TIMING
- ⑤ - POD BOUNDARY UPDATE (SEE BELOW)
- PROPOSED POD BOUNDARY
- SUP I APPROVED POD BOUNDARY
- ⑥ - GRADING/CLEARING FOR TRAIL
- ⑦ - B5 LANDSCAPE PERIMETER BUFFER ALLOWANCE
- ⑧ - POD C (21 LOTS) AND POD B (8 LOTS)

**REVISIONS**

NO.	DATE	REVISED PER TOWN COMMENTS
1	05.26.2023	
2		
3		
4		
5		
6		

**PLAN INFORMATION**

PROJECT NO. DRH-21002  
FILENAME DRH21002-MPAEX-1  
CHECKED BY DLP  
DRAWN BY SJB  
SCALE 1" = 200'  
DATE 03.29.2023

**SHEET**

**MASTER PLAN  
AMENDMENT  
EX-1**

SEE SHEET CO.01 FOR ALL PROJECT, SITE, GRADING, STORM DRAINAGE AND UTILITY NOTES

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT TOWN OF HILLSBOROUGH AND NCDOT STANDARDS, SPECIFICATIONS, AND DETAILS.

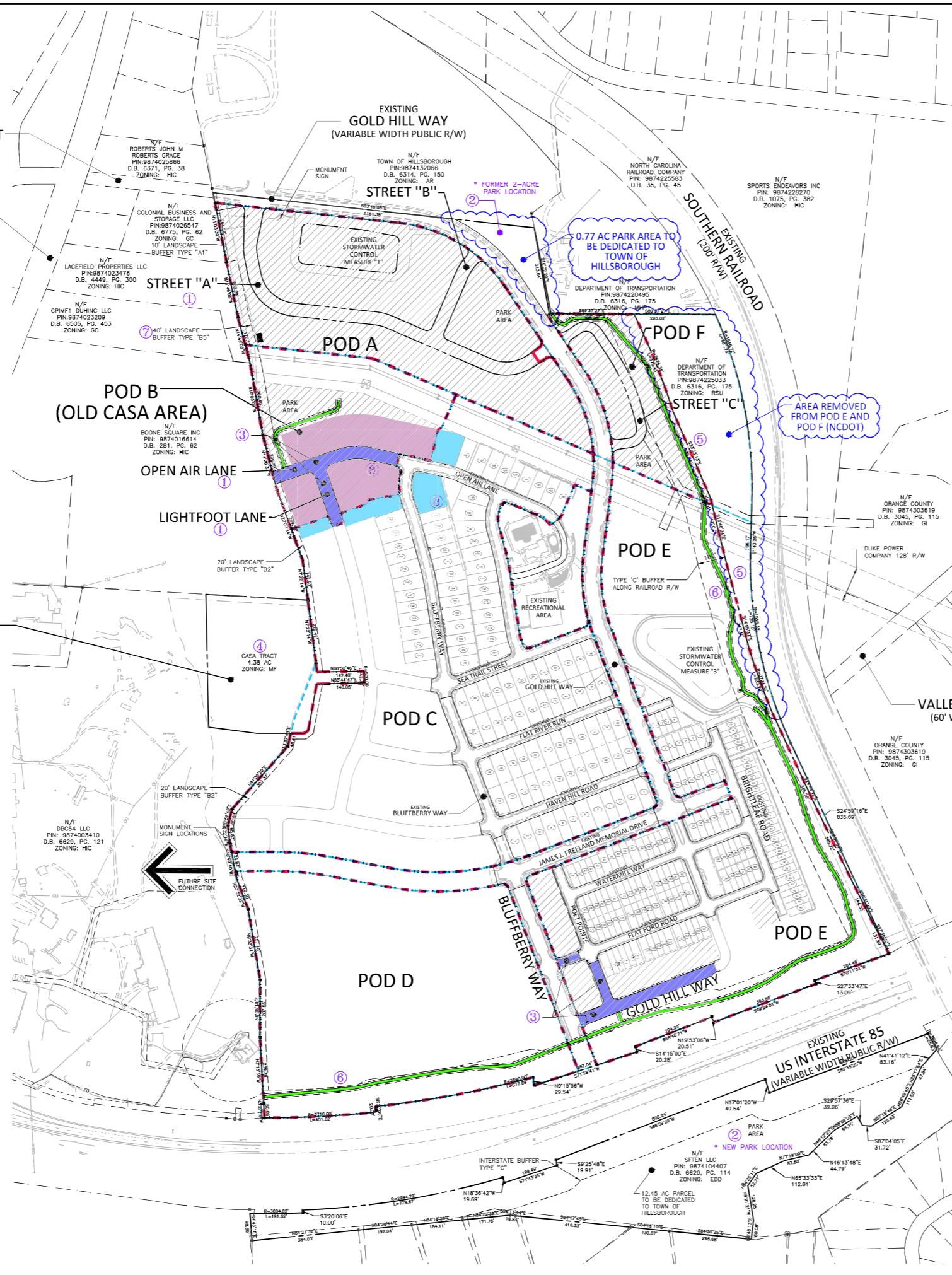
PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



GRAPHIC SCALE  
1 inch = 200 ft.

CASA PARCEL (SUP 1 REQUIREMENT)

EXISTING ORANGE GROVE STREET (VARIABLE WIDTH PUBLIC R/W)  
EXISTING SOUTH CHURTON STREET (SR 1009) (VARIABLE WIDTH PUBLIC R/W)





## RESOLUTION

### Amending the Collins Ridge Master Plan

#### Modification and Addition of Various Conditions

**WHEREAS**, The Hillsborough Board of Commissioners approved the master plan authorizing the development of the neighborhood named Collins Ridge on Sept. 28, 2015; and

**WHEREAS**, the town and developer worked together previously to modify conditions of the master plan in October 2021; and

**WHEREAS**, the project and development conditions have changed necessitating further various modifications and additions of new development conditions that the developer and the town have agreed upon;

**NOW, THEREFORE**, be it resolved the Hillsborough Board of Commissioners amends the master plan conditions of approval as outlined in the document entitled "COLLINS RIDGE CONDITIONS OF APPROVAL AMENDED 10/11/2021 & 6/12/2023".

**BE IT FURTHER RESOLVED**, the original master plan limit of 950 market rate dwelling units remains in effect for the Collins Ridge property.

Approved this 12<sup>th</sup> day of June 2023.

---

Jenn Weaver, Mayor  
Town of Hillsborough





## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date:	June 12, 2023
Department:	Planning and Econ. Dev.
Agenda Section:	Regular
Public hearing:	Yes
Date of public hearing:	April 20, 2023

#### PRESENTER/INFORMATION CONTACT

Stephanie Trueblood, Public Space and Sustainability Manager  
Shannan Campbell, Planning and Economic Development Manager

#### ITEM TO BE CONSIDERED

**Subject:** Hillsborough Comprehensive Sustainability Plan (2030)

##### Attachments:

1. Executive Summary
2. Comprehensive Sustainability Plan Link (Full Version):  
<https://assets.hillsboroughnc.gov/media/documents/public/draft-comprehensive-sustainability-plan-full-plan.pdf>
3. Resolution adopting the Comprehensive Sustainability Plan

##### Summary:

The Hillsborough Comprehensive Sustainability Plan will establish a framework for achieving the community's vision for growth and development while establishing feasible steps to meet the town's renewable energy goals.

Town staff together with consultants VHB have spent the last two years researching, reviewing relevant documents and plans, conducting significant community outreach/visioning, and drafting the plan for review. Public comments on the draft plan were invited for six weeks in March and April 2023. Staff and consultants continue to make minor edits and corrections as they are found. No major content edits are anticipated between now and adoption, however if any edits are identified by the Town Board they can be incorporated.

All comments and feedback compiled through the planning board review process, joint public hearing, and public comment period have been captured and incorporated into the current version, linked above to the town website due to file size. The only remaining changes will be grammatical and formatting- no content changes.

##### April 20, 2023 Joint Public Hearing Draft Minutes:

###### A. Hillsborough Comprehensive Sustainability Plan

Casadonte said the Planning Board and town board have been reviewing the draft plan for several months and will continue to review. He said tonight is mainly for public comments about the plan. Campbell said a staff presentation about the plan has been prepared and asked Casadonte if he would like to hear the presentation or the public comments first. Casadonte called for the presentation.

Public Space and Sustainability Manager Stephanie Trueblood came forward to summarize the background for the draft plan. She said she and Campbell are the town's project managers for the plan, and they have worked with VHB for third-party consulting work. She said some representatives from VHB were present to answer

questions. Trueblood said that the draft plan has been in development for two years and that all municipalities are required by general statute to have a comprehensive plan in place. Trueblood walked through the plan's key elements and implementation with the aid of a PowerPoint presentation. She emphasized the town's objective to develop the plan through the lens of sustainability and equity. Trueblood said drafting of the plan began with extensive community outreach to conduct a survey May-August 2021. She said all town departments and some employees from Orange County government have provided input. She said numerous town boards and committees have been involved in the plan's review, which have all been conducted in public meetings. Trueblood said that several focus groups were involved in forming the draft plan and that the plan includes an appendix to inform of all participating organizations. Trueblood said the plan is in the adoption and review phase and the public comment period will close the following day at 5 p.m. She said the plan is on track for adoption in the summer, but ultimately the town board will decide when the plan is adopted.

Casadonte asked for any comments or questions from the boards prior to calling for comments from the public. Chandler asked if outreach was done to specific neighborhoods to ensure input from a neighborhood perspective. Trueblood affirmed and said the town's communication division maintains a neighborhood liaison list that includes homeowner association and community watch contacts.

Hillsborough resident John Dempsey came forward and said he read the plan and was impressed with the amount of work and thought that had gone into it. He said he is encouraged that the document exists and is moving forward. He said Hillsborough sits in a unique spot within the watershed and he would like to see the town think about partnerships with other communities with the goal of conservancy for Seven Mile Creek. He suggested utilizing the document as an opportunity to update the town's unified development ordinance with watershed protections, as well as having the town hire a watershed manager.

Johnston asked if anyone on staff already oversees watershed management. Assistant Town Manager Matt Efird said the town has a stormwater and environmental services division with two staff members. He said one is a recognized expert and serves with many stormwater management groups. Trueblood said conservancy is also addressed through her division's collaboration with groups like Eno River Association and Triangle Land Conservancy. Weaver said the town is also a member of the Upper Neuse River Basin Association.

There were no other public comments on this item.

#### **May 18, 2023 Planning Board Recommendation Draft Meeting Minutes:**

##### **B. Hillsborough Comprehensive Sustainability Plan**

Casadonte asked about the timeline for adoption of the plan. Public Space and Sustainability Manager Stephanie Trueblood said the Hillsborough Board of Commissioners would review the plan in its final form in June. It could adopt the plan then or postpone adoption.

Casadonte asked if board members had any new questions, noting that members had previously made extensive comments on the plan.

Polly asked if something could be added to the chapter on tourism and economic development about the town's efforts to procure Hillsborough-owned businesses and historically underutilized businesses. Trueblood said there were plans to develop a database for underused businesses. Campbell noted that updating the current database of local businesses will require significant staff time, especially to identify businesses owned by Black, Indigenous, or other people of color because many businesses are owned by more than one person.

Salvi asked if the plan had been made accessible for the general public. Trueblood said staff had used best practices for making it user friendly. At this board's suggestion, a four-page executive summary was added at the beginning of the plan. Acronyms are avoided, and each chapter follows the same format.

Johnston asked if there was a version history to track changes made to the plan. Trueblood explained that staff maintains a database that tracks all changes made in response to public comments, but it includes changes at all levels, so it would be hard to convert it to something broader that reflected high-level content changes only. She said staff will probably include the database in the packet sent to the town board.

Polly asked if the board could have more time to review the document. Trueblood noted that the six-week public comment period had ended, and staff were no longer considering content changes. Since the plan was meant to be generated from the community, not by town advisory and elected boards, she was reluctant to add content at this stage. She added that the plan would probably be updated every five to seven years.

Motion: Schultz moved to recommend adoption of the plan by the Hillsborough Board of Commissioners as is. Polly seconded.  
Vote: 7-0.

**Financial impacts:**

Various.

**Staff recommendation and comments:**

Staff recommends approval.

**Action requested:**

Approve, approve with conditions/modifications, or table/continue discussion of the item.

# Executive Summary

## What is a Comprehensive Sustainability Plan, and what does it entail?

Sustainability is defined by the World Commission on Environment and Development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. With this charge in mind, the Town of Hillsborough began preparing its Comprehensive Sustainability Plan in the Spring of 2021. Municipalities are required to create and maintain a comprehensive plan according to North Carolina General Statute 160D-50 (a1). The statute establishes that a comprehensive plan should include “goals, policies, and programs intended to guide the present and future physical, social and economic development of the jurisdiction”. As such, this plan establishes a collective vision for the future of Hillsborough to accurately inform decision-making for long-term social, environmental, economic, and infrastructure development.

This plan assesses the current conditions in the town and puts forth goals, strategies, and actions to guide the town toward a sustainable future. The plan is centered around eight focus areas, each with their own dedicated chapter, as detailed below. Each chapter contains themes surrounding equity, affordability, safety, connectivity, and health, as well as specific strategies and actions.



**Town Government & Public Services:** covers the roles of government and services provided by the town, as well as revenue streams and agency partnerships.



**Social Systems & Public Space:** explores ideas for arts and culture events and installations in the town’s public spaces, as well as opportunities for community gathering and placemaking.



**Land Use & Development:** promotes sustainable, progressive principles for the development of land in Hillsborough to manage growth pressures and maintain a prosperous town with strong sense of place.



**Housing & Affordability:** highlights opportunities to increase Hillsborough’s supply of housing to promote stability in the community.



**Environment & Natural Systems:** outlines plan for the continued stewardship of Hillsborough’s natural resources to promote the community’s overall health and function.



**Economic Systems & Tourism:** incorporates sustainability values into economic development strategies to ensure the resilience of the business community and illustrates various development and tourism opportunities.



**Transportation & Connectivity:** details existing transportation infrastructure and needs, as well as proposed improvements in access and mobility.



**Climate & Energy:** covers climate impacts and conservation needs, including the town’s clean energy resolution and a three-pronged sustainability approach including social equity, ecological responsibility, and economic efficiency.

## What is involved in the creation of a Comprehensive Plan?

The process of drafting the plan involved three distinct phases:



The first phase of the plan is dedicated to identifying issues and opportunities in Hillsborough. This phase entailed a review of current and past planning documents, community engagement, and in-depth data analysis. The findings from the research are summarized by a summary of baseline conditions in each chapter. The second phase involved using the baseline conditions and community feedback to determine the appropriate goals and strategies for development. Finally, the third phase involved the creation of

an implementation and accountability plan, which detailed the actions necessary to achieve the goals set forth in the plan. The implementation plan identifies who will lead the actions, who will partner with the leads, and whether the action is short, medium, or long-range. Phase three includes review and adoption, which involves providing a draft of the plan for public comment and then revising the plan based on feedback. The plan will be presented to the Hillsborough Board of Commissioners for adoption.

## How was the community engaged during the planning process?

Public engagement took many forms throughout the development of the plan, including forums, a visioning survey, focus group meetings, board meetings, public comment period on the draft plan, participation at community events, and a project website. The planning efforts were introduced to the community through an online survey and a virtual public workshop in May of 2021. The surveys, available in both English and Spanish allowed for a wider range of community members to participate and share their feedback.

The town staff from all departments including Administrative Services, Community Services, Financial Services, Police, and Utilities were engaged in the planning process. The town also facilitated focus groups in Spring 2022, each consisting of approximately 12 members and covering a specific topic such as land use, housing, tourism,

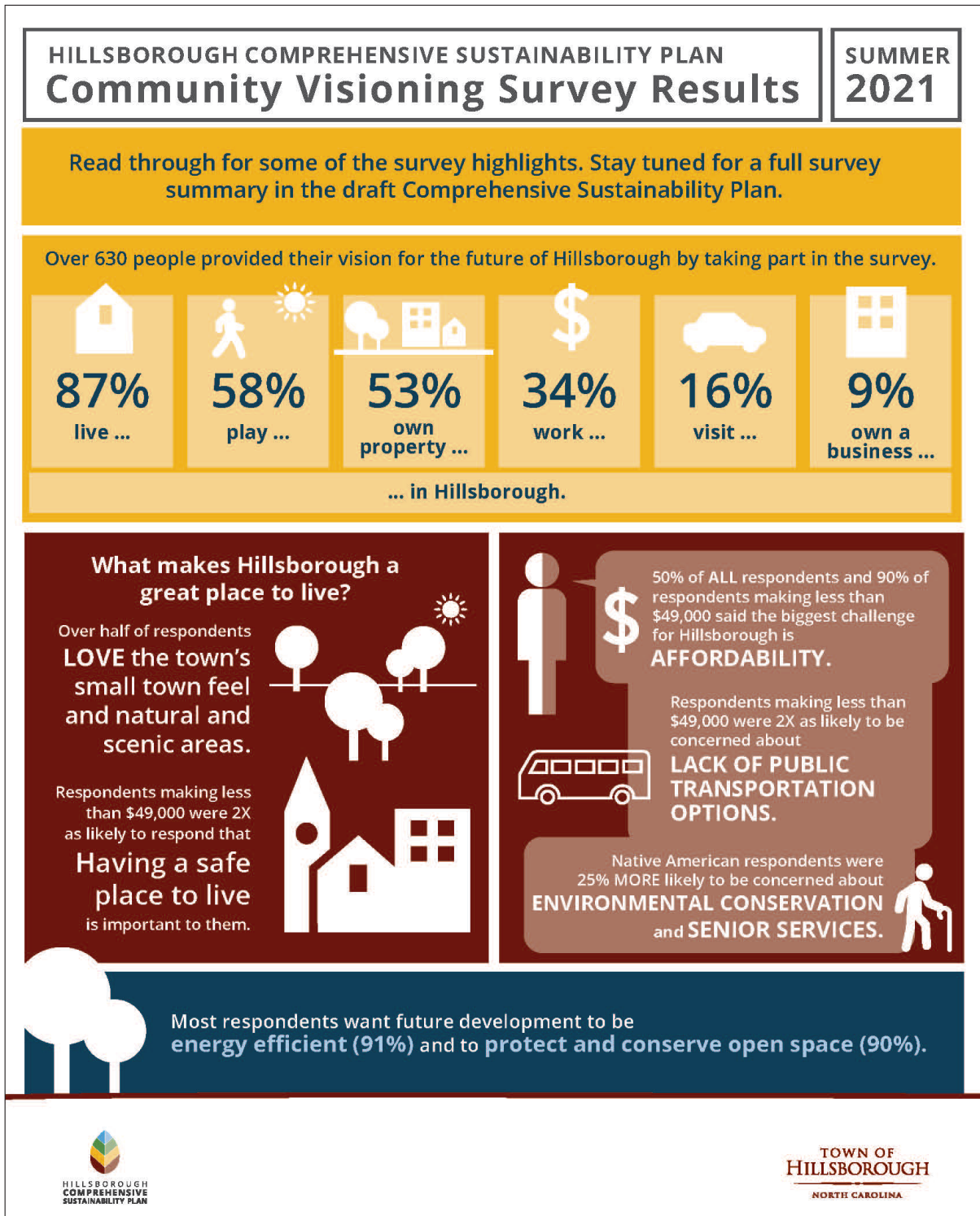
economic development, or transportation. The members of the focus groups included residents, town staff, industry experts, and regional partners. Collaboration with staff from Orange County, Triangle Council of Government, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, and North Carolina Sustainable Energy Association also occurred.

Efforts included presentations to various boards on the progress of the project, as well as a public comment period on the completed draft of the plan. The Town Board, Parks and Recreation Board, Planning Board, Tourism Board, and Tree Board made significant contributions.

Equity and inclusion were the central values leading the public engagement process, as the town sought to include a diverse group of community

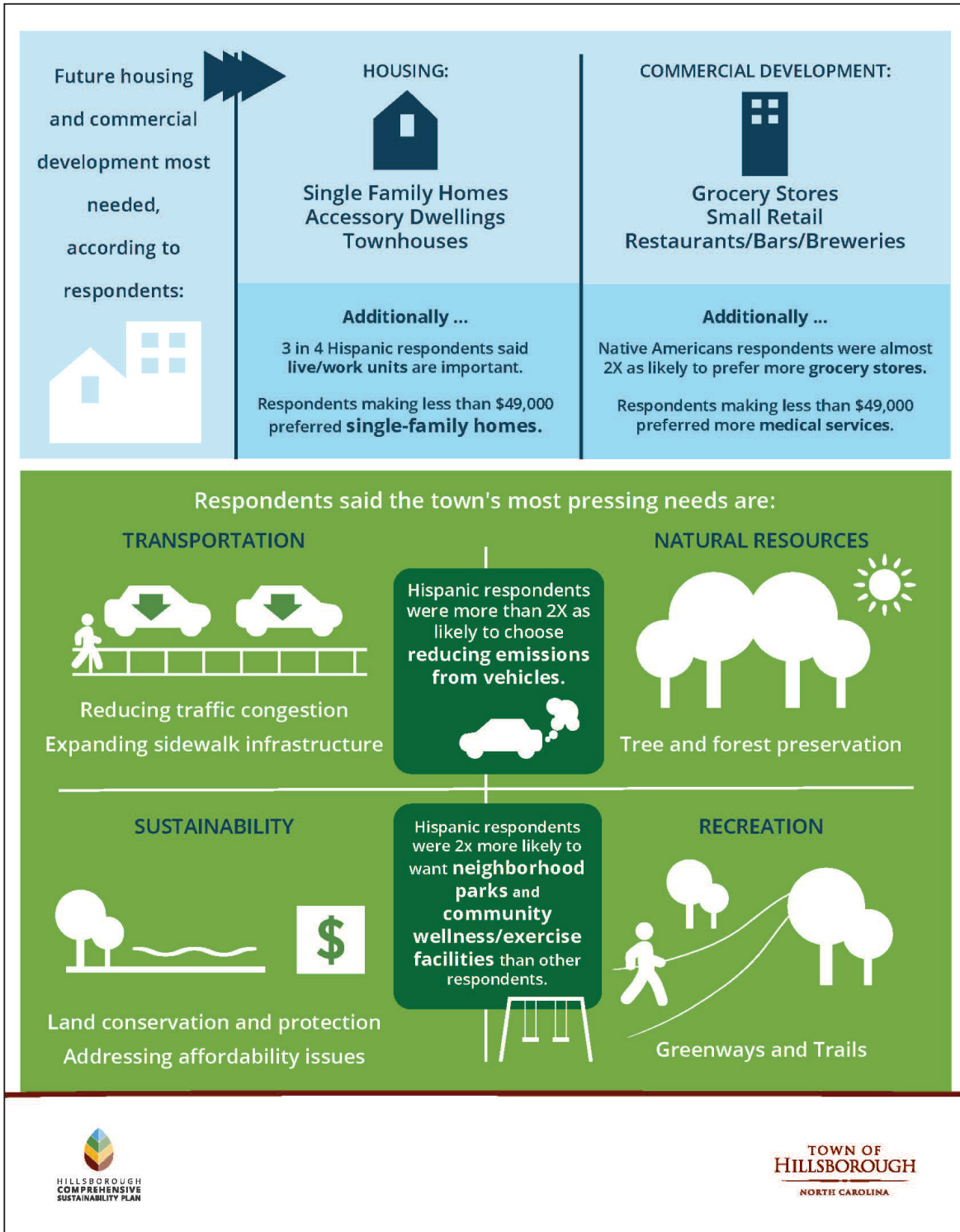
**DRAFT**

members in every engagement phase. The town utilized its network of community contacts, which included community liaisons, government and non-profit partners, and neighborhood associations to facilitate broad outreach for diverse and representative perspectives and to assure that anyone who wanted to participate was able to do so. The Communications Division utilized various tools such as newsletters, press releases, social media, online surveys in English and Spanish, videos, and local media to disseminate information and receive feedback.



Summary of 2021 Hillsborough Survey Results







## RESOLUTION

### Adopting the Hillsborough Comprehensive Sustainability Plan

**WHEREAS**, the Hillsborough Board of Commissioners desires to update its long range comprehensive plan to guide future development and the transition to clean energy, balancing environmental stewardship, resiliency and racial justice with smart growth that will allow for a thriving economy and a great quality of life for the residents of Hillsborough; and

**WHEREAS**, the Hillsborough town board authorized the update and re-write of the 2030 Vision Plan to incorporate current town values, the vision for the future, and key elements of previous planning efforts; and

**WHEREAS**, the town developed a project website and public information and outreach plan for the development of the Comprehensive Sustainability Plan; and

**WHEREAS**, staff from all departments including Administrative Services, Community Services, Financial Services, Police, and Utilities were engaged in the plan development process; and

**WHEREAS**, the town facilitated focus groups in Spring 2022, each consisting of approximately 12 members and covering a specific topic such as land use, housing, tourism, economic development, or transportation. The members of the focus groups included residents, town staff, industry experts, and regional partners; and

**WHEREAS**, residents, visitors, and business owners were engaged in the process via a visioning survey, focus group meetings, appointed board meetings, open public comment period on the draft plan, and participation at community events; and

**WHEREAS**, collaboration with staff from Orange County, Triangle J Council of Government, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, and North Carolina Sustainable Energy Association also occurred; and

**WHEREAS**, the Comprehensive Sustainability Plan clearly establishes a collective vision for the future of Hillsborough to accurately inform decision-making for long-term social, environmental, economic, and infrastructure development;

**NOW, THEREFORE**, be it resolved that the Hillsborough Board of Commissioners hereby adopts the Hillsborough Comprehensive Sustainability Plan as presented at the June 12, 2023 regular board meeting.

Approved this 12<sup>th</sup> day of June 2023.

---

Jenn Weaver, Mayor  
Town of Hillsborough





## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Administration  
Agenda Section: Regular  
Public hearing: Yes  
Date of public hearing: May 22, 2023

#### PRESENTER/INFORMATION CONTACT

Emily Bradford, Budget Director

#### ITEM TO BE CONSIDERED

**Subject:** Fiscal Year 2024 Budget Adoption

##### Attachments:

1. FY2023-24 Budget Ordinance
2. Capital Project Ordinances and Ordinance Amendments (per FY24 budget)
3. Fees & Charges Schedule
4. Financial Summary – General Fund
5. Financial Summary – Water & Sewer Fund
6. Financial Summary – Stormwater Fund
7. Crosswalk: Recommended to Adopted

##### Summary:

The FY24 budget was presented at the May 8, 2023 board meeting. The public hearing and budget workshop were held on May 19. The budget has been updated to include the items discussed at the budget workshop. The budget has been further updated to reflect updated cost estimates and other adjustments as needed. Changes of note are attached.

##### Financial impacts:

The financial impacts are outlined in the financial summaries and crosswalk.

##### Staff recommendation and comments:

Adopt the FY2023-24 budget.

##### Action requested:

Adopt the FY2023-24 budget.



**ORDINANCE**  
**Town of Hillsborough Budget**  
**FY2023-24**

The Hillsborough Board of Commissioners ordains that the following budget ordinance is hereby adopted:

**Section 1. General Fund:**

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Current & Prior Year Property Taxes	9,947,300
Local Option Sales Tax	3,026,000
Licenses, Permits and Fees	117,500
Intergovernmental Revenue	1,489,489
Other	232,656
Investment Earnings	100,000
Transfers	150,000
Fund Balance Appropriation	<u>1,606,211</u>
TOTAL	\$ 16,669,166

The following amounts are hereby appropriated in the General Fund for the operation of the Town Government and its activities for the fiscal year beginning July 1, 2023 and ending June 30, 2024 in accordance with the Chart of Accounts heretofore established for the Town of Hillsborough:

Governing Body	170,912
Administration	802,788
Accounting	450,887
Planning	1,378,152
Public Space	1,505,206
Facility Management	417,432
Safety & Risk Management	289,094
Information Services	651,400
Police	4,658,623
Fire	1,975,770
Fleet Maintenance	446,423
Streets	1,764,850
Solid Waste	968,416
Cemetery	15,560
Special Appropriations	723,653
Contingency	<u>450,000</u>
TOTAL	\$ 16,669,166

**Section 2. Water & Sewer Fund:**

It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Licenses, Permits, and Fees	11,669,500
Other	10,000
Investment Earnings	10,000
Retained Earnings Appropriated	<u>2,684,030</u>
TOTAL	\$ 14,373,530

The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 2023, and ending June 30, 2024 in accordance with the Chart of Accounts heretofore established for the Town of Hillsborough:

Administration of Enterprise	3,145,484
Utilities Administration	763,057
Billing & Collections	866,379
Water Treatment Plant	1,762,526
West Fork Eno Reservoir	903,762
Water Distribution	1,409,831
Wastewater Collection	2,624,557
Wastewater Treatment Plant	2,497,934
Contingency	<u>400,000</u>
TOTAL	\$ 14,373,530

**Section 3. Stormwater Fund:**

It is estimated that the following revenues will be available in the Stormwater Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Licenses, Permits, and Fees	716,100
Retained Earnings Appropriated	<u>283,179</u>
TOTAL	\$ 999,279

The following amounts are hereby appropriated in the Stormwater Fund for the operation of the stormwater utilities for the fiscal year beginning July 1, 2023, and ending June 30, 2024 in accordance with the Chart of Accounts heretofore established for the Town of Hillsborough:

Stormwater	\$ 999,279
------------	------------

**Section 4. Special Assessment District:**

Revenues totaling \$533,363 are hereby approved for the following line-items:

Special Assessment Taxes Collected	\$ 533,363
------------------------------------	------------

A total of \$533,363 is hereby authorized to be expended from Special Assessment District:

Payments - Regions Bank	\$ 533,363
-------------------------	------------

**Section 5. Tax Rate:**

There is hereby levied a tax of \$0.587 per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2023, for the purpose of raising the revenue listed as "Property Taxes" in the General Fund in Section I of the ordinance.

This tax rate is based on an estimated total valuation of real and personal property (excluding motor vehicles) for the purposes of taxation of \$1,594,337,800 and an estimated rate of collection of 97.00% and an estimated total valuation of motor vehicles of \$136,461,828 and an estimated rate of collection of 97.00%.

**Section 6. Encumbered Funds:**

Operating funds encumbered on the financial records as of June 30, 2023, are hereby re-appropriated to this budget.

**Section 7. Fees and Charges:**

There is hereby maintained a Fees and Charges Schedule for the purpose of raising revenue listed in the General Fund, Water & Sewer Fund, and Stormwater Fund, Sections I, II & III of this ordinance. See the Fees and Charges Schedule for a detailed listing.

**Section 8. Recycling:**

Orange County is hereby authorized to collect and administer a fee established for the purpose of providing recycling services within the Town limits.

**Section 9. Budget Ordinance:**

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 budget.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12<sup>th</sup> day of June in 2023.

Ayes:

Noes:

Absent or excused:

---

Jenn Weaver, Mayor

---

Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Amendment

### Adron F. Thompson Facility Renovation

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>
Adron F. Thompson Facility Renovation	\$290,000	\$3,000,000	\$3,290,000

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

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
Adron F. Thompson Facility Renovation	\$290,000	\$3,000,000	\$3,290,000

**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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Amendment

### Cates Creek Skate Park

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>
Skate Park	\$20,000	\$300,000	\$320,000

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

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
Skate Park	\$20,000	\$300,000	\$320,000

**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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk



**ORDINANCE**  
**Capital Project**  
Elizabeth Brady Pump Station and Force Main Upgrade

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 adopted:

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

Elizabeth Brady Pump Station and Force Main Upgrade	<u>\$300,000</u>
TOTAL	\$300,000

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

Elizabeth Brady Pump Station and Force Main Upgrade	<u>\$300,000</u>
TOTAL	\$300,000

**Section 3.** This ordinance shall be amended in any manner to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital project, so long as it continues to fulfill the requirements of G.S. 159-13.2 and other applicable laws.

**Section 4.** This capital project will close automatically upon projection completion.

**Section 5.** 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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Adoption

### Exchange Club Interceptors

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 adopted:

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

Exchange Club Interceptors	<u>\$190,000</u>
TOTAL	\$190,000

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

Exchange Club Interceptors	<u>\$190,000</u>
TOTAL	\$190,000

**Section 3.** This ordinance shall be amended in any manner to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital project, so long as it continues to fulfill the requirements of G.S. 159-13.2 and other applicable laws.

**Section 4.** This capital project will close automatically upon projection completion.

**Section 5.** 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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk





# ORDINANCE

## Capital Project Adoption

### Hasell Water Tank 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 adopted:

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

Hasell Water Tank Replacement	<u>\$40,000</u>
TOTAL	\$40,000

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

Hasell Water Tank Replacement	<u>\$40,000</u>
TOTAL	\$40,000

**Section 3.** This ordinance shall be amended in any manner to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital project, so long as it continues to fulfill the requirements of G.S. 159-13.2 and other applicable laws.

**Section 4.** This capital project will close automatically upon projection completion.

**Section 5.** 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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Grant Project Amendment

### Hydrant and Valve Replacements

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	\$200,000	\$200,000	\$400,000

**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 Replacements	\$200,000	\$200,000	\$400,000

**Section 3.** This 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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Amendment

### NC-86 Facility Renovation

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>
NC-86 Facility Renovation	\$2,325,982	\$2,500,000	\$4,825,982

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

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
NC-86 Facility Renovation	\$2,325,982	\$2,500,000	\$4,825,982

**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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Amendment

### OWASA Booster Pumping Station

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>
OWASA Booster Pumping Station	\$90,000	\$1,575,600	\$1,665,600

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

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
OWASA Booster Pumping Station	\$90,000	\$1,575,600	\$1,665,600

**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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Amendment

### Passenger Rail / Multi-Modal Station

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>
Passenger Rail / Multi-Modal Station	\$1,079,000	\$6,160,000	\$7,239,000

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

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
Passenger Rail / Multi-Modal Station	\$1,079,000	\$6,160,000	\$7,239,000

**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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Adoption

### Ridgewalk Greenway - Phase I

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 adopted:

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

Ridgewalk Greenway - Phase I	<u>\$209,003</u>
TOTAL	\$209,003

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

Ridgewalk Greenway - Phase I	<u>\$209,003</u>
TOTAL	\$209,003

**Section 3.** This ordinance shall be amended in any manner to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital project, so long as it continues to fulfill the requirements of G.S. 159-13.2 and other applicable laws.

**Section 4.** This capital project will close automatically upon projection completion.

**Section 5.** 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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Amendment

### River Pump Station Relocation and Upgrade

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>
River Pump Station Relocation and Upgrade	\$3,448,800	\$4,740,021	\$8,188,821

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

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
River Pump Station Relocation and Upgrade	\$3,448,800	\$4,740,021	\$8,188,821

**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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Capital Project Amendment

### US-70 Business Water Improvements

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>
US-70 Business Water Improvements	\$30,000	\$275,000	\$305,000

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

	<i>Current Budget</i>	<i>+/-</i>	<i>Amended Budget</i>
US-70 Business Water Improvements	\$30,000	\$275,000	\$305,000

**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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk





# ORDINANCE

## Capital Project Adoption

### Water and Sewer Air Release Valve Replacements

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 adopted:

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

Water and Sewer Air Release Valve Replacements	<u>\$150,000</u>
TOTAL	\$150,000

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

Water and Sewer Air Release Valve Replacements	<u>\$150,000</u>
TOTAL	\$150,000

**Section 3.** This ordinance shall be amended in any manner to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital project, so long as it continues to fulfill the requirements of G.S. 159-13.2 and other applicable laws.

**Section 4.** This capital project will close automatically upon projection completion.

**Section 5.** 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 12<sup>th</sup> day of June in the year 2023.

Ayes:

Noes:

Absent or excused:

---

Sarah E. Kimrey, Town Clerk



# Fees & Charges Schedule

## FY2024 Operating & Capital Budget

### Accounting

Description	Rate	Basis
Food & Beverage		
Food & Beverage Tax (failure to pay)	\$ 500.00	Not to exceed \$500.00
Single-Day Pre-Paid Food & Beverage Fee	\$ 15.00	
Mobile Food Vendor Permit Fee <sup>1</sup>	\$ 50.00	
Beer and Wine License		
On-premise malt beverage	\$ 15.00	
Off-premise malt beverage	\$ 5.00	
On-premise unfortified wine, on-premise fortified wine, or both	\$ 15.00	
Off-premise unfortified wine, off-premise fortified wine, or both	\$ 10.00	

<sup>1</sup>Mobile food vendor permits are valid as long as permit holder timely files Food & Beverage tax receipts and reports.

### Administration

Description	Rate	Basis
Photocopies	\$ 0.10	per page
Laser Printer Copies	\$ 0.10	per page
Town Clerk Certified Copies	\$ 1.00	per page
Board of Commissioners Meeting Notification Listing	\$ 20.00	annually
Town Code:		
Bound Copy	\$ 40.00	
Unbound Copy	\$ 25.00	
Supplements	\$ 0.10	per page
Motor Vehicle License Fee	\$ 30.00	per vehicle
Franchise Fees (Cable)		5% of gross receipts

### Billing & Collections

Description	Rate	Basis
Returned Check / Bank Draft Fee	\$ 25.00	per occurrence
Disconnect / Reconnect for Returned Item	\$ 40.00	per occurrence
Connection Fee	\$ 20.00	
Security Deposits:		
Water/Sewer Service		
Inside Town	\$ 75.00	
Outside Town	\$ 150.00	
Delinquent Fee	\$ 40.00	
Late Fee (after 25th of month)		15%
Reconnection Fee:		
Business Hours		No Charge
After Hours (Town Error)		No Charge
Same Day Turn-On Service	\$ 50.00	
After Hours (Customer Request)	\$ 50.00	
Account Servicing Fee for Payments Made with Unwrapped Coins		
A \$1.00 fee for 100 coins or fraction thereof that the town is required to count in excess of the first \$10.00 of unwrapped coins submitted for payment of the utility bill.	\$ 1.00	per 100 coins
Water Use Reduction Rebate		
One time rebate per water and/or sewer customer for new or replacement installation of low-flow faucets, showerheads and toilets (receipt or billing invoice of work required).	\$ 10.00	per customer

## Cemetery

Description	Rate	Basis
<b>Lot Fee:</b>		
Resident	\$ 500.00	
Non-Resident	\$ 1,000.00	
<b>Lot Transfer</b>		
Transfer Between One Pair of Lots	No Charge	
Transfer Between 3 or More Lots	\$ 50.00	per pair of lots

## Planning

Description	Rate	Basis
<b>Special Event Permits</b>		
Public and Private Events on Private Property	\$ 20.00	
Public and Private Events on Public Property	\$ 35.00	
Street or Greenway Events	\$ 55.00	
<b>Applications for Review</b>		
Future Land Use Plan or Comprehensive Plan Amendment	\$ 300.00	
Unified Development Ordinance Text Amendment	\$ 300.00	
Rezoning to Conditional district	The greater of \$2,000 or \$200	per acre
Rezoning to general purpose or overlay district	The greater of \$500 or \$50	per acre
Special Use Permit	The greater of \$1,000 or \$200	per acre
SUP Modification Requiring Public Hearing	\$ 500.00	
SUP Modification not Requiring Public Hearing	\$ 300.00	
Minor Subdivision Review (1-4 lots with or without streets)	\$ 300.00	
Major Subdivision Review (5-19 lots with or without streets)	\$ 600.00	
Subdivision Review (4th review and subsequent additional reviews)	\$ 150.00	
Site Plan Review	\$ 600.00	
Site Plan Review (4th review and subsequent additional reviews)	\$ 200.00	
Construction Plan Review <sup>2</sup>		
Total building size less than 10,000 sf	\$ 600.00	
Total building size equal to or greater than 10,000 sf	\$ 1,000.00	
Construction Plan Review (4th review and subsequent additional reviews)	\$ 200.00	
Variance	\$ 200.00	
Street Closing Request	\$ 150.00	
Street Renaming Request	\$ 200.00	
Certificate of Appropriateness	\$ 1.00	per \$1,000 construction cost; \$10 minimum
Zoning Compliance Letter	\$ 40.00	
Appeals	\$ 200.00	There are administration and time costs to process, postage for mailings, staff time to process. etc.
<b>Fees in Lieu of Construction</b>		
Sidewalks		125% of written, sealed, engineer's estimate for the cost of required
<b>Documents &amp; Maps<sup>1</sup></b>		
Unified Development Ordinance	\$ 25.00	
Historic District Design Guidelines	\$ 25.00	
Community Connectivity Plan	\$ 15.00	
Administrative Manual	\$ 10.00	
Parks & Recreation Plan and Small Area/Corridor Plans	\$ 10.00	
Zoning Map or Other Color Plot/Map (larger than 11x17)	\$ 10.00	
Town Street Map with Street Grid (11x17 Black & White)	\$ 2.00	
Future Land Use Map & Other 11x17 Color Maps	\$ 2.00	
Photocopies	\$ 0.10	per page
<sup>1</sup> All town produced documents and maps can be provided in electronic form (pdf, jpeg, word, or excel) at no cost if we are provided with the media.		
<b>Zoning Compliance Permits</b>		
Home Occupation	\$ 25.00	
<b>Signs (New or Replacement):</b>		
Wall Mounted	\$ 40.00	
Free-Standing	\$ 75.00	
Sandwich Board	\$ 10.00	
Event Sign Package (package of signs allowed by 6.18.6.2)	\$ 20.00	
Banner (allowed by 6.18.6.3 & without other temporary signage)	\$ 5.00	
Change of Use (one business use to another or change in ownership)	No Charge	

Site Change (ie. fences, sheds, gazebos, decks, porches, ADUs)	\$	75.00	
<b>New Residential and Commercial Construction</b>			
Projects costing \$499,999 or less - rounded to nearest thousand	\$	1.00	per \$1,000 of construction cost; \$5 minimum
Projects costing \$500,000 or more - rounded to nearest thousand	\$	2.00	per \$1,000 of construction cost; \$5 minimum
NOTE: The following items are all included in the "construction cost" used to determine the permit fee: grading, landscaping, site preparation, stormwater control, utilities, paving and structures. ZCPs will be issued for "grading only" and "paving only" projects consistent with the UDO.			
<b>Other Charges</b>			
<b>Consultant Fee Reimbursement</b>		<b>Consultant Fee Reimbursement</b>	
Projects constructing new local roads will also reimburse the Town for consultant fees to review road construction plans and specifications, if needed.			
<b>No-Permit Penalty</b>		<b>No-Permit Penalty</b>	
Work begun without a necessary Zoning Compliance Permit will be charged a \$100 ZCP fee or the standard fee will be doubled, whichever is greater. Work begun without a required Certificate of Appropriateness will be charged a \$300 COA review fee for the standard fee will be doubled, whichever is greater. Work requiring both a COA and ZCP shall only pay the increased COA fee.			

## Police

Description	Rate	Basis
Excessive Noise Violation		Fine up to \$250.00
Fire Lane Parking Violation	\$	25.00
Handicap Parking Violation	\$	100.00
No-Through Truck Violation	\$	50.00
Parking Citation	\$	10.00
Sidewalk Table Service Permit Violation		Fine up to \$500.00

## Public Space

Description	Rate	Basis
Portions of town parks may be reserved for private events. Events expecting 100 or more people are reviewed as special events as defined in the town code. If a special event requires police or public works overtime, costs of those impacts may be passed to the applicant.		
Large Picnic Shelter in Gold Park		
In-town resident	\$	20.00 per 3 hours
Out-of-town resident	\$	30.00 per 3 hours
Multi-Use Field in Gold Park or Cates Creek Park		
In-town resident	\$	10.00 per hour
Out-of-town resident	\$	20.00 per hour

## Solid Waste

Description	Rate	Basis
Roll-Out Refuse Container	\$	65.00 per container
Residential Refuse Collection		
1 Roll-Out Container		No Charge
2 or More Roll-Out Containers		TBD
Bulk Pick-Up / Oversized Load (fee at the discretion of the Public		
Works Supervisor and dependent on quantity, size and weight) <sup>1</sup>	\$	50.00 minimum
Special Brush/Vegetation Collection		
Standard Collection	\$	70.00
Large Collection (Require use of Knuckleboom)	\$	130.00

<sup>1</sup>Oversized loads are those larger than the bed of a standard pick-up truck. This fee is set at staff discretion to limit overuse of the service covered by general tax revenues.

## Stormwater

Description	Rate	Basis
<b>Plan Review</b>		
Single Lot Residential <sup>1</sup>	\$	100.00 per plan
LID Project <sup>2</sup>	\$	250.00 per plan
Standard Project (less than 1-acre of new impervious)	\$	500.00 per plan
Standard Project (greater than 1-acre of new impervious) <sup>3</sup>	\$	500.00 per plan plus \$50/acre of new impervious

Standard Phased Projects <sup>4</sup>	\$	250.00	per each subsequent phase submittal
<sup>1</sup> Not part of a larger common plan for development or sale.			
<sup>2</sup> Projects that meet the State of North Carolina's Low Impact Development requirements and calculations.			
<sup>3</sup> For standard projects (non-LID projects) requiring stormwater management approval, the fee includes one project review meeting with staff and no more than three rounds of staff comments. If stormwater plans are still incomplete after the third review or if additional meetings with staff are required, the applicant will be required to pay an additional \$500 review fee to cover the significant staff time spent reviewing incomplete or non-compliant stormwater management plans.			
<sup>4</sup> Phased development projects are required to obtain a stormwater management plan approval for the entire project; as each subsequent phase is submitted, an additional fee will be required to ensure the phase plans comply with the overall stormwater management plan approval.			
<b>Stormwater Fee</b>			
Residential Property	\$	75.00	per year
Tier 1, Non-residential Property (0 to 10,000 sq. ft.)	\$	150.00	per year
Tier 2, Non-residential Property (10,001 to 30,000 sq. ft.)	\$	600.00	per year
Tier 3, Non-residential Property (30,001 to 100,000 sq. ft.)	\$	1,800.00	per year
Tier 4, Non-residential Property (100,001 to 200,000 sq. ft.)	\$	4,050.00	per year
Tier 5, Non-residential Property (200,001 sq. ft. and above)	\$	12,900.00	per year

## Streets

Description	Rate	Basis
Driveway Permit - new/maintenance not with new construction	\$ 50.00	
Utility Cut Permit application	\$ 50.00	each
Failure to repair initial cut within 30 calendar days	\$ 150.00	each
Failure to make warranty repair within 14 calendar days	\$ 150.00	each
Failure to obtain a permit prior to making a non-emergency cut	\$ 150.00	each
If owner requests town to do the work, the owner will also reimburse the town the full cost of materials in addition to the permit amount.		
Driveways constructed in conjunction with new construction will be reviewed concurrently with the permit for construction at no additional fee.		
Owners must call/schedule inspection of driveway installation at least 24 hours in advance.		

## Water & Sewer

Description	Rate	Basis
<b>Water Treatment &amp; Distribution Use Fees</b>		
Water System Development or Capital Facilities Fee <sup>1</sup> :		
Residential	\$ 3,864.00	per residential unit
Commercial		
5/8" or 3/4" meter	\$ 3,864.00	
1" meter	\$ 6,440.00	
1.5" meter	\$ 12,880.00	
2" meter	\$ 20,608.00	
3" meter	\$ 41,216.00	
4" meter	\$ 64,400.00	
6" meter	\$ 128,800.00	
8" meter	\$ 206,080.00	
10" meter	\$ 540,960.00	
<sup>1</sup> In the event that a customer requests that an existing meter be replaced with a larger meter, credit will be given for the existing meter at the current rates. No rebates of system development fees will be made for decreases in meter sizes. No credits will be given for meters or services that have been pulled or capped due to condition, long-term vacancy or risk harming the public system.		
Volume Charges:		
Residential Volume Charges - Inside Town		
Residential Service:		
Block 1 (0-2,125 gallons/month)	\$ 22.80	
Block 2 (> 2,125 gallons/month)	\$ 10.73	per 1,000 gallons
Residential Volume Charges - Outside Town		
Residential Service:		
Block 1 (0-2,125 gallons/month)	\$ 44.41	
Block 2 (> 2,125 gallons/month)	\$ 20.90	per 1,000 gallons
Bulk Water	\$ 20.90	per 1,000 gallons
<b>Water Connection Charge</b>		
Front Footage Fee <sup>1,2</sup> :		
0 - 50 Feet	\$ 750.00	per connection
> 50 Feet	\$ 15.00	per foot per connection
<sup>1</sup> For a lot abutting two or more water lines, the front footage fee will be calculated on the longest length of the side abutting the main.		
<sup>2</sup> To recover a portion of the costs of town-installed water mains, hydrants, valves and appurtenances after 1987 which are necessary to provide water service to abutting properties.		

<b>Lateral Fee:</b>		
Licensed utility contractors shall make connections to the town's existing water system after an approved connection request and payment of an application fee of \$100, which includes town observation. This shall be at the owner's / applicant's expense. Where a licensed contractor makes connections as part of an approved water extension project there shall be no separate connection application required. The town may make water connections under emergency circumstances related to environmental health whereby no other option is available. Such connections will be made by the town at actual cost including time, materials, equipment, and restoration. (Code 14-48)		
<b>Water Meter Fees<sup>1</sup></b>		
5/8"	\$	354.00
3/4"	\$	484.00
1"	\$	487.00
> 1"		Actual Cost of Meter to Town + \$100 Installation Fee
<sup>1</sup> Note that water meters over 1" need to be installed by a plumber or contractor with observation by the town. Meters, strainers and spacers when needed are provided by the town.		
<b>Strainer Fees<sup>1</sup></b>		
2"	\$	445.00
3"	\$	790.00
4"	\$	1,465.00
6"	\$	2,061.00
8"	\$	3,461.00
10"	\$	5,420.00
<sup>1</sup> Strainers are not required if Neptune Mach 10 Ultrasonic Meters are used. For other meters, strainers are required for 2" or larger and will be at cost.		
<b>Fire Hydrant Meter Fees</b>		
Fire Hydrant Meter Security Deposit	\$	2,000.00
Fire Hydrant Rental Fees (fees are in addition to deposit)		
Daily Rate	\$	20.00
Weekly Rate	\$	100.00
Monthly Rate	\$	300.00
Semi-Annual Rate	\$	1,300.00
Annual Rate	\$	2,500.00
Fire Hydrant Meter Relocation Fee	\$	100.00
<b>Wastewater Collection System Use Fees</b>		
Wastewater System Development or Capital Facilities Fee <sup>1</sup> :		
Residential	\$	3,243.00 per residential unit
Commercial		
5/8" or 3/4" meter	\$	3,243.00
1" meter	\$	5,405.00
1.5" meter	\$	10,810.00
2" meter	\$	17,296.00
3" meter	\$	34,592.00
4" meter	\$	54,050.00
6" meter	\$	108,100.00
8" meter	\$	172,960.00
10" meter	\$	454,020.00
<sup>1</sup> In the event that a customer requests that an existing meter be replaced with a larger meter, credit will be given for the existing meter at the current rates. No rebates of system development fees will be made for decreases in meter sizes. No credits will be given for meters or services that have been pulled or capped due to condition, long-term vacancy or risk harming the public system.		
<b>Volume Charges:</b>		
Inside Town		
Block 1 (0-2,125 gallons/month)	\$	32.07
Block 2 (> 2,125 gallons/month)	\$	15.09 per 1,000 gallons
Outside Town		
Block 1 (0-2,125 gallons/month)	\$	62.54
Block 2 (> 2,125 gallons/month)	\$	29.43 per 1,000 gallons
<b>Wastewater Connection Charge</b>		
Front Footage Fee <sup>1</sup> :		
0 - 50 Feet	\$	1,000.00
> 50 Feet	\$	20.00 per foot per connection
<sup>1</sup> For a lot abutting two or more sewer lines, the front footage fee will be calculated on the longest side of the lot abutting the main.		
<sup>2</sup> To recover a portion of the costs of town-installed public sewer mains and appurtenances after 1987 which are necessary to provide sewer service to abutting properties.		
<b>Lateral Fee:</b>		
Licensed utility contractors shall make connections to the town's existing sewer system after an approved connection request and payment of an application fee of \$100, which includes town observation. This shall be at the owner's/applicant's expense. Where a licensed contractor makes connections as part of an approved sewer extension project there shall be no separate connection application required. The town may make connections under emergency circumstances related to environmental health whereby no other option is available. Such connections will be made by the town at actual cost including time, materials, equipment, and restoration. (Code 14-48)		

<b>Engineering</b>		
Water / Sewer Availability Review		
< 2 hours of effort		No Charge
Outside Engineering or Legal Costs		Actual Cost to Town
<b>Engineering Construction Drawing Review</b>		
Site Plan Review Fee	\$ 150.00	per review
Construction Drawings without Extensions	\$ 300.00	per review
Water Main Extension Review <sup>1</sup>	\$ 3.50	per linear foot
Sewer Main Extension Review <sup>1</sup>	\$ 3.50	per linear foot
Pumping Stations (engineering review, inspection, start-up and acceptance)	\$ 8,000.00	for up to two reviews and comments
Preliminary and Final Plat Reviews	\$ 60.00	per review
<sup>1</sup> This includes up to two reviews of plans, specifications, and permit and encroachment applications plus ability to serve documents. Plan changes and significant spec edits or additions after two full reviews will be \$300 each. A change in project scope or design after plan approval will restart the process.		
<b>Construction Observation / As Built Review</b>		
The town will observe all water and sewer meaningful work on projects not involving an extension of mains. On approved main extensions, inspectors will periodically stop by and confer with the 3rd party inspector on progress or when called by the contractor. The town inspector shall be present for all tapping of existing mains, acceptance testing and for planned shut downs for all work unless delegated or waived. A penalty will be incurred for performing tapping work without authorization or coordination.		
General Inspection	\$ 50.00	per hour
Return trip for acceptance testing	\$300 + \$0.25/lf of main over 1,000 lf + general inspection time	
FOG Device	\$ 200.00	
Sewer System CCTV	\$ 1.00	per lf
Rejected CCTV due to nonconformance with specifications	\$ 100.00	each occurrence
Reinspection of service taps (including sewer cleanout, meter box, curb stop), mainline valves, hydrants, manholes, air release valves, and other singular items	\$ 50.00	each + general inspection time
<b>Other</b>		
Meter Replacement Fee	\$ 50.00	
Meter Relocation Fee	\$ 100.00	
Special Meter Read	\$ 10.00	
Meter Test Charge	\$ 35.00	
Hydrant Flow Test	\$ 250.00	
Meter Pressure Test	\$ 25.00	Unless confirmed problem due to public system operation
Interruptible Water Meter Install - Return Trip	\$ 50.00	per trip
Special Irrigation Permit	\$ 20.00	each
Perpetual Maintenance (new sewage pump stations)	Per Formula in Town Code	
Tampering Fees	Town Code 14-16 (a) (6) (i) and (ii)	
Meter Tampering Fee	\$ 350.00	
Meter Tamping Civil Penalty <sup>1</sup>	\$ 500.00	
Hydrant Tampering Fee	\$ 500.00	
Hydrant Tampering Civil Penalty <sup>2</sup>	\$ 3,000.00	
Making tap connections to water and sewer without approval or notification of work	\$ 1,000.00	each
<sup>1</sup> The civil penalty shall be doubled for any future offenses within a two-year period.		
<sup>2</sup> The civil penalty shall be doubled for any future offenses by the same person.		





# General Fund

## FY2024 Operating & Capital Budget

### Revenues

	2021-22 Actual (Unaudited)	2022-23 Estimate	2023 - 24 Budget	2024-25 Projection	2025-26 Projection
Property Tax	\$9,101,119	\$9,787,050	\$9,947,300	\$10,128,300	\$10,313,300
Sales Tax	\$2,868,883	\$3,026,000	\$3,026,000	\$3,026,000	\$3,026,000
Intergovernmental	\$1,438,660	\$1,437,024	\$1,489,489	\$1,489,389	\$1,413,000
Fund Balance Appropriated	\$0	-\$1,507,236	\$1,606,221	\$1,548,339	\$1,745,767
Other	\$89,439	\$1,246,117	\$232,656	\$98,750	\$98,750
Licenses/Permits/Fees	\$168,976	\$123,200	\$117,500	\$117,500	\$117,500
Interest	\$33,284	\$196,000	\$100,000	\$100,000	\$100,000
Interfund Transfers	\$0	\$0	\$150,000	\$0	\$360,000
Restricted Revenue	\$355	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$13,700,718</b>	<b>\$14,308,155</b>	<b>\$16,669,166</b>	<b>\$16,508,278</b>	<b>\$17,174,317</b>

### Expenditures

	2021-22 Actual (Unaudited)	2022-23 Estimate	2023 - 24 Budget	2024-25 Projection	2025-26 Projection
<b>Function</b>					
Public Safety	\$5,110,995	\$5,576,638	\$6,359,393	\$6,581,454	\$6,542,316
General Government	\$2,685,928	\$4,523,402	\$4,759,868	\$4,495,983	\$4,670,043
Public Works	\$2,296,467	\$3,003,783	\$2,953,690	\$2,577,868	\$2,910,022
Transfers	\$1,309,270	\$981,970	\$1,439,887	\$1,469,239	\$1,493,884
Special Appropriations	\$226,276	\$216,352	\$690,768	\$918,114	\$1,102,432
Non-Departmental	-\$8	\$0	\$450,000	\$450,000	\$450,000
Economic Development	\$607,716	\$0	\$0	\$0	\$0
Cemetery	\$9,277	\$6,010	\$15,560	\$15,620	\$5,620
<b>FUNCTION TOTAL</b>	<b>\$12,245,920</b>	<b>\$14,308,155</b>	<b>\$16,669,166</b>	<b>\$16,508,278</b>	<b>\$17,174,317</b>
<b>TOTAL</b>	<b>\$12,245,920</b>	<b>\$14,308,155</b>	<b>\$16,669,166</b>	<b>\$16,508,278</b>	<b>\$17,174,317</b>

### Financial Summary

	2021-22 Actual (Unaudited)	2022-23 Estimate	2023 - 24 Budget	2024-25 Projection	2025-26 Projection
Revenues	\$13,700,718	\$14,308,155	\$16,669,166	\$16,508,278	\$17,174,317
Expenses	\$12,245,920	\$14,308,155	\$16,669,166	\$16,508,278	\$17,174,317
<b>REVENUES LESS EXPENSES</b>	<b>\$1,454,797</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### Fund Balance

	FY22 Actual	FY23 Estimate	FY24 Budget	FY25 Projection	FY26 Projection
Fund Balance Appropriation		(\$1,507,236)	\$1,606,221	\$1,548,339	\$1,745,767
Balance	\$9,793,911	\$11,301,147	\$9,694,926	\$8,146,587	\$6,400,820
<b>FUND BALANCE %</b>	<b>80.0%</b>	<b>79.0%</b>	<b>58.2%</b>	<b>49.3%</b>	<b>37.3%</b>





# Water & Sewer Fund

## FY2024 Operating & Capital Budget

### Revenues

	2021-22 Actual (Unaudited)	2022-23 Estimate	2023 - 24 Budget	2024-25 Projection	2025-26 Projection
Licenses/Permits/Fees	\$11,045,871	\$11,111,764	\$11,669,500	\$12,356,360	\$13,084,460
Fund Balance Appropriated	\$0	\$447,179	\$2,684,030	\$1,849,615	\$2,383,750
Other	\$948,263	\$110,000	\$10,000	\$10,000	\$10,000
Interest	\$1,348	\$14,007	\$10,000	\$10,000	\$10,000
<b>TOTAL</b>	<b>\$11,995,483</b>	<b>\$11,682,950</b>	<b>\$14,373,530</b>	<b>\$14,225,975</b>	<b>\$15,488,210</b>

### Expenditures

	2021-22 Actual (Unaudited)	2022-23 Estimate	2023 - 24 Budget	2024-25 Projection	2025-26 Projection
<b>Water and Sewer</b>					
Administration of Enterprise	\$2,073,696	\$2,540,522	\$3,145,484	\$3,037,980	\$3,106,854
Wastewater Treatment Plant	\$2,235,409	\$2,381,388	\$2,497,934	\$2,487,405	\$2,438,981
Wastewater Collection	\$1,242,011	\$1,386,682	\$2,624,557	\$1,786,152	\$2,541,318
Water Distribution	\$1,152,729	\$1,428,025	\$1,409,831	\$2,231,710	\$2,735,543
Water Treatment Plant	\$1,449,298	\$1,257,753	\$1,762,526	\$1,634,695	\$1,743,734
West Fork Eno Reservoir	\$878,724	\$937,317	\$903,762	\$911,155	\$896,180
Billing & Collections	\$668,521	\$833,239	\$866,379	\$871,309	\$876,363
Utilities Administration	\$476,127	\$842,009	\$763,057	\$865,570	\$749,237
Transfer to Water/Sewer CRF	\$261,832	\$76,015	\$0	\$0	\$0
<b>WATER AND SEWER TOTAL</b>	<b>\$10,438,345</b>	<b>\$11,682,950</b>	<b>\$13,973,530</b>	<b>\$13,825,975</b>	<b>\$15,088,210</b>
<b>General Government/Water and Sewer/Stormwater</b>					
Contingency	\$0	\$0	\$400,000	\$400,000	\$400,000
<b>GENERAL GOVERNMENT/WATER AND SEWER/STORMWATER TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$400,000</b>	<b>\$400,000</b>	<b>\$400,000</b>
<b>Non-Departmental</b>					
Non-Departmental	-\$1,772,541	\$0	\$0	\$0	\$0
<b>NON-DEPARTMENTAL TOTAL</b>	<b>-\$1,772,541</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>	<b>\$8,665,804</b>	<b>\$11,682,950</b>	<b>\$14,373,530</b>	<b>\$14,225,975</b>	<b>\$15,488,210</b>

### Financial Summary

	2021-22 Actual (Unaudited)	2022-23 Estimate	2023 - 24 Budget	2024-25 Projection	2025-26 Projection
Revenues	\$11,995,483	\$11,682,950	\$14,373,530	\$14,225,975	\$15,488,210
Expenses	\$8,665,804	\$11,682,950	\$14,373,530	\$14,225,975	\$15,488,210
<b>REVENUES LESS EXPENSES</b>	<b>\$3,329,678</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### Fund Balance

	FY22 Actual	FY23 Estimate	FY24 Budget	FY25 Projection	FY26 Projection
Fund Balance Appropriation		\$447,179	\$2,684,030	\$1,849,615	\$2,383,750
<b>Balance</b>	<b>\$11,408,397</b>	<b>\$10,961,218</b>	<b>\$8,277,188</b>	<b>\$6,427,573</b>	<b>\$4,043,823</b>
FUND BALANCE %	<b>131.6%</b>	<b>93.8%</b>	<b>57.6%</b>	<b>45.2%</b>	<b>26.1%</b>



# Stormwater Fund

## FY2024 Operating & Capital Budget

### Revenues

	2021-22 Actual (Unaudited)	2022-23 Estimate	2023 - 24 Budget	2024-25 Projection	2025-26 Projection
Licenses/Permits/Fees	\$720,095	\$814,630	\$716,100	\$716,100	\$716,100
Fund Balance Appropriated	\$0	-\$46,011	\$283,179	\$325,758	\$377,652
<b>TOTAL</b>	<b>\$720,095</b>	<b>\$768,619</b>	<b>\$999,279</b>	<b>\$1,041,858</b>	<b>\$1,093,752</b>

### Expenditures

	2021-22 Actual (Unaudited)	2022-23 Estimate	2023 - 24 Budget	2024-25 Projection	2025-26 Projection
<b>Function</b>					
Public Works	\$541,969	\$768,619	\$999,279	\$1,041,858	\$1,093,752
<b>FUNCTION TOTAL</b>	<b>\$541,969</b>	<b>\$768,619</b>	<b>\$999,279</b>	<b>\$1,041,858</b>	<b>\$1,093,752</b>
<b>TOTAL</b>	<b>\$541,969</b>	<b>\$768,619</b>	<b>\$999,279</b>	<b>\$1,041,858</b>	<b>\$1,093,752</b>

### Financial Summary

	2021-22 Actual (Unaudited)	2022-23 Estimate	2023 - 24 Budget	2024-25 Projection	2025-26 Projection
<b>Revenues</b>	\$720,095	\$768,619	\$999,279	\$1,041,858	\$1,093,752
<b>Expenses</b>	\$541,969	\$768,619	\$999,279	\$1,041,858	\$1,093,752
<b>REVENUES LESS EXPENSES</b>	<b>\$178,126</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### Fund Balance

	FY22 Actual	FY23 Estimate	FY24 Budget	FY25 Projection	FY26 Projection
<b>Fund Balance Appropriation</b>		(\$46,011)	\$283,179	\$325,758	\$377,652
<b>Balance</b>	\$1,018,912	\$1,064,923	\$781,744	\$455,986	\$78,334
<b>FUND BALANCE %</b>	<b>188.0%</b>	<b>138.6%</b>	<b>78.2%</b>	<b>43.8%</b>	<b>7.2%</b>



# Crosswalk: Recommended to Adopted

## FY2024 Operating & Capital Budget

### General Fund

Department	Request	Description	FY24	FY25	FY26
Contingency	Contingency	Reduce by \$50k/yr to fund General Fund raises.	\$ (50,000)	\$ (50,000)	\$ (50,000)
Governing Body	National Women in Municipal Government Conference	Commissioner Ferguson to attend as the president of NC chapter	\$ 1,200	\$ -	\$ -
Governing Body	Dues for National League of Cities and NC Women in Municipal Government	Added \$77 for NLC and \$75 for NC Women in Municipal Government Dues	\$ 152	\$ 152	\$ 152
Governing Body	Newly Elected Officials School	Added funding in FY26 as it's an election year	\$ -	\$ -	\$ 1,500
Governing Body	Audit Fee	Added funding for audit contract FY24-26	\$ 19,500	\$ 22,125	\$ 24,882
Accounting	DebtBook	Contract increase for next 3 years.	\$ 6,750	\$ 6,750	\$ 6,750
Info. Technology	Fiber Analysis	Re-budget study planned for FY23; won't get started before yr-end. Study will assess options for connecting town facilities, reducing infrastructure and increasing redundancy.	\$ 15,000	\$ -	\$ -
Info. Technology	Unified Security System	Re-budget FY23 funds for this project.	\$ 35,500	\$ -	\$ -
Info. Technology	AV Improvements in BOC Room	Replace microphones and upgrade audio assistance equipment.	\$ 40,000	\$ -	\$ -
Planning	Overtime	Planner and Planner Tech positions reclassified and now eligible for overtime.	\$ 3,000	\$ 3,000	\$ 3,000
Planning	TDA Payments	Increase in payment to TDA from Occupancy Tax Revenues	\$ 5,000	\$ 5,000	\$ 5,000
Planning	Public Exec. Leadership Academy	Asst. Town Manger to attend 2-yr course	\$ 4,000	\$ -	\$ -
Facilities Management	HVAC Contract	Increase to HVAC contract	\$ 500	\$ 500	\$ 500
Police	Public Safety Facility Ramp-up	Reduce by \$50k/yr to fund General Fund raises. Project is far enough out that reducing the speed of ramp-up will have minimal impact.	\$ (50,000)	\$ (50,000)	\$ (50,000)
Streets	Salary/Benefits	Salary/benefit estimate correction	\$ 75,189	\$ 75,912	\$ 76,647
Solid Waste	Rollout Cart Lifting Device	Equipment needed for Solid Waste pickup	\$ 1,300	\$ -	\$ -
Special Appropriations	Community Re-Investment Funds	Increased allocation by \$1,556 Exchange Club - \$7,189	\$ 1,556	\$ -	\$ -
Special Appropriations	Cost of Living Adjustment	Hillsborough Arts Council - \$18,000	\$ 50,000	\$ 50,000	\$ 50,000
Special Appropriations	Merit	Increase COLA from \$1,000 to \$1,500 per FTE	\$ 50,000	\$ 50,000	\$ 50,000
Contingency	Contingency	Increase average merit from 3.25% to 4.00%	\$ 50,000	\$ 50,000	\$ 50,000
Contingency	Contingency	Reduce contingency by \$50k/yr to reduce deficit	\$ (50,000)	\$ (50,000)	\$ (50,000)

### Water & Sewer Fund

Department	Request	Description	FY24	FY25	FY26
Admin. of Enterprise	Cost of Living Adjustment	Increase COLA from \$1,000 to \$1,500 per FTE	\$ 25,000	\$ 25,000	\$ 25,000
Admin. of Enterprise	Merit	Increase average merit from 3.25% to 4.00%	\$ 25,000	\$ 25,000	\$ 25,000
Admin. of Enterprise	Cost Allocations	Cost allocation to General Fund for additions	\$ 58,311	\$ 13,774	\$ 15,902

### Stormwater Fund

Department	Request	Description	FY24	FY25	FY26
Stormwater	Cost of Living Adjustment	Increase COLA from \$1,000 to \$1,500 per FTE	\$ 2,500	\$ 2,500	\$ 2,500
Stormwater	Merit	Increase average merit from 3.25% to 4.00%	\$ 2,500	\$ 2,500	\$ 2,500
Stormwater	Cost Allocations	Cost allocation to General Fund for additions	\$ 2,393	\$ 612	\$ 697



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: Administrative Services  
Agenda Section: Regular  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Town Manager Eric Peterson

#### ITEM TO BE CONSIDERED

**Subject:** Hot topics for work session June 26, 2023

**Attachments:**

None.

**Summary:**

Possible topics for the June 26 work session include:

- Update on the Strategic Plan
- Fiscal Year 2022 Audit Report (tentative)
- Update on System Development Fees (tentative)

**Financial impacts:**

None.

**Staff recommendation and comments:**

None.

**Action requested:**

None.



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: June 12, 2023  
Department: All  
Agenda Section: Regular  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Department Heads

#### ITEM TO BE CONSIDERED

**Subject:** Staff (written reports in agenda packet)

**Attachments:**

Monthly departmental reports

**Summary:**

N/A

**Financial impacts:**

N/A

**Staff recommendation and comments:**

None.

**Action requested:**

Accept reports.



## Administrative Services Report May 2023

### Budget

- Manager’s Recommended Budget presented May 8.
- FY24 Budget Public Hearing and Workshop held May 19.
- UNC MPA intern started in the Budget office and will be with the town until August.

### Communications

- Town materials — Reviewed proclamations, public works violations door hanger, surveys for Churton Street Multi-Modal Study; reviewed transmittal letter for financial report and added branding and photos; created root beer float with the manager flyer.
- Website — Worked on project pages for public space and utilities, proclamations request form, search improvements; made improvement to allow preferred ordering of documents on a page.
- Utilities Outreach — Examined flipbook and design options for annual reports; issued news releases on collapsed sewer pipe repairs, wipes and tampons clogging pumps, and annual mowing of easements; posted social media on rates increases.
- Other — Reviewed minutes of new minutes preparers; reviewed evaluations and debriefed on Engage Hillsborough meeting; reviewed and shared information on county U.S. 70 study.

### Fleet Maintenance

- No updates.

### Human Resources/Town Clerk

- Biweekly payrolls

RECRUITMENT AND SELECTION	
Position	Status
Accounts Payable Technician	Start date: 7/3.
Equipment Operator I	Closed 5/21.
Police Officer	Continuous recruitment.
Public Works Intern	Closed 5/14.
Senior Customer Service Representative	Start date: 6/20.

### Information Technology

- Met with two potential building security vendors – A3 and Convergent.
- Worked with NetPlanner to replace broken HDMI transmitter in the Board Meeting Room.
- NetPlanner provided quote to fix sound quality issues.
- Completed work on IT staff security policy.
- Distributed PCI DSS annual security training to Financial Services staff.

### Safety and Risk Management

- Inspections — Gold Park, Turnip Patch Park, Murray Street Park, Hillsborough Heights Park, Cates Creek Park and forwarded recommendations (work orders). Forwarded safety inspection results to departments.
- Meetings – HR Team Meetings, Division Meetings and NCDOL Meetings.
- Random drug screens — On target for 2nd quarter drug screens random FMCA drug screens and completed pre-hire drug screens.
- Safety Committee — Incident reviews continue, working on inspection requirements and responsibilities with new Safety Committee members. Compiling data for the Injury and Illness Rate Reduction Plan (IIRRP) for NC Department of Labor.
- Safety equipment — Stocked/distributed/ordered safety gear generally and distributed updated safety wear and supplies.
- Other — Worked on employee training schedule, workers compensation claims, P&L claims and general duties pertaining to the Highway 86 building, collected fire extinguisher monthly check sheets.



## Public Works Report: May 2023

### Work Orders

16 completed within two days

### Public Spaces

94 staff hours

### Cemetery

4 Monuments marked

### Stormwater Maintenance

225 linear feet, 39 staff hours

### Inspections

1 Utility Cut Permit

### Special Events

Last Friday's – 4 staff hours, Installed Banners for Memorial Day – 12 staff hours

### Training

3 Staff attended Chainsaw Safety through ITRE, and 2 Staff received certification in Flagger Training and Aerial Lift Truck operation.

### Asphalt Repairs

3 Utility Cuts repaired





TOWN OF  
HILLSBOROUGH

**Utilities Department Status Report for Jun. 2023 (covering May 2023)**

PROJECT/CATEGORY	STATUS
WTP	<p><b>COMPLETED:</b> A valve stem on a filter has broken and needs to be repaired right away. The plant is running its remaining two filters but must curtail flushing the interconnections and watching demands during this time. Contractors have been called.</p> <p><b>NEW:</b> The town just found out one of four quarterly sample sites for disinfection byproducts exceeded the minimum contaminant level for TTHMs (total trihalomethanes). The value was .095 and the exceedance level is .080. This does not put our long-term running average over the limit for state enforcement or further action. We do have to notify the affected homeowner of the exceedance. It has been several years since we had an exceedance. In fact, our disinfection byproduct sampling has been much lower than in past years. We are unclear why this site hit and are flushing to bring this value down. Only thoughts are due to rain and high turbidity in the water in March and April a basin wash could not be performed. Other sample sites were not as elevated.</p>
WWTP	<p><b>COMPLETED:</b> The SCACA computer motherboard fried, and the computer needs to be replaced. Staff had to work extra hours to monitor the plant during this time. Deputy Director of Water Treatment Jeff Mahagan acted quickly to solicit quotes and schedule the replacement.</p>
West Fork of the Eno Reservoir	<p>The reservoir is around 48.5 feet. Phase II normal pool is 53 feet. Clearing of brush and trees is occurring at the end of the spillway outside the river buffer as recommended by the state inspectors. Also, quotes are being obtained to revitalize the rotting railroad tie steps leading to our tower walkway.</p>
Water Restrictions	None
King St. Sewer	<p>An emergency repair was made at the intersection of King St. and Occoneechee St. due to a crushed 6" sewer main and to be ahead of imminent paving of the road by NCDOT. The repair cost \$108,000 and was completed in one day, earlier than expected. A possible credit may be given as the job was less complex and shorter than anticipated.</p>
Orange St. Sewer	<p>The town is working to repair a blocked 6" sewer made of 40s era Orangeburg pipe (think pressed tar paper) off W. Orange St near Warner Ln. The sewer was likely installed privately to serve one parcel around that time as it goes in between several homes off road, but as the larger lots subdivided and new homes constructed, they were tied into it, including one on Warner Ln., which did not exist back in the 50s. Historically the town has worked on the sewer, not knowing it was undocumented, originally private and had no established easement. The town is going to replace this sewer and obtain an established easement. Quotes are being obtained.</p>
Elizabeth Brady Pumping Station Pumps	<p>An evaluation of the pumping station has determined the pumps are worn and in need of replacement. The pumps should be pumping at least 900 gallons per minute and are underperforming at around 625 gallons per minute. The pumps were piled with rags despite having a "chopper" device in the manhole upstream. A social media blast was</p>

	<p>made regarding rags with photos. The new spare pump will be outfitted with a new impeller that was recently purchased to provide additional capacity to 1,400 gallons per minute. Then the 2<sup>nd</sup> pump will be pulled and evaluated for rebuild or replacement. Depending on that outcome, up to two new pumps will need to be purchased.</p>
<p>Developments</p>	<p>The Lawrence Road project goes to the County Commissioners for vote on June 6. The county planning board did not vote for the project.</p> <p>Staff is working with developers of Forest Ridge, Collins Ridge, Harmony at Waterstone and Fiori Hills to get through town acceptance or warranty phases.</p> <p>Staff is working with the Waterstone South developer, who previously presented their concept to the board several months ago and received favorable feedback on their project, as downstream improvements to the Cates Creek outfall and Elizabeth Brady pumping station will be accelerated over what was presented in the collection system phase 2 modeling report. There is also a proposal to combine two existing pumping stations into one new station and to provide a second water connection for redundancy and quality as part of the project.</p> <p>Collins Ridge is undergoing master plan and Phase 1B modifications. Phase 2 Special User Permit is also active. WSECs for Phase 1B and James J Freeland Memorial Drive water main are expired and need to be renewed.</p> <p>Aldi's received their building permit and the Waterstone fire/EMS station received their certificate of occupancy.</p>
<p>Fiber Installs</p>	<p>So far existing work which is mainly outside of town on NCDOT roads has resulted in about six damage incidents to town mains (one 2" water, 3" sewer force main - twice) or services (3). Half of them were mismarked by the town (error or incorrect maps) but the others were properly marked, and time and materials will be charged back.</p> <p>Staff is reviewing maps for the Google in-town effort. There will be a significant amount of installation crews on the job when permits begin to be issued and the utilities expects a plethora of locate tickets and needing to respond to damages. Expecting to start in mid-June. The town does have temporary on call locators assisting.</p>
<p>Lawndale Rehab Project</p>	<p>The project page is under review and bid dates are being selected. The project will be to rehabilitate most of the sewers by cured-in-place lining with a few excavations to fix point repairs.</p>
<p>Funding Opportunities</p>	<p>We submitted the paperwork for our \$100,000 grant for water system master planning to the state and have signed the contract with Hazen &amp; Sawyer to get started.</p> <p>We also have received \$70,000 in grant funds to perform a technical evaluation of Hasell St tank and US 70A Watermain Replacement. These technical reviews will provide high level recommendations and costs to move forward. A request for qualifications was issued with proposals due May 24. Several firms expected to be interested in the project declined to submit due to resource limitations. One proposal was received and is being reviewed. If not sufficient, we may have to go back out for submittals.</p> <p>We received some guidance on the OWASA Booster pumping station STAG award. Will work through that. A formal application is required.</p> <p>Nothing on the FEMA BRIC awards. Paperwork processing is slow.</p>

	We submitted the Eno River Interceptor project to Rep. Meyer's office. Awaiting next steps.
System Development Fee Analysis	Raftelis is working on our system development fee analysis as required by law to revise every five years. Due to law revisions, it is more intensive than earlier. We must identify all developer donated and grant projects as these need to be backed out of the calculations. The proposed fees will need to be on public notice for 45 days prior to adoption. This may extend beyond the budget adoption, unfortunately, and we expect to meet again with their team on June 20. August is when we expect to adopt the fees after the public notice.
Easement Mowing	Bi-annual easement mowing will begin soon.
Engage Hillsborough	Utilities staff offered the blind water taste test at the event and municipal water edged out jug water by over 50%!
Bill Format	WSAC suggests expanding the detail on the utility billing statement to be more descriptive of the calculated rates. Discussion with financial services and communications has started about that and some language changes.
Staffing	Utilities remains fully staffed except that Al Robertson announced his retirement as of June 30. We will be advertising for the position externally and internally. Two plant maintenance staff completed Maintenance Tech 1 schooling and will take the exam for their certifications in the coming month. The night water plant operator took his C Surface exam recently and thinks he did well. Results forthcoming. The other night operator has been out on leave but should be returning in June.
Water and Sewer Advisory Committee (WSAC) Activities	WSAC recommends some bill layout adjustments for which the director has shared with the financial services department. WSAC is meeting bimonthly. At the June 1 meeting, they will vote on a special meeting to discuss backflow prevention enforcement of existing residential pool owners, tentatively slated for June 13. The next regular meeting, if no additional special meeting is called after June 13, is August 3. There is a joint meeting with the board on August 28 at their workshop.