



Agenda

Board of Commissioners Regular Meeting

7:00 PM September 08, 2025

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. Proclamation Declaring Sept. 8-14, 2025, as Orange Rural Fire Department Week

B. Narcan Training

5. Appointments

A. Board of Adjustment – Appointment of Sankalp Rangi to a three-year term expiring Oct. 31, 2028

6. Items for decision – consent agenda

A. Minutes

– Regular meeting Aug. 11, 2025

– Regular meeting closed session Aug. 11, 2025

– Work session Aug. 25, 2025

B. Miscellaneous budget amendments and transfers

C. Proclamation – Diaper Need Awareness Week

D. Proclamation – Hispanic Heritage Month 2025

E. Ordinance amending town code Section 14-71(a)1 – Payment of system development and capital facilities fees and Chapter 14 Appendix C – Water meter capacity factors

F. Request to place a marker for Anne Hooper in the Old Town Cemetery at 205 N. Churton Street

G. Classification and Pay Amendment

H. Special Event Permit – River Park Concert

7. Items for decision – regular agenda

A. Rezoning and development agreement requests from WP East Acquisitions LLC for 1001 Corporate Drive

B. Text amendment to Unified Development Ordinance Table 6.3.1, Dimensional Requirements – Residential (initiated by applicant, WP East Acquisitions LLC)

C. Draft Downtown and West Hillsborough Parking Study

D. Town Code Updates Related to Code Enforcement

101 E. Orange St., PO Box 429, Hillsborough, NC 27278
919-732-1270 | www.hillsboroughnc.gov | @HillsboroughGov

E. Hot topics for work session Sept. 22, 2025

8. Updates

A. Board members

B. Town manager

C. Staff (written reports in agenda packet)

9. Adjournment

Interpreter services or special sound equipment for compliance with the American 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 two business days in advance of the meeting.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Sept. 8, 2025
Department:	Administration/Governing Body
Agenda Section:	Presentations
Public hearing:	No
Date of public hearing:	N/A

PRESENTER/INFORMATION CONTACT

Mayor Mark Bell
Town Manager Eric Peterson

ITEM TO BE CONSIDERED

Subject: Proclamation Declaring Sept. 8-14, 2025, as Orange Rural Fire Department Week

Attachments:

Proclamation Declaring Sept. 8-14, 2025, as Orange Rural Fire Department Week

Summary:

Over the past year, the Orange Rural Fire Department, in addition to their daily operations, has responded to three significant events with distinction and life-saving actions:

- Hurricane Helene: providing mutual aid to devastated communities in western North Carolina.
- Winter Storm: managing the 50-vehicle pile-up with fatality and injuries for over 20 hours.
- Tropical Storm Chantal: rescuing a significant number of people trapped by flash floods, clearing streets, and performing other vital tasks throughout the event.

The proclamation recognizes the hard work, planning, training, personal sacrifice, and life-saving services performed by all associated with the Orange Rural Fire Department, including the elected board members of the fire district who provide leadership, chief, command staff, firefighters, staff, and volunteers.

Financial impacts:

N/A

Staff recommendation and comments:

Members of the town board and staff proposed establishing a method to formally recognize the ongoing excellence demonstrated by the Orange Rural Fire Department, which prompted the proclamation by Hillsborough's mayor and Board of Commissioners.

Action requested:

Reading of proclamation by Mayor Bell recognizing Sept. 8-14 as Orange Rural Fire Department Week.



PROCLAMATION

Declaring Sept. 8-14, 2025, as Orange Rural Fire Department Week

In Recognition of Continued Excellence, Courage and Sacrifice
in Serving the Hillsborough and Central Orange County Communities

WHEREAS, the Orange Rural Fire Department serves an expansive, 62-square-mile district in Central Orange County, which includes Hillsborough, and runs over 2,000 calls per year from four stations; and

WHEREAS, Orange Rural provides an array of highly technical life-saving rescue services in addition to fire suppression, first responder emergency medical care and hazardous materials functions, with these rescue services including trench, confined space, agriculture and machinery, swift and surface water, and structural collapse; and

WHEREAS, the Fire Department goes above and beyond to help all in the community during their greatest times of need and regardless of the situation; and

WHEREAS, Orange Rural was quick to send multiple deployments of firefighters and equipment when Hurricane Helene devastated western North Carolina on Sept. 27, 2024, and for decades has regularly provided mutual aid to communities across the state during emergencies, such as forest fires, floods and other disasters; and

WHEREAS, the Fire Department responded Feb. 19 to a 50-car pileup with a fatality and injuries on Interstate 85 during a winter storm, were on scene for over 20 hours with limited assistance from other agencies, and employed creative responses to prevent further loss of life and help those injured or trapped; and

WHEREAS, when Tropical Storm Chantal caused unprecedented flash flooding July 6-7, Orange Rural ran 42 calls in 10 hours, performed a dozen water rescues, provided a boat and two staff members to help evacuate 50 people in Carrboro, assisted with clearing streets of downed trees, monitored water levels at Lake Orange, and handled many other critical tasks; and

WHEREAS, during all emergencies, weather events, and preparation for severe storms, the Fire Department always reaches out to Town of Hillsborough staff offering assistance, resources, expertise and availability, which are greatly appreciated by all town employees, management, the mayor, and the Board of Commissioners;

NOW, THEREFORE, I, Mark Bell, mayor of the Town of Hillsborough, do hereby proclaim Sept. 8-14, 2025, as Orange Rural Fire Department Week in Hillsborough to recognize the phenomenal service to our community from Orange Rural's board members, firefighters, support staff, command staff, and Chief Jeff Cabe.

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 September in the year 2025.

Mark Bell, Mayor
Town of Hillsborough



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Sept. 8, 2025
Department: Police
Agenda Section: Presentations
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Interim Chief Jason Winn

ITEM TO BE CONSIDERED

Subject: Narcan Training

Attachments:

Presenter may provide PowerPoint prior to meeting.

Summary:

In observance of Opioid Awareness Month this September, we are hosting an informative training session on Naloxone (Narcan). The session will feature Landon Weaver from Orange County Emergency Services, who will provide a brief introduction to the topic and address any related questions.

Financial impacts:

N/A

Staff recommendation and comments:

N/A

Action requested:

N/A



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Sept. 8, 2025
Department:	Community Services
Agenda Section:	Appointments
Public hearing:	No
Date of public hearing:	N/A

PRESENTER/INFORMATION CONTACT

Senior Planner/Secretary to the BOA (Board of Adjustment), Tom King
Planning & Economic Development Division Manager, Shannan Campbell

ITEM TO BE CONSIDERED

Subject: Board of Adjustment – Appointment of Sankalp Rangi to a three-year term expiring Oct. 31, 2028

Attachments:

Volunteer application

Summary:

Board of Adjustment members are appointed for three-year terms and may be appointed for two successive terms. Members continue to serve until their replacements are appointed. The town currently has one opening for an in-town, regular member. This opening results from current board member Jenn Sykes' April 30, 2025, second term expiration.

Sankalp Rangi applied to serve on the Board of Adjustment and met with staff on Aug. 8, 2025, to discuss the function of the board and expectations for members serving on appointed boards.

Financial impacts:

None beyond funds necessary for occasional training opportunities.

Staff recommendation and comments:

Appoint Sankalp Rangi to fill Jenn Sykes' expired term.

Action requested:

Consider appointing Sankalp Rangi as an in-town regular Board of Adjustment member with a first term beginning Oct. 1, 2025, and ending Oct. 31, 2028.



TOWN OF HILLSBOROUGH

Page 1

Personal Information

*** Full name**

Mr Sankalp Rangl

*** Home address**

116 W Corbin St.
Hillsborough NC 27278

*** Primary phone**

[REDACTED]

Secondary phone

SKIPPED

*** Email**

[REDACTED]

Employer

LexisNexis

Job title

Group Product Manager

*** Birth date**

[REDACTED]

*** Gender**

Male

*** Preferred pronouns**

He/him/his

*** Hispanic, Latino or Spanish ancestry**

No

*** Race**

Other: South Asian

*** Have you attended Government 101 for community members?**

No

Page 2

Board Selection

You must meet at least one of the eligibility criteria for each board you would be willing to serve on:

Board of Adjustment

- Live in town
- Live in the extraterritorial jurisdiction area

Historic District Commission

- Live in town
- Live in the extraterritorial jurisdiction area

Parks and Recreation Board

- Live in town

Planning Board

- Live in town
- Live in the extraterritorial jurisdiction area

Tourism Board

- Own or operate a restaurant in town
- Live, own property or be employed in town

Tourism Development Authority

- Own or operate a business collecting lodging tax

*** First choice board**

Section 5, Item A.

Board of Adjustment

Second choice board

Historic District Commission

Third choice board

Planning Board

Page 3

Short-Answer Questions

*** Have you served or are you serving on a town board? Which ones and when?**

No, I am not serving on any board nor have I served on any board in Hillsborough or anywhere else.

*** Why do you want to serve on a town board? What would you specifically like to accomplish?**

We have lived in the town since 2019 but due to various reasons have not been able to contribute to the town and the community. We recently adopted a son and for the first time feel like Hillsborough would be home for a long time. Hence, I would like to participate in a way which might give me the opportunity to keep give back to the community and also allow me to contribute in maintaining the town as an inviting, comfortable, and cozy place for families like mine to grow up in.

*** Do you have relevant work, volunteer or educational experience for the boards you selected?**

My undergrad was in engineering and I did my Masters in Business Administration. My current work is in the technology sector where I get to work on complex customer problems with cross-functional teams which I feel would be helpful for me as a volunteer on any of these boards as I imagine that the issues brought in front of these boards are going to be complex and will require managing multiple points of view. I may not have experience which is directly relevant for these boards but I am quick learner and diligent in my approach to get things done.

*** How are you connected to Hillsborough?**

I have lived in the town since 2019. I went to UNC Chapel Hill before that for my MBA so have enjoyed everything Hillsborough has to offer for a number of years.

*** Have you reviewed town plans and other documents available on the town website?**

Yes, I have been paying attention to the town sustainable growth plans for the last few years.

*** What challenges facing the town could be addressed by the board or boards on which you wish to serve?**

Identifying and allowing the changes that are in line with the town's long term sustainable growth while keeping in line with the character of the town is the most challenging item for any board in Hillsborough.

*** How did you hear about this opportunity?**

Town website

I have been advised that I am committing to attend the appointed board's regular meetings. Attendance at the regular meetings is required for me to maintain membership on the board. The Board of Commissioners may declare a vacancy on the board because of non-attendance.

View the complete code in the Hillsborough Code of Ordinances: [Appointed Boards, Task Forces and Authorities](#).

Confirm understanding of attendance policy

Confirm



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Sept. 8, 2025
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 Aug. 11, 2025
2. Regular meeting closed session Aug. 11, 2025
3. Work session Aug. 25, 2025

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 Aug. 11, 2025, regular meeting closed session Aug. 11, 2025, work session Aug. 25, 2025.



Minutes

Board of Commissioners Regular Meeting

7 p.m. Aug. 11, 2025

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

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

Staff: Assistant Town Manager and Community Services Director Matt Efird, Police Management and Accreditation Coordinator Marshall Grayson, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Town Manager Eric Peterson, Senior Communications Specialist Cheryl Sadgrove, Utilities Director Marie Strandwitz, Public Space and Sustainability Manager Stephanie Trueblood and Interim Police Chief Jason Winn

Opening of the meeting

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

1. Public charge

Bell did not read the public charge.

2. Audience comments not related to the printed agenda

Hillsborough resident Cyrus Hogue addressed the board regarding flooding concerns on Burnside Drive. He referenced historical town meeting minutes that discussed raising the Ben Johnston Dam, noting that a study had found a "one-third possible rain" would bring water through Hillsborough at 535 feet above sea level. His house sits at 505 feet. Hogue expressed concern about changing climate conditions and asked the board to direct staff to look into possible solutions to help residents affected by flooding, especially given the recent changes in federal funding availability.

3. Agenda changes and approval

Motion: Commissioner Kathleen Ferguson moved to approve the agenda as presented. Commissioner Meaghun Darab seconded.

Vote: 5-0.

4. Presentations

A. North Carolina League of Municipalities Risk Review Award Presentation to the Hillsborough Police Department

Chet Effler, a public safety risk management consultant with the North Carolina League of Municipalities, presented an award to the Hillsborough Police Department for completing the law enforcement risk review process. Effler explained that the comprehensive review examined over 40 high-liability areas, including police pursuits, use of force, employment practices, and training. The review involved an in-depth policy review, on-site assessment, equipment and facility inspections, officer interviews, and observation of daily operations.

Effler noted that about nine law enforcement agencies have successfully completed the program. The league represents several hundred agencies across the state, and about 200 have pledged to complete the review process. Effler commended the interim chief and staff for their openness and transparency during the process. He said some of Hillsborough's practices are being recommended to other cities across the state.

Interim Police Chief Jason Winn invited Police Management and Accreditation Coordinator Marshall Grayson to join him in accepting the plaque, noting his role in the accreditation process. The plaque recognizes the Police Department for "completing the law enforcement risk management review and proactively serving the community in a professional manner while taking steps to minimize risk to citizens and officers."

- B. Starfield Booster Pumping Station and River Pumping Station Status
Utilities Director Marie Strandwitz provided an update on the Starfield Booster Pumping Station and River Pumping Station projects.

Starfield Booster Pumping Station:

Strandwitz explained the project would help the town receive drinking water from Orange Water and Sewer Authority during emergencies. The station is to be located off Old N.C. 86 near Starfield Circle. Strandwitz reported that while the town had secured federal grant funding for the project in two phases, the Phase 2 construction funding was revoked in April 2025. She said the town previously had received duplicate funding through the State and Tribal Assistance Grant but had opted to use the federal Building Resilient Infrastructure and Communities funding.

With the loss of federal funding, the town is now pursuing state funding, with work plans to be submitted the following week. Strandwitz said the town is continuing to work under Phase 1 federal funding, although invoices dated after April 1 are not guaranteed reimbursement. The project has reached 100% design plans, and staff are revisiting flood protection measures following recent flooding events, including elevating pumps and electrical controls and installing flood-proof doors.

Strandwitz addressed concerns from Starfield Circle residents, noting the town is seeking to locate the station in a small, 40-foot-by- 60-foot area in a buffer zone normally unusable for other purposes. She shared design ideas to make the building more aesthetically pleasing, including the use of split-face concrete block construction with landscaping and privacy fencing.

River Pumping Station Relocation:

Strandwitz explained the goal is to relocate the sewage pumping station out of the floodway. The proposed new site, on a corner piece of the River Park Elementary School parcel, performed well during the recent tropical storm flooding. Its Phase 2 federal funding also was withdrawn, and staff is pursuing alternative funding through the Hazard Mitigation Grant Program of the Federal Emergency Management Agency. The town is working on land acquisition, plats and easements and is trying to use existing sewer easements where possible to minimize additional land negotiations.

Strandwitz said staff are restoring the existing pumping station due to flooding while advancing the relocation project. They have obtained one quote for the demolition and installation and are in the process of contacting a second contractor for an additional quote.

5. Appointments

- A. Planning Board – Resolution to Orange County requesting reappointment of Jeanette Benjey to an extraterritorial jurisdiction seat for a three-year term
B. Planning Board – Appointment of Sean Kehoe for a three-year term expiring Aug. 30, 2028
C. Tourism Board – Reappointment of Rainbow Cabbage to a second term expiring Aug. 11, 2027

Motion: Ferguson moved to approve all appointments. Commissioner Matt Hughes seconded.
Vote: 5-0.

6. Items for decision – consent agenda

- A. Minutes
 - Regular meeting June 9, 2025
 - Work session June 23, 2025
 - Special meeting July 16, 2025
- B. Miscellaneous budget amendments and transfers
- C. Classification and Pay Amendment
- D. Selection of Artwork from Uproar Festival of Public Art for Town Hall Campus
- E. Ordinance amending Sections 14-40.1 – 14-41.2(e) of the town code to add Water Emergency Restriction Provisions
- F. Special Event Permit – Carolina Tarwheels Bikefest 2025
- G. Special Event Permit – Historic Hillsborough Half-Marathon and 5K 2025
- H. Resolution Authorizing the Town Manager to Enter into a Lease Agreement for Temporary Public Works Facility
- I. Sole Source Purchases – Flock Group, Inc.

Motion: Ferguson moved to approve all items on the consent agenda. Hughes seconded.
Vote: 5-0. Nays: None.

7. Items for decision - regular agenda

- A. Police Department Reorganization Presentation
The interim police chief proposed a reorganization of the Police Department's command structure to streamline the structure, create advancement opportunities for officers, and clarify roles and expectations.

Three people now report directly to the chief — two majors and the management and accreditation coordinator. Additionally, the distribution of responsibilities between the majors is not balanced. The proposal suggests reclassifying the two major roles into a single assistant chief position and introducing two captain positions below the assistant chief for administrative support and operations.

Winn said the department has 29 sworn positions but is allocated 31. This reorganization aims to utilize the additional positions effectively. He presented staffing data indicating that many officers are ready for career advancement, with 6-10 years of experience.

In the proposed structure, the chief would supervise the assistant chief and management and accreditation coordinator. The assistant chief would oversee the two captains, with each supervisor managing two direct reports. Patrol sergeants would have three officers reporting to them. The canine handler roles would be reintegrated into the Patrol Division, with flexible shifts for better coverage across all squads.

Winn addressed concerns over the title change from major to captain, explaining that lieutenants expecting to be promoted understand the captain structure aligns better with neighboring agencies.

The proposal involves redistributing responsibilities, with the assistant chief handling emergency management, internal accountability, special events and timekeeping, while the captains manage various operational roles. Winn said implementing these changes would involve repurposing an office, reallocating a vehicle, working with human resources on position reclassifications, and communicating changes to the community through social media and a meet-and-greet event.

Concerns about providing honest feedback and title changes were raised. Winn assured the board of his strong relationships with officers and their honesty in feedback, emphasizing expansion of opportunities rather than reduction.

Town Manager Eric Peterson said an anonymous survey had been sent to department staff, with results coming directly to him. He noted that even if the board approved the reorganization concept, adjustments could still be made based on feedback before the job descriptions are finalized and brought back for official approval.

The board expressed general support for the reorganization.

- B. Hot topics for work session Aug. 25, 2025
The Aug. 25 work session will include updates on code enforcement.

8. Updates

- A. Board members
Board members gave updates on the committees and boards on which they serve.
- B. Town manager
The manager had no additional updates.
- C. Staff (written reports in agenda packet)
There were no additional updates.

Motion: Ferguson moved to go into closed session. Hughes seconded.
Vote: 5-0.

9. Closed session

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

Commissioner Evelyn Lloyd was excused from the meeting at 8:50 p.m.

Motion: Ferguson moved to return to open session. Hughes seconded.
Vote: 4-0. Absent: Lloyd.

Motion: Ferguson moved to intervene in the Corbinton Commons Association Inc. and Aurantean Holdings LLC lawsuit against Carlton McKee Jr., Sarah McKee, Andrew Gaster and Donna Minnis Gaster. Hughes seconded.
Vote: 4-0. Absent: Lloyd.

10. Adjournment

The mayor adjourned the meeting at 8:54 p.m.

Respectfully submitted,

Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners

DRAFT



RESOLUTION

Requesting a Reappointment to the Hillsborough Planning Board Extraterritorial Jurisdiction Seat

WHEREAS, on March 7, 2024, Jeanette Benjey of 708 Cloverfield Drive was appointed to an extraterritorial jurisdiction seat on the Hillsborough Planning Board for a partial term ending October 31, 2025; and

WHEREAS, Benjey is eligible for reappointment to her seat for a three-year term beginning November 1, 2025; and

WHEREAS, pursuant to NC GS § 160D-307 (b) and Section 2.3.3 of the Hillsborough Unified Development Ordinance, the Orange County Board of Commissioners has the authority and responsibility to appoint extraterritorial jurisdiction members to the Hillsborough Planning Board;

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

- Section 1.** The Town of Hillsborough respectfully requests that the Orange County Board of Commissioners reappoints Jeanette Benjey to an extraterritorial jurisdiction seat on the Hillsborough Planning Board for a three-year term beginning November 1, 2025.
- Section 2.** Pursuant to NC GS § 160D-307 (b), if the Orange County Board of Commissioners does not act on this request within 90 days of receiving this resolution, then the Hillsborough Board of Commissioners may make the appointment.
- Section 3.** Town staff shall send a copy of this resolution to Tara May, Clerk to the Board of County Commissioners.
- Section 4.** This resolution shall become effective upon adoption.

Approved this 11th day of August of the year 2025.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough

Attestation:

Sarah Kimrey

Sarah Kimrey, Town Clerk

Town of Hillsborough, NC

Budget Adjustment Report

Adjustment Detail

For Date Range: 08/12/2025 - 08/12/2025

Account Number	Account Name			Original Budget	Budget Adjustments	Current Budget
Adjustment Number	Adjustment Description	Packet Number	Post Date		Amount	
Budget Code: 2025-2026 - Budget 2025-2026 Fiscal: 2025-2026						
Fund: 10 - GENERAL						
Revenue						
Department: 3870 - 3870						
10-71-3870-3870150	TRANSFER FROM GENERAL CRF			-20,500.00	-25,000.00	-45,500.00
BA0000132	Solar Panel Installation Study	GLPKT00638	08/12/2025		-25,000.00	
Department 3870 Total:				-20,500.00	-25,000.00	-45,500.00
Revenue Total:				-20,500.00	-25,000.00	-45,500.00
Expense						
Department: 4000 - DISASTER						
10-10-4000-5300145	MAINT - BUILDINGS			0.00	3,500.00	3,500.00
BA0000125	Chantal Expenses	GLPKT00617	08/12/2025		3,500.00	
10-10-4000-5300155	MAINT - PARKS			0.00	10,000.00	10,000.00
BA0000141	Chantal Expenses	GLPKT00801	08/12/2025		10,000.00	
Department 4000 Total:				0.00	13,500.00	13,500.00
Department: 4200 - ADMINISTRATION						
10-10-4200-5300458	DATA PROCESSING SERVICES			0.00	46,210.00	46,210.00
BA0000134	OpenGov Chart of Accounts Configuration	GLPKT00646	08/12/2025		46,210.00	
Department 4200 Total:				0.00	46,210.00	46,210.00
Department: 5100 - POLICE						
10-20-5100-5700735	CAPITAL - BUILDINGS & IMPROVEMENTS			0.00	12,557.00	12,557.00
BA0000137	To cover missed FY25 PO for HPD HVAC repl...	GLPKT00688	08/12/2025		12,557.00	
Department 5100 Total:				0.00	12,557.00	12,557.00
Department: 5400 - ENGINEERING SERVICES						
10-30-5400-5300583	MISC - TAX, TAGS, ETC			0.00	2,006.00	2,006.00
BA0000128	Trade Escape for F-150	GLPKT00618	08/12/2025		2,006.00	
10-30-5400-5700740	CAPITAL - VEHICLES			0.00	31,000.00	31,000.00
BA0000128	Trade Escape for F-150	GLPKT00618	08/12/2025		31,000.00	
Department 5400 Total:				0.00	33,006.00	33,006.00
Department: 5550 - FLEET MAINTENANCE						
10-30-5550-5300180	VEHICLE REPAIR - SOLID WASTE			25,000.00	21,583.00	46,583.00
BA0000136	2015 Mack Truck Repair	GLPKT00676	08/12/2025		10,583.00	
BA0000139	Garbage Truck Repair	GLPKT00704	08/12/2025		11,000.00	
Department 5550 Total:				25,000.00	21,583.00	46,583.00
Department: 6300 - PUBLIC SPACE						
10-10-6300-5300441	CS - ENGINEERING			0.00	25,000.00	25,000.00
BA0000132	Solar Panel Installation Study	GLPKT00638	08/12/2025		25,000.00	
Department 6300 Total:				0.00	25,000.00	25,000.00

Budget Adjustment Report**For Date Range: 08/12/2025 - 08/12/2025**

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Department: 9990 - CONTINGENCY						
10-00-9990-5300000	CONTINGENCY			450,000.00	-126,856.00	323,144.00
BA0000125	Chantal Expenses	GLPKT00617	08/12/2025		-3,500.00	
BA0000128	Trade Escape for F-150	GLPKT00618	08/12/2025		-33,006.00	
BA0000134	OpenGov Chart of Accounts Configuration	GLPKT00646	08/12/2025		-46,210.00	
BA0000136	2015 Mack Truck Repair	GLPKT00676	08/12/2025		-10,583.00	
BA0000137	To cover missed FY25 PO for HPD HVAC repl...	GLPKT00688	08/12/2025		-12,557.00	
BA0000139	Garbage Truck Repair	GLPKT00704	08/12/2025		-11,000.00	
BA0000141	Chantal Expenses	GLPKT00801	08/12/2025		-10,000.00	
Department 9990 Total:				450,000.00	-126,856.00	323,144.00
Expense Total:				475,000.00	25,000.00	500,000.00
Fund 10 Total:				454,500.00	0.00	454,500.00
Fund: 30 - WATER/SEWER						
Revenue						
Department: 3900 - 3900						
30-80-3900-3900000	FUND BALANCE APPROPRIATION			-675,666.00	-387,500.00	-1,063,166.00
BA0000133	Chantal Expenses	GLPKT00641	08/12/2025		-150,000.00	
BA0000138	Chantal Expenses	GLPKT00698	08/12/2025		-75,000.00	
BA0000140	Chantal Expenses	GLPKT00772	08/12/2025		-12,500.00	
BA0000141	Chantal Expenses	GLPKT00801	08/12/2025		-150,000.00	
Department 3900 Total:				-675,666.00	-387,500.00	-1,063,166.00
Revenue Total:				-675,666.00	-387,500.00	-1,063,166.00
Expense						
Department: 4000 - DISASTER						
30-80-4000-5300158	MAINT - EQUIPMENT			0.00	150,000.00	150,000.00
BA0000133	Chantal Expenses	GLPKT00641	08/12/2025		150,000.00	
30-80-4000-5300335	SUPPLIES - DISASTER			0.00	5,000.00	5,000.00
BA0000141	Chantal Expenses	GLPKT00801	08/12/2025		5,000.00	
30-80-4000-5700729	CAPITAL - INFRASTRUCTURE			0.00	95,000.00	95,000.00
BA0000138	Chantal Expenses	GLPKT00698	08/12/2025		75,000.00	
BA0000140	Chantal Expenses	GLPKT00772	08/12/2025		20,000.00	
30-80-4000-5700741	CAPITAL - EQUIPMENT			0.00	145,000.00	145,000.00
BA0000141	Chantal Expenses	GLPKT00801	08/12/2025		145,000.00	
Department 4000 Total:				0.00	395,000.00	395,000.00
Department: 8200 - WASTEWATER COLLECTION						
30-80-8200-5300165	MAINT - INFRASTRUCTURE			160,000.00	-13,782.00	146,218.00
BA0000130	Churton Grove 6" Bypass Line Stop	GLPKT00620	08/12/2025		-13,782.00	
30-80-8200-5700729	CAPITAL - INFRASTRUCTURE			0.00	13,782.00	13,782.00
BA0000130	Churton Grove 6" Bypass Line Stop	GLPKT00620	08/12/2025		13,782.00	
Department 8200 Total:				160,000.00	0.00	160,000.00
Department: 8220 - WASTEWATER TREATMENT PLANT						
30-80-8220-5300158	MAINT - EQUIPMENT			130,380.00	-3,240.00	127,140.00
BA0000131	Cover pump replacement at WWTP	GLPKT00622	08/12/2025		-3,240.00	
30-80-8220-5700741	CAPITAL - EQUIPMENT			65,000.00	3,240.00	68,240.00
BA0000131	Cover pump replacement at WWTP	GLPKT00622	08/12/2025		3,240.00	
Department 8220 Total:				195,380.00	0.00	195,380.00
Department: 9990 - CONTINGENCY						
30-80-9990-5300000	CONTINGENCY			400,000.00	-7,500.00	392,500.00
BA0000140	Chantal Expenses	GLPKT00772	08/12/2025		-7,500.00	
Department 9990 Total:				400,000.00	-7,500.00	392,500.00
Expense Total:				755,380.00	387,500.00	1,142,880.00
Fund 30 Total:				79,714.00	0.00	79,714.00

Budget Adjustment Report**For Date Range: 08/12/2025 - 08/12/2025**

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 60 - GENERAL CAPITAL IMPROVEMENTS						
Expense						
Department: 5600 - STREETS						
60-05-5600-5700570	MISCELLANEOUS			0.00	100,000.00	100,000.00
BA0000129	Debt Issuance Costs	GLPKT00619	08/12/2025		100,000.00	
60-05-5600-5700775	NC86 - CONSTRUCTION			4,500,000.00	-100,000.00	4,400,000.00
BA0000129	Debt Issuance Costs	GLPKT00619	08/12/2025		-100,000.00	
Department 5600 Total:				4,500,000.00	0.00	4,500,000.00
Expense Total:				4,500,000.00	0.00	4,500,000.00
Fund 60 Total:				4,500,000.00	0.00	4,500,000.00
Fund: 71 - CAPITAL RESERVE FUND - GENERAL FUND						
Expense						
Department: 6300 - PUBLIC SPACE						
71-10-6300-5700851	SUSTAINABILITY			565,000.00	-25,000.00	540,000.00
BA0000132	Solar Panel Installation Study	GLPKT00638	08/12/2025		-25,000.00	
Department 6300 Total:				565,000.00	-25,000.00	540,000.00
Department: 6900 - SPECIAL APPROPRIATIONS						
71-71-6900-5970910	TRANSFER TO GENERAL FUND			397,322.00	25,000.00	422,322.00
BA0000132	Solar Panel Installation Study	GLPKT00638	08/12/2025		25,000.00	
Department 6900 Total:				397,322.00	25,000.00	422,322.00
Expense Total:				962,322.00	0.00	962,322.00
Fund 71 Total:				962,322.00	0.00	962,322.00
Budget Code 2025-2026 Total:				5,996,536.00	0.00	5,996,536.00

Budget Adjustment Report

Description

Fund Summary

Description	Fund	Original Budget	Budget Adjustments	Current Budget
Budget Code: 2025-2026 - Budget 2025-2026 Fiscal: 2025-2026				
	10	454,500.00	0.00	454,500.00
	30	79,714.00	0.00	79,714.00
	60	4,500,000.00	0.00	4,500,000.00
	71	962,322.00	0.00	962,322.00
Budget Code 2025-2026 Total:		5,996,536.00	0.00	5,996,536.00

APPROVED: 5/0

DATE: 8/11/25

VERIFIED: *Shawn E. Kimrey*

DRAFT



ORDINANCE

Amending Town Code Sections 14-40.I – 14-4I.2(e) Adding Water Emergency Restriction Provisions

WHEREAS, Section 14-40.1. Water shortage and withdrawal/conservation restrictions of the existing town code addresses water supply shortages but not water emergency shortages; and

WHEREAS, the town needs to state other situations such as water emergencies whereby a water restriction, voluntary or mandatory, can be declared and who is authorized to make such declaration.

NOW, THEREFORE, the Hillsborough Board of Commissioners ordains:

Section 1. Section 14-40.1 Water shortage and withdrawal/conservation restrictions.

(a) Item (a) is revised to read as follows and adds item (a)(1):

The town may declare water shortage and withdrawal/conservation restrictions as deemed necessary due to drought conditions or a water emergency. The Utilities Director, their designee, town manager, or mayor are authorized to make the declaration in writing and indicate the effective stage per Sec. 14-40.3.

(1) A water emergency exists when the town's water treatment plant cannot produce water, the town needs to supplement or rely upon water from another jurisdiction, or there is contamination of the water supply such that the water supply is limited or needed for mitigation of contamination.

(b) Item (b) is revised to read as follows and adds item (b)(1):

In the event of a water shortage in Lake Orange and West Fork Eno Reservoir or diminished stream flows in the Eno River, the persons identified in item (a) are authorized, empowered, and directed to issue a declaration to all persons the existence of such state and the severity thereof, and place in effect the restrictive provisions authorized in section 14-40.3 of this article.

(1) A water supply shortage exists when the reservoir water supply reaches volumes stated in this Code and the Eno is flowing less than ten cubic feet per second.

Section 14-40.2 Unlawful to use water contrary to provisions of this article.

(a) Item (a) is revised to read as follows:

When a water shortage and withdrawal/conservation restrictions are declared pursuant to section 14-40.1, it shall be unlawful for any person to use or permit the use of water supplied through the facilities of the Town of Hillsborough, in violation of any of the restrictions contained in the declaration until the town has declared a particular stage of the water shortage to be over and the applicable restrictions are no longer in effect.

(b) Item (b) is revised to read as follows:

In light of the many benefits that can be derived by conserving water, all persons, firms, or corporations served by the town's water system should follow water conservation practices and irrigation requirements in Section 14-19 regardless of the time of year or whether or not a water shortage or emergency exists. Water conservation should be followed during all phases of construction-related activities. Where appropriate, water needed should be obtained from supplemental sources. Nonessential construction-related activities which require water should not be undertaken during a declared water shortage."

Section 14-40.3 Restrictive measures in effect at each stage of water shortage.

- (a) The introductory paragraph is revised to read as follows:

The severity of a water supply shortage shall be determined by the usable water capacity for the Town of Hillsborough available in the West Fork Eno Reservoir, Lake Orange, and the Eno River combined, or in an emergency, also in its water quality testing, storage and distribution systems, or through system interconnections with neighboring jurisdictions. These restrictions apply to Town of Hillsborough municipal water supply usage only.

- (b) Item 2(a) adds to the end of the sentence, "or as otherwise declared for a water emergency."
- (c) Item 2(b) deletes item (i) and renumbers the remaining items accordingly.
- (d) Item 2(b) new item (i) now reads, "For reservoir supply issues, provide weekly (or more frequent) reservoir level and water usage statistics. For a water emergency, maintain daily updates to the public through website, social media, alert system and press releases."
- (e) Item 3(a) adds to the end of the sentence, "or as otherwise declared for a water emergency."
- (f) Item 4(a) adds to the end of the sentence, "or as otherwise declared for a water emergency."
- (g) Item 4(b)(ii) adds to the end of the sentence, "or by the town as necessary."
- (h) Item 4(d)(iii) adds after "other water utilities," the addition of "interconnections with neighboring jurisdictions..."
- (i) Item 4(d)(iv) changes "local daily newspapers" to "the public" and deletes the last sentence stating, "This information will also be posted periodically on the town website."

Section 14-41 Violations.

- (a) Item (a) adds after "...this article by" the words "visual observation and" ...

Section 14-41.1 Penalties.

- (a) Items (d) and (g) are deleted and remaining items are renumbered accordingly.

Section 14-41.2 Notification, public comment, variance protocols, effectiveness, and revision.

- (a) Item (a)(1) adds following, "...information box" the words "if time permits (as messaging must be provided to the vendor well in advance of bill printing."
- (b) Item (a)(3) adds the word "the" before town and deletes "engineer and PIO".

- (c) Adds new Item (a)(6) to read, "The towns available alert messaging system (i.e., OC Alerts, reverse 911, etc.)"
- (d) Changes "engineer" to "utilities director" in item (c).
- (e) Adds "such as but not limited to" at the end of item (c)(1).
- (f) Changes Item (e) to say "periodically" after "...will be reviewed" and deletes the rest of the existing language.


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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 11th day of August in the year 2025.

Ayes: 5
Noes: 0
Absent or excused: 0





Sarah E. Kimrey, Town Clerk



RESOLUTION

Authorizing the Town Manager to Enter into a Lease Agreement for a Temporary Public Works Facility

WHEREAS, the Town of Hillsborough experienced substantial flood damage by Tropical Storm Chantal from July 5 to July 6, 2025; and

WHEREAS, the Public Works Operations Facility on Dimmocks Mill Road was flooded, causing a total loss of two occupied buildings at the site; and

WHEREAS, a replacement facility at Highway 86 North was already in progress, but the Public Works crews need an operational base for approximately 14 months during the construction period; and

WHEREAS, town staff have reviewed multiple options for available space and are recommending a lease at 604-A Cornerstone Court; and

WHEREAS, the board approves the appropriation of funds for the lease and, by adopting this resolution, delegates to the town manager the authority to finalize lease documents for the facility;

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

- 1) The town manager is authorized to execute a lease agreement under terms that are judged to be fair and reasonable in their judgement for use as a temporary public works facility.
- 2) Funding for the lease agreement is hereby approved as reflected in the attached budget amendment.

Approved this 11th day of August of the year 2025.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough

Attestation:

Sarah E. Kimrey

Sarah Kimrey, Town Clerk



Minutes

Board of Commissioners Work Session

7 p.m. Aug. 25, 2025

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

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

Absent: Commissioner Matt Hughes

Staff: Planning and Economic Development Manager Shannan Campbell, Assistant Town Manager and Community Services Director Matt Efird, Environmental Engineering Manager Bryant Green, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Communications Specialist JC Leser-McMinn, Town Manager Eric Peterson and Police Maj. Andy Simmons

1. Opening of the work session

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

2. Agenda changes and approval

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

Vote: 4-0.

3. Presentations

A. Small Business Administration Presentation on recovery resources available to businesses and individuals impacted by Tropical Storm Chantal

The mayor introduced Janell Dixon from the U.S. Small Business Administration to provide an update on relief programs and opportunities available following the recent tropical storm.

The public affairs specialist presented information on disaster recovery efforts in North Carolina. She explained the administration provides disaster recovery loans to businesses, homeowners, renters, nonprofit organizations and churches in a disaster.

Dixon outlined key points:

- Affected individuals and entities can apply for a physical damage loan if their home or property was damaged.
- Businesses are eligible for economic injury disaster loans if they experienced substantial economic injury.
- The in-person application deadline for disaster loans is Aug. 30, 2025.
- Loan applications are available online. The physical disaster loan application will close Sept. 23, and the economic injury disaster loan will close April 27.
- Homeowners are eligible for loans up to \$500,000, and businesses are eligible for loans up to \$2 million.
- Eligibility requirements include ability to repay the loan and good credit history.

- The loans feature low fixed interest rates, no payments or interest for the first year, and no annual fees or prepayment penalties.
- The loans can be used for disaster mitigation, allowing people to move or make improvements in flood-prone areas.

Dixon provided instructions on how to apply for the loans through its website and discussed the documentation required. She said customer service representatives are available at the Orange County Southern Branch Library to assist with loan applications and provide information.

B. Code Enforcement Updates

Planning and Economic Development Manager Shannan Campbell provided an update on the town's code enforcement efforts for Fiscal Year 2025. Key points included:

- The town started work with a code enforcement contractor in January 2025.
- In six months, 146 violations were resolved.
- About 30 cases are open, with 10 potentially requiring town intervention for abatement.
- About \$32,000 of the allocated \$50,000 was utilized, with full utilization expected this fiscal year.
- Common challenges included property line disagreements, right-of-way responsibilities and issues with vacant or foreclosed properties.
- Abandoned and dilapidated structures present the most significant challenges, often involving complex ownership situations.

Campbell discussed future needs, including:

- Budget for abatements.
- Updating and modernizing current code enforcement ordinances.
- Addressing abandoned and dilapidated structures more proactively.

She said staff would bring proposed town code updates to the board for discussion at a future meeting.

4. Items for decision - consent agenda

- A. Miscellaneous budget amendments and transfers
- B. Proclamation – Women’s Equality Day 2025
- C. Collins Ridge Phase 1A Request 2 – Partial Water and Sewer Acceptance of Gold Hill Way Water Main and Orange Grove St. Sewer Outfall

Motion: Ferguson moved to approve all items on the consent agenda. Commissioner Meaghun Darab seconded.

Vote: 4-0. Nays: 0.

5. In-depth discussion and topics

- A. Resolution of intent to close an unimproved right of way and portion of S. Hassel Street

The planning and economic development manager presented a request to close an unimproved right-of-way portion of South Hassel Street. Campbell explained that the right of way was mapped long ago for a potential road but functions as a shared driveway. The adjacent property owners maintain the area and would benefit from having the property returned to them.

Campbell said the town has no plans to create public access to the river at this location or build a bridge. She said a sewer line runs through the area, so the town would request a sewer easement if the closure were approved.

Campbell clarified that tonight's action would be to approve a resolution of intent, with the final decision coming after a public hearing in September.

Motion: Ferguson moved to adopt the resolution of intent to close the right of way and schedule the public hearing for Sept. 22, 2025. Lloyd seconded.

Vote: 4-0.

B. Special Event Permit/Sponsorship – Hog Day 2025

The planning and economic development manager presented the special event permit application for Hog Day 2025, noting organizers had submitted most of the required documentation shortly before the meeting. These included the application, emergency action plan, event layout and permit fees. The only outstanding document is the certificate of insurance, which the organizers are working to obtain.

Al Hartkopf, the Optimist Club's project manager for Hog Day, provided updates on the event planning:

- 24 out of 25 designated barbecue cooks have been confirmed.
- 70 crafters or vendors and 23 food vendors have signed up.
- 2 law enforcement officers are scheduled for Friday and 6 for Saturday.

Maj. Andy Simmons advised that the 5K race component needed to be canceled due to an inability to use Riverwalk, which was damaged by flooding, and concerns about alternative routes that would require crossing major roads with insufficient staffing resources.

Commissioners expressed concerns regarding the late submission of required documentation. Hartkopf acknowledged responsibility for the delays and committed to starting the planning process in January next year, aiming to submit all documentation by May.

Motion: Ferguson moved to approve the special event permit, conditional upon the submission of a certificate of insurance. Additionally, the 5K run must be canceled, and the application for Hog Day 2026, along with updated documentation, must be submitted by June 1, 2026. Commissioner Meaghun Darab seconded.

Vote: 4-0.

C. Tropical Storm Chantal After Action Review – Update on Survey Results and Next Steps

Assistant Town Manager and Community Services Director Matt Efird presented an update on the after-action review for Tropical Storm Chantal.

He outlined steps taken since the storm:

- Leased new space for public works operations while the Highway 86 North Facility is under construction.
- Updated procedures for relocating vehicles from flood-prone areas.
- Started planning flood hardening for the Adron F. Thompson Water/Sewer Facility.
- Updated town code language regarding water supply emergencies.
- Met with Orange County and other agencies for a comprehensive review.
- Designed boil water notice signs for future use.

Efird shared results from post-event surveys collected from the Board of Commissioners, the emergency management team, key operational staff, and the community. The community survey received 120 responses: 68.3% from town residents, 20% from utility customers outside town limits, 7.5% from "other" respondents, and 4.2% from business owners or employees.

Key survey findings included:

- Generally positive perception of safety during the event.
- Slight decrease in confidence in town preparedness after the storm.
- Communication received mixed reviews, with some residents praising frequent updates while others reported receiving no information.
- Out-of-town utility customers provided more negative feedback than town residents.

Common themes in open-ended responses included:

- Concerns about aging infrastructure and vulnerable utilities.
- Unresolved flooding in specific areas like the Collins Ridge neighborhood entrance.
- Communication challenges, particularly for those not using social media.
- Confusion about boil water notices and instructions.

Based on the feedback, next steps include:

- Conducting planning exercises.
- Developing methods to incorporate community volunteers.
- Training staff in damage assessment procedures.
- Exploring emergency notification alternatives.
- Updating the town website for faster emergency updates.
- Implementing flood mitigation measures at critical infrastructure.
- Identifying funding for planned improvements.
- Collaborating with Orange County for cooling and charging center locations.
- Addressing known flood-prone areas.

Efird also provided updates on vehicle and equipment replacements, noting the Public Works Division had ordered all replacement equipment, with some items already received. Staff will relocate to their leased space on Sept. 1, and architects are revising designs for the Adron F. Thompson Water/Sewer Facility to elevate finished floors by 12 inches.

The board expressed appreciation for the comprehensive report and staff efforts during and after the storm.

6. Committee updates and reports

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

7. Adjournment

Motion: Ferguson moved to adjourn at 9:18 p.m. Lloyd seconded.

Vote: 4-0.

Respectfully submitted,

Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners

Town of Hillsborough, NC

Budget Adjustment Report

Adjustment Detail

For Date Range: 08/25/2025 - 08/29/2025

Account Number	Account Name			Original Budget	Budget Adjustments	Current Budget
Adjustment Number	Adjustment Description	Packet Number	Post Date		Amount	
Budget Code: 2025-2026 - Budget 2025-2026 Fiscal: 2025-2026						
Fund: 10 - GENERAL						
Department: 4000 - DISASTER						
10-10-4000-5700729	CAPITAL - INFRASTRUCTURE			0.00	-83,300.00	-83,300.00
BA0000149	TS Chantal: Gold Park Bathroom Repairs	GLPKT00905	08/25/2025		-83,300.00	
10-10-4000-5700735	CAPITAL - BUILDINGS & IMPROVEMENTS			0.00	83,300.00	83,300.00
BA0000149	TS Chantal: Gold Park Bathroom Repairs	GLPKT00905	08/25/2025		83,300.00	
Department 4000 Total:				0.00	0.00	0.00
Department: 4100 - GOVERNING BODY						
10-10-4100-5300120	ADVERTISING			150.00	170.00	320.00
BA0000147	Cover publishing fees	GLPKT00868	08/25/2025		170.00	
10-10-4100-5300570	MISCELLANEOUS			4,500.00	-170.00	4,330.00
BA0000147	Cover publishing fees	GLPKT00868	08/25/2025		-170.00	
Department 4100 Total:				4,650.00	0.00	4,650.00
Fund 10 Total:				4,650.00	0.00	4,650.00
Fund: 30 - WATER/SEWER						
Department: 3900 - 3900						
30-80-3900-3900000	FUND BALANCE APPROPRIATION			-675,666.00	-57,000.00	-732,666.00
BA0000145	TS Chantal: Emergency Water Use - Durham	GLPKT00837	08/25/2025		-7,000.00	
BA0000151	Sludge Removal	GLPKT00961	08/25/2025		-50,000.00	
Department 3900 Total:				-675,666.00	-57,000.00	-732,666.00
Department: 4000 - DISASTER						
30-80-4000-5300480	PURCHASE WATER/& RESALE			0.00	7,000.00	7,000.00
BA0000145	TS Chantal: Emergency Water Use - Durham	GLPKT00837	08/25/2025		7,000.00	
Department 4000 Total:				0.00	7,000.00	7,000.00
Department: 8220 - WASTEWATER TREATMENT PLANT						
30-80-8220-5300550	SLUDGE REMOVAL			206,000.00	50,000.00	256,000.00
BA0000151	Sludge Removal	GLPKT00961	08/25/2025		50,000.00	
Department 8220 Total:				206,000.00	50,000.00	256,000.00
Fund 30 Total:				-469,666.00	0.00	-469,666.00
Budget Code 2025-2026 Total:				-465,016.00	0.00	-465,016.00

Budget Adjustment Report

For Date Range: 08/25/2025 - 08/29/2025

Description

Fund Summary

Description	Fund	Original Budget	Budget Adjustments	Current Budget
Budget Code: 2025-2026 - Budget 2025-2026 Fiscal: 2025-2026				
	10	4,650.00	0.00	4,650.00
	30	-469,666.00	0.00	-469,666.00
Budget Code 2025-2026 Total:		-465,016.00	0.00	-465,016.00

APPROVED: 4/0

DATE: 8/25/25

VERIFIED: Shan E. Kinney

DRAFT



PROCLAMATION

Women's Equality Day 2025

WHEREAS, Women's Equality Day is celebrated annually on August 26 to commemorate the adoption of the 19th Amendment to the United States Constitution in 1920, which prohibited states from depriving citizens of the right to vote based on gender; and

WHEREAS, women of color fought for the right to vote for another four decades until the passage of the Voting Rights Act in 1965; and

WHEREAS, recognizing Women's Equality Day as a day of celebration emphasizes the importance of women's work for democracy and calls attention to women's continuing efforts toward full equality; and

WHEREAS, Hillsborough benefits from the leadership and representation of women who embody gender equality, including the Honorable Jennifer Weaver, the first woman Mayor of Hillsborough from 2019 to 2023; Commissioner Evelyn Lloyd, the longest-serving woman on the Hillsborough Board of Commissioners at 34+ years and newest Hillsborough Commissioner Meaghun Darab; Commissioner Phyllis Portie-Ascott, Orange County Board of Commissioners, District 2; Wendy Padilla, first Hispanic female member of the Orange County Board of Education; Congresswoman Valerie Foushee of North Carolina Congressional District 4; and Representative Renee Price of North Carolina General Assembly District 50; and

WHEREAS, Hillsborough is home to the Northern Orange Branch of the NAACP, an organization devoted to ending racial discrimination and which joins in a statewide effort to honor and acknowledge women annually, and as an organization has been led by numerous women leaders from our community; and

WHEREAS, Hillsborough honors organizations like the League of Women Voters, serving the people of Orange, Durham and Chatham Counties, that work to protect and expand voting rights and defend democracy through advocacy, education, and litigation, at the local, state and national levels; and

WHEREAS, Hillsborough is committed to advancing gender equity and protecting women's rights and to making equity and inclusion a reality in the town's policies and procedures and throughout the community;

NOW, THEREFORE, I, Mark Bell, mayor of the Town of Hillsborough, do hereby proclaim Aug. 26, 2025, as Women's Equality Day 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 25th day of August in the year 2025.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough



RESOLUTION

Intent to Close an Unimproved Right of Way and Portion of South Hassel Street and Establishment of a Public Hearing Date

WHEREAS, there is an unimproved right of way of approximately 265+/- feet named as a segment of S. Hassel Street located between 301 W. Margaret Lane (PIN 9864856768) and 233 W. Margaret Lane (PIN 9864858863); and

WHEREAS, a request to close this right of way was received by staff; and

WHEREAS, per North Carolina General Statute 160A-299, the Board of Commissioners must adopt a resolution declaring its intent to close the street; and

WHEREAS, a public hearing date shall also be set before further action can commence;

NOW, THEREFORE, be it resolved that the Hillsborough Board of Commissioners hereby adopts this resolution of intent to close a portion of unimproved right of way, named as a segment of S. Hassel Street, sets a public hearing date of Sept. 22, 2025, and directs staff to provide public notice of this hearing as outlined in North Carolina General Statute 160A-299.

Approved this 25th day of August of the year 2025.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough

Attestation:

Sarah E. Kimrey

Sarah Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Sep. 8, 2025
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.

Budget Adjustment Report

Adjustment Detail

Town of Hillsborough, NC

For Date Range: 09/08/2025 - 09/08/2025

Account Number	Account Name			Original Budget	Budget Adjustments	Current Budget
Adjustment Number	Adjustment Description	Packet Number	Post Date		Amount	
Budget Code: 2025-2026 - Budget 2025-2026 Fiscal: 2025-2026						
Fund: 10 - GENERAL						
Department: 3900 - 3900						
10-00-3900-3900000	FUND BALANCE APPROPRIATION			-207,819.00	-4,000.00	-211,819.00
BA0000153	Chantal Expenses	GLPKT00983	09/08/2025		-4,000.00	
Department 3900 Total:				-207,819.00	-4,000.00	-211,819.00
Department: 4000 - DISASTER						
10-10-4000-5300145	MAINT - BUILDINGS			0.00	-10,000.00	-10,000.00
BA0000155	TS Chantal: Riverwalk Repairs PO	GLPKT00995	09/08/2025		-10,000.00	
10-10-4000-5300155	MAINT - PARKS			0.00	10,000.00	10,000.00
BA0000155	TS Chantal: Riverwalk Repairs PO	GLPKT00995	09/08/2025		10,000.00	
10-10-4000-5700741	CAPITAL - EQUIPMENT			0.00	4,000.00	4,000.00
BA0000153	Chantal Expenses	GLPKT00983	09/08/2025		4,000.00	
Department 4000 Total:				0.00	4,000.00	4,000.00
Department: 4100 - GOVERNING BODY						
10-10-4100-5300145	MAINT - BUILDINGS			250.00	375.00	625.00
BA0000156	White boards in annex conference room	GLPKT01028	09/08/2025		375.00	
10-10-4100-5300570	MISCELLANEOUS			4,500.00	-375.00	4,125.00
BA0000156	White boards in annex conference room	GLPKT01028	09/08/2025		-375.00	
Department 4100 Total:				4,750.00	0.00	4,750.00
Department: 5400 - ENGINEERING SERVICES						
10-30-5400-5300080	TRAINING/CONF./CONV.			4,300.00	-1,500.00	2,800.00
BA0000157	Chlorine Testing Kit	GLPKT01086	09/08/2025		-1,500.00	
10-30-5400-5300570	MISCELLANEOUS			500.00	1,500.00	2,000.00
BA0000157	Chlorine Testing Kit	GLPKT01086	09/08/2025		1,500.00	
Department 5400 Total:				4,800.00	0.00	4,800.00
Fund 10 Total:				-198,269.00	0.00	-198,269.00
Fund: 30 - WATER/SEWER						
Department: 3900 - 3900						
30-80-3900-3900000	FUND BALANCE APPROPRIATION			-675,666.00	-10,895.00	-686,561.00
BA0000153	Chantal Expenses	GLPKT00983	09/08/2025		-10,895.00	
Department 3900 Total:				-675,666.00	-10,895.00	-686,561.00
Department: 4000 - DISASTER						
30-80-4000-5700741	CAPITAL - EQUIPMENT			0.00	10,895.00	10,895.00
BA0000153	Chantal Expenses	GLPKT00983	09/08/2025		10,895.00	
Department 4000 Total:				0.00	10,895.00	10,895.00
Department: 8200 - WASTEWATER COLLECTION						
30-80-8200-5300165	MAINT - INFRASTRUCTURE			160,000.00	-30,272.00	129,728.00
BA0000154	Churton Grove lift station replacement	GLPKT00984	09/08/2025		-30,272.00	
30-80-8200-5700741	CAPITAL - EQUIPMENT			110,000.00	30,272.00	140,272.00
BA0000154	Churton Grove lift station replacement	GLPKT00984	09/08/2025		30,272.00	
Department 8200 Total:				270,000.00	0.00	270,000.00
Fund 30 Total:				-405,666.00	0.00	-405,666.00

Budget Adjustment Report

For Date Range: 09/08/2025 - 09/08/2025

Account Number	Account Name			Original Budget	Budget Adjustments	Current Budget
Adjustment Number	Adjustment Description	Packet Number	Post Date		Amount	
Fund: 72 - RESTRICTED REVENUES - GENERAL FUND						
Department: 5100 - POLICE						
72-00-5100-3301058	RESTRICTED REV - BCBS GRANT - HILLS COMM CLOSET			0.00	-5,000.00	-5,000.00
BA0000152	BCBS Grant - Hillsborough Community Closet	GLPKT00970	09/08/2025		-5,000.00	
72-20-5100-5300369	BCBS - HILLSBOROUGH COMMUNITY CLOSET EXPENDITURES			0.00	5,000.00	5,000.00
BA0000152	BCBS Grant - Hillsborough Community Closet	GLPKT00970	09/08/2025		5,000.00	
Department 5100 Total:				0.00	0.00	0.00
Fund 72 Total:				0.00	0.00	0.00
Budget Code 2025-2026 Total:				-603,935.00	0.00	-603,935.00

Description

Fund Summary

Description	Fund	Original Budget	Budget Adjustments	Current Budget
Budget Code: 2025-2026 - Budget 2025-2026		Fiscal: 2025-2026		
	10	-198,269.00	0.00	-198,269.00
	30	-405,666.00	0.00	-405,666.00
	72	0.00	0.00	0.00
Budget Code 2025-2026 Total:		-603,935.00	0.00	-603,935.00



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Sept. 8, 2025
Department:	Governing Body
Agenda Section:	Consent
Public hearing:	No
Date of public hearing:	N/A

PRESENTER/INFORMATION CONTACT

Mayor Mark Bell

ITEM TO BE CONSIDERED

Subject: Proclamation – Diaper Need Awareness Week

Attachments:

Proclamation

Summary:

National Diaper Need Awareness Week is Sept. 15 – 21, 2025. This event provides an excellent opportunity for our community to recognize Hillsborough children living in poverty whose access to a reliable supply of clean diapers is necessary for their health and wellbeing. Moreover, Diaper Need Awareness Week can help educate the public that diapers cannot be bought with food stamps or WIC vouchers, making a sufficient supply of diapers an economic hardship for families in need.

Financial impacts:

None.

Staff recommendation and comments:

None.

Action requested:

To approve proclamation designating Sept. 15 – 21, 2025, as Diaper Need Awareness Week in the Town of Hillsborough.



PROCLAMATION

2025 Diaper Need Awareness Week

Sept. 15 – 21

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

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

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

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

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

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

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

NOW, THEREFORE, I, Mark Bell, mayor of the Town of Hillsborough, do hereby proclaim the week of Sept. 15 through Sept. 21, 2025, as Diaper Need Awareness Week in the Town of Hillsborough, thank the aforementioned diaper bank, their staff, volunteers and donors, for their service and encourage the residents of Hillsborough to donate generously to diaper banks, diaper drives, and those organizations that collect and distribute diapers to those struggling with diaper need, so that all of Hillsborough's children and families can thrive and reach their full potential.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 8th day of September in the year 2025.

Mark Bell, Mayor
Town of Hillsborough



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Sept. 8, 2025
Department:	Governing Body
Agenda Section:	Consent
Public hearing:	No
Date of public hearing:	N/A

PRESENTER/INFORMATION CONTACT

Mayor Mark Bell

ITEM TO BE CONSIDERED

Subject: Proclamation – Hispanic Heritage Month 2025

Attachments:

Proclamation

Summary:

Hispanic Heritage month is observed annually from Sept. 15 through Oct. 15 and recognizes the contributions and influence of Hispanic Americans to the history, culture, and achievements of the United States.

Financial impacts:

None

Staff recommendation and comments:

None

Action requested:

To adopt a proclamation recognizing Sept. 15 through Oct. 15, 2025, as Hispanic Heritage month in the Town of Hillsborough.



PROCLAMATION

Hispanic Heritage Month 2025

WHEREAS, Sept. 15 is the anniversary of independence from the Spanish Empire for five Latin American countries: Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua; and Mexico and Chile achieved independence on Sept. 16 and 18, respectively; and

WHEREAS, Hispanic Americans bring a rich cultural heritage representing many countries, ethnicities and religious traditions that are part of the fabric of America; and

WHEREAS, between 1968 and 1988, Presidents Johnson, Nixon, Ford, Carter and Reagan issued a series of annual proclamations that designated a week in September containing Sept. 15 and 16 as National Hispanic Heritage Week; and

WHEREAS, in 1988, the United States Congress adopted a resolution designating Sept. 15 to Oct. 15 of each year as National Hispanic Heritage Month; and

WHEREAS, during National Hispanic Heritage Month, the United States highlights and celebrates the culture and traditions of Spanish-speaking residents who trace their roots to Spain, Mexico, Central America, South America and the Caribbean; and

WHEREAS, the Hispanic communities of North Carolina have been integral in the history, culture, governance, and economy of the state and will be a critical part of its future as their communities continue to grow; and

WHEREAS, Hillsborough is home to a growing Hispanic community that is involved the civic, cultural, and economic fabric of the town and continues to make substantial contributions to the overall quality of life in town; and

WHEREAS, regional organizations such as El Centro Hispano, El Futuro, El Pueblo and the Refugee Community Partnership provide many valuable services to Hispanic and Latino residents in Hillsborough and further strengthen the town as a whole;

NOW, THEREFORE, the Town of Hillsborough does hereby proclaim Sept. 15 through Oct. 15, 2025, as Hispanic Heritage Month and calls upon all residents of Hillsborough to celebrate this month through activities and programs that enlighten and inspire our understanding of the amazing heritage of our Hispanic families, neighbors and friends.

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 September in the year 2025.

Mark Bell, Mayor
Town of Hillsborough



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Sept. 8, 2025
Department: Utilities
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Utilities Director K. Marie Strandwitz, PE

ITEM TO BE CONSIDERED

Subject: Ordinance amending town code Section 14-71(a)1 – Payment of system development and capital facilities fees and Chapter 14 Appendix C – Water meter capacity factors

Attachments:

Ordinance

Summary:

The June 2025 amendment to Section 14-71 missed removing reference to meter size. Meter size was our former basis of charging system development fees. The last system development fee analysis performed by Raftelis in accordance with state statute modified our collection of fees to be based upon bedrooms (residential) and flow values in state wastewater regulations for non-residential. Appendix C of Chapter 14 is also proposed to be deleted as it has no other meaning or reference in the current code.

Financial impacts:

N/A

Staff recommendation and comments:

Removing reference to meter size in our code regarding fees will remove conflicts with our adopted fee schedule and general confusion to those impacted. Appendix C of Chapter 14 is also a long-term holdover for something no longer referenced elsewhere in the code or utilized.

Action requested:

Vote on the ordinance amendment.



ORDINANCE

Amending Section I4-7I(a)I – Payment of System Development and Capital Fees and Chapter I4 Appendix C – Water Meter Capacity Factors

The Hillsborough Board of Commissioners ordains:

- Section 1.** Section 14-71 Payment of system development and capital facilities fees is amended to edit item (a)(1) to strike noted text as follows:
- (a) System development fees or capital facilities fees set forth in the schedule of rates and charges referenced in section 14-9, and in appendix A to this chapter, shall be paid by the developer or owner of property being developed, or redeveloped.
 - (1) The system development fee shall be applied to new development that connects to the utility system. New development shall be defined as any of the following: 1) the subdivision of land, 2) the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure ~~which increases the number of meters or increases the meter size~~ which began after July 1, 2017.
- Section 2.** Chapter 14 Appendix C. - WATER METER CAPACITY FACTORS is hereby deleted in its entirety.
- Section 3.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 4.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Sept. 8, 2025
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: Request to place a marker for Anne Hooper in the Old Town Cemetery at 205 N. Churton Street

Attachments:

Proposal from Courtney Smith, Exhibits and Programs Coordinator for Orange County Historical Museum

Summary:

The Orange County Historical Museum proposes to erect a marker for Anne Hooper in the Old Town Cemetery, a property owned and maintained by the Town of Hillsborough. Anne Hooper was wife to William Hooper, a signer of the Declaration of Independence. Anne was involved in revolutionary politics and is believed to have been buried in the Old Town Cemetery.

Financial impacts:

None

Staff recommendation and comments:

No additional comments.

Action requested:

Approve request to place a marker for Anne Hooper in the Old Town Cemetery at 205 N. Churton Street.



July 30, 2025

To the Hillsborough Town Council,

Hillsborough is extremely proud to be the site of the grave of North Carolina's greatest patriot, William Hooper, a signer of the Declaration of Independence. In fact, the town has been so proud of this site that when Guilford Courthouse arranged to have Mr. Hooper's body exhumed and re-interred in their battlefield park, town leaders supposedly negotiated a compromise where some of his body and the original marker would be returned to Hillsborough.

However, another famous Hooper lived on Tryon Street and is buried in the Old Town Cemetery: Anne Hooper, William's wife. Anne was as involved in Revolutionary politics as a woman of her time could be. Not only did she support her husband by maintaining their farm and caring for their children so he could go to Philadelphia for the Continental Congresses, she also wrote letters to the governor and other political figures in attempts to influence policies.

At the time of her death, Anne was living in the house known today as the Nash-Hooper House. Accordingly, she was most certainly buried either with her husband or beside him. This placement was – and still is – the standard. This site in the OTC is also the resting spot of their grandson. Mary Claire Engstrom maintained that the property belonged to the Hoopers and not the town in the late 1700s and early 1800s. Yet, no marker or monument exists in the OTC to commemorate her life.

We would like to rectify this oversight by erecting a marker to her as designed by the Descendants of the Signers of the Declaration of Independence, Inc. (DSDI), an organization that Hillsborough resident Sheryl Albert belongs to. DSDI offers two options, one is a flat plaque; the other is a stake (see photos included), both of which could be easily added to the gravesite without causing any disruption to the current mowing system.

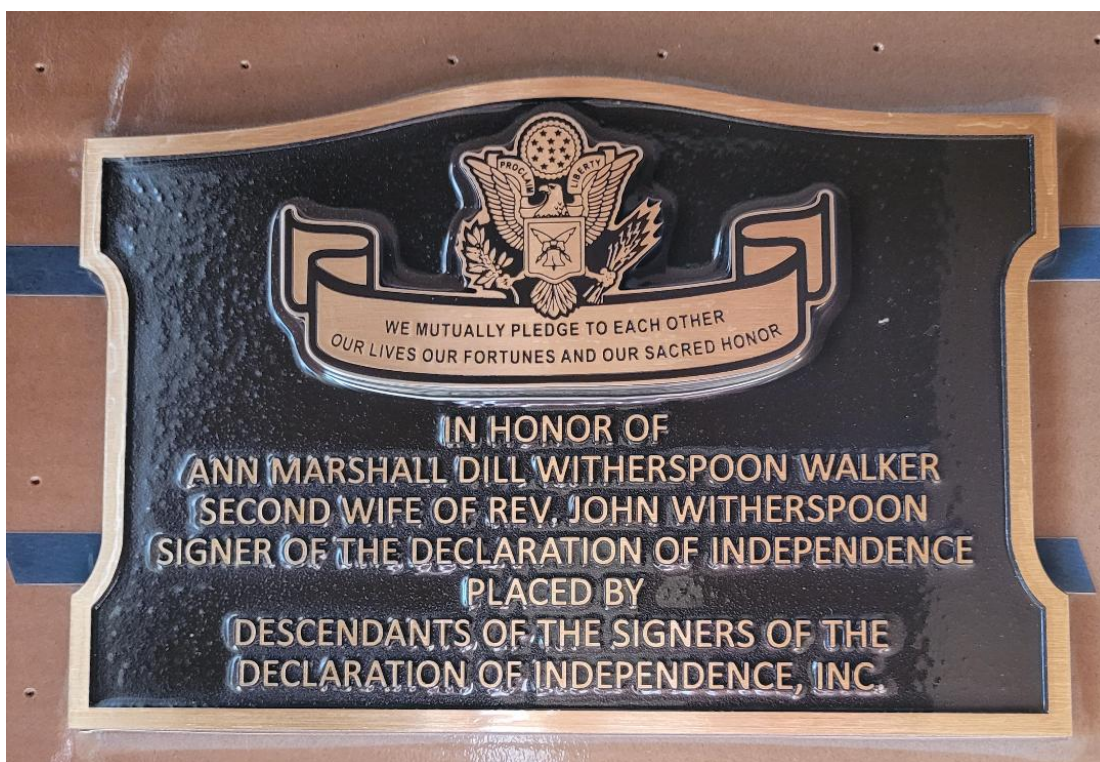
Even though the cemetery is old, commemorative markers and monuments have been added to the graveyard for milestone celebrations. For the semiquincentennial, we believe it would be appropriate to erect a marker honoring Anne Hooper.

Thank you for your consideration,

Courtney Sciling Smith

Sincerely,
Courtney Smith
Exhibits and Programs Coordinator

Markers and Plaques Designed by DSDI



William Hooper Gravesite

(Please note: the standing plaque was added in 1937.

The entire stone for William Hooper III was added in 1976.

I'm not certain who placed the lantern on this grave, but it is not attached and can easily be removed to create a space for a plaque to Anne Hooper or another stake could be added beside the one on William Hooper Sr.'s grave)





Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Sept. 8, 2025
Department: Administrative Services
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Human Resources Manager Haley Thore

ITEM TO BE CONSIDERED

Subject: Classification and Pay Amendment

Attachments:

Pay schedule

Summary:

The Police Department reorganization includes reclassifying the police major position to assistant police chief and adding a police captain classification to the town's pay schedule. The attached pay schedule proposes the police captain salary range be at \$88,867 - \$142,187. The minimum of this range is 1% above the current market average. As outlined in the attached pay schedule, the assistant police chief classification will have a salary range of \$105,762 - \$169,219. The minimum of this range is 3% above the current market average.

Financial impacts:

Minor salary and benefit increase with the major reclassification to assistant chief.

Staff recommendation and comments:

Approve attached pay schedule.

Action requested:

Approve attached pay schedule.

Regular (Non-Law Enforcement) Positions

Salary Grade	Minimum	Midpoint	Maximum	FLSA Status	Class Code	Classification
1	\$38,135.22	\$49,575.79	\$61,016.36			
2	\$39,946.65	\$51,930.64	\$63,914.63			
3	\$41,844.11	\$54,397.34	\$66,950.58			
4	\$43,831.71	\$56,981.22	\$70,130.73	N		ADMINISTRATIVE SUPPORT SPECIALIST
4	\$43,831.71	\$56,981.22	\$70,130.73	N		CUSTOMER SERVICE REPRESENTATIVE
4	\$43,831.71	\$56,981.22	\$70,130.73	N		EQUIPMENT OPERATOR I
4	\$43,831.71	\$56,981.22	\$70,130.73	N		UTILITY MAINTENANCE TECHNICIAN I
5	\$45,913.71	\$59,687.83	\$73,461.94	N		METER SERVICES TECHNICIAN
5	\$45,913.71	\$59,687.83	\$73,461.94	N		SENIOR CUSTOMER SERVICE REPRESENTATIVE
5	\$45,913.71	\$59,687.83	\$73,461.94	N		UTILITY MAINTENANCE TECHNICIAN II
6	\$48,094.61	\$62,523.00	\$76,951.38	N		ACCOUNTS PAYABLE TECHNICIAN
6	\$48,094.61	\$62,523.00	\$76,951.38	N		EQUIPMENT OPERATOR II
6	\$48,094.61	\$62,523.00	\$76,951.38	N		PLANT MAINTENANCE MECHANIC I
6	\$48,094.61	\$62,523.00	\$76,951.38	N		SENIOR ADMINISTRATIVE SUPPORT SPECIALIST
6	\$48,094.61	\$62,523.00	\$76,951.38	N		UTILITY MAINTENANCE TECHNICIAN III
6	\$48,094.61	\$62,523.00	\$76,951.38	N		WATER PLANT OPERATOR I
7	\$50,379.11	\$65,492.84	\$80,606.57	N		BILLING & CUSTOMER SERVICE SPECIALIST
7	\$50,379.11	\$65,492.84	\$80,606.57	N		EQUIPMENT OPERATOR III
7	\$50,379.11	\$65,492.84	\$80,606.57	N		PLANNING TECHNICIAN
7	\$50,379.11	\$65,492.84	\$80,606.57	N		PLANT MAINTENANCE MECHANIC II
7	\$50,379.11	\$65,492.84	\$80,606.57	N		STORMWATER TECHNICIAN
7	\$50,379.11	\$65,492.84	\$80,606.57	N		UTILITY SYSTEMS MECHANIC I
7	\$50,379.11	\$65,492.84	\$80,606.57	N		WASTEWATER PLANT OPERATOR I
8	\$52,772.12	\$68,603.75	\$84,435.39	N		ACCOUNTING SPECIALIST
8	\$52,772.12	\$68,603.75	\$84,435.39	N		FLEET MECHANIC
8	\$52,772.12	\$68,603.75	\$84,435.39	N		PLANT MAINTENANCE MECHANIC III
8	\$52,772.12	\$68,603.75	\$84,435.39	N		UTILITY SYSTEMS MECHANIC II
8	\$52,772.12	\$68,603.75	\$84,435.39	N		WASTEWATER PLANT OPERATOR II
8	\$52,772.12	\$68,603.75	\$84,435.39	N		WATER PLANT OPERATOR II
9	\$55,278.79	\$71,862.43	\$88,446.07	N		CREW LEADER
9	\$55,278.79	\$71,862.43	\$88,446.07	N		DIVERSION SOCIAL WORKER
9	\$55,278.79	\$71,862.43	\$88,446.07	N		UTILITY SYSTEMS MECHANIC III
10	\$57,904.53	\$75,275.89	\$92,647.25	E		BILLING & CUSTOMER SERVICE SUPERVISOR
10	\$57,904.53	\$75,275.89	\$92,647.25	N		COMMUNICATIONS SPECIALIST
10	\$57,904.53	\$75,275.89	\$92,647.25	N		FACILITIES COORDINATOR
10	\$57,904.53	\$75,275.89	\$92,647.25	E		METER SERVICES SUPERVISOR
10	\$57,904.53	\$75,275.89	\$92,647.25	E		PUBLIC WORKS SUPERVISOR
10	\$57,904.53	\$75,275.89	\$92,647.25	N		UTILITES INFRASTRUCUTURE PROTECTION COORDINATOR
10	\$57,904.53	\$75,275.89	\$92,647.25	N		WASTEWATER PLANT OPERATOR III
10	\$57,904.53	\$75,275.89	\$92,647.25	N		WATER PLANT OPERATOR III
11	\$60,655.00	\$78,851.50	\$97,048.00	N		PLANNER

12	\$63,536.11	\$82,596.95	\$101,657.78	E	HUMAN RESOURCES ANALYST
12	\$63,536.11	\$82,596.95	\$101,657.78	N	PLANNER II
12	\$63,536.11	\$82,596.95	\$101,657.78	N	SENIOR COMMUNICATIONS SPECIALIST
12	\$63,536.11	\$82,596.95	\$101,657.78	N	STORMWATER PROGRAM COORDINATOR
12	\$63,536.11	\$82,596.95	\$101,657.78	N	UTILITIES INSPECTOR
13	\$66,554.08	\$86,520.30	\$106,486.52	N	CHIEF WASTEWATER PLANT OPERATOR
13	\$66,554.08	\$86,520.30	\$106,486.52	N	OPERATOR IN RESPONSIBLE CHARGE
13	\$66,554.08	\$86,520.30	\$106,486.52	E	UTILITY SYSTEM SUPERVISOR
13	\$66,554.08	\$86,520.30	\$106,486.52	N	WASTEWATER LABORATORY SUPERVISOR
14	\$69,715.40	\$90,630.01	\$111,544.63	E	FINANCIAL ANALYST
14	\$69,715.40	\$90,630.01	\$111,544.63	E	SENIOR PLANNER
14	\$69,715.40	\$90,630.01	\$111,544.63	E	TOWN CLERK/HUMAN RESOURCES TECHNICIAN
14	\$69,715.40	\$90,630.01	\$111,544.63	E	UTILITY MECHANIC SUPERVISOR
15	\$73,026.88	\$94,934.94	\$116,843.00	E	BUDGET & MANAGEMENT ANALYST
15	\$73,026.88	\$94,934.94	\$116,843.00	E	CONSTRUCTION PROJECT COORDINATOR
15	\$73,026.88	\$94,934.94	\$116,843.00	E	FLEET MAINTENANCE SUPERVISOR
15	\$73,026.88	\$94,934.94	\$116,843.00	E	POLICE MANAGEMENT AND ACCREDITATION COORDINATOR
16	\$76,495.65	\$99,444.35	\$122,393.05	E	SAFETY & RISK MANAGER
16	\$76,495.65	\$99,444.35	\$122,393.05	E	WATER PLANT SUPERINTENDENT
17	\$80,129.20	\$104,167.96	\$128,206.72		
18	\$83,935.33	\$106,454.57	\$134,296.53	E	PUBLIC WORKS MANAGER
18	\$83,935.33	\$106,454.57	\$134,296.53	E	STORMWATER & ENVIRONMENTAL SERVICES MANAGER
19	\$87,922.26	\$114,298.94	\$140,675.62	E	UTILITY SYSTEM SUPERINTENDENT
20	\$92,098.57	\$119,728.14	\$147,357.71		
21	\$96,473.25	\$125,415.23	\$154,357.20		
22	\$101,055.73	\$131,372.45	\$161,689.17	E	BUDGET DIRECTOR
22	\$101,055.73	\$131,372.45	\$161,689.17	E	COMMUNICATIONS MANAGER
22	\$101,055.73	\$131,372.45	\$161,689.17	E	DEPUTY UTILITIES DIRECTOR - WATER TREATMENT
22	\$101,055.73	\$131,372.45	\$161,689.17	E	ENGINEERING SERVICES MANAGER
22	\$101,055.73	\$131,372.45	\$161,689.17	E	INFORMATION TECHNOLOGY MANAGER
23	\$105,855.88	\$137,612.64	\$169,369.41	E	HUMAN RESOURCES MANAGER
23	\$105,855.88	\$137,612.64	\$169,369.41	E	PLANNING & ECONOMIC DEVELOPMENT MANAGER
23	\$105,855.88	\$137,612.64	\$169,369.41	E	PUBLIC SPACE & SUSTAINABILITY MANAGER
24	\$110,884.03	\$144,149.24	\$177,414.45		
25	\$116,151.02	\$150,996.33	\$185,841.64	E	FINANCE DIRECTOR
26	\$121,668.20	\$158,168.66	\$194,669.12	E	ADMINISTRATIVE SERVICES DIRECTOR
26	\$121,668.20	\$158,168.66	\$194,669.12	E	UTILITIES DIRECTOR
27	\$127,447.44	\$165,681.67	\$203,915.90	E	ASSISTANT TOWN MANAGER/COMMUNITY SERVICES DIRECTOR

28	\$130,245.06	\$169,318.58	\$208,392.10
29	\$133,501.19	\$173,551.55	\$213,601.91
30	\$146,485.02	\$190,430.52	\$234,376.03

Sworn Law Enforcement Officer Positions

Salary Grade	Minimum	Midpoint	Maximum	FLSA Status	Class Code	Classification
101	\$51,691.26	\$67,198.64	\$82,706.01	N		POLICE OFFICER TRAINEE
103	\$58,965.56	\$76,655.22	\$94,344.89	N		POLICE OFFICER
202	\$61,738.70	\$80,260.31	\$98,781.92	N		POLICE OFFICE FIRST CLASS
203	\$64,679.33	\$84,083.12	\$103,486.92	N		POLICE CORPORAL
403	\$73,803.51	\$95,944.56	\$118,085.61	N		POLICE SERGEANT
503	\$81,038.17	\$105,349.62	\$129,661.07	E		POLICE LIEUTENANT
601	\$88,867.01	\$115,527.11	\$142,187.21	E		POLICE MAJOR CAPTAIN
702	\$105,762.27	\$137,490.95	\$169,219.63	E		ASSISTANT CHIEF OF POLICE
703	\$121,565.83	\$158,035.58	\$194,505.33	E		CHIEF OF POLICE



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Sept. 8, 2025
Department:	Planning and Economic Development
Agenda Section:	Consent
Public hearing:	No
Date of public hearing:	N/A

PRESENTER/INFORMATION CONTACT

Dakotah Kimbrough, Planning Technician
Shannan Campbell, Planning and Economic Development Manager

ITEM TO BE CONSIDERED

Subject: Special Event Permit – River Park Concert

Attachments:

Special event application

Summary:

The Triangle Music Alliance and WHUP-FM would like to host this year's River Park Concert on Oct. 25, 2025, from noon to 7:30 p.m. A private event with a band and approximately 200 event participants will take place on Friday night at the Farmer's Market Pavilion. Set-up will occur before, with the mobile stage being dropped off Thursday night and removed on Sunday. Event breakdown will be completed by Sunday afternoon. The organizers expect between 4,000-5,000 people in attendance for the duration of the event, with an estimated peak attendance of 3,000 between 3 to 4 p.m. This event will have food trucks, vendors, and alcoholic beverages with an ABC permit.

Financial impacts:

Low financial impacts: the organizers are requesting seven additional trash rollout carts provided by the town.

Staff recommendation and comments:

None.

Action requested:

Approve, approve with conditions, or deny the special event permit.



TOWN OF
HILLSBOROUGH

APPLICATION Special Event Permit

Planning and Economic Development Division
101 E. Orange St., PO Box 429, Hillsborough, NC 27278
919-296-9470 | Fax: 919-644-2390
planning@hillsboroughnc.gov
www.hillsboroughnc.gov

Please review Chapter 7, Article 3 of the Hillsborough Code of Ordinances to determine if your event requires a special event permit. **The application must be received 60 days in advance of the event.**

Name of event: River Park Concert.
Event location address: 140 EAST MARGARET LANE
Date(s) of event: 10/24-10/25
Event setup time: 5pm-10-24 Event hours: 6-9pm Event breakdown: 9-10pm
Date(s) of event: 10/25
Event setup time: 11am Event hours: 12-7:30pm Event breakdown: Noon-Sunday, 10/26.

EVENT ORGANIZER AND CONTACT INFORMATION

Name of organization/company: Triangle Music Alliance
Organization/company mailing address: 238 S. NASH street, Hillsborough, NC 27278.
Organization status: ☐ Formal ☐ Informal ☒ For-profit ☒ Not-for-profit
Event organizer name: DAVID HAYS,
Event organizer phone: 919-931-3977 Event organizer email: DAVID@TRIANGLEMUSICALLIANCE.COM.
On-site contact(s) during the event:
Name: DAVID HAYS. Cell phone: 919 931 3977.
Name: Scott Pasky Cell phone: 919 522 7993

GENERAL EVENT INFORMATION

Type of event:

- ☐ Private event on private property ☒ Public event on public property - 10/25
☒ Private event on public property - 10-24 ☐ Public event on private property
☐ Street or greenway event (includes parades, marches, rallies, and foot and bike races)

General event description:

Please outline the event purpose and elements, including items such as food trucks, car shows, races and vendors.

River Park Concert is a Free Event hosted in the River Park w/ a private.
sustainable event the night before at the Farmers Market Pavilion.
WE will host 200 people on 10/24 w/ a Band at the Pavilion followed by a 4/ Band
Concert on 10/25 which starts at noon - 7:30pm. There will be 4 Food Trucks,
A Beer Garden with Beer, cider & NA options for purchase. White Cysters will also
be available for sale on 10/25 & and ART walk w/ 5-10 vendors selling art.

Last revised: November 2023

Estimated number of people who will attend the event: 200 - SUSTAINABLE EVENT - 4-5k - RIVER PARK CONCERT.

Estimated peak time(s) of attendance: 3,000 @ 3-4pm EST.

Maximum capacity of event location (number of persons, if applicable): 6,000

For annual events, the estimated attendance of the last event of this kind: 4,000

GENERAL EVENT QUESTIONNAIRE

Will tickets be sold or admission or fees charged as part of the event? ☐ Yes ☒ No only for SUSTAINABLE EVENT.

Will alcohol be sold or provided as a part of this event? ☒ Yes ☐ No

If yes regarding alcohol:

Indicate the vendor(s) and/or ABC permit holder(s) responsible for the alcohol sales or distribution and attach a copy of the ABC permit(s) for each vendor:

WHUP-FM, our non profit partner

Note: Alcohol may only be sold by vendors with an off-premise permit or by event organizers with a special one-time ABC sales permit. Alcohol sales may be subject to the prepared food and beverage tax.

Will vendors be on site selling goods, crafts or wares during the event? ☒ Yes ☐ No

Will vendors be on site selling food or beverages during the event? ☒ Yes ☐ No

Note: Vendors without a physical location in town and food trucks without Town of Hillsborough Food Truck Permits must pay the food and beverage tax in advance of selling prepared food or beverage. For the tax application, see the Financial Services Department page on the town website, hillsboroughnc.gov.

List name(s) of the vendors:

- 1 WHUP CUSTARD - Kathy Huggs
- 2 Cilantro Mexican Cuisine Food Truck - Ireri Gomez
- 3 ~~Cilantro Mexican Cuisine Food Truck~~ - ~~The Vegetarian~~ Burger Bistro Food Truck.
- 4 Jamaican Food Truck - Jerome Lewis
(Dis is it)

Will you solicit donations as part of the event? ☐ Yes ☒ No

If yes, for what cause or organization? This is a Free Concert For All

Will you bring additional equipment, such as stages, microphones and amplification? ☒ Yes ☐ No

Please explain: A MOBILE STAGE, Speakers, Microphones, Light

Will any items be left at the event site overnight? ☒ Yes ☐ No

Please explain: STAGE will be dropped on Thursday, Oct 24 - removed Oct 26.

Will signs or banners be displayed on site or around town?

☒ Yes ☐ No

Note: Special event signage must be applied for and permitted separately BEFORE signage is placed around town. See the Reservations page on the town website, hillsboroughnc.gov.

Will tents be erected for the event?

☒ Yes ☐ No

If yes, how many and what size? 10 (10 x 10).

Note: Tents may require a permit and inspection by the Orange County Fire and Life Safety Division depending on size and number. Tents should be shown with location and dimensions on the event map or layout.

Will you provide (portable) restroom facilities?

☒ Yes ☐ No

Note: Depending on attendance numbers and duration, restroom facilities must be provided by special event organizers. Restrooms of local businesses and town and county facilities may complement but not be a substitute for providing adequate restrooms for the event.

Will you provide (portable) handwashing facilities?

☒ Yes ☐ No

Note: Handwashing facilities are required for events that include on-site food preparation and/or sales without direct or immediate sink access.

Will the event require any street closures or change in traffic flow?

☐ Yes ☒ No

Will the event require additional trash and recycling facilities?

☒ Yes ☐ No

Will you request that the town board sponsor specific services in conjunction with this event? ☐ Yes ☐ No

☐ Road closures

☐ Police coverage

☐ Traffic control

☒ Trash and recycling rollouts

Number of rollouts 6-7 recycle & TRASH

EVENT MAP AND LAYOUT REQUIREMENTS

With this application, you must attach a map of the area that the event is to take place and indicate the following:

- Traffic flow — Include any streets requested to be closed or obstructed (law enforcement will determine locations of barriers and officers).
- Event route — Clearly show route if the event includes an event such as a parade or greenway closure.
- Parking areas — Note areas where event attendees will be directed that are adequate for the event attendance. The Eno River Parking Deck has 400 parking spaces.
- Pedestrian access and flow.
- Location of —
 - Any concession stand, food truck(s), booth, or other temporary structures, tents, stages or facilities.
 - Proposed fences, stands, platforms, benches, or bleachers.
 - Restroom and handwashing facilities.

Note: A street map and Gold Park map are available on the town's website. Google Maps is another resource and can be easily marked up. Contact staff if you need assistance with providing an event layout or route map.

EVENT LIABILITY INSURANCE

Event organizers and/or property owners need to insure themselves from liability in case event attendees injure themselves during the course of the event. Events occurring on public property (town or county) are required to carry event liability insurance with the public property owner listed as "additionally insured."

Copy of event liability Certificate of Insurance is attached: ☒ Yes ☐ No

Name of insurance company providing liability coverage for the event:

Auto - OWNERS Insurance Company.

Contact information for broker/agent providing coverage:

Lynn Darsey, Towne Insurance - 910-673-4772
L.DARSEY@TOWNEINSURANCE.COM.

EVENT PROPERTY USE PERMISSION

If the event will be on property not owned or managed by the event organizer, then the property owner must indicate consent below for the use of the property:

~~Auto - OWNERS Insurance~~ ORANGE County. (DEAPR.)

Name of property owner

[Signature]

Signature of property owner

919-245-2673

Phone

8-21-25

Date

TOWN LIABILITY AGREEMENT

I, the applicant, agree to indemnify and hold harmless the Town of Hillsborough, its employees, and its agents from and against any and all liability for any injury that may be suffered in connection with this special event approval or park reservation. I also hold harmless the Town of Hillsborough, its employees, and its agents from and against any liability for any equipment or supplies lost, damaged, or stolen that are stored or otherwise as a result of this special event.

[Signature]

Applicant signature

8/21/25

Date

SUBMITTAL DIRECTIONS:

The following methods may be used:

- Submit electronically to Planning Technician Dakota Kimbrough at dakotah.kimbrough@hillsboroughnc.gov
- Submit paper copy to:
 Hillsborough Planning Department
 ATTN: Planning Technician Dakota Kimbrough
 PO Box 429
 101 E. Orange St.
 Hillsborough, NC 27278

FOR OFFICE USE ONLYApplication received by: Dakotah KimbroughDate: 8/22/2025 Fee paid: KL6FNVGPFJDate information emailed out: 9/2/2025**Permit Status**Approved: ☐ Yes ☐ No

Explanation: _____

Date permit issued: _____

Approved with any conditions: _____

By: _____

Name of town staff member

Date

Forwarded to:

- ☒ Hillsborough Communications Division
- ☒ Hillsborough Financial Services Department (Food and Beverage Tax)
- ☒ Hillsborough Police Department
- ☐ Hillsborough Public Space Manager
- ☒ Hillsborough Public Works Division
- ☐ North Carolina Department of Transportation (DOT road closures)
- ☒ Orange County Asset Management Services (Visitors Center, library, courthouses)
- ☒ Orange County Department of Environment, Agriculture and Parks and Recreation (River Park)
- ☒ Orange County Fire and Life Safety Division
- ☒ Orange County Sheriff's Office
- ☐ Orange Rural Fire Department



TRIAMUS-01

LHDARSEY

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/21/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Towne Insurance Agency, LLC 4319 Seven Lakes Plaza West End, NC 27376	CONTACT NAME:	FAX (A/C, No): (910) 673-2625
	PHONE (A/C, No, Ext): (910) 673-4771	
INSURED Triangle Music Alliance 238 S Nash St Hillsborough, NC 27278	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Cincinnati Specialty Underwriters Insurance Company	NAIC # 13037
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES	CERTIFICATE NUMBER:	REVISION NUMBER:
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.		

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		CSU0253921	5/18/2025	5/18/2026	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ 0
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	Liquor liability	X		CSU0253921	5/18/2025	5/18/2026	Occurrence	1,000,000
A	Liquor liability	X		CSU0253921	5/18/2025	5/18/2026	Aggregate	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER	CANCELLATION
Orange County 300 West Tryon St Hillsborough, NC 27278	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

ACORD 25 (2016/03)

© 1988-2015 ACORD CORPORATION. All rights reserved.

56

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

AUTOMATIC ADDITIONAL INSURED - SPECIFIED RELATIONSHIPS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. SECTION II - WHO IS AN INSURED is amended to include as an insured any person or organization described in Paragraph **B.** below (hereinafter referred to as additional insured) whom you are required to add as an additional insured under this Coverage Part by reason of a written contract or agreement is an insured, provided:

1. The written contract or agreement is:
 - a. Currently in effect or becomes effective during the policy period; and
 - b. Executed prior to an "occurrence" or offense to which this insurance would apply; and
2. They are not specifically named as an additional insured under any other provision of, or endorsement added to, this Coverage Part.

B. Only the following persons or organizations are additional insureds under this endorsement, but only with respect to liability caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf. Insurance coverage provided to such additional insureds is limited as provided herein:

1. The manager or lessor of a premises leased to you with whom you have agreed per Paragraph **A.** above to provide insurance, but only with respect to the ownership, maintenance or use of that part of a premises leased to you, subject to the following additional exclusions:

This insurance does not apply to:

- a. Any "occurrence" which takes place after you cease to be a tenant in that premises.
- b. Structural alterations, new construction or demolition operations per-

formed by or on behalf of such additional insured.

2. Any person or organization from which you lease equipment with whom you have agreed per Paragraph **A.** above to provide insurance. However, this insurance does not apply to any "occurrence" which takes place after the equipment lease expires.
3. Any state or political subdivision with which you have agreed per Paragraph **A.** above to provide insurance, subject to the following additional provision:

This insurance applies only with respect to the following hazards for which the state or political subdivision has issued a permit in connection with premises you own, rent or control and to which this insurance applies:

- a. The existence, maintenance, repair, construction, erection, or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners, or decorations and similar exposures; or
 - b. The construction, erection, or removal of elevators; or
 - c. The ownership, maintenance, or use of any elevators covered by this insurance.
- C.** With respect to the insurance afforded to these additional insureds, **SECTION III - LIMITS OF INSURANCE** is amended to include:

The limits applicable to the additional insured are those specified in the written contract or agreement or in the Declarations of this Coverage Part, whichever is less. If no limits are specified in the written contract or agreement, the limits applicable to the additional insured are those specified in the Declarations of this

Coverage Part. The limits of insurance are inclusive of and not in addition to the limits of insurance shown in the Declarations.

- D. With respect to the insurance afforded to these additional insureds, **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS, 4. Other Insurance** is amended to include:

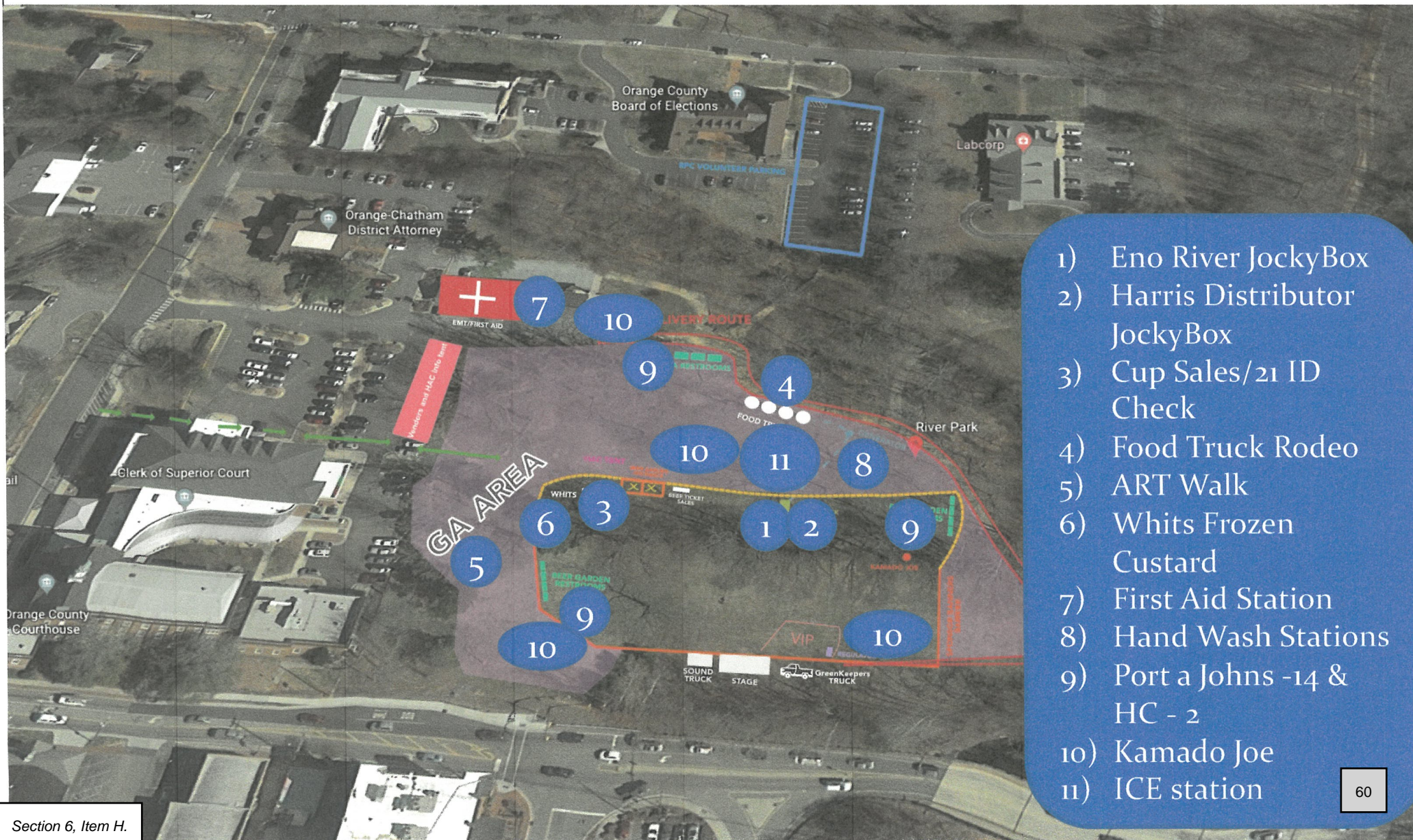
Any coverage provided herein will be excess over any other valid and collectible insurance

available to the additional insured whether primary, excess, contingent or on any other basis unless you have agreed in a written contract or written agreement executed prior to any loss that this insurance will be primary. This insurance will be noncontributory only if you have so agreed in a written contract or written agreement executed prior to any loss and this coverage is determined to be primary.

River Park Concert 2025 Site MAP



River Park Concert 2025 Site MAP

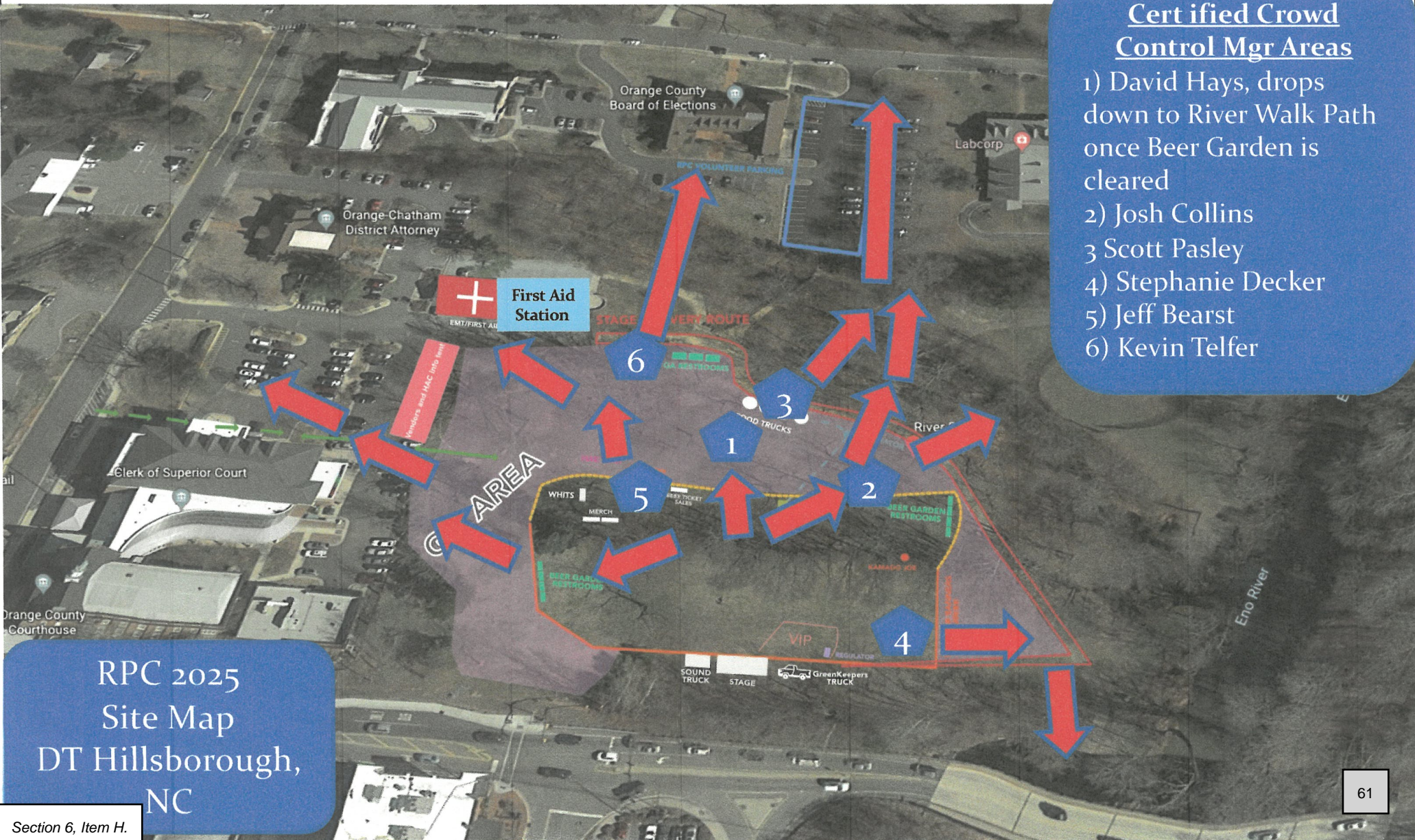


Egress Routes

River Park Concert Emergency Action PLAN

Certified Crowd Control Mgr Areas

- 1) David Hays, drops down to River Walk Path once Beer Garden is cleared
- 2) Josh Collins
- 3) Scott Pasley
- 4) Stephanie Decker
- 5) Jeff Bearst
- 6) Kevin Telfer



RPC 2025
Site Map
DT Hillsborough,
NC



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Sept. 8, 2025
 Department: Planning & Economic Development Division
 Agenda Section: Regular
 Public hearing: Yes
 Date of public hearing: May 15, 2025

PRESENTER/INFORMATION CONTACT

Molly Boyle, Senior Planner

ITEM TO BE CONSIDERED

Subject: Rezoning and development agreement requests from WP East Acquisitions LLC for 1001 Corporate Drive

Attachments:

1. Rezoning application
2. Vicinity, Zoning, and Future Land Use Maps
3. Draft development agreement
4. Draft consistency statement
5. Draft ordinance

Summary:

1001 Corporate Drive - Request Details	
Applicant:	WP East Acquisitions LLC
Property owner:	Duke University Health System Inc.
Acreage:	+/- 11.10 acres
Current zoning:	Office Institutional (OI)
Proposed zoning:	Multi-Family (MF)
Future Land Use category:	Suburban Office
Intended land use:	<p>A multi-family development of up to 333 units, at least 10% of which would be affordable. Of those affordable units:</p> <ul style="list-style-type: none"> • Half would be affordable to households making 60% AMI (Area Median Income); and • Half would be affordable to households making 80% AMI. <p>The applicant is also proposing to enter into a development agreement with the town pursuant to NC GS § 160D Article 10.</p>
Joint public hearing:	<p>Held on May 15, 2025. No comments from the public. Minutes are available online:</p> <p>MEET-Minutes-884991f9d3224981a1bd27488773d857.pdf.</p>
Planning Board recommendation:	<p>The Planning Board recommended approval of the rezoning and development agreement requests (5-0). Minutes are available online:</p> <p>MEET-Minutes-c9c1799663f54513a2b5137482c3a1ae.pdf.</p>

Comprehensive Sustainability Plan goals:

Land Use & Development Goal 1: Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.

- Strategy: Develop and adopt plans that contribute to meeting preferred future land use and growth patterns.
- Action: Analyze additional opportunities for infill and redevelopment and increased density in existing neighborhoods, focusing on the provision of water and sewer and other infrastructure and services.

Financial impacts:

If the property is rezoned and developed as proposed, the town would collect property tax on the development and provide municipal services to it (*e.g.*, water, sewer, garbage collection, emergency services).

In addition to paying the required system development fees, the applicant is proposing to contribute **\$1,828,497.50** for design and construction costs for improvements to the Cates Creek Sewer Outfall. This is covered in Section 11 and Exhibit B in the draft development agreement. The Cates Creek Sewer Outfall improvements are in the town's Capital Improvement Plan but are currently unfunded.

Staff recommendation and comments:

Multi-Family zoning

The applicant is requesting to rezone the property to Multi-Family. Unified Development Ordinance Section 4.1.3, High Intensity Residential Districts defines this zoning district as follows:

"The purpose of the Multi-Family District is to provide locations for residential development that allow housing options at a higher density than typical detached single-family developments...Prominent uses within this district include single-family attached units, townhouses, condominiums, apartments, and other multi-family dwelling units...[This district] will usually be applied where the following conditions exist:

- Water and sewer lines exist at the site or are to be installed as part of the development process.
- There is direct vehicular access to a public street classified as either collector or arterial.
- Other necessary urban services exist nearby or are proposed at the time of the development."

Future Land Use Map designation

Rezoning this property to Multi-Family would not be consistent with the current Future Land Use Map. The Future Land Use Map categorizes this property as Suburban Office, which is defined as follows:

"[Intended] for office and employment enterprises [that] do not rely on walk-in customers or have a manufacturing component. Businesses may be large or small but will generally arrange themselves in a campus setting with limited walkability and supporting services. Developments of this type should be kept small in nature to limit the peak transportation impact and limited vitality.

[Compatible] Zoning Districts: Limited Office; Office Institutional; Business Park; Economic Development District; Entranceway Special Use; Special Design Special Use"

The town board can determine that a rezoning request is inconsistent with its Comprehensive Sustainability Plan and still approve it. NC GS § 160D-605 (a), Governing board statement – Plan Consistency states, "if a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land use map in the approved plan, and no additional request or application for a plan amendment is required."

- Future Land Use Map link: <https://hillsboroughnc.maps.arcgis.com/apps/webappviewer/index.html?id=ecef3ace1e944deda71c4a2e4da1f00a>
- Comprehensive Sustainability Plan link: hillsboroughnc.gov/home/showpublisheddocument/572/638556087250230000

Water and sewer availability

Staff anticipates being able to serve the project under the terms proposed in the attached development agreement.

Development Agreement

A development agreement is a contract between a developer and a local government regarding a multi-year project. The agreement sets the development standards for the project, so they remain consistent throughout the development period. This gives the developer more assurance before taking on significant financial risk. The agreement also includes any commitments from the developer, such as financial contributions for water and wastewater infrastructure. Both parties must mutually agree to the terms of the agreement.

The statutory requirements for development agreements are under NC GS § 160D Article 10, Development Agreements. Staff has vetted the proposed development agreement with the applicant and finds the terms acceptable.

Staff recommendation

Staff supports approval of the proposed rezoning and development agreement based on consistency with the Comprehensive Sustainability Plan.

Action requested:

Vote on the proposed rezoning and development agreement requests.



TOWN OF
HILLSBOROUGH

APPLICATION General Use Rezoning

Planning and Economic Development Division
101 E. Orange St., PO Box 429, Hillsborough, NC 27278
919-296-9470 | Fax: 919-644-2390
planning@hillsboroughnc.gov
www.hillsboroughnc.gov

This application is to rezone properties to General Use and/or Overlay Zoning Districts. If you want to rezone property to a Planned Development District, please use the Planned Development Rezoning Application. Incomplete applications will not be accepted. Please contact staff with any questions.

Submittal Requirements



Complete application form, including signature



Application fee per current Planning Fee Schedule

Property Owner Contact

Name Scott Selig
Phone 919.682.3330
Email scott.selig@duke.edu
Address 2200 W. Main Street, Suite L110
Durham, NC 27705

Applicant Contact

Name Caitlin Shelby
Phone 919.355.0110
Email caitlin.shelby@woodpartners.com
Address 1414 Raleigh Road, Suite 429
Chapel Hill, NC 27517

Property Details

Addresses/Location 1001 CORPORATE DR, HILLSBOROUGH NC, 27705
Parcel ID Numbers 9874612327
Current Land Use(s) Former medical facility (no longer in active use) Acreage 11.1
Current Zoning Office Institutional (OI)
Proposed Zoning Multi-Family (MF)

Consistency with the Comprehensive Sustainability Plan

Please describe how your proposed amendment is consistent with the town's Comprehensive Sustainability Plan, which is available online at <https://www.hillsboroughnc.gov/about-us/departments/community-services/public-space-and-sustainability/sustainability-initiatives>. You may include additional sheets if necessary.

Please see "Exhibit A" attached.

General Standards Considered by the Board of Commissioners

A rezoning request is decided legislatively, meaning the Town Board of Commissioners votes whether to approve or deny the request. When considering the request, the Commissioners are to consider ten factors listed in Unified Development Ordinance Sec. 3.7.2, *General Standards/Findings of Fact*. You can find the UDO on the town's website: <https://www.hillsboroughnc.gov/about-us/departments/community-services/planning/unified-development-ordinance>.

The ten factors are enclosed. Please describe how your proposed rezoning aligns with these factors. You may include additional sheets if necessary.

Please see "Exhibit B" attached.

Signatures

I/we certify that the information presented by me/us in this application and accompanying documents is true and accurate to the best of my/our knowledge and belief. I/we acknowledge that the processing of this application may require additional permits, approvals, and/or fees.

Scott Selig, Associate VP

Property Owner (Print)

Scott Selig

Signature

dotloop verified
03/18/25 9:06 PM EDT
0YQF-GH5M-9YC9-COBV

03/18/2025

Date

WPEast Acquisitions, LLC

Applicant (Print)

Caitlin L. Shuckey

Signature

3.19.25

Date

Staff Use Only

Date received	April 4, 2025
Received by	MOB
Fee & receipt number (if any)	D6NWR77VK4
Tentative public hearing date	May 15, 2025

3.7 UNIFIED DEVELOPMENT ORDINANCE AND MAP AMENDMENTS

3.7.1 INTENT

It is the intent of this section to set forth the procedures for amending this Ordinance including the Official Zoning Map. Amendments shall be made by formal action of the Town Board. All proposed amendments shall be referred to the Planning Board for its consideration and recommendation. In no case shall final action be taken to amend this Ordinance until a duly advertised legislative hearing is held.

3.7.2 GENERAL STANDARDS/FINDINGS OF FACT

Before amending this Ordinance or the Official Zoning Map, the Town Board must consider, when conducting the process below, whether the request is consistent 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:

- 3.7.2.1** The extent to which the proposed amendment is consistent with all applicable Town-adopted plans.
- 3.7.2.2** The extent to which there are changed conditions that require an amendment.
- 3.7.2.3** The extent to which the proposed amendment addresses a demonstrated community need.
- 3.7.2.4** 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.
- 3.7.2.5** The extent to which the proposed amendment would result in a logical and orderly development pattern or deviate from logical and orderly development patterns.
- 3.7.2.6** The extent to which the proposed amendment would encourage premature development.
- 3.7.2.7** The extent to which the proposed amendment would result in strip or ribbon commercial development.
- 3.7.2.8** 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.
- 3.7.2.9** The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands; and
- 3.7.2.10** 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.

3.7.3 AUTHORITY TO APPLY

Subject to the limitations of the foregoing statement of intent, an amendment to this Ordinance, including the Official Zoning Map, may be initiated by:

- 3.7.3.1** The Town Board on its own motion.
- 3.7.3.2** The Planning Board.

Exhibit A

Consistency with the Comprehensive Sustainability Plan

The Comprehensive Sustainability Plan has several stated goals that can be enhanced through the approval of this rezoning request.

Land Use and Development Goal #1 (pg. 4-24) states: “ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.”

- A key “smart growth” principle is to mix land uses. This community will provide new housing adjacent to the Orange County SportsPlex, senior housing (Eno Haven Apartments), and the 20+ existing workplaces within the Meadowlands. Further, there is an opportunity to connect to the High Intensity Commercial property at the corner of Hwy 86 and Hwy 70 in the future, which would provide commercial/retail connectivity.
- A key “smart growth” principle is to create a range of housing opportunities and choices. This community will provide workforce housing aimed at middle market rents, appropriate for police officers, teachers, nurses, etc. In addition, a portion of the units will be AMI restricted affordable housing units. The “market rate” / workforce housing units will be integrated with the AMI restricted affordable units and will be indistinguishable.
- A key “smart growth” principle is to create walkable neighborhoods. As part of this development, we are studying the feasibility of constructing sidewalk along a significant portion of the perimeter of the site, with the intent to construct a continuous, accessible walking path within our community to create a connection point between the Eno Haven Apartment property and the Orange County Sportsplex.
- Regarding infrastructure constraints, in conjunction with this rezoning application, we have submitted a development agreement which proposes we provide the significant funding needed to upgrade the Cates Creek Sewer outfall. This would address identified wastewater capacity upgrades and benefit not only the subject property, but also several other projects in the area. Further, the property’s proximity to Hwy 70 suggests additional traffic would be accommodated by a major throughfare, rather than nearby neighborhood streets. We are engaging a traffic engineer to study the potential traffic impacts further.

The proposed rezoning aligns with other stated Goals referenced in the Comprehensive Sustainability Plan, such as collaborating on addressing high density concerns, incorporating housing scale buildings with multiple units in walkable neighborhoods, offering density opportunities, and support for housing projects with new infrastructure development.

We are proposing a parallel UDO text amendment that will further those goals by increasing the allowable density in the MF Zoning District to 30 units per acre where certain conditions supporting those goals are committed.

In summary, allowing for denser residential infill in a location that is already within the Town limits, served by Town infrastructure (along with the commitment to provide funding for enhancement of the Cates Creek sewer outfall), adjacent to work and community center facilities, and with the commitment memorialized in the accompanying development agreement to affordable housing, the proposed rezoning is consistent with the broader policies and goals stated in the Comprehensive Sustainability Plan.

Exhibit B

General Standards Considered by the Board of Commissioners

3.7.2.1 The extent to which the proposed amendment is consistent with all applicable Town-adopted plans

The proposed zoning amendment is consistent with applicable Town Adopted Plans as it will be in complete compliance with the UDO, as well as supporting important goals of the 2023 Comprehensive Sustainability Plan, including providing more housing through infill development.

3.7.2.2 The extent to which there are changed conditions that require an amendment.

The recently adopted 2023 Comprehensive Sustainability Plan calls for more housing options, particularly when there is an element of affordable housing, in locations that will not tax current Town Infrastructure. This property has recently become available for redevelopment, and can be developed in a way that accomplishes those goals and objectives.

3.7.2.3 The extent to which the proposed amendment addresses a demonstrated community need.

There is an identified need in town for additional multifamily housing, affordable housing, and housing within close proximity to workplaces and community services (SportsPlex).

3.7.2.4 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.

The proposed amendment is in a location area which has already developed with higher-intensity uses, including offices, group living, and Community Service uses. All surrounding properties have been developed, and the proposed rezoning will contribute to the vibrancy of this area.

3.7.2.5 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 proposal is on a previously developed property, where the proposed zoning will allow new housing that will enhance the area. The site is in the Town limits, served by existing public infrastructure, and will be compatible with all surrounding developed properties.

3.7.2.6 The extent to which the proposed amendment would encourage premature development.

The property has been previously developed, but it is ripe for a redevelopment that will enhance the existing surrounding nonresidential uses. Therefore the proposal does not encourage premature development.

3.7.2.7 The extent to which the proposed amendment would result in strip or ribbon commercial development.

The proposal will not result in strip or ribbon commercial development. It is entirely residential in nature, and will support new housing that will be walkable to existing nonresidential uses.

3.7.2.8 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.

The proposed MF zoning is compatible with the existing adjacent High-Intensity Commercial (HIC), Multi-Family Special Use (MFSU), and Office Institutional (OI) zoning, as it places a Multi-Family district adjacent to another similar multifamily district, as well as other higher-intensity districts.

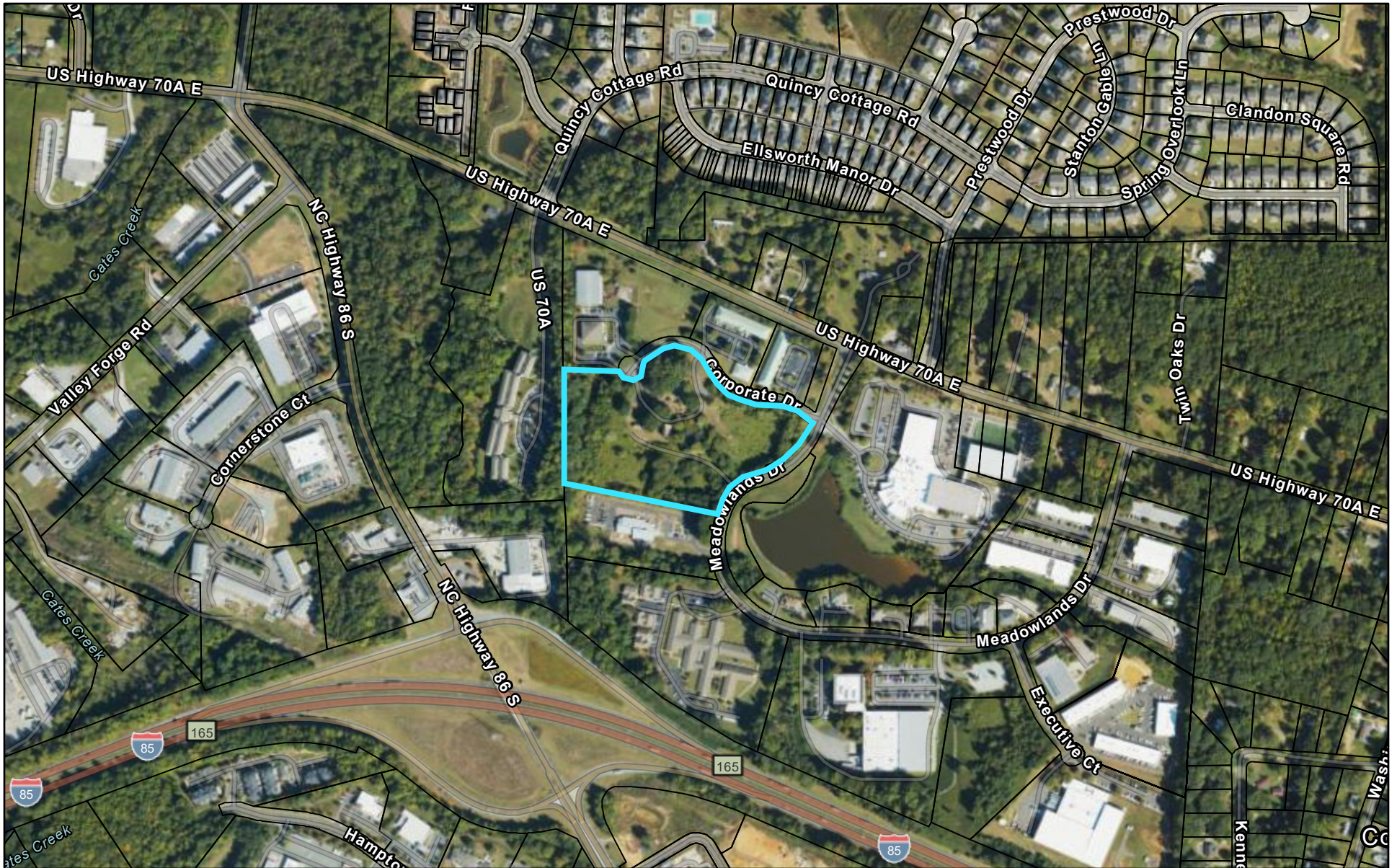
3.7.2.9 The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands

The proposed amendment will be of a similar intensity and use as the surrounding lands, and therefore we do not anticipate any adverse impacts to those surrounding property values. New housing will provide new customers and employees in close proximity to commercial and office development, which will only enhance the values of those properties.

3.7.2.10 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.

As this is a previously developed site, any natural and environmental features are not present on the site. Similarly, the proposed residential use is not likely to create adverse noise or air pollution, and runoff will be managed per the Town requirements.

Vicinity Map - 1001 Corporate Drive

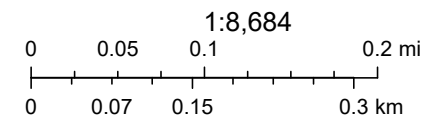


5/6/2025

 Parcels

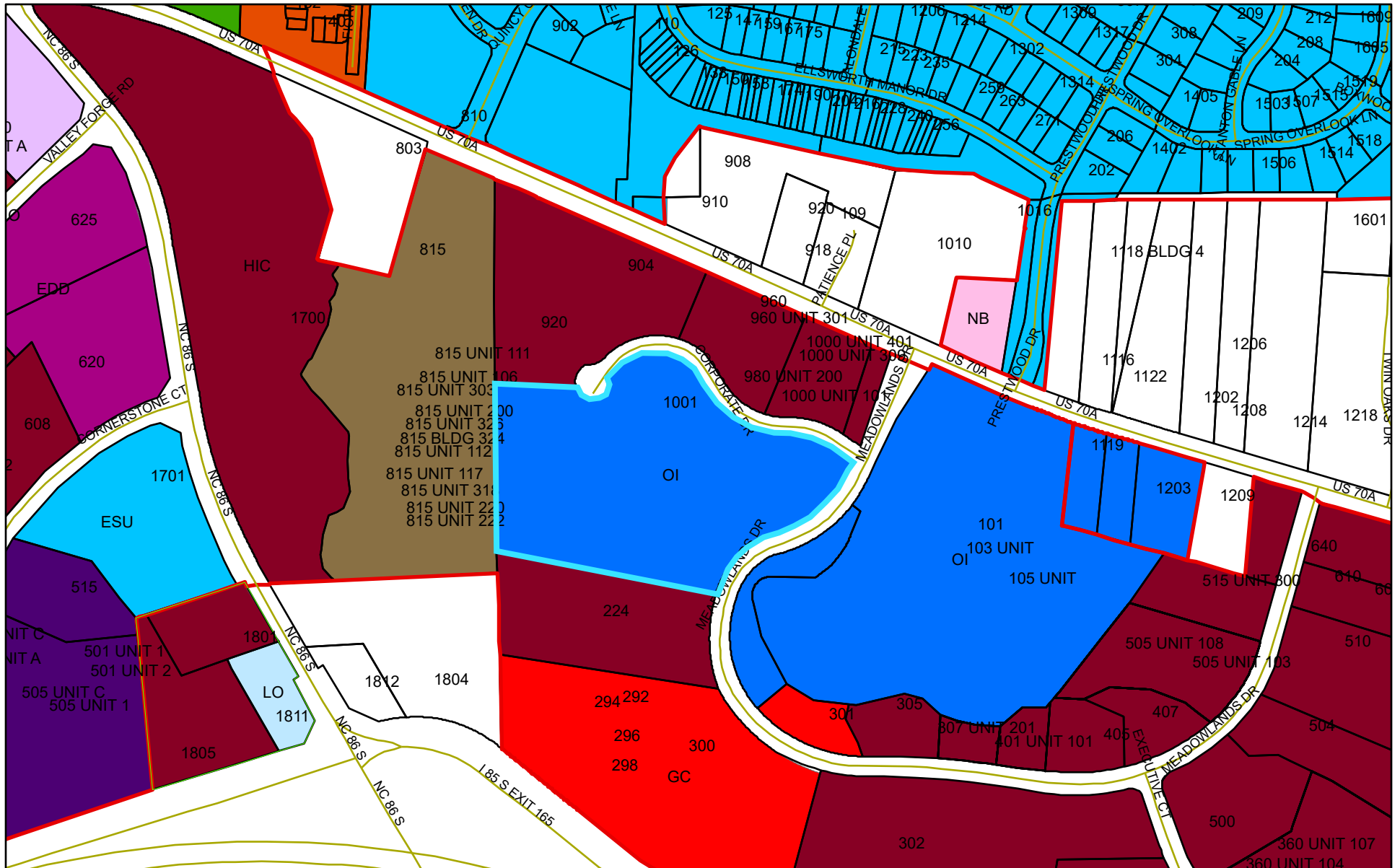
 1001 Corporate Drive

Section 7, Item A.

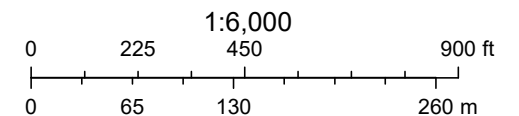


Source: Esri, USDA FSA, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

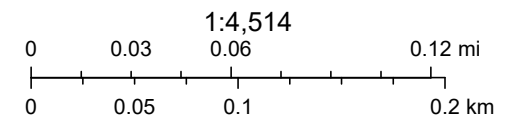
Zoning Map - 1001 Corporate Drive



5/6/2025, 10:36:08 AM



- Addresses
- Urban Service Area
- Light Industrial
- Permanent Open Space
- Parcels
- HillsboroughLandUse
- Mixed Residential Neighborhood
- Retail Services
- Streets
- Attached Residential
- Neighborhood Mixed Use
- Suburban Office



Web AppBuilder for ArcGIS

Excise Tax: N/A

Prepared by and return to:

Ashley H. Terrazas
Parker Poe Adams & Bernstein, LLP
301 Fayetteville Street
Suite 1400
Raleigh, NC 27601

STATE OF NORTH CAROLINA

DEVELOPMENT AGREEMENT

COUNTY OF ORANGE

This Development Agreement (the "Agreement") is made and entered into as of the ____ day of ____ by and among **WP EAST ACQUISITIONS, LLC**, a North Carolina limited liability company (the "Developer"), and the **Town of Hillsborough**, North Carolina ("Town"), a municipal corporation of the State of North Carolina.

WITNESSETH:

WHEREAS, Developer is the contract purchaser of approximately 11.1 acres in the Town of Hillsborough, Orange County, North Carolina located at 1001 Corporate Drive, as more particularly described in **Exhibit A** attached hereto and incorporated herein by reference (the "Property").

WHEREAS, on ____, the Hillsborough Board of Commissioners (the "Town Board") approved 1) a General Use Rezoning request to amend the Official Zoning Map of the Town to rezone the Property from OI to MF, Ordinance ____ (the "Zoning"), and 2) a Text Amendment to amend the Town of Hillsborough Unified Development Ordinance (the "UDO") to allow up to 30 multi-family units per acre on certain properties in the MF district, Ordinance ____ (the "Text Amendment"), to allow development of up to 333 multi-family units on the Property.

WHEREAS, Developer desires to develop the Property into a multi-family residential community with market rate and affordable housing units in accordance with the approved Zoning, Text Amendment, and Town of Hillsborough Unified Development Ordinance, as may be amended from time to time (the "Project").

WHEREAS, North Carolina General Statutes ("G.S.") 160D-1001(b) and 160D-1003 expressly authorize local governments and agencies to enter into development agreements with

developers pursuant to the procedures and requirements of G.S. 160D-1001 through 160D-1012 for projects that require long-term commitments of both public and private resources.

WHEREAS, the Town and Developer desire to enter into this Agreement for the purposes of furthering the Town's and the Developer's mutual goal of providing high-quality, attainable housing in the Town and coordinating the necessary infrastructure and other facilities to serve the Property and the community at large.

NOW, THEREFORE, based on the terms and conditions set forth herein and in consideration of the mutual promises and assurances provided herein, the parties hereby agree as follows:

1. **Recitals.** The parties agree that the foregoing recitals are true and correct and are incorporated herein by reference.
2. **Public Hearing.** Pursuant to Section 160D-1005 and Section 160D-602 of the North Carolina General Statutes, the Town conducted a public hearing on May 15, 2025, to consider the approval and execution of this Agreement in accordance with the procedures set out in Section 160D-1005. Public notice was duly given, and the notice of public hearing specified, among other things, the location of the Property subject to this Agreement, the development uses proposed on the Property, and a place where a copy of the Agreement may be obtained. The Town Board approved this Agreement and the Town executed the same on __, 2025.
3. **Property Subject to Agreement.** The Property shall be subject to this Agreement.
4. **Term.** The term of this Agreement shall commence on the date that all parties hereto have executed this Agreement (the "Effective Date") and shall terminate on the date that is 7 years after the Effective Date, unless sooner terminated by the mutual consent of the parties (or their successors in interest), or unless extended by the mutual consent of the parties (or their successors in interest).
5. **Development Uses.** The Project will include development of up to 333 market rate and affordable residential multi-family units on the Property in accordance with the approved Zoning, Text Amendment, and the UDO. The number and location of buildings, lots, parking areas, and interior drives will be shown on the site plan (the "Site Plan") to be prepared by Developer following execution of this Agreement and reviewed administratively by Town staff.
6. **Affordability.** Recognizing that there is a need in the Town for housing that is affordable and attainable for lower income residents, the Developer shall dedicate no less than ten percent (10%) of the total units in the Project as affordable for a period of no less than thirty (30) years starting from the date of issuance of the first certificate of occupancy on the property or the date dwelling units are so dedicated, whichever is last to occur (the "Affordable Period") for low-income households earning no more than 80% and no more than 60% of the Area Median Income ("AMI"), adjusted by household size, for the Durham-Chapel Hill, NC Metropolitan Statistical Area, as determined and published annually by the U.S. Department of Housing and Urban Development (the "Affordable Units"). The required number of Affordable Units shall be rounded to the nearest whole number. Of the Affordable Units, no fewer than half shall be affordable for households earning no more than 80% AMI and half shall be affordable to households earning no more than 60% AMI. If the calculated number of Affordable Units results in a fraction/decimal number, the required number of Affordable Units shall be rounded up to

the nearest whole number. Developer shall have the sole discretion to select and revise the location of the Affordable Units at any time, provided that the requisite number of Affordable Units pursuant to this Agreement are maintained. Such change in location by the Developer shall not toll or otherwise modify the calculation of the Affordable Period. The Developer shall certify in writing to the Town compliance with this provision on an annual basis beginning at least one year after the Affordable Units are dedicated, such certification to be delivered by July 31st of each year, reporting the status of compliance as of June 30th of the year. The terms and obligations of Developer (and their successors in interest) under this Section 6 shall survive the termination or expiration of this Agreement.

7. **Law in Effect at Time of the Agreement Governs the Development; Vested Rights.**

Except as provided in G.S. 160D-1007, G.S. 160D-1010(b), and this Agreement, the Town may not apply subsequently adopted Town regulations to the Property during the Agreement Term without the written consent of Developer. During the Agreement Term, Developer shall have a vested right to develop the Property in accordance with (i) this Agreement, (ii) the Zoning, (iii) the UDO, (iv) Town regulations, and (v) any other applicable laws, all of the foregoing (i) through (v) as they exist on the Effective Date. In accordance with G.S. 160A-400.25(a)(7), the parties agree, intend, and understand that all conditions, terms, restrictions, or other requirements applicable to the Project and reasonably determined to be necessary by the Town for the public health, safety, or welfare of its citizens, are provided for by the foregoing (i) through (v) as they exist on the Effective Date. This Agreement does not abrogate any rights that may vest pursuant to statutory or common law or otherwise in the absence of this Agreement. If the Town adopts new, different, or amended development regulations that Developer views as more favorable to the Project than the regulations in effect at the time of adoption of this Agreement, Developer may elect to be bound by the new regulations or ordinance (the "After-Adopted Regulation") without any further agreement from the Town. In the event that Developer elects to be bound by the After-Adopted Regulation, Developer will communicate that fact to the Planning Director in writing and note such change on any future permit applications affected by the change.

8. **Public Facilities.** Developer shall be responsible for installation of all of the items below in accordance with the UDO.

- a. Construction of streets, with curb and gutter, within the Property to serve the Project which may be public or private, provided all streets meet UDO requirements.
- b. Stormwater facilities serving the Property.
- c. Construction of utility lines within the Property to serve the Project, including water, sewer, and electric lines.

9. **Traffic Impact Analysis.** The developer shall prepare, or cause to be prepared, a Traffic Impact Analysis, which shall be submitted to the Town prior to site plan approval. Developer shall install all recommended on- and off-site improvements identified in the TIA to mitigate the impact of the Development, to keep the intersections of US 70A with Meadowlands Drive and the intersection of Meadowlands Drive with Corporate Drive at an overall Level of Service of C or better, or to maintain their current Level of Service if the TIA shows they are at a D or below. The improvements are subject to Town and NCDOT approval.

10. **Pedestrian Connectivity Construction.** Within 90 days after the Effective Date, Developer shall complete a study of the feasibility of constructing an ADA-accessible paved pedestrian connection from the Eno Haven Apartments to the SportsPlex. If such construction is determined to be reasonably commercially feasible, including the ability to comply with all applicable laws and regulations, and if Developer can obtain all off-site easements after the exercise of commercially reasonable efforts, and if construction costs of such connection do not exceed \$300,000, Developer shall install the described connection. If the construction costs exceed \$300,000, Developer shall incorporate and dedicate a 10-foot-wide public access easement in the Project for a future pedestrian connection and shall pay a fee in the amount of \$300,000 to the Town prior to the approval of construction drawings for the Project.
11. **Developer Contribution to Sewer Extension.** The Parties recognize that improvements to the Cates Creek Sewer Outfall will be needed to the sewer infrastructure in the vicinity of, but not on, the Property to accommodate sewer flows from multiple approved developments, in excess of the upgrades that would otherwise be required to support the Project (the "Sewer Upgrades"). The Sewer Upgrades are a planned, but unfunded, capital improvement project for the Town. In addition to the improvements to the Property that will be needed to provide adequate sewer service to the Project as required by the UDO, Developer agrees to pay the Town a total fee-in-lieu in the amount of \$1,828,497.50 (the "Total Contribution") for the design and construction costs associated with the Sewer Upgrades, as shown on the cost estimate for the design and construction of the Sewer Upgrades attached as **Exhibit B.** The Total Contribution shall be paid as follows: An amount totaling \$120,000 to cover the estimated costs associated with planning and designing the Sewer Upgrades (the "Design Costs") shall be paid by the Developer to the Town upon the Developer's submittal of the first site plan for the Project. An amount totaling \$1,708,497.50 for the construction of the Sewer Upgrades (the "Construction Costs") shall be paid prior to construction drawing approval. The Town will be solely responsible for all work associated with the Sewer Upgrades, including contracting with all necessary third parties, public bidding, design approvals, permitting, and easement acquisition associated with the Sewer Upgrades, and shall also be responsible for any additional unexpected costs associated with the Sewer Upgrades that exceed the Design Costs and Construction Costs paid by Developer in compliance with this Section. The Town shall diligently pursue completion of the Sewer Upgrades; however, the Town shall not withhold or delay or condition any development approvals, including certificates of occupancy, for the Project upon the completion of the Sewer Upgrades.
12. **Water and Sewer Allocation.** Upon the execution by the Parties of a Water and Sewer Extension Contract (the "Extension Contract"), the Town shall reserve in the Extension Contract (i) an average daily flow water capacity allocation for the Project in the amount of 35,250 gallons per day, and (ii) an average daily flow sewer capacity allocation for the Project in the amount of 35,250 gallons per day (collectively, the "Anticipated Allocation") until the final certificate of occupancy is issued for the project. The Town shall approve the Extension Contract to reserve the Anticipated Allocation at the earlier of 1) when requested by Developer at any time after the Effective Date of this Agreement and prior to construction drawing approval for the Project, provided Developer requests the Extension Contract within two (2) years of the Effective Date of this Agreement, or 2) according to the Town's standard utility allocation reservation and system development fee payment policies. Such reservation shall not be effective until the execution of the Extension Contract. In accordance with N.C.G.S. § 162A-213(b)(2), the Developer shall pay the Town's system development fee upon execution of the Extension Contract or when capacity for the Project is otherwise reserved. If the Project requires additional allocation above the Anticipated Allocation, the Town will work in good faith with the

Developer to provide additional water and sewer allocations through the initial Extension Contract or subsequent amendments.

13. **Local Development Permits.** In accordance with G.S. 160D-1001(d), the development authorized by this Agreement shall comply with all applicable laws, including all ordinances, resolutions, regulations, permits, policies, and laws affecting the development of the Property, including laws governing permitted uses of the Property, density, intensity, design, and improvements.
14. **Good Standing.** The developer shall be in good standing with fee payments, including System Development Fees, and contributions for outfall design and construction as laid out in Section 11 of this Agreement. Application review fees shall be paid before the Town will accept development applications for review.
15. **Amendment; Modification; Termination; or Extension of the Agreement Term.** This Agreement may be amended, modified, terminated, or extended by the mutual consent of both Parties. The below modifications shall be considered Major Modifications and require the same procedures as required by North Carolina law for the adoption of a development agreement. All other modifications shall be considered Minor Modifications and shall be reviewed and approved administratively, to the extent allowed by law, by the Town of Hillsborough Planning Director (the "Planning Director").
 - a. An increase or decrease in the acreage of the Property subject to this Agreement of more than five (5) percent.
 - b. A change in the Agreement Term.
16. **Recordation/Binding Effect.** Within 14 days after the Effective Date, Developer shall record this Agreement in the Orange County Register of Deeds (the "Registry"). The benefits and burdens under this Agreement shall inure to and be binding upon the parties and their successors and assigns. All of the provisions of this Agreement shall be enforceable during the Agreement Term as equitable servitudes and constitute covenants running with the land pursuant to applicable law.
17. **Force Majeure.** In addition to specific provisions of this Agreement, no party shall be responsible for any default, delay or failure to perform if such default, delay or failure to perform is due to causes beyond such party's reasonable control, including, but not limited to, strikes, lockouts, actions or inactions of governmental authorities, epidemics, wars, embargoes, fires, hurricanes, adverse weather, acts of God, lawful work stoppages ordered by a governmental entity, interference duly caused by any other party, or the default of a common carrier. In the event of a default, delay or failure to perform due to causes beyond such party's reasonable control or due to interference by another party, any date or times by which the parties are otherwise scheduled to perform, if any, shall be extended automatically for a period of time equal in duration to the time lost by reason of the cause beyond the reasonable control of such party. If written notice of such delay is given to the other party after the commencement of such delay, an extension of time for such cause shall be deemed granted for the period of the enforced delay, or longer as may be mutually agreed to by the parties.
18. **Disclaimer of Joint Venture, Partnership and Agency.** This Agreement shall not be interpreted or construed to create an association, joint venture, or partnership between or among the parties, or to impose any partnership obligation or liability upon such parties.

19. **No Third Party Beneficiaries.** The Agreement is not intended to and does not confer any right or benefit on any third party that is not a party.
20. **Notices.** Any notice, demand, request, consent, approval or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the 5th business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided. All notices, demands, requests, consents, approvals or communications to the parties shall be addressed to:

Town: Town of Hillsborough
Attn: Shannan Campbell
101 E. Orange St.
Hillsborough, NC 27278
Shannan.Campbell@hillsboroughnc.gov

w/ a copy, which shall not constitute notice, to:

Town Attorney
Town of Hillsborough
1526 E. Franklin St., Suite 200
Chapel Hill, NC 27514

and

Town Manager
Town of Hillsborough
101 E. Orange St.
Hillsborough, NC 27278

Developer: Caitlin Shelby
Managing Director
Wood Partners
1414 Raleigh Road, Suite 429
Chapel Hill, NC 27517
919-355-0110
Caitlin.shelby@woodpartners.com

w/ a copy, which shall not constitute notice, to:

Ashley Terrazas
Parker Poe Adams & Bernstein
301 Fayetteville Street
Suite 1400
Raleigh, NC 27601
919-835-4043
AshleyTerrazas@parkerpoe.com

21. **Entire Agreement.** This Agreement sets forth and incorporates by reference all of the agreements, conditions and understandings between the parties relative to this Agreement and the Property. There are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among the parties relative to the matters addressed herein other than as set forth or as referred to in this Agreement or as contained in the UDO or the Zoning as of the Effective Date.
22. **Assignment.** The Developer may at any time and from time to time assign its rights and responsibilities hereunder, which assignee and subsequent assigns shall retain the right to assign their respective rights and/or responsibilities hereunder or any part of all or any portion of the Property as Developer. The Developer shall provide the Town with written notice within thirty (30) days of any assignment and a written assignment of rights and responsibilities expressly acknowledging the assignee's agreement to the terms of this Agreement, shall be executed by the Developer and the assignee and recorded in the Registry. A deed from Developer to a subsequent owner shall be deemed to assign the conveying Developer's rights and obligations under this Agreement to the subsequent owner and this Agreement shall be enforceable during the Agreement Term as equitable servitudes and constitute covenants running with the land pursuant to applicable law. Any violation of the terms and conditions of this Agreement occurring after such an assignment will be the responsibility of the then current Developer in violation.
23. **Governing Law; Venue.** This Agreement shall be governed by the laws of the State of North Carolina. Any reference in this Agreement to a North Carolina General Statute be deemed to include any successor or replacement statute as to the same matters subject to the statute that has been succeeded or replaced. Venue for any disputes arising from this Agreement shall be the Superior Court of Orange County, North Carolina.
24. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original and such counterparts shall constitute one and the same instrument.
25. **Reserved.**
26. **Termination.** Unless the Agreement Term is extended by the Town and Developer, this Agreement shall terminate on the earlier of the expiration of the Agreement Term or by agreement of the parties. Notwithstanding the foregoing, the Developer shall have the unilateral right to terminate this Agreement upon any change in the Developer's plan for development that renders this Agreement inapplicable, in which case the Town shall be relieved of all obligations hereunder. Any termination other than by expiration of the Agreement Term shall be recorded in the Registry.
27. **No Deemed Waiver.** Except as provided in Section 4.15(b), failure of a party to exercise any right under this Agreement shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future time said right or any other right it may have hereunder.
28. **Severability.** If any term or provision herein shall be judicially determined to be void or of no effect, such determination shall not affect the validity of the remaining terms and provisions. The parties agree that if any provision of this Agreement is judicially determined to be invalid because it is inconsistent with a provision of state or federal law, this Agreement shall be amended to the extent necessary to make it consistent with state or federal law and the balance of the Agreement shall remain in full force and effect.

29. **Authority.** Each party represents it has undertaken all actions necessary for approval of this Agreement, and that the person signing this Agreement on behalf of such party has the authority to bind that party.
30. **Construction.** The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits hereto.
31. **Lender Protections.** Any lender of Developer (or any successor-in-title thereto) having a security interest in all or a part of the Property (a "Secured Lender") may give written notice to the Town of its security interest (a "Lender Notice"). If a Secured Lender provides a Lender Notice, then the Town shall copy the Secured Lender on any notice of default given to Developer (or any successor-in-title thereto), and the Secured Lender shall have 30 days, or such applicable longer cure period given to Developer (or any successor-in-title thereto), to cure the alleged default.
32. **Estoppel.** At any time and from time to time, Town shall deliver, to the extent accurate and permitted by law, within 45 days after Developer's (or any other owner of the Property's) written request, a written statement addressed to the requesting party, and if requested, its Secured Lender and any proposed purchaser or investor in the Property that to the best of its knowledge: (1) that this Agreement is in full force and effect; (2) that it acknowledges that this Agreement has not been amended or modified, or if so amended, acknowledges the accurateness of the amendments provided by the requestor; and (3) whether, to the knowledge of the Town, Developer (or the requesting party) is in default or claimed default in the performance of its obligation under this Agreement, and, if so, describing the nature and amount, if any, of any such default or claimed default; and (4) whether, to the knowledge of the Town, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both, would constitute default, and, if so, specifying each such event.
33. **Non-Discrimination.** To the extent permitted by North Carolina law, the Parties for themselves, their agents, officials, directors, officers, members, representatives, employees, and contractors agree not to discriminate in any manner or in any form based on actual or perceived age, mental or physical disability, sex, religion, creed, race, color, sexual orientation, gender identity or expression, familial or marital status, economic status, veteran status or national origin in connection with this Agreement or its performance. This provision is incorporated into the Agreement for the benefit of the Town of Hillsborough and its residents and may be enforced by an action for specific performance, injunctive relief, or any other remedy available at law or equity. This section shall be binding on the successors and assigns of all parties with reference to the subject matter of the Agreement.

(End of Page; Execution Pages Follow)

IN WITNESS WHEREOF, the parties hereby set their hands and seals, effective the date first above written.

Pursuant to N.C.G.S. 160D-1005, this Development Agreement came before the Hillsborough Town Board on ____, 2025 for a duly noticed legislative hearing. Based on the information presented at the _2025 hearing, the Hillsborough Town Board, determined that the Town entering into this Development Agreement is in the public interest as it provides affordable housing, funding for sewer infrastructure, and pedestrian infrastructure, approved this Development Agreement, and authorized the Town Manager to execute the same.

TOWN OF HILLSBOROUGH, NORTH CAROLINA

By: _____(SEAL)

Name: Eric Peterson
Title: Town Manager

Date: _____

Attest: _____
Town Clerk

STATE OF NORTH CAROLINA TOWN ACKNOWLEDGEMENT
COUNTY OF ORANGE

This is to certify that on the ____ day of _____, 20____, before me personally came _____, with whom I am personally acquainted, who, being by me duly sworn, says that she is the Town Clerk, and Eric Peterson is the Town Manager of the Town of Hillsborough, the municipal corporation described herein and which voluntarily executed the foregoing; that she knows the corporate seal of said municipal corporation; that the seal affixed to the foregoing instrument is said corporate seal, and the name of the municipal corporation was subscribed thereto by said Acting Town Clerk and that the said seal was affixed, all by order of the governing body of said municipal corporation, and that the said instrument is the act and deed of said municipal corporation.

Witness my hand and official seal this _____ day of _____, 2025.

(Seal)

Notary public

My Commission Expires:

Approval as to Form:

Town Attorney

WP EAST ACQUISITIONS, LLC

a North Carolina limited liability company

By: _____
[Authorized Signatory]

STATE OF _____
_____ COUNTY

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____.

Date: _____, Notary Public

[Affix Notary Stamp or Seal]

My Commission Expires: _____

EXHIBIT A

The Property

Being that certain parcel of land situated in the Hillsborough Township in the County of Orange, State of North Carolina and being more particularly described as follows:

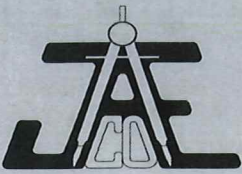
Beginning at the northwestern corner of lands owned by S and C Properties at Hillsborough, LLC, said point being a $\frac{3}{4}$ " iron pipe and having North Carolina State Plane Coordinates of North 841,284.558 and East 1,975,854.243; thence N 00°33'23" W along the eastern boundary line of land owned by TBLF Eno Haven, LLC with a distance of 479.95 feet to a $\frac{3}{4}$ " iron pipe; thence S 87°10'57" E along the southern boundary line of lands owned by Orange County Board of Education a distance of 242.27 feet to a computed point in the right of way of the cul-de-sac of Corporate Drive; thence along the southern right of way of Corporate Drive with the arc of a curve turning to the left, having an arc length of 177.95 feet, a radius of 50.00 feet, a chord length of 97.83 feet, and a chord bearing N 80°18'33" E to a computed point; thence along the southern right of way of Corporate Drive with a reverse curve turning to the right, having an arc length of 25.66 feet, a radius of 25.00 feet, a chord length of 24.55 feet, and a chord bearing N 07°45'15" E to a computed point; thence continuing along the southern right of way of Corporate Drive with a compound curve turning to the right, having an arc length of 277.03 feet, a radius of 165.00 feet, a chord length of 245.62 feet, and a chord bearing N 85°15'33" E to a computed point; thence S 30°31'24" E continuing along the southern right of way of Corporate Drive a distance of 85.44 feet to a computed point; thence continuing along the southern right of way of Corporate Drive with the arc of a curve turning to the left, having an arc length of 271.26 feet, a radius of 261.56 feet, a chord length of 259.27 feet, and a chord bearing S 62°13'37" E to a computed point; thence continuing along the southern right of way of Corporate Drive with a reverse curve turning to the right, having an arc length of 136.13 feet, a radius of 200.00 feet, a chord length of 133.52 feet, and a chord bearing S 72°26'15" E to a computed point; thence S 53°10'32" E continuing along the southern right of way of Corporate Drive a distance of 76.55 feet to a computed point in the northern right of way of Meadowlands Drive; thence S 23°58'12" W along the western right of way of Meadowlands Drive a distance of 9.99 feet to a computed point; thence continuing along the western right of way of Meadowlands Drive with the arc of a curve turning to the right, having an arc length of 302.57 feet, a radius of 345.00 feet, a chord length of 292.97 feet, and a chord bearing S 49°05'43" W to a computed point; thence continuing along the western right of way of Meadowlands Drive with a reverse curve turning to the left, having an arc length of 266.40 feet, a radius of 253.49 feet, a chord length of 254.31 feet, and a chord bearing S 44°06'45" W to a computed point; thence leaving the western right of way of Meadowlands Drive N 78°05'58" W along the northern boundary line of lands owned by S and C Properties at Hillsborough, LLC a distance of 654.78 feet to a $\frac{3}{4}$ " iron pipe, the place and point of beginning, having an area of 475,067 Square Feet or 10.906 Acres.

EXHIBIT B

Estimated Costs of Sewer Upgrades

(See following page)

DRAFT



JAECO

Consulting Engineers
And Land Surveyors

333 Wade Avenue
Raleigh, NC 27605

(919) 828-4428

(919) 828-4711 fax

info@jaeco.com

www.jaeco.com

Engineer's Opinion of Probable Cost
Altera Meadowlands – Cates Creek Sewer Outfall Upgrade

July 28, 2025

Bryant Green PE
Environmental Engineering Supervisor
Town of Hillsborough
105 E. Corbin St., Hillsborough, North Carolina

Mr. Green,

JAECO is providing the enclosed Opinion of Probable Cost (OPC) in support of the Cates Creek Sewer Outfall Upgrades associated with the Altera Meadowlands project. JAECO's understanding of the scope is that a new sanitary sewer outfall line will be installed between the existing manhole located southwest of the intersection of US 70 and Elizabeth Brady Road and the existing Elizabeth Brady pump station. The existing infrastructure summarily abandoned will be abandoned in place and will not require physical demolition/removal.

Specific assumptions and exclusions follow:

- Installation will be parallel to the existing outfall
- The existing infrastructure consists of 18" diameter pipe. Absent a complete hydraulic analysis JAECO assumes a 24" pipe upgrade is adequate.
- US 70 is an NCDOT maintained right-of-way which necessitates a bore & jack operation
- Elizabeth Brady Road is a Town maintained right-of-way which allows for open cut installation
- No installation depths exceeding 16'
- "Town of Hillsborough Technical Specifications and Design Standards for Water and Sanitary Sewer Systems" (March 27, 2024) Section 4.I requires flushing and flowable fill for infrastructure abandonment. No other physical abandonment and/or removal is contemplated in the enclosed.
- No modifications and/or upgrades to the pump station itself are included in this estimate.
- The cost of any real property purchase, easements, etc. are specifically excluded.
- Permitting, especially as it relates to potential environmental impacts and the possible mitigation payments resulting, are specifically excluded.

Should the Town of Hillsborough wish to discuss further please don't hesitate to reach out at (919) 828-4428.

Sincerely,


Jon Callahan, P.E., P.L.S.



Engineers Opinion of Probable Cost

July 28, 2025

Altera Meadowlands - Cates Creek Sewer Outfall Upgrade

Item	Quantity	Unit	Unit Cost	Total
24" PVC	1810	LF	\$ 500.00	\$ 905,000.00
24" PVC (bore & jack)	65	LF	\$ 3,250.00	\$ 211,250.00
6' Diameter MH	7	EA	\$ 20,000.00	\$ 140,000.00
Flushing	1	LS	\$ 5,000.00	\$ 5,000.00
Flowable Fill	110	CY	\$ 600.00	\$ 66,000.00
Pump around infrastructure	1	LS	\$ 20,000.00	\$ 20,000.00
Clearing & Grubbing	0.75	AC	\$ 15,000.00	\$ 11,250.00
Pavement Replacement	1	LS	\$ 25,000.00	\$ 25,000.00
Common Excavation	1	LS	\$ 50,000.00	\$ 50,000.00
Traffic Control	1	LS	\$ 25,000.00	\$ 25,000.00
Erosion Control	1810	LF	\$ 15.00	\$ 27,150.00

Subtotal	\$ 1,485,650.00			
----------	-----------------	--	--	--

Mobilization			5%	\$ 74,282.50
Rock Contingency			10%	\$ 148,565.00

Total Construction Costs	\$ 1,708,497.50			
---------------------------------	------------------------	--	--	--

Total Design Costs	\$ 120,000.00			
---------------------------	----------------------	--	--	--

Grand Total	\$ 1,828,497.50			
--------------------	------------------------	--	--	--

The Engineer has no control over the cost of labor, materials, or equipment, over the Contractor's methods of determining prices, or over competitive bidding or market conditions. Opinions of probable costs, as provided here, are made on the basis of the Engineer's experience and qualifications and represent the Engineer's judgment as a Design Professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from opinions of probable cost prepared for the Owner.

**BOARD OF COMMISSIONERS
TOWN OF HILLSBOROUGH, NORTH CAROLINA**

Consistency Statement per NC GS § 160D-605

Request to amend the Official Zoning Map for the Town of Hillsborough
1001 Corporate Drive (Parcel ID Number: 9874-61-2327)

September 8, 2025

The Board of Commissioners for the Town of Hillsborough has received and reviewed a request from WP East Acquisitions LLC to rezone the parcel identified as 1001 Corporate Drive (PIN 9874-61-2327) from Office Institutional (OI) to Multi-Family (MF).

The Board of Commissioners has determined the proposed action is **consistent** with the town's Comprehensive Sustainability Plan (CSP) because:

1. The proposed amendment is **consistent** with the following Land Use and Development chapter goal, strategy, and action:
 - Goal: Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
 - Strategy: Develop and adopt plans that contribute to meeting preferred future land use and growth patterns.
 - Action: Analyze additional opportunities for infill and redevelopment and increased density in existing neighborhoods, focusing on the provision of water and sewer and other infrastructure and services.
2. The proposed rezoning **advances** identified goals and strategies found in the CSP and **promotes** public health, safety, and welfare because it will create additional rental housing, including affordable housing, in the Town of Hillsborough.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Official Zoning Map for the Town of Hillsborough, NC 1001 Corporate Drive (Parcel Identification Number 9874-6I-2327)

WHEREAS, an application was made to amend the Official Zoning Map for the Town of Hillsborough, specifically to rezone 11.10 acres as 1001 Corporate Drive (PIN 9874-6I-2327), the legal description of which can be found in Deed Book 6796, Page 226 of the Orange County Registry; and

WHEREAS, the application was referred to the Hillsborough 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; and

WHEREAS, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

NOW, THEREFORE, the Hillsborough Board of Commissioners ordains:

Section 1. The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone the aforementioned property to Multi-Family.

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Sept. 8, 2025
Department: Planning & Economic Development Division
Agenda Section: Regular
Public hearing: Yes
Date of public hearing: May 15, 2025

PRESENTER/INFORMATION CONTACT

Molly Boyle, Senior Planner

ITEM TO BE CONSIDERED

Subject: Text amendment to Unified Development Ordinance Table 6.3.1, Dimensional Requirements – Residential (initiated by applicant, WP East Acquisitions LLC)

Attachments:

1. Text amendment application
2. Draft text amendment from applicant with revisions based on public hearing comments
3. Map showing parcels that would be affected by the proposed text amendment
4. Staff research on affordable housing incentives and requirements in neighboring municipalities
5. Draft consistency statement
6. Draft ordinance

Summary:

WP East Acquisitions LLC is requesting an amendment to Unified Development Ordinance Table 6.3.1. Specifically, the applicant is requesting changes to the maximum density and building height requirements for the Multi-Family and Multi-Family Special Use districts.

Joint public hearing

An applicant version and a staff version of the text amendment were presented at the public hearing on May 15. The applicant's version was more restrictive (*i.e.*, applied to fewer properties in town). Staff's version applied more broadly, but it also required a development agreement approved by the town board.

Board members expressed concerns about the broader nature of staff's version, citing the upcoming Unified Development Ordinance rewrite and the desire for more detailed affordable housing regulations. No members of the public spoke on this item at the hearing. Hearing minutes are available online: [MEET-Minutes-884991f9d3224981a1bd27488773d857.pdf](https://www.hillsboroughcountync.gov/MEET-Minutes-884991f9d3224981a1bd27488773d857.pdf).

Planning Board recommendation

At its meeting on June 26, the Planning Board reiterated concerns about making the amendment too broad. Board members also discussed whether the proposed minimum of 10% affordable dwelling units was a high enough percentage. The Planning Board ultimately decided that it was, but it noted a desire for more comprehensive affordable housing regulations in the Unified Development Ordinance update.

The Planning Board recommended approval of the applicant's text amendment (5-0). Meeting minutes are available online: [MEET-Minutes-c9c1799663f54513a2b5137482c3a1ae.pdf](https://www.hillsboroughcountync.gov/MEET-Minutes-c9c1799663f54513a2b5137482c3a1ae.pdf).

Comprehensive Sustainability Plan goals:

Land Use & Development Goal 1: Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.

- Strategy: Ensure that land use and development regulations are aligned with preferred future land use and growth patterns.
- Action: Ensure that the Unified Development Ordinance incorporates strategies to achieve a mix of housing types through zoning.

Financial impacts:

None.

Staff recommendation and comments:

The applicant has prepared a map showing the parcels eligible for higher maximum density (see attached). Based on the current zoning map, only four parcels would be eligible. These four parcels are already developed with multi-family buildings. If the property at 1001 Corporate Drive is rezoned to Multi-Family, it would be eligible too.

Staff recommends approval of the applicant's proposed text amendment as shown in Attachment 2 for the following reasons:

1. Density bonus in current Unified Development Ordinance has not been used.
Currently, the ordinance allows increased density in the multi-family districts only if *all* dwelling units in a development are affordable at 80% AMI or less. No projects in town have ever used this density bonus.

Completely affordable housing projects are funded through subsidies, like the Low-Income Housing Tax Credit program. Competition for tax credits is high, and the credits in Orange County are usually awarded to projects in Chapel Hill, which has a robust affordable housing program.
2. Proposed change consistent with neighboring municipalities.
The proposed minimum of 10% affordable units is consistent with neighboring jurisdictions, which require a minimum of 10-15% affordable dwelling units in exchange for development incentives (see enclosed staff research matrix).
3. Development agreement required.
The text amendment also includes language requiring a development agreement to receive the proposed density bonus. Development agreements must be reviewed and approved by the town board. So, the town board could negotiate the amount of affordable housing with the applicant. The board could also weigh additional factors (*e.g.*, contributions to water and wastewater infrastructure; alternatives to affordable housing construction, such as a payment-in-lieu or dedication of land).

Action requested:

Vote on the proposed text amendment.



TOWN OF
HILLSBOROUGH

APPLICATION

Unified Development Ordinance Text Amendment

Planning and Economic Development Division
101 E. Orange St., PO Box 429, Hillsborough, NC 27278

919-296-9470 | Fax: 919-644-2390

planning@hillsboroughnc.gov

www.hillsboroughnc.gov

This application is for amendments to the Unified Development Ordinance (UDO). Incomplete applications will not be accepted for processing. Please contact Planning staff with questions.

Submittal Requirements

- | | |
|---|---|
| <input checked="" type="checkbox"/> Complete application form (including signature) | <input checked="" type="checkbox"/> Mark-up showing proposed changes to the Unified Development Ordinance |
| <input checked="" type="checkbox"/> Application fee per current Planning Fee Schedule | |

Applicant Contact Information

Name Caitlin Shelby

Phone 919.355.0110

Email

Address 1414 Raleigh Road, Suite 429

Chapel Hill, NC 27517

List the sections of the Unified Development Ordinance that you're proposing for amendment.

Please see "Exhibit A" attached.

Provide your rationale for the proposed amendment. Use additional sheets if necessary.

Please see "Exhibit B" attached.

Signature

I/we certify that the information presented by me/us in this application and all accompanying documents is true and accurate to the best of my/our knowledge, information, and belief. I/we acknowledge that the processing of this application may require additional town, county, and/or state permits, approvals, and associated fees.

<u>WPEast Acquisitions, LLC</u>	<u>Caitlin A. Mulky</u>	<u>3-19-25</u>
Applicant Name (Printed)	Applicant Signature	Date

_____	_____	_____
Applicant Name (Printed)	Applicant Signature	Date

_____	_____	_____
Applicant Name (Printed)	Applicant Signature	Date

Staff Use Only	
Date received	April 4, 2025
Received by	MOB
Fee & receipt number (if any)	D6NWR77VK4
Tentative public hearing date	May 15, 2025

Exhibit A

List the sections of the Unified Development Ordinance that you're proposing for amendment.

6.3.1 Table Dimensional Requirements

Revise Footnote 2: The maximum density for attached dwellings in the MF or MFSU district is 20 units per acre, except for attached dwelling applications that 1) propose at least 10% units to be affordable to households making 80% AMI or less at the time of construction; 2) are within 500' of a major arterial road such as Hwy 70 or I-85; and 3) do not abut an existing single-family dwelling use. Any such qualifying applications may propose up to 30 units per acre as a maximum density (subject to rounding as defined in Section 9.1.4).

Hillsborough Unified Development Ordinance

6.3.1 TABLE: DIMENSIONAL REQUIREMENTS – RESIDENTIAL										
	AR	R-40	R-20	R-15	R-10	MF & MFSU	MHP	ALN	PW ¹	PWCA ¹
Minimum Lot Area (sf)	40,000	40,000	20,000	15,000	10,000	1 acre	5 acres 5,714 sf per dwelling	1 acre	1 acre	2 acres
Minimum Lot Width	200	150	100	100	75	200	200	200	150	150
Minimum Side Yard Width	30	30	20	15	15	40	40	40	30	30
Minimum Rear Yard Width	30	30	20	20	20	40	40	40	30	30
Minimum Front Setback	40	40	30	25	25	35	35	35	30	30
Maximum Building Height	65	45	45	45	45	45	35	35	45	45
Maximum Impervious Surface (% of gross lot)	NA	NA	NA	NA	NA	NA	NA	NA	30%	6%
¹ Refer to Section 4.5 for additional requirements in the PW and PWCA districts. ² The maximum density for attached dwellings in the MF or MFSU district is 20 units per acre (subject to rounding as defined in Section 9.1.4). ³ An attached dwelling application that proposes all units to be affordable to households making 80% AMI or less at the time of construction may propose up to 30 units per acre as a maximum density (subject to rounding as defined in Section 9.1.4).										

Insert: “, except for attached dwelling applications that 1) propose at least 10% units to be affordable to households making 80% AMI or less at the time of construction; 2) are within 500’ of a major arterial road such as Hwy 70 or I-85; and 3) do not abut an existing single-family dwelling use. Any such qualifying applications may propose up to 30 units per acre as a maximum density”

Exhibit B

Provide your rationale for the proposed amendment.

The 2023 Comprehensive Sustainability Plan has a stated Goal of providing more housing options, particularly affordable housing, workforce housing, and smaller units. This goal also speaks to collaborating on addressing high-density concerns, incorporating housing-scale buildings with multiple units in walkable neighborhoods, offering density opportunities, and support for housing projects with new infrastructure development.

We are proposing a UDO text amendment that will further those goals by increasing the allowable density in the MF and MFSU Zoning Districts to 30 units per acre where affordable housing is a significant part of the project, which will enable and encourage private multifamily developers with traditional financing to provide these units on properties that have already been zoned and designated for higher-density residential development. The UDO already allows this density in all zoning districts where attached residential is allowed—which is in almost all districts with an SUP—when all units in the project are affordable for households making 80% AMI. While this is helpful to enable public affordable housing projects and affordable housing projects by affordable housing developers with unique, specialized financing structures, it does not enable traditional housing developers to provide affordable housing in their projects.

Further, by requiring that any higher density communities are located in close proximity to a major throughfare and not adjacent to a single-family neighborhood, the Town can ensure that these communities will be in appropriate locations where transportation infrastructure can support additional residents.

The Town will be able to provide more affordable housing, which is consistent with the Comprehensive Plan goals, if more density is allowed in projects that contain a significant number of affordable units, in properties that have already been zoned and deemed appropriate for higher-density residential uses presumably due to their location and proximity to Town infrastructure.

Applicant's revised text amendment to UDO Table 6.3.1, incorporating feedback from the public hearing

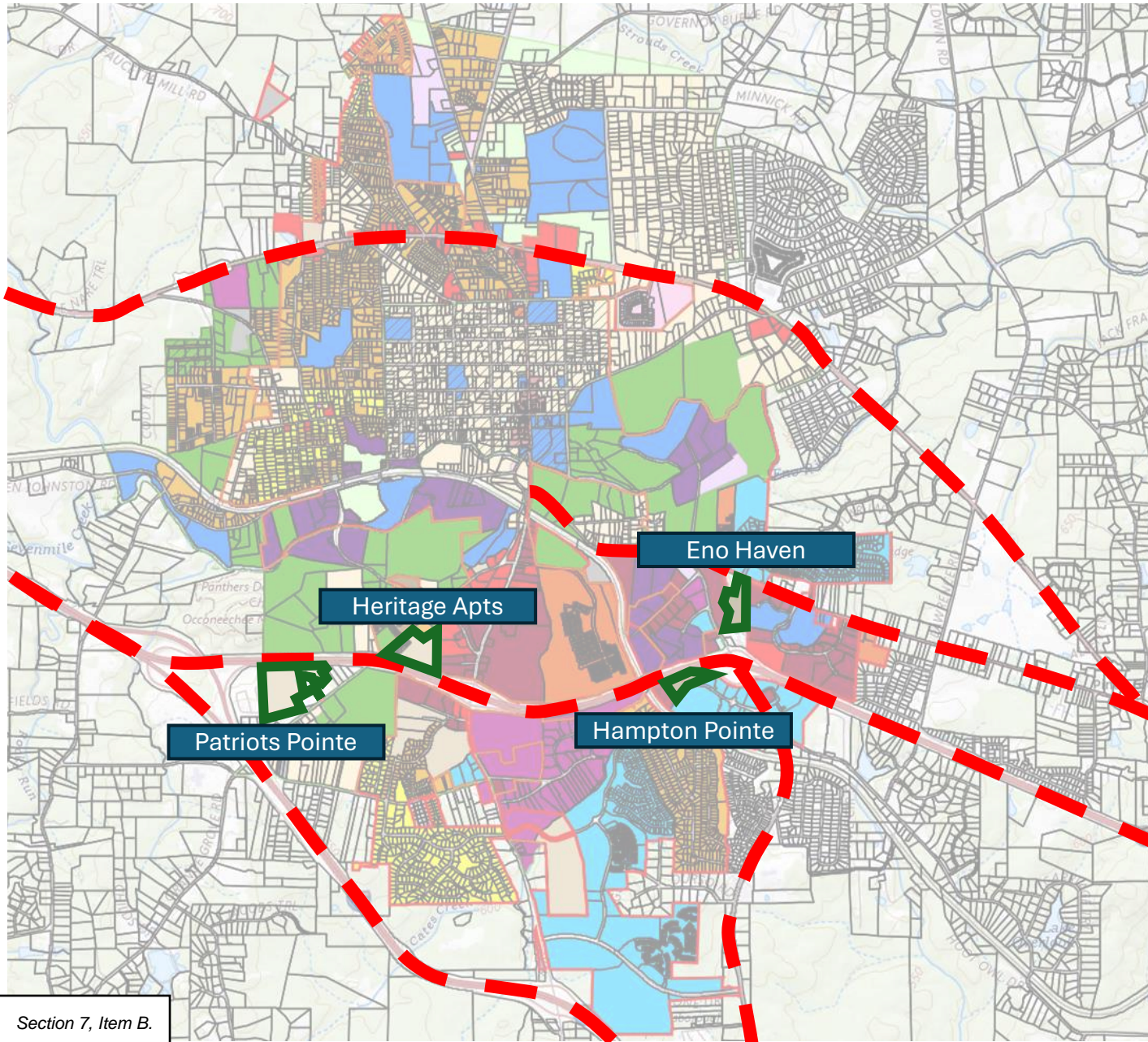
Black text = existing text to remain

~~Red strikethrough~~ = existing text to be deleted

Red underline = new text to be added

6.3.1 TABLE: DIMENSIONAL REQUIREMENTS –RESIDENTIAL										
	AR	R-40	R-20	R-15	R-10	MF & MFSU	MHP	ALN	PW¹	PWCA¹
Minimum Lot Area (sf)	40,000	40,000	20,000	15,000	10,000	1 acre (required development tract area)	5 acres (required developme nt tract area)	1 acre	1 acre	2 acres
Maximum Density (Dwelling Units per Acre) ²	1	1	2	3	4	20/30 ³	7		1	1
Minimum Lot Width	200	150	100	100	75	NA	NA	200	150	150
Minimum Side Yard Width	30	30	20	15	15	40 ⁴	40 ⁴	40	30	30
Minimum Rear Yard Width	30	30	20	20	20	40 ⁴	40 ⁴	40	30	30
Minimum Front Setback	40	40	30	25	25	35 ⁴	35 ⁴	35	30	30
Maximum Building Height	65	45	45	45	45	45/ <u>65⁵</u>	35	35	45	45
Maximum Impervious Surface (% of gross lot)	NA	NA	NA	NA	NA	NA	NA	NA	30%	6%
¹ Refer to Section 4.5, <i>Other Zoning Districts</i> , for additional requirements in the PW and PWCA districts. ² Subject to rounding as defined in Section 9.1.4, <i>Dwelling Unit Yield</i> . Accessory dwelling units are not counted toward maximum dwelling unit per acre. ³ 30 units per acre allowed where all <u>each of the following conditions are met: 1) A minimum of 10% of units in the development are affordable to households making 80% AMI (Area Median Income) or less at time of construction; 2) The development is within 500' of a major arterial road such as Hwy 70 or I-85; 3) The development does not abut an existing single-family dwelling use; and 4) A Development Agreement between the Town of Hillsborough and the party responsible for the development is agreed upon and executed prior to commencing construction.</u> ⁴ Setbacks measured from exterior property lines of development tract. Interior setbacks governed by applicable use-specific standards (see Section 5.2, <i>Use-specific Standards</i>). ⁵ <u>Maximum building height may be increased to 65' if minimum front, side, and rear setbacks are each increased by 5'.</u>										

Map of parcels eligible for density bonus under applicant's version of the text amendment*



Major arterial road

MF or MFSU

*Map prepared by applicant.

Four parcels would be eligible for the density bonus. All four parcels are already developed as labeled on the map.

If 1001 Corporate Drive is rezoned to Multi-Family (MF), it would also be eligible.

Matrix: Affordable Housing Incentives and Requirements in Neighboring Municipalities

This matrix compares affordable housing incentives and associated requirements for Carrboro, Chapel Hill, and Durham.

	Target income levels for affordable dwelling units	Minimum percentage of affordable units in a development	Minimum period that units must stay affordable	Incentives offered to developers in exchange for affordable housing
Carrboro	Generally considered to be 80% Area Median Income (AMI), although up to ¼ of the affordable units in a development can be priced at 115% AMI under certain conditions.	<ul style="list-style-type: none">Policy goal of 15% affordable units in all new residential developments with 5+ dwellingsInstead of building affordable units, a developer can make a payment-in-lieu or reserve lots for purchase by the town at market rate.	99 years	<ul style="list-style-type: none">Maximum density can be increased by two market-rate dwelling units for every one affordable housing unit in the development.Maximum density cannot be increased above 150% of the maximum density ordinarily allowed.
Chapel Hill	<ul style="list-style-type: none">Between 65% - 80% AMI.In a development, at least half of the affordable units must be offered at or below 65% AMI.The remaining affordable units must be offered at or below 80% AMI.	<ul style="list-style-type: none">10% in the Town Center districts15% in all other zoning districtsInstead of building affordable units in a development, a developer can make a payment-in-lieu, dedicate land or existing units, and/or construct off-site affordable units.	<ul style="list-style-type: none"><u>For-sale lots/units:</u> 99 years or “as long as permissible by law.” The affordability period must be established in an Affordable Housing Plan approved by the Town Council.<u>For-rent units:</u> No minimum set in the Land Use Management Ordinance. Affordable Housing Plan approved by Town Council required.	<ul style="list-style-type: none"><u>Density bonuses:</u> Maximum density can be increased by 15%. Density bonus not available for Town Center districts and/or certain conditional and mixed-use zoning districts. The maximum floor area allowed can be increased by 3,400 – 4,400 square feet per affordable dwelling unit. Exceptions apply outside of the Town Center districts.<u>Development cost offsets:</u> Certain development-related fees are waived for the provided affordable dwelling units. Waived fees include the following: applicable town application fees; building permit fees; plan review fees; and inspection fees.

	Target income levels for affordable dwelling units	Minimum percentage of affordable units in a development	Minimum period that units must stay affordable	Incentives offered to developers in exchange for affordable housing
Durham	<ul style="list-style-type: none">For-rent units: 60% AMI at initial occupancy. A tenant's income can increase up to 80% AMI after that, and the unit will still be considered affordable.For-sale units: 80% AMI at time of closing. There are no limits on increases in income after closing if the unit remains the household's principal residence.	15%	30 years	<ul style="list-style-type: none">Compact Neighborhood Tier: Maximum density may be 75 units per acre or the maximum density of the zoning district, whichever is greaterSuburban and Urban Tiers: For each affordable dwelling unit built, a bonus of two additional market-rate units can be constructed <i>beyond the base density of the zoning district</i>.

For more information:

- Town of Carrboro Land Use Ordinance: <https://www.townofcarrboro.org/DocumentCenter/View/2021/Land-Use-Ordinance-combined->. See Section 15.54.1, *Affordable Housing Goal and Alternative Methods of Achieving the Goal* and Section 15.182.4, *Residential Density Bonuses for Affordable Housing*.
- Town of Chapel Hill Land Use Management Ordinance: https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=PTIICO_APXALAUSMA See Section 3.10, *Inclusionary Zoning*.
- Durham City/County Unified Development Ordinance: <https://udo.durhamnc.gov/udo/Home.htm>. See Section 6.6, *Affordable Housing Bonus*.

**BOARD OF COMMISSIONERS
TOWN OF HILLSBOROUGH, NORTH CAROLINA**

Consistency Statement per NC GS § 160D-605

Request to amend Table 6.3.1, Dimensional Requirements – Residential in the
Unified Development Ordinance of the Town of Hillsborough (applicant-initiated)

September 8, 2025

The Board of Commissioners for the Town of Hillsborough has received and reviewed a request from WP East Acquisitions LLC to amend Table 6.3.1 in the Unified Development Ordinance to increase the maximum density and building height requirements for the Multi-Family and Multi-Family Special Use districts (MF & MFSU).

The Board of Commissioners has determined the proposed action is **consistent** with the town's Comprehensive Sustainability Plan (CSP) because:

1. The proposed amendment is **consistent** with the following Land Use and Development chapter goal, strategy, and action:
 - Goal: Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
 - Strategy: Ensure that land use and development regulations are aligned with preferred future land use and growth patterns.
 - Action: Ensure that the Unified Development Ordinance incorporates strategies to achieve a mix of housing types through zoning.
2. The proposed rezoning **advances** identified goals and strategies found in the CSP and **promotes** public health, safety, and welfare because it incentivizes affordable housing through density and height bonuses.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Town of Hillsborough Unified Development Ordinance Table 6.3.I, Dimensional Requirements - Residential

WHEREAS, an application was initiated by WP East Acquisitions LLC to amend Unified Development Ordinance Table 6.3.1, Dimensional Requirements – Residential, to increase the maximum density and building height in the Multi-Family and Multi-Family Special Use zoning districts; and

WHEREAS, the application was referred to the Hillsborough 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; and

WHEREAS, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed text amendment with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

NOW, THEREFORE, the Hillsborough Board of Commissioners ordains:

Section 1. The Unified Development Ordinance of the Town of Hillsborough is hereby amended as attached hereto.

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

6.3.1 TABLE: DIMENSIONAL REQUIREMENTS –RESIDENTIAL

	AR	R-40	R-20	R-15	R-10	MF & MFSU	MHP	ALN	PW ¹	PWCA ¹
Minimum Lot Area (sf)	40,000	40,000	20,000	15,000	10,000	1 acre (required development tract area)	5 acres (required development tract area)	1 acre	1 acre	2 acres
Maximum Density (Dwelling Units per Acre) ²	1	1	2	3	4	20/30 ³	7		1	1
Minimum Lot Width	200	150	100	100	75	NA	NA	200	150	150
Minimum Side Yard Width	30	30	20	15	15	40 ⁴	40 ⁴	40	30	30
Minimum Rear Yard Width	30	30	20	20	20	40 ⁴	40 ⁴	40	30	30
Minimum Front Setback	40	40	30	25	25	35 ⁴	35 ⁴	35	30	30
Maximum Building Height	65	45	45	45	45	45/65 ⁵	35	35	45	45
Maximum Impervious Surface (% of gross lot)	NA	NA	NA	NA	NA	NA	NA	NA	30%	6%

¹ Refer to Section 4.5, *Other Zoning Districts*, for additional requirements in the PW and PWCA districts.

² Subject to rounding as defined in Section 9.1.4, *Dwelling Unit Yield*. Accessory dwelling units are not counted toward maximum dwelling unit per acre.

³ 30 units per acre allowed where each of the following conditions are met: 1) A minimum of 10% of units in the development are affordable to households making 80% AMI (Area Median Income) or less at time of construction; 2) The development is within 500' of a major arterial road such as Hwy 70 or I-85; 3) The development does not abut an existing single-family dwelling use; and 4) A Development Agreement between the Town of Hillsborough and the party responsible for the development is agreed upon and executed prior to commencing construction.

⁴ Setbacks measured from exterior property lines of development tract. Interior setbacks governed by applicable use-specific standards (see Section 5.2, *Use-specific Standards*).

⁵ Maximum building height may be increased to 65' if minimum front, side, and rear setbacks are each increased by 5'.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Sept. 8, 2025
Department:	Planning and Economic Development
Agenda Section:	Regular
Public hearing:	No
Date of public hearing:	N/A

PRESENTER/INFORMATION CONTACT

Shannan Campbell, Planning and Economic Development Manager
Iain Banks, Nelson Nygaard Consulting

ITEM TO BE CONSIDERED

Subject: Draft Downtown and West Hillsborough Parking Study

Attachments:

Draft Downtown and West Hillsborough Parking Study

Summary:

In early 2024, the town, in partnership with Central Pines Regional Council and DCHC MPO, released a Request for letters of intent for consulting services to conduct a parking study of downtown and west Hillsborough's parking facilities, land uses, potential for growth, and to make recommendations on improvements the town can make to existing parking facilities and adding any future facilities. Consultant Nelson Nygaard was selected with a \$75,000 budget consisting predominantly of federal funds from the Surface Transportation Block Grant – Direct Attributable program.

The town has been working closely with the selected consultant and MPO on public outreach, conducting parking counts, and developing the study and recommendations over the last year and a half. The study consultant and staff are prepared to present the study, key findings and recommendations, and take any questions/comments.

Financial impacts:

Low to medium, depending on the implementation projects in the study.

Staff recommendation and comments:

Staff recommends reviewing and adopting the study as is, or if the board has significant comments/concerns to incorporate, to direct those updates to be made into the document with adoption of the final document at a future meeting date.

Action requested:

Review/comment and adoption.

September 8, 2025

Hillsborough Parking Study

Board of Commissioners Meeting

Iain Banks, PTP, Nelson\Nygaard

N NELSON
NYGAARD

RK&K



Agenda

- 1 Initial Conditions
- 2 Public Engagement
- 3 Management Policies
- 4 Operational Procedures
- 5 Action Plan

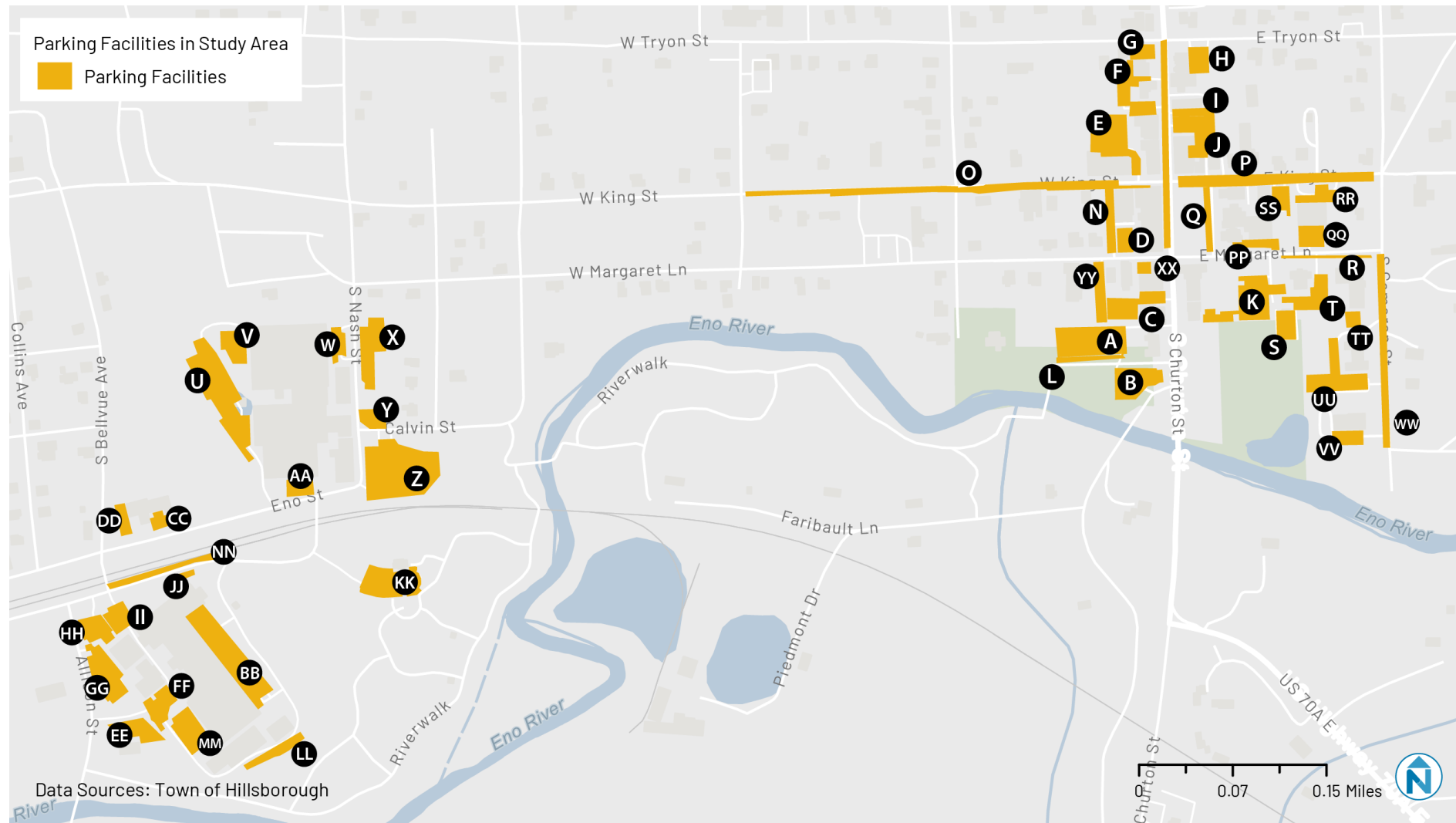




Initial Conditions

Study Area

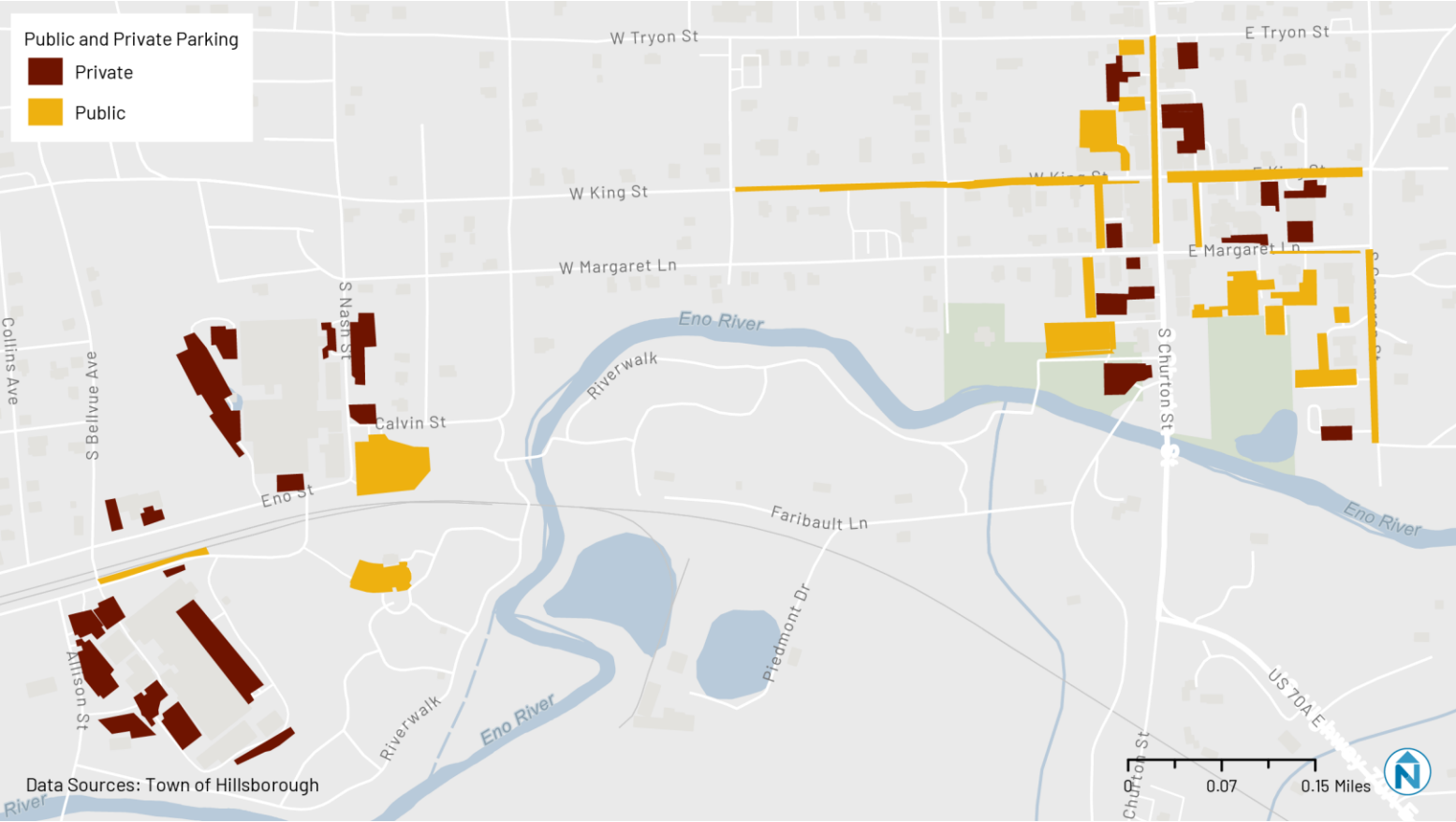
Pop Quiz – How many Parking Spaces are in Downtown and West Hillsborough?



Project Goals

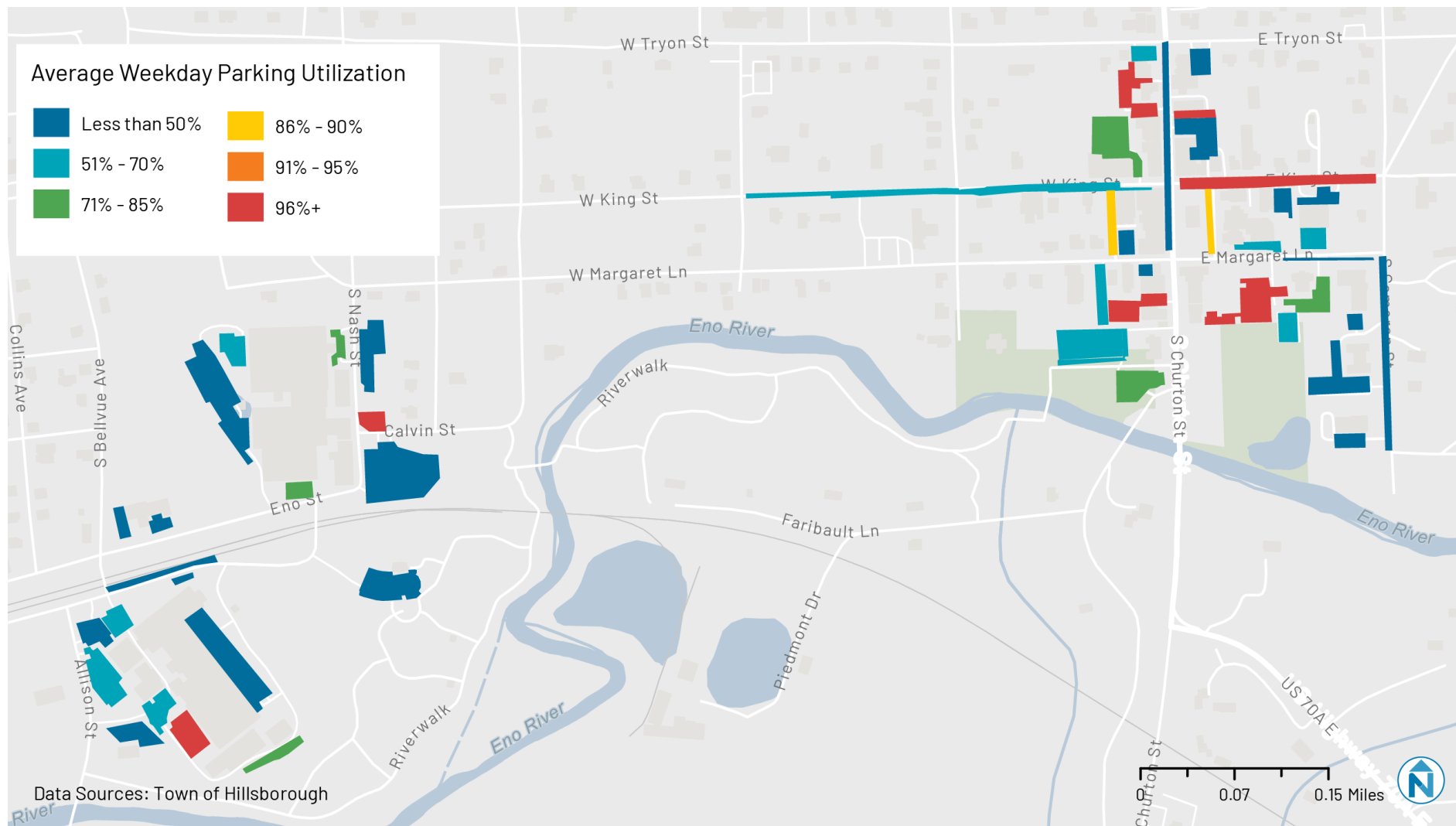
- Supply and Demand: A quantitative assessment of the supply and demand of all downtown parking, identifying peak and low-demand periods. Determination of the presence of either a parking deficit or surplus.
- Ownership and Public Access: Identification of parking in Downtown Hillsborough, its regulation, ownership, and public availability.
- Information, Signage and Wayfinding: Evaluation of available parking information and signage. A review of the current wayfinding system for locating and identifying of public parking lots.
- User Satisfaction: Administration of a survey and interviews with Downtown businesses, employees, stakeholders, and community to explore concerns relative to current parking conditions.
- Operations: Evaluation of current management, staffing, and operational strategies to develop strategies for improved parking options.
- Management: Identification of management strategies to efficiently and effectively utilize existing parking supply and expand supply as appropriate.

Parking Access

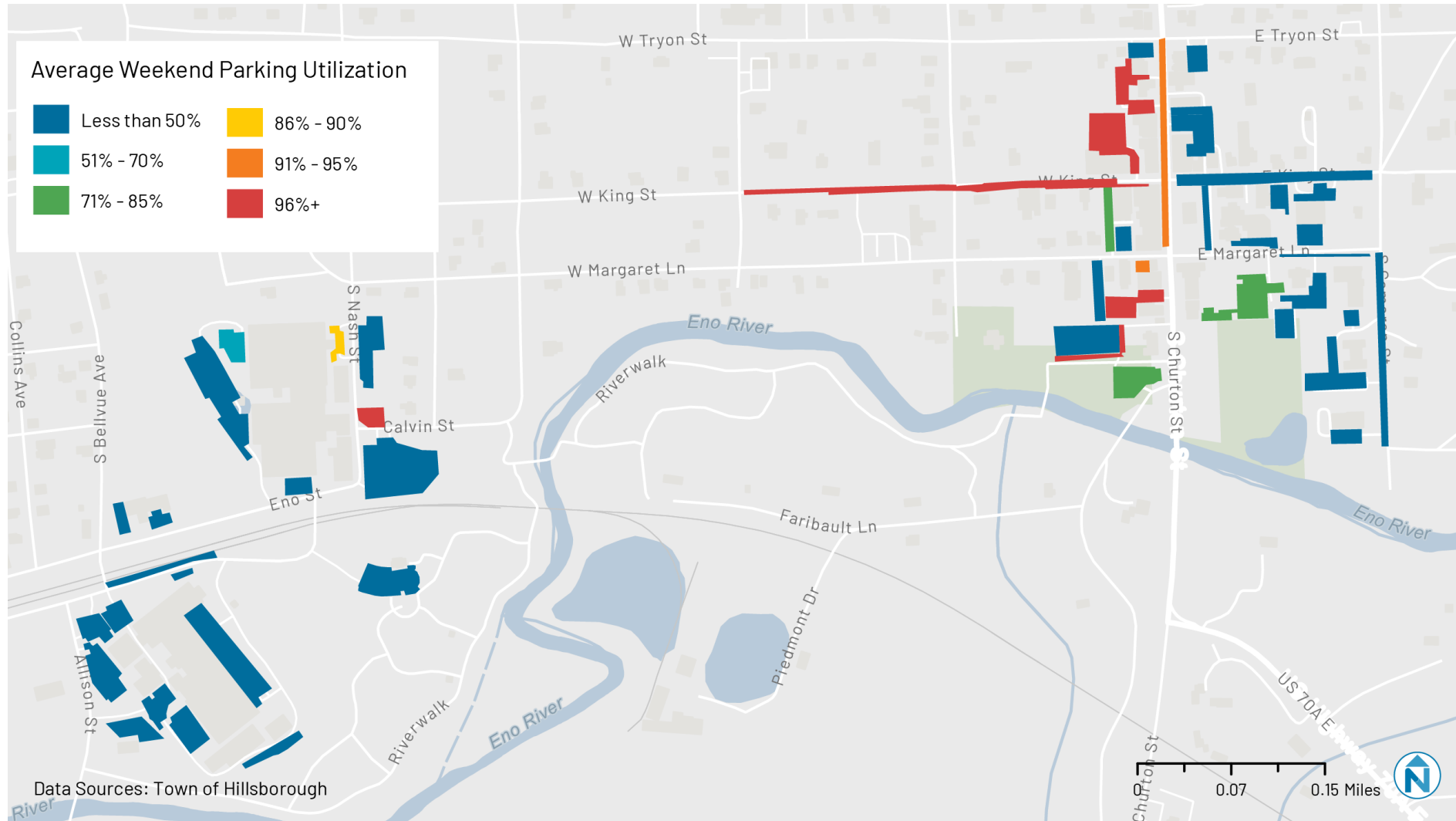


	Downtown	West Hillsborough	Total
Off Street - Private	426	595	1,021
Off Street - Public	538	154	692
On Street	151	0	151
Total	1,115	749	1,864

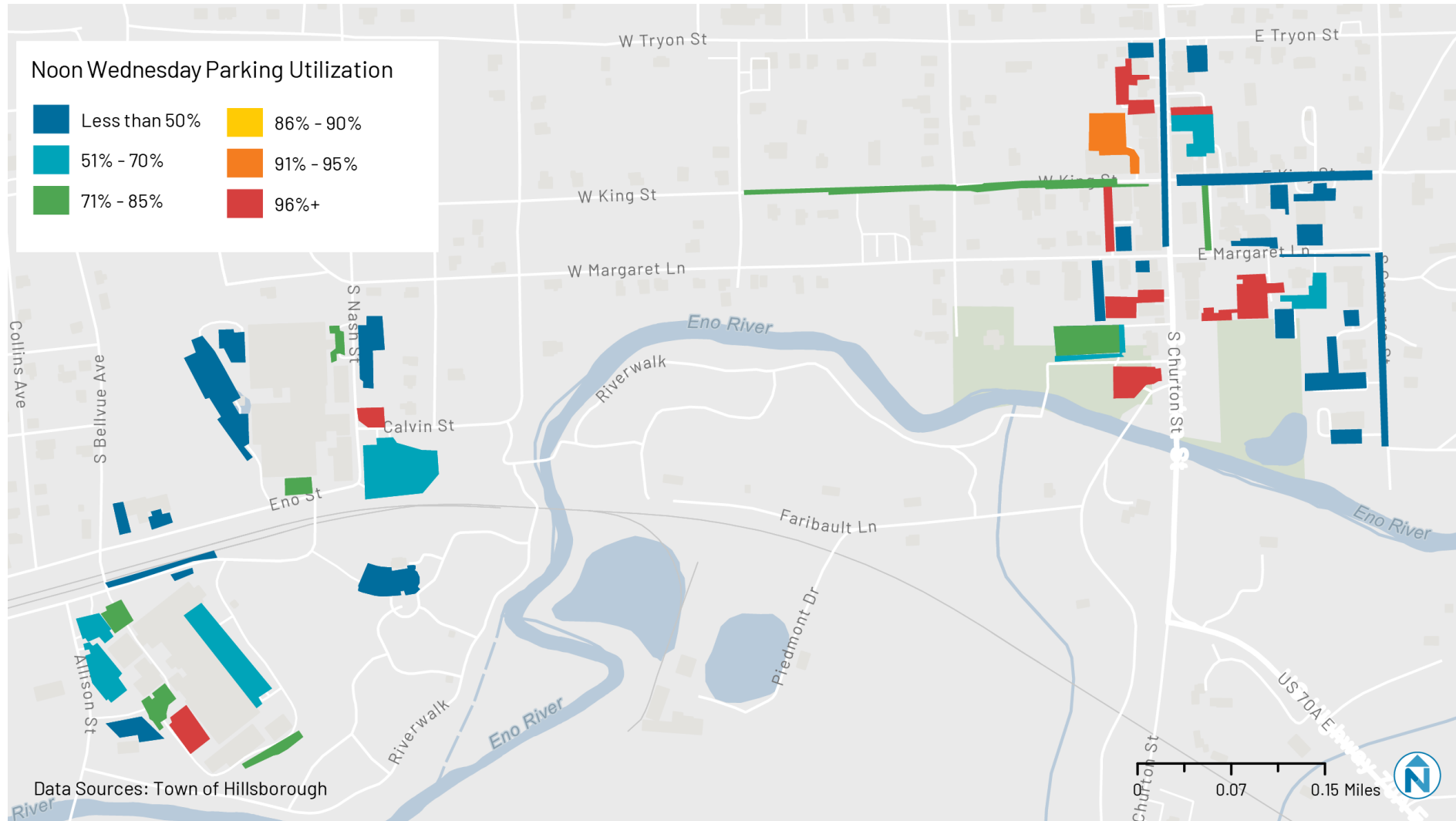
Average Weekday Parking Utilization



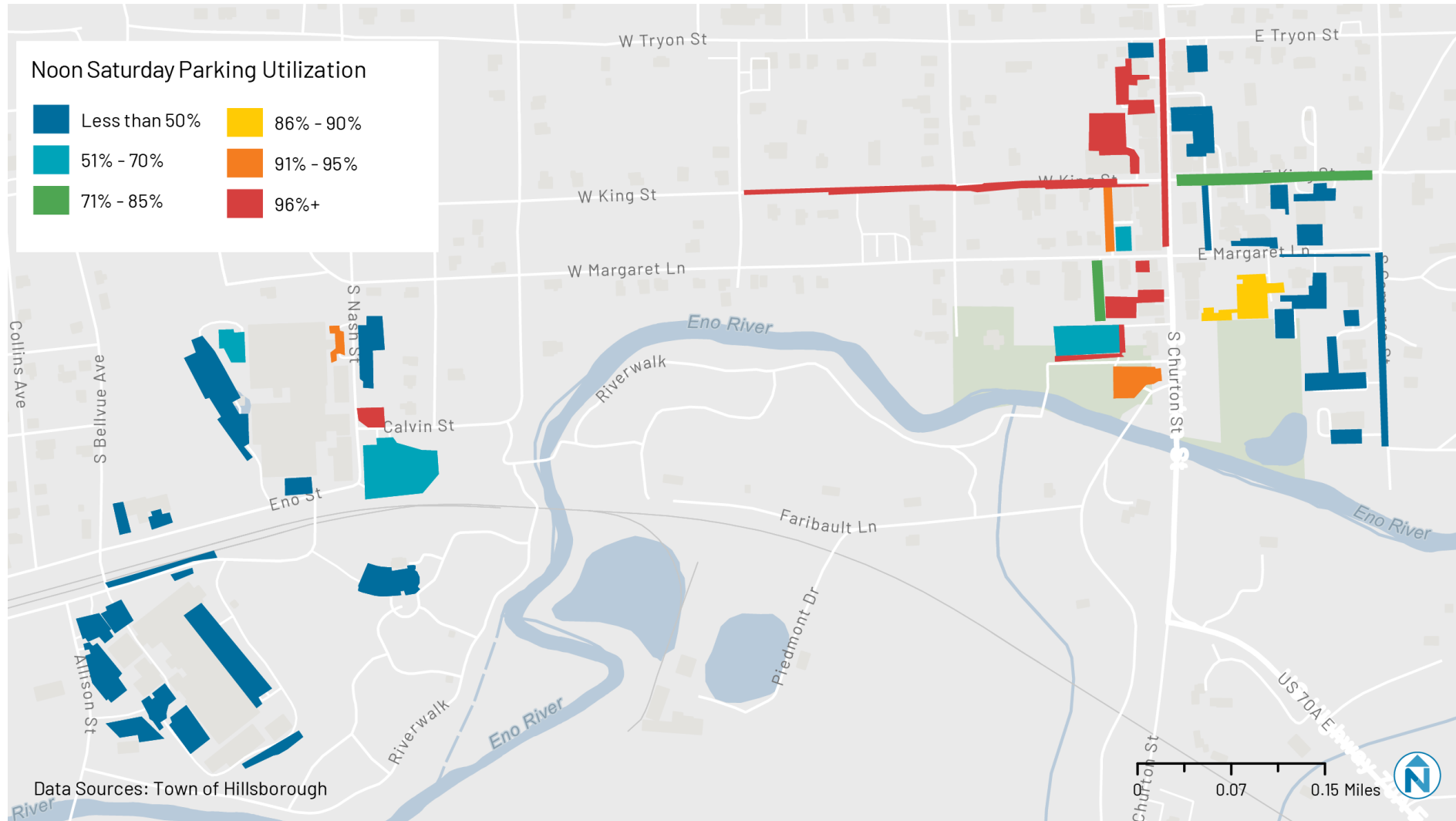
Average Weekend (Saturday) Parking Utilization



Peak Weekday Parking Utilization



Peak Weekend Parking Utilization





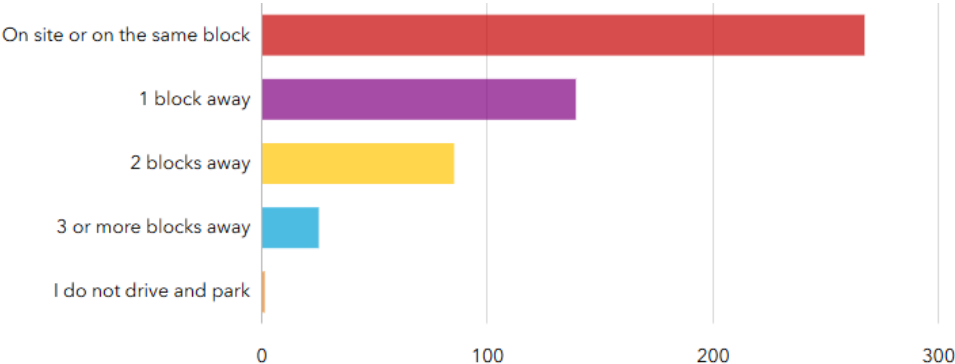
Public Engagement

- Public Survey Responses – 518 responses

What kind of parking do you typically use in Hillsborough?

Answers	Count	Percentage
A parking lot or garage in which I can park for free	358	69.11%
A parking lot or garage in which I have a reserved space free of charge	7	1.35%
A parking lot or garage for which I have a paid permit (at my own or my employer's expense)	3	0.58%
A parking lot or garage that I pay for by the hour	2	0.39%
On-street space (not reserved as an accessible space)	115	22.2%
On-street reserved accessible space	8	1.54%

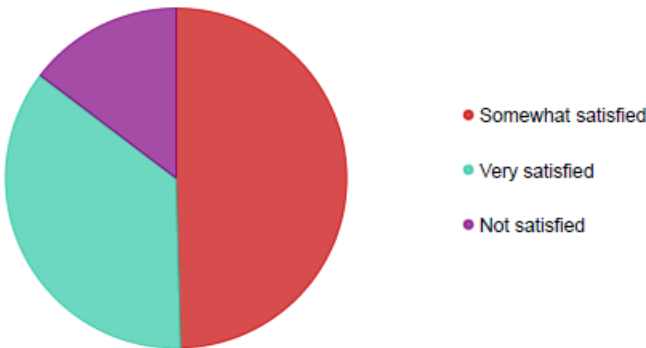
Where do you typically park in Hillsborough?



What works well in Hillsborough?



How satisfied is bicycle parking in Hillsborough?



Stakeholder Meetings

Interviews were conducted with town-identified partners, including town commissioners, town and county staff, and business and property owners. Key themes from these interviews included:

- Hillsborough has enough parking, except for special event days. Many locals know this and plan accordingly.
- However, that parking may not be right in front of where the visitor wants to go and visitors may have to walk a couple of blocks to get to their destination.
- Employees and customers park in the same areas. Employees often get there before customers arrive and occupy parking spots closest to the building.
- More on-street loading zones are desired, so delivery trucks do not block travel lanes, especially on narrow, two-lane streets. More on-street, 15-minute curbside pickup spots also are desired.

Public Pop-Ups

The town and its project partners conducted a series of pop-up events May 29-30, 2025, around downtown and West Hillsborough to get additional public perspectives, especially from residents and visitors who may not have interacted with the web-based feedback forums. Events were held near or on site at 5 locations. And had over 100 community interactions.

- Cup-A-Joe, 112 W. King St.; 10 a.m. May 29
- Whit's Frozen Custard, 240 S. Nash St.; noon May 29
- Eno River Brewing, 329 Eno Mountain Road; 5 p.m. May 29
- Hillsborough Bake Shop, 110 S. Churton St.; 8 a.m. May 30
- Riverwalk Greenway entrance, Nash and Kollock Street; noon May 30





Recommendations - Management Policies

Management Policies

- Town Staff Management
 - Designate Parking Manager
- Facilitate Shared Parking Agreements
 - Contextual Considerations
 - Implementation Barriers
 - Use Technology to Incentivize Shared Parking
 - Identify Additional Lots
- Coordination with Orange County
 - Eno River Parking Deck Utilization
 - Public Access to Potential New Parking Deck
- Employee and Business Parking
 - Incentive Programs
 - Business Education

Management Policies

CURBSIDE MANAGEMENT

- Provide Adequate and Accessible ADA Parking
- Manage and Enforce Loading Zones
 - Permitting and signage to accommodate multiple uses
 - HPD enforcement
- Prepare for Increased Autonomous Vehicle Use





Recommendations - Operational Procedures

Operational Procedures

OPTIMIZE EXISTING INVENTORY

- Technology Systems
 - Real-time information
- Improve and Coordinate Information Systems
 - Create a Simplified Parking and Access Map
- Add On-Street Parking
 - Particularly Short-term and Drop-Off
- Explore Valet Parking Options
 - Public and Private Valet
- Employee Transportation Support



Operational Procedures

MULTIMODAL REDUCTION OPPORTUNITIES

- Transportation Demand Management
 - Coordination with Orange County Commuter Options Program
 - Formal Town TDM Program
- Encourage Alternative Transportation Modes
 - Public Transit
 - Walking Environment
 - Bicycle Facilities

Operational Procedures

USER EXPERIENCE OPPORTUNITIES

- Branding and Marketing
 - Public and Publicly Accessible Parking
- Signage and Wayfinding
 - Updated Signage Program
 - Vehicular and Pedestrian Wayfinding
- Coordination Event Management
 - Event Plans
 - Remote Lots and Shuttles
 - Transit Options
- Enforcement
 - “Light Touch” Enforcement and Education



Action Plan

Action Plan

Strategy 1: Shared Parking Agreements

Action	Time Frame	Implementation Considerations	Relative Cost
Coordinate a shared parking agreement with First Baptist Church	Short term	Coordinate a formal sharing agreement with the First Baptist Church lot. Town residents already use this lot as informal shared parking.	\$\$
Review existing shared parking agreements	Short term	Review existing shared parking agreements to confirm time frame of agreements, costs, and expected town roles and responsibilities.	\$
Identify additional lots for shared parking agreements	Medium term	Identify additional lots in downtown Hillsborough for shared parking.	\$\$

Strategy 2: Parking Coordination with Orange County

Action	Time Frame	Implementation Considerations	Relative Cost
Coordinate with county on Eno River Parking Deck	Short term	Coordinate with county facilities staff on opening additional levels of the deck for public parking.	\$
Coordinate on potential new parking deck	Long term	Coordinate with Orange County on potential new parking deck.	\$-\$\$\$\$
Coordinate with traffic court	Short term	Coordinate with county to send informational material about where to park with traffic court summons.	\$\$

Action Plan

Strategy 3: Curbside Management

Action	Time Frame	Implementation Considerations	Relative Cost
Develop loading and curbside management program	Medium term	Develop a loading enforcement program to ticket delivery trucks using travel lanes for loading or unloading.	\$\$
Develop curbside wayfinding and education	Medium term	Develop information and education materials for town residents, visitors and employees about curbside loading spaces.	\$

Strategy 4: Accessible Parking

Action	Time Frame	Implementation Considerations	Relative Cost
Improve accessible parking	Long term	Improve marked accessible spaces and ensure creation of spaces compliant with Public Right-of-Way Accessibility Guidelines and Americans with Disability Act.	\$\$\$

Action Plan

Strategy 5: Effective Wayfinding and Signage

Action	Time Frame	Implementation Considerations	Relative Cost
Update Town of Hillsborough public parking map	Short term	Update Hillsborough’s online public parking map to include West Hillsborough parking locations and parking regulations.	\$\$
Improve and expand signage	Medium term	Improve parking wayfinding signs for drivers and pedestrians to be consistent and widespread, with clearly communicated information before, upon, and after arrival.	\$\$\$
Implement parking technology	Long term	Consider using parking technology in lots that fill quickly.	\$\$\$\$

Action Plan

Strategy 6: Employee and Business Parking

Action	Time Frame	Implementation Considerations	Relative Cost
Develop employee and business parking program	Medium term	Develop a formal employee parking program that partners with business owners to encourage employees to park in the parking deck.	\$\$
Develop employee security program	Long term	Coordinate with Hillsborough police to escort employees to their cars at night.	\$\$\$
Provide employee transportation support	Medium term	Coordinate with the Orange County Commuter Options Program to offer trip planning and other transportation programs.	\$
Provide valet parking: Public valet	Medium term	Consider a short-term pilot of a public valet, owned and operated by the town.	\$\$\$
Provide valet parking: Private valet	Medium term	Coordinate with business owners for a shared parking valet program, organized and funded by businesses.	\$\$\$

Action Plan

Strategy 7: Alternative Transportation Modes

Action	Time Frame	Implementation Considerations	Relative Cost
Encourage alternative transportation modes: Walking	Long term	Continue to improve sidewalks and the pedestrian environment in Hillsborough.	\$\$\$
Encourage alternative transportation modes: Transit	Long term	Coordinate with Orange County to provide informational material and create marketing campaigns to encourage transit use.	\$\$
Encourage alternative transportation modes: Bicycles	Long term	Identify bicycle parking in town and suggest locations for additional parking to be added as construction projects occur.	\$\$\$
Implement transportation demand management: Coordinate with Orange County Commuter Options	Short term	Coordinate with the Orange County Commuter Options Program to offer trip planning and other transportation programs.	\$
Implement transportation demand management: Develop a program	Long term	Develop a transportation demand management program for the town, including code updates.	\$\$

Action Plan

Strategy 8: Event Parking

Action	Time Frame	Implementation Considerations	Relative Cost
Require event parking management plans	Short term	Require events to develop event parking management plans, in coordination with town staff.	\$
Provide remote lots and shuttles for events	Long term	Identify remote lots that could be used for event parking, with shuttle service to and from the event.	\$
Provide public transit for events	Short term	Coordinate with event managers and Orange County to encourage transit use for events.	\$

Strategy 9: Town Parking Management

Action	Time Frame	Implementation Considerations	Relative Cost
Designate parking manager	Short term	Designate a town parking manager to oversee all parking regulations and programs.	\$\$
Review minimum parking requirements	Medium term	Prepare for statewide removal of parking minimums for new development.	\$
Provide “light touch” enforcement and education	Short term	Develop a “light touch” enforcement program focusing on education about current town parking regulations.	\$\$

QUESTIONS?



Thank you!



Iain Banks, PTP and Sophia Constantine
ibanks@nelsonnygaard.com

Town of Hillsborough Parking Study Final Report

September 2025

Table of Contents

	Page
1 Introduction.....	1
2 Existing Conditions.....	8
3 Public Engagement.....	19
4 Key issues and Opportunities	29
5 Recommended Strategies	30
6 Action Plan	43
Appendix A	49

Table of Figures

	Page
Figure 1: Map of Parking Facilities in Study Area	3
Figure 2: Parking Facilities Key.....	4
Figure 3: Past Plans and Studies	5
Figure 4: Public and Private Parking Facilities	10
Figure 5: Spatial Parking Utilization Color Code	13
Figure 6: Average Weekday Parking Utilization.....	14
Figure 7: Average Weekend Parking Utilization	16
Figure 8: Winter Utilization Analysis.....	17
Figure 9: The Project Team Interacts with the Public at a Pop-Up Event	21
Figure 10: Most Cited Destinations in Downtown Hillsborough	24
Figure 11: How long is your car typically parked when visiting Downtown Hillsborough?	25
Figure 12: I Live Around Here	26
Figure 13: I Regularly Park Here.....	27
Figure 14: I Shop, Dine or Drink Here	28
Figure 15: Existing Parking Signage along West King Street.....	34
Figure 16: Example of Real Time Parking Availability Sign	35
Figure 17: Entrance to the Eno River Parking Deck	36
Figure 19: 8 a.m. Wednesday Parking Utilization	50
Figure 20: Noon, Wednesday Parking Utilization	51



Figure 21: 2 p.m. Wednesday Parking Utilization..... 52

Figure 22: 8 a.m. Saturday Parking Utilization..... 53

Figure 23: Noon, Saturday Parking Utilization..... 54

Figure 24: 2 p.m. Saturday Parking Utilization 55

1 INTRODUCTION

The Town of Hillsborough initiated a comprehensive parking study to address existing conditions and future needs of its vibrant downtown and West Hillsborough commercial areas. The town has experienced rapid population growth, growing 62% from 2010 to 2020, with 9,660 residents as of the 2020 U.S. Census. Downtown and West Hillsborough serve residents and local employees, as well as drawing in regional visitors. These areas feature many unique shops, restaurants, bars, art galleries, and a large historic district, which contains more than 100 houses, churches, and buildings from the 18th and 19th centuries. As the town continues to invest in its downtown and commercial areas to better serve residents, employees and visitors, it acknowledges that continued economic vitality relies on thoughtful parking and multi-modal accommodations. An effective parking study, designed to optimize current parking resources without compromising the character of the town, is essential for supporting long-term success and sustainability.

The town conducted an internal parking study in 2010. An update to that study is necessary to analyze current parking needs, trends, and perceptions of Hillsborough residents, business owners, employees and visitors. This planning effort aims to assess the current balance of parking supply and demand, enabling the town to manage its existing parking resources more efficiently in line with broader community needs and values.

Study Area

The study area encompasses downtown Hillsborough and West Hillsborough (Figure 1). This area includes the historic downtown area its commercial corridors. In West Hillsborough, this area includes the South Nash Street commercial shops, as well as the Eno Mill and Bellevue Mill. These areas have a high concentration of residential, commercial, employment and tourism activity. Hillsborough is also the county seat for Orange County and is home to many Orange County government services and offices including justice facilities and the county courthouse. The county facilities and services create a significant daily visitor demand, particularly associated with specific court days such as traffic court on Wednesdays.



The study area features a mix of public and private parking assets, spanning on-street parking, surface lots and a parking deck. By focusing on these areas of Hillsborough, the study aims to provide an accurate assessment of current parking conditions and future needs.



Figure 1: Map of Parking Facilities in Study Area

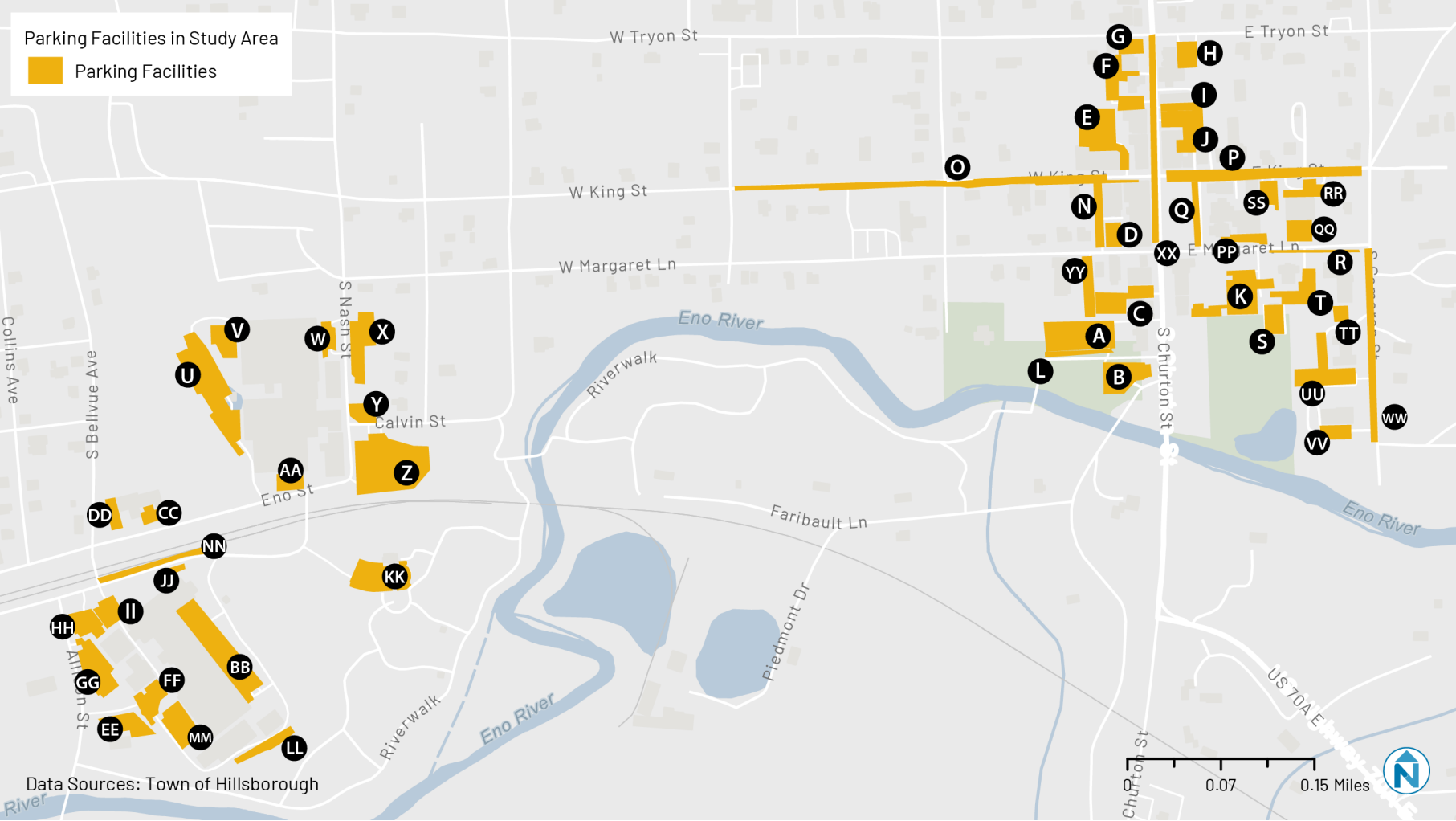


Figure 2: Parking Facilities Key

Lot Label	Lot Name	Total Parking Spaces
A	Eno River Parking Deck	200 (publicly available) (408 total spaces)
B	Weaver Street Market	52
C	Orange Rural Fire Department	4
D	West Margaret Lane Lot	20
E	West King Street Parking Lot	56
F	Hillsborough Police Department	20
G	Police Department Annex	10
H	Clements Funeral and Cremation Services	20
I	118 N. Churton St.	7
J	112 N. Churton St.	12
K	Orange County Justice Facility	28
L	Nash and Kollock Street	12
N	West King North-South	19
O	West King East-West	46
P	East King Street	47
Q	Court Street	28
R	East Margaret Lane	19
S	Eno River Farmers Market	24
T	District Attorney's Office	44
U	Bellevue Mill	140
V	Bellevue Mill	30
W	Bellevue Mill	16
X	Bellevue Mill	66
Y	Private Lot	1
Z	South Nash Street Public Parking	75
AA	Redeye	22
BB	Gold Park	79
CC	First Community Baptist Church	11
DD	First Community Baptist Church	24
EE	Eno River Brewing	45
FF	Eno River Upper Courtyard	21
GG	Eno River Mill	67
HH	Eno River Mill	16



II	Eno River Mill	8
JJ	Eno River Mill	7
KK	Cloth Mill	75
LL	The Expedition School	26
MM	Eno River Lower Courtyard	20
NN	Dimmocks Mill Road	0
PP	Magistrate's Office	12
QQ	United States Post Office, South	24
RR	United States Post Office, North	15
SS	Century Link	14
TT	John M. Link Jr. Government Services Center	7
UU	Orange County Board of Elections	88
VV	Orange Family Medical Group	26
WW	South Cameron Street	32
XX	South Churton Street	6
YY	Orange County Public Library	14

Previous Plans

This section offers an overview of previous plans, studies and policies related to parking and transportation within the town. Reviewing these documents builds on existing knowledge and ensures the parking study aligns with past initiatives and complements long-term, ongoing efforts to enhance the town and Orange County facilities. Figure 3 summarizes the review of these plans.

Figure 3: Past Plans and Studies

Plan	Notes
Town of Hillsborough Downtown Parking Study (2010)	<ul style="list-style-type: none"> Measured current parking demand, projected effects of future development on parking availability and accessibility, and developed recommendations to improve downtown parking. Key takeaways from previous plans: need for increased signage, improved wayfinding and increased crosswalk coverage for easier access to parking locations.

	<ul style="list-style-type: none"> ▪ Inventory: 1,425 spaces. Parking supply deemed reasonable. Many impediments to accessible parking exist. ▪ Recommendations implemented: ▪ Public parking spaces within a block of King and Churton streets intersection designated as three-hour parking ▪ No time limits for public parking beyond downtown radius ▪ Redesign of curb marking and parking striping ▪ New, consistent wayfinding signage ▪ On-street parking spaces removed on West Margaret Lane to expand sidewalk width and add a pedestrian signal at Churton Street ▪ Privately owned parking lots improved, including asphalt, striping and signage and loading zones were added.
Orange County Government Facilities Master Plan (2023)	<ul style="list-style-type: none"> ▪ Provides guidelines for space needs and facility changes, looking at facilities within and outside of Hillsborough. Several key potential changes and options would affect parking supply in the town. ▪ Operations housed in the Whitted Human Services Building will move to a new site with ample parking and additional transportation options. ▪ Parking could be constructed on the site of former jail facility and the Court Street Annex for the Justice Center. The former jail would have a new parking deck, with an estimated 224 spaces, in addition to 250 existing spaces. ▪ The District Attorney's Office could be deconstructed and replaced with a surface lot to support the Justice Center and courthouse.
Hillsborough Comprehensive Sustainability Plan (2023)	<ul style="list-style-type: none"> ▪ Meets N.C. General Statute 160D-50(a1). The plan establishes a collective vision for the town's long-term social, environmental, economic and infrastructure development. ▪ Existing travel demand is high, and traffic congestion is forecasted to continue increasing. The plan recommended a downtown parking study.



	<ul style="list-style-type: none"> ▪ The plan suggests “Hillsborough should optimize use of existing parking spaces and seek to limit the amount of land area needed to provide sufficient parking in the future” to limit impermeable pavement and sprawl and improve walkability, safety, and stormwater management.
Town of Hillsborough Strategic Plan (2023)	<ul style="list-style-type: none"> ▪ Town vision: “We envision Hillsborough as a prosperous town, filled with vitality, fostering a strong sense of community, celebrating its unique heritage and small-town character.” ▪ The plan includes objectives and initiatives to elevate the quality of life in Hillsborough. Specific items related to parking and transportation: <ul style="list-style-type: none"> – Sustainability: Optimize the built environment in a way that aligns with smart growth principles – Connected Community: Advance a multi-modal network that reduces single-occupancy vehicles and links Hillsborough residents to key places and each other.

2 EXISTING CONDITIONS

Parking Inventory

To comprehensively understand the dynamics of parking in Hillsborough, all on- and off-street parking facilities were evaluated, including private parking. While public parking is typically the most discussed and prominent resource for town businesses and residents, a significant amount of business and entertainment activity is generated by people using privately owned parking that the town leases or partners with the county to offer public access to, as well as private parking made available to tenants and select visitors.

Inventory Overview

The study area encompasses substantial on- and off-street parking assets, including forty-three distinct public and private off-street parking structures and surface lots and six on-street parking areas. These facilities are a mix of town-owned, county-owned, privately owned, and privately owned with a lease to the town. Each offers varying levels of restricted and public access. Establishing the concept of access is crucial in any parking study, as it defines who can use a parking space at any given time. The two broad categories of access, irrespective of ownership, are:

- **Publicly Accessible Parking** — Available to any member of the public. This parking is commonly signed and clearly open so any user understands it is publicly available.
- **Restricted Parking** — Limited to certain groups, such as permit holders, employees and customers.

These terms will be revisited often, especially in the utilization analysis, to better understand effective supply and true parking availability.

On-street parking is also available on many streets in downtown Hillsborough but not in West Hillsborough. None of this parking is metered but does have three-hour time restrictions. There is currently no enforcement of time limitations.

Downtown and West Hillsborough have 1,864 spaces across the on-street and off-street inventory, which is detailed in Figure 4. Of the total, 191 are on-street and 1,673 are off-street spaces. Of the off-street spaces, 409 are in the Eno River parking deck, owned by Orange County. Including the Eno River parking deck, 13 off-street lots are available to the public, with a total of 846 spaces. These include the 181 Orange County courthouse spaces and spaces associated with county facilities that are open to the public after hours,

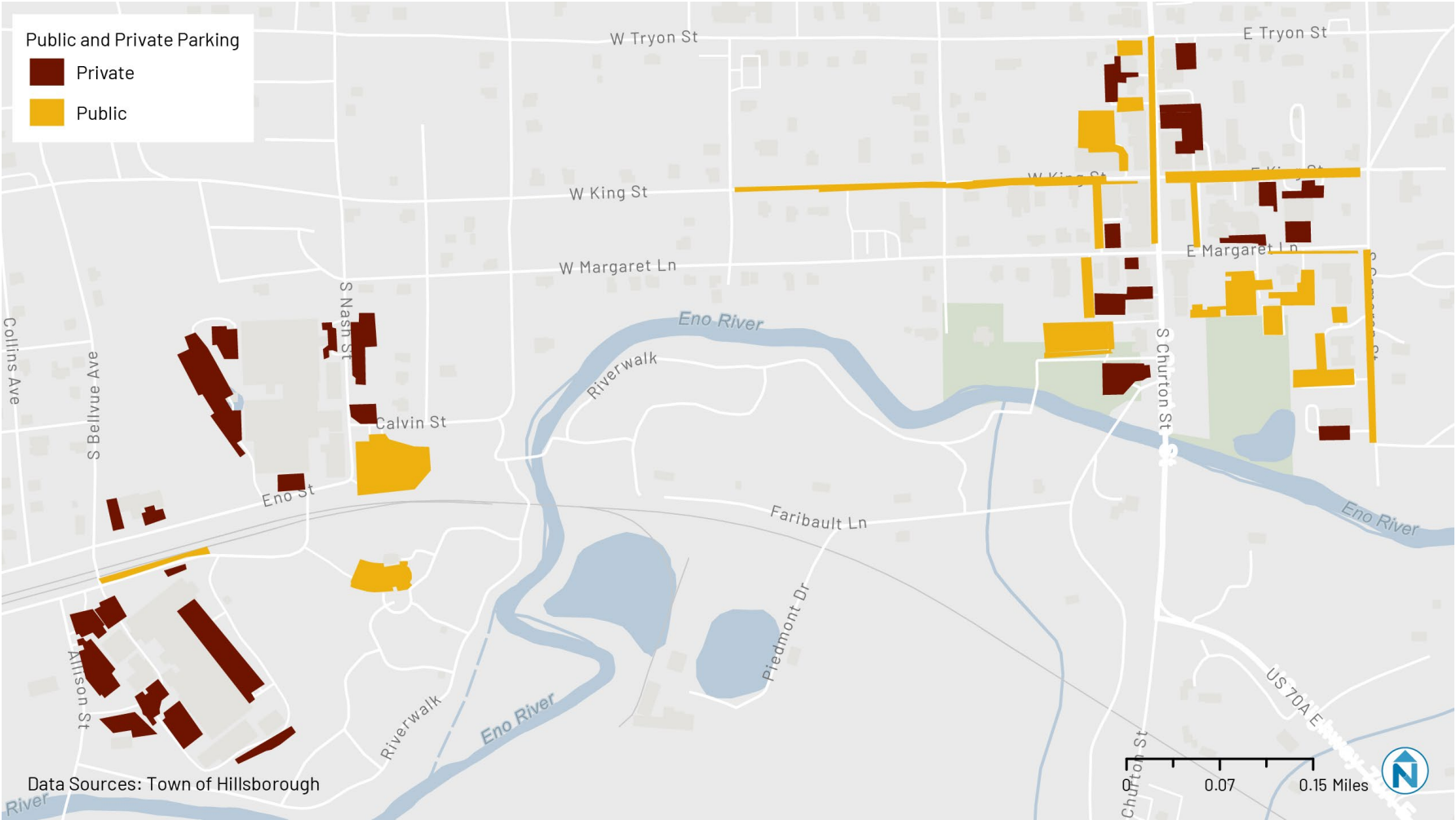


on weekends and on holidays. There are 827 private parking spaces throughout the study area.

This section details the supply and regulation of parking assets in the study area. The inventory is based on data collected on site by the project team in April 2025.



Figure 4: Public and Private Parking Facilities



Key Inventory Findings

- There are comparable amounts of private and publicly accessible off-street parking. However, 21% of privately owned but publicly accessible parking is restricted to after-hours use (evenings and weekends).
- Compared to off-street parking, there is very little on-street parking in the study area. Off-street parking is located in both downtown and West Hillsborough.
- Many publicly accessible parking spaces are located in lots like the West Hillsborough Public Parking Lot, West King Street Public Parking Lot, and the Eno River Parking Deck. The town does not own these properties.

Parking Utilization

Utilization Findings

This section documents and analyzes parking utilization counts for the entire study area, providing a snapshot of the time and location of parked cars for typical days. Upon consultation with town staff, parking data collection was captured each day at 8 a.m. and again at noon and 2 p.m.

Parking can be defined as being at optimal capacity when at least one empty space is available per block face or along a typical row of parking, ensuring customer access to businesses but also indicating a busy commercial environment. This typically equates to a target vacancy of 15 per block face and 10% off-street. Any block or parking facility that has less availability than the target is effectively at its functional capacity.

The study team considered the following in selecting dates for utilization:

- Capturing demand from typical activity while schools are in session
- Weather
- Day of the week. Nelson\Nygaard has found that mid-weekdays — such as Tuesday, Wednesday and Thursday — represent typically busier days than Mondays or Fridays.

This section analyzes weekday temporal and spatial patterns and provides a sample of parking utilization of different facilities by type, ownership and accessibility, followed by the same analysis for a weekend day. Although this data is valuable in highlighting how parking functions in the study area, it is equally valuable to understand how users perceive the system. The visitor who can't find adjacent available spaces because they are hidden around a corner still feels a crunch in prime locations regardless of overall



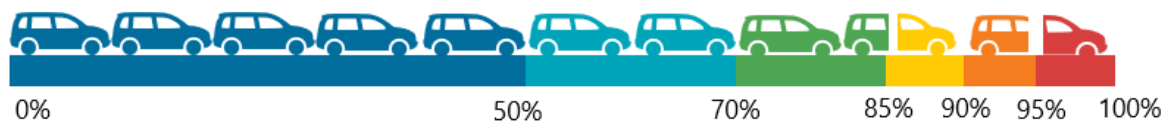
capacity. Utilization is just one piece of the puzzle; analysis of regulation, safety, signage, technology and more will yield valuable additional insights. Additionally, field observations from the consultant team included not only review of the parking facilities but also the town's loading zones, signage and customer behavior.

Spatial Analysis of Parking Utilization

An important part of understanding how parking is managed in any downtown is examining how various parking facilities and segments of on-street parking interact with each other throughout the day. A chart of hourly utilization rates for one specific location is valuable, but seeing how that location behaves among others located nearby can reveal patterns and trends not evident in numbers alone. A full lot may be around the corner from another lot with plenty of availability at the same time.

To develop the spatial analysis, the parking utilization data collected during the parking counts was geo-coded to be displayed on a series of maps. The maps show the use of each parking facility by color, as explained below (see Figure 5):

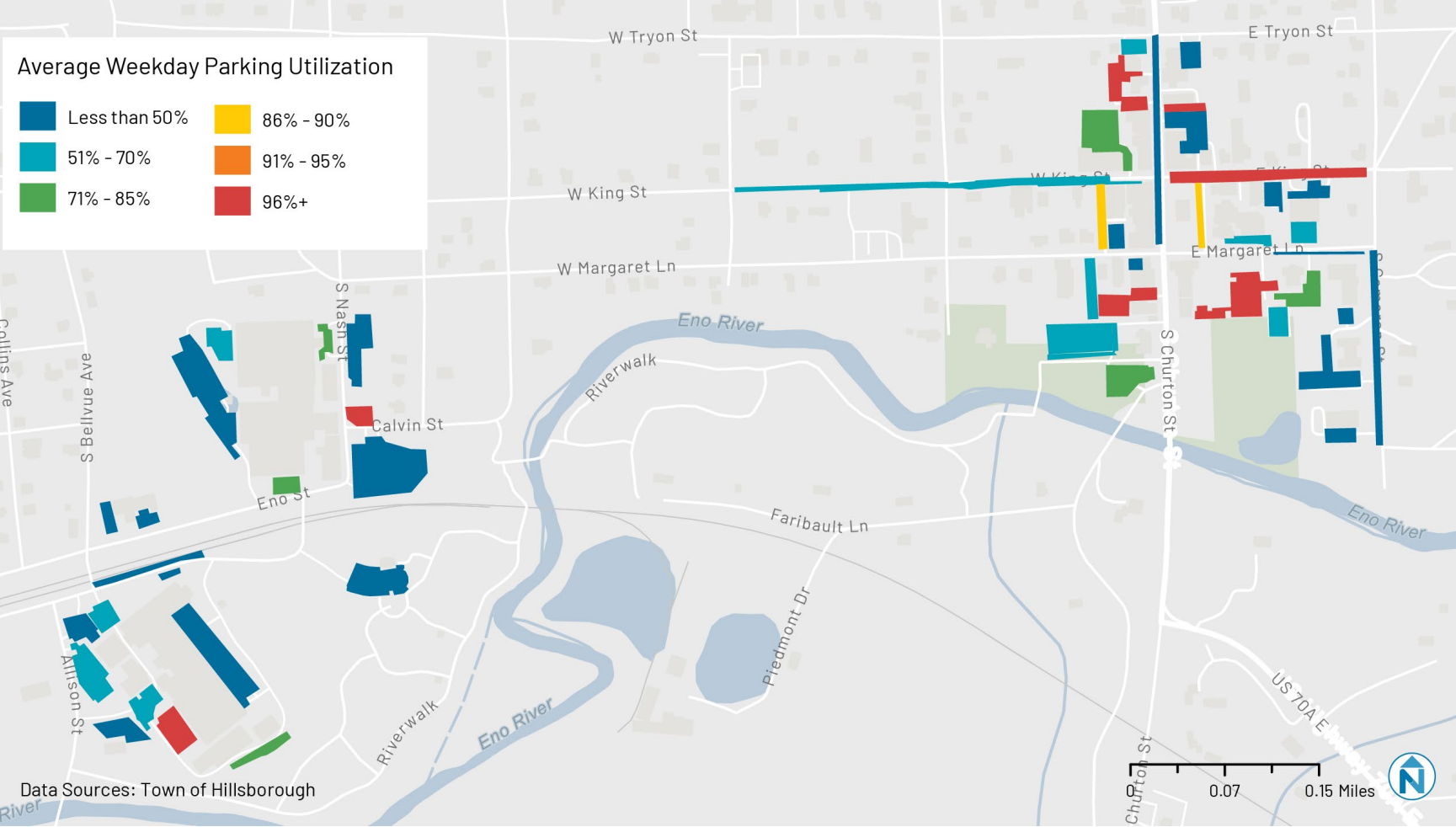
- **“Cool” teal and blue** refer to utilization under 70% occupancy. When a resource is underutilized, especially during peak periods, it should be viewed as having excess capacity. Strategies for encouraging use should be considered. Blue facilities are extremely underutilized and are good candidates for specially designated overflow parking during events and for long-term parking.
- **“Ideal” green** refers to blocks and facilities with 70 to 85% utilization and represent actively used resources. It is a functionally full sweet spot that is well used but usually a space can be found. The nearer utilization levels approach the high end of this range the more efficiently they are being utilized and nearing functional capacity. Change in regulation or pricing is not necessary.
- **“Warning” yellow** refers to utilization between 85 and 95% and is considered slightly over-demanded. While fully maximizing efficiency, the on-street parking or off-street facilities are full or near full, giving the impression of a lack of parking. Use discretion to consider deploying measures to reduce demand. Make changes if consistently in this category over many time periods or if facilities this occupied are adjacent to 95%+ occupancy facilities.
- **“Critical” red** denotes parking facilities that are overly full, meaning cars may circle to find a space, double-park, or park illegally. Resources that consistently perform at this level indicate demand exceeds capacity. Strategies to reduce demand are highly encouraged.

Figure 5: Spatial Parking Utilization Color Code

Average Weekday Utilization

Average weekday utilization is the average parking utilization across all Wednesday time periods. Across Wednesday, downtown Hillsborough has higher parking utilization than West Hillsborough. Downtown Hillsborough has an average weekday parking utilization of 65%. West Hillsborough has an average weekday parking utilization of 46%. Throughout weekdays, drivers may have trouble finding a spot in specific lots, but parking generally is available throughout the town. Lunchtime and midday hours see higher utilization, with the average peak across the town reaching 62% at noon, while 2 p.m. sees 58% utilization. Overall, on-street and publicly available parking spaces — specifically the county courthouse and associated lots and the West King Street Public Parking Lot — see consistently high parking utilization, at 95% or higher.

Figure 6: Average Weekday Parking Utilization

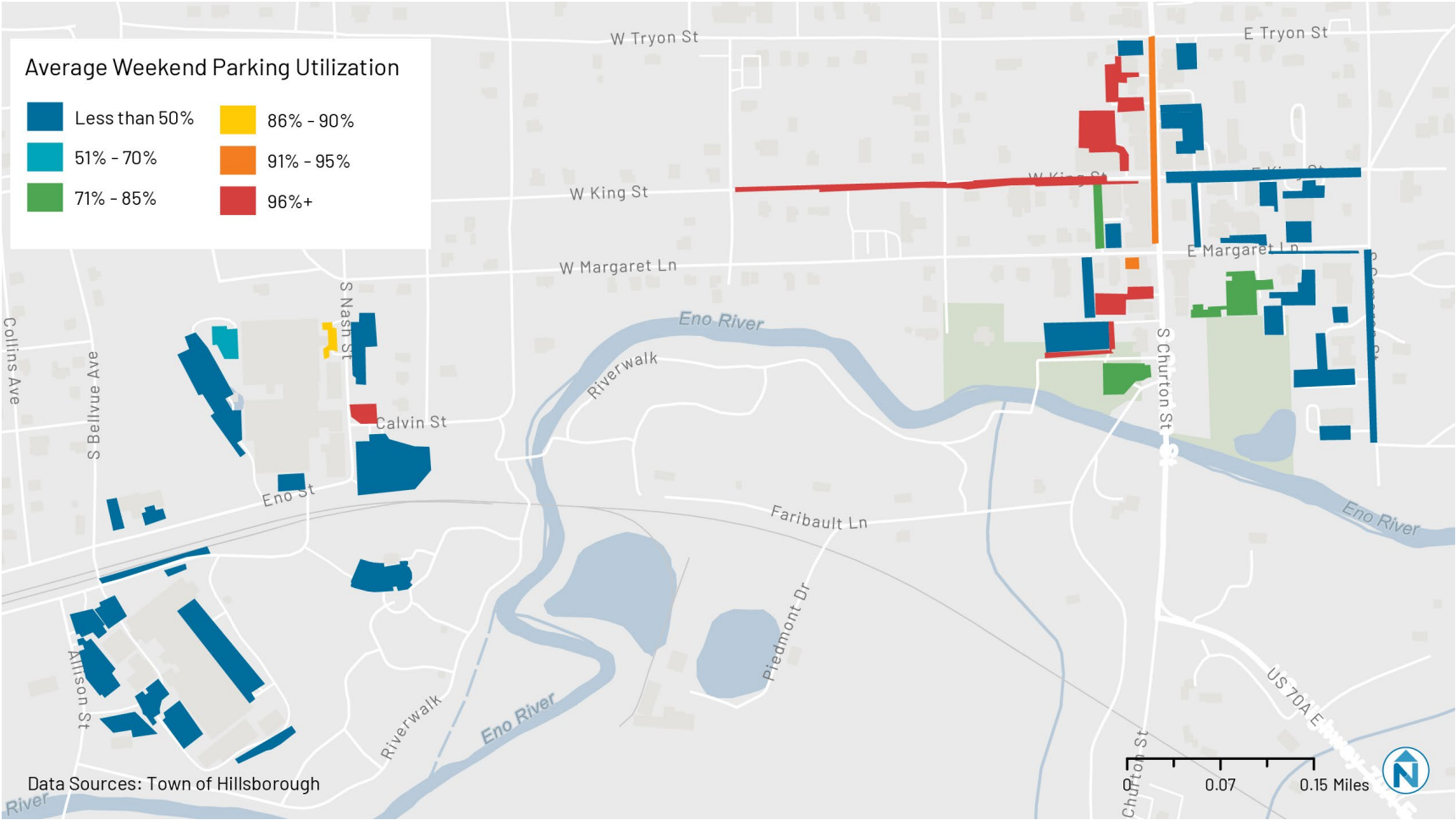


Average Weekend Utilization

Average weekend utilization is the average of parking utilization across all Saturday time periods. Across Saturday, downtown Hillsborough has higher parking utilization than West Hillsborough (Figure 7). Downtown Hillsborough has an average weekend parking utilization of 50%, while West Hillsborough has an average utilization of 30%. On a weekend, drivers may have trouble finding a spot in specific lots, including several in Downtown, but parking is generally available across the town. Lunchtime and midday hours see higher utilization, with the average peak across Downtown and West Hillsborough reaching 46% at noon and 45% at 2 p.m., compared to 38% at 8 a.m. Overall, off-street and on-street lots around the West King Street Public Parking Lot and Hillsborough Police Department lots see the highest utilization, averaging 95% or higher throughout the day.



Figure 7: Average Weekend Parking Utilization



Winter Utilization

Throughout engagement, partners repeatedly emphasized that parking is not usually a problem, except on special event days. In addition to a weekday and weekend day in April 2025, the Town of Hillsborough requested the team look at parking conditions during the annual Holiday Parade and Tree Lighting on Sunday, Dec. 8, 2024. This event brings large numbers of visitors to the town and creates demand for parking. The team undertook parking counts twice on the afternoon of the Holiday Parade, between 1:30 and 3:30 p.m. Parking counts were only taken for downtown parking and not West Hillsborough. Average parking utilization was 65% (see details in Figure 8). When the private lots are removed and only the publicly accessible lots are available, average parking utilization is 93%. This demonstrates that parking is in high demand for special events and visitors likely have to plan ahead and/or search to find a parking space.

Figure 8: Winter Utilization Analysis

Lot	Utilization
Eno River Parking Deck	71%
Weaver Street Market	98%
Orange Rural Fire Department	25%
West Margaret Lane Lot	55%
West King Street Public Parking Lot	98%
Hillsborough Police Department	13%
Police Department Annex	10%
Clements Funeral and Cremation Services	8%
118 N. Churton St.	0%
112 N. Churton St.	0%
Orange County Justice Facility	100%
Nash and Kollock Street	100%
West King North-South	100%
West King East-West	100%
East King Street	100%
Court Street	100%



Lot	Utilization
East Margaret Lane	100%
Eno River Farmers Market	92%



3 PUBLIC ENGAGEMENT

In March 2025, the town developed a comprehensive public outreach strategy for the study, which outlined the dates, methods and goals of each public touchpoint. Included in this document was guidance for the initial public engagement strategies to garner feedback. The feedback, in conjunction with parking data analysis, informed the findings and recommendations of this study.

The Spring 2025 public engagement strategy included three central parts — online feedback tools, partner interviews, and in-person pop-up events around town. The online engagement included a survey with a series of multiple-choice and open-response questions, as well as an interactive comment map. The in-person engagements resulted in five pop-up events at strategic locations around downtown and West Hillsborough, where project team members used interactive boards to discuss parking issues with passing residents and visitors.

Partner Interviews

Interviews were conducted with town-identified partners, including town commissioners, town and county staff, and business and property owners. Key themes from these interviews included:

- In general, Hillsborough has enough parking, except for special event days. Many locals know this and plan accordingly.
- West Hillsborough has sufficient off-street parking, unless the railroad ever chooses not to renew the lease on the West Hillsborough free, gravel lot. Use of the curb space on South Nash Street for pickup/drop-off and loading is common, although illegal and unsafe
- Partners had mixed opinions on whether downtown had enough parking. In general, enough parking is spread throughout town. Except for the busiest event days of the year (including traffic court days), it's possible to find parking in downtown Hillsborough. However, that parking may not be right in front of where the visitor wants to go and visitors may have to walk a couple of blocks to get to their destination.
- Employees and customers park in the same areas. Employees often get there before customers arrive and occupy parking spots closest to the building. Security in parking lots is not generally a concern.



- Both partners and the general public like Hillsborough's ample free parking and limited restrictions on parking. Partners would like to see the town maximize existing parking before building new parking.
- More on-street loading zones are desired, so delivery trucks do not block travel lanes, especially on narrow, two-lane streets. More on-street, 15-minute curbside pickup spots also are desired.
- Downtown Hillsborough has significant topography challenges. Accessible parking and additional parking meeting the Americans with Disabilities Act are a high priority for many downtown partners.

Community Pop-Up Events

The town and its project partners conducted a series of pop-up events May 29-30, 2025, around downtown and West Hillsborough to get additional public perspectives, especially from residents and visitors who may not have interacted with the web-based feedback forums. Events were held near or on site at:

- Cup-A-Joe, 112 W. King St.; 10 a.m. May 29
- Whit's Frozen Custard, 240 S. Nash St.; noon May 29
- Eno River Brewing, 329 Eno Mountain Road; 5 p.m. May 29
- Hillsborough Bake Shop, 110 S. Churton St.; 8 a.m. May 30
- Riverwalk Greenway entrance, Nash and Kollock Street; noon May 30



Figure 9: The Project Team Interacts with the Public at a Pop-Up Event

Key themes and findings from public conversations included:

- Many people said their first choice of parking when downtown is the main surface lot behind the businesses on North Churton and West King streets, followed by convenient street parking (mostly on West King Street). Failing those options, they will use the public parking deck. No one said the parking deck was their first choice to use, except employees of the library.
- Business owners and civic leaders spoke to the importance of providing “opportunity parking” for “opportunity shopping,” where customers can quickly find parking close to their final destination. Business owners and customers who are likely parked for eight hours or longer can park farther from businesses to allow customers to quickly find spaces outside of their destination.

- During special events, the parking deck can become backed up when it's already full and more cars are still entering looking for parking. The parking deck only has one exit, with no good options for drivers to turn around safely.
- Many people acknowledged that the time limits for parking spaces were often not complied with, but nobody said they would like to see increased enforcement.
- One person mentioned downtown Hillsborough only has a few bike racks and more would be appreciated, though bicycle racks that are available are not well used.
- Days when the county traffic court is in session — Wednesdays — are particularly strained for parking, especially on streets and in lots around the courthouse, such as the post office and farmers market lots.
- Several first-time visitors and tourists said they had no trouble finding parking close to their destinations in town.

Survey

A feedback survey was open to the public April 4-June 13, 2025. The town advertised the survey through its website and social media channels, and a link was provided in a newsletter in customers' monthly water bill for the April billing month. Additionally, the public comment period and survey were advertised through Triangle West Transportation Planning Organization's website and newsletter. The survey received 518 responses, equivalent to roughly 5.3% of the town's estimated 2024 population of 9,773.¹ The survey featured thirteen questions about respondents' habits and preferences for vehicle parking, three questions regarding bicycle parking in downtown Hillsborough, and one question asking about the home ZIP code of the respondent. The vast majority of respondents were from Orange County, with only a handful of participants noting the surrounding area.

A summary of results is provided below. Most respondents:

- Travel to downtown Hillsborough for entertainment purposes — whether to eat, drink, shop or attend a special event or festival.
- Visit downtown or West Hillsborough several times a week.
- Drive or ride in a car to get downtown.
- Park in one of the town's free parking lots or use on-street parking.

¹ U.S. Census Bureau, Population Estimates Program



- Believe bicycle parking downtown is satisfactory and do not believe more parking capacity will induce them to bike Downtown.
- State the largest factors when looking for a space in downtown Hillsborough are the location or proximity to the destination and the ease of finding a space.
- Leave their car parked between 30 minutes and 3 hours, with over 50% of respondents stating 1 to 2 hours.
- Parked on site or on the same block as their most recent destination.
- Almost three-quarters of respondents said they'd rather park once and walk, bike, share a ride or take transit between destinations downtown instead of driving and parking at each of their downtown destinations.
- Cited downtown destinations included restaurants, coffee shops and other locations on Churton and King streets, as well as the library, Riverwalk greenway, post office, and Weaver Street Market.
- Typically park their car for 1 to 2 hours when visiting downtown Hillsborough.



Figure 10: Most Cited Destinations in Downtown Hillsborough

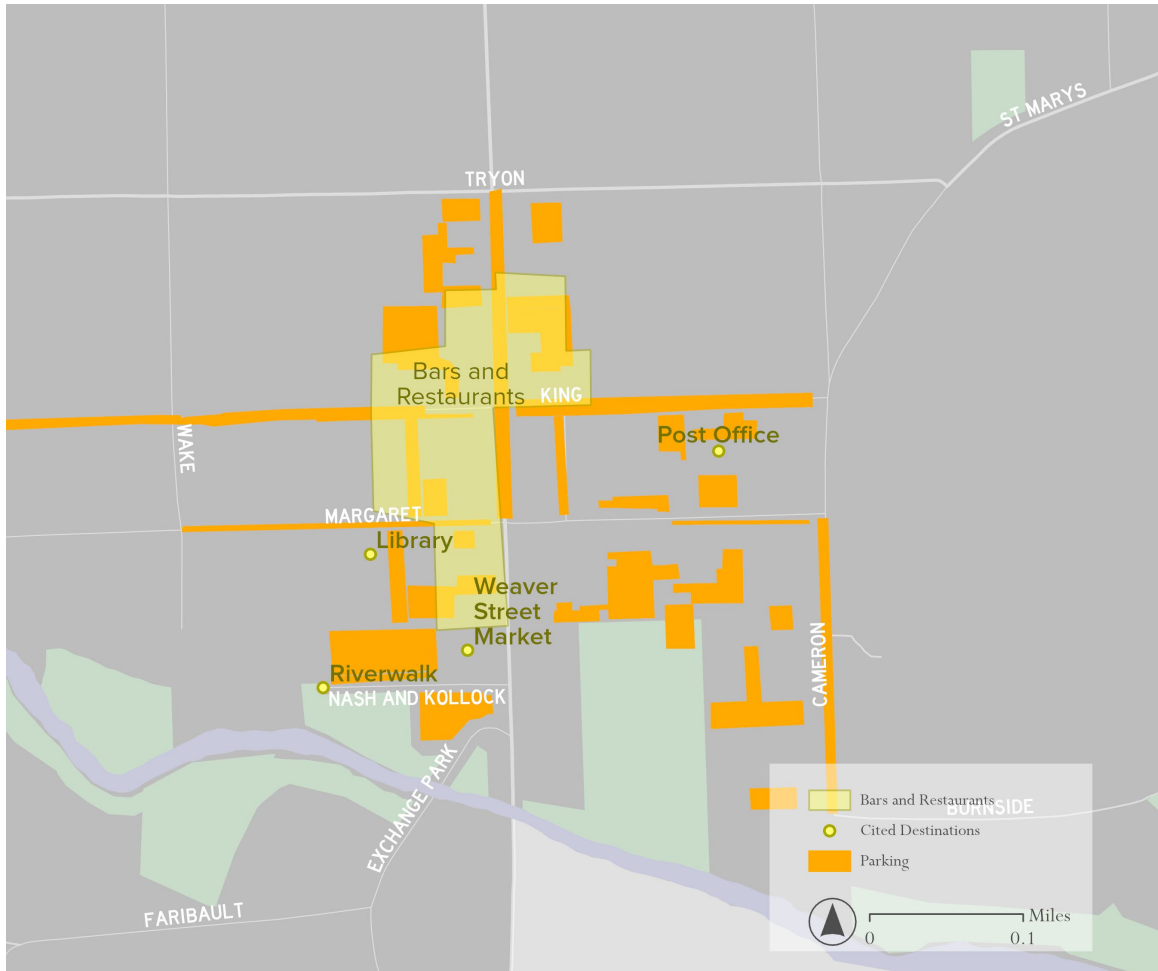
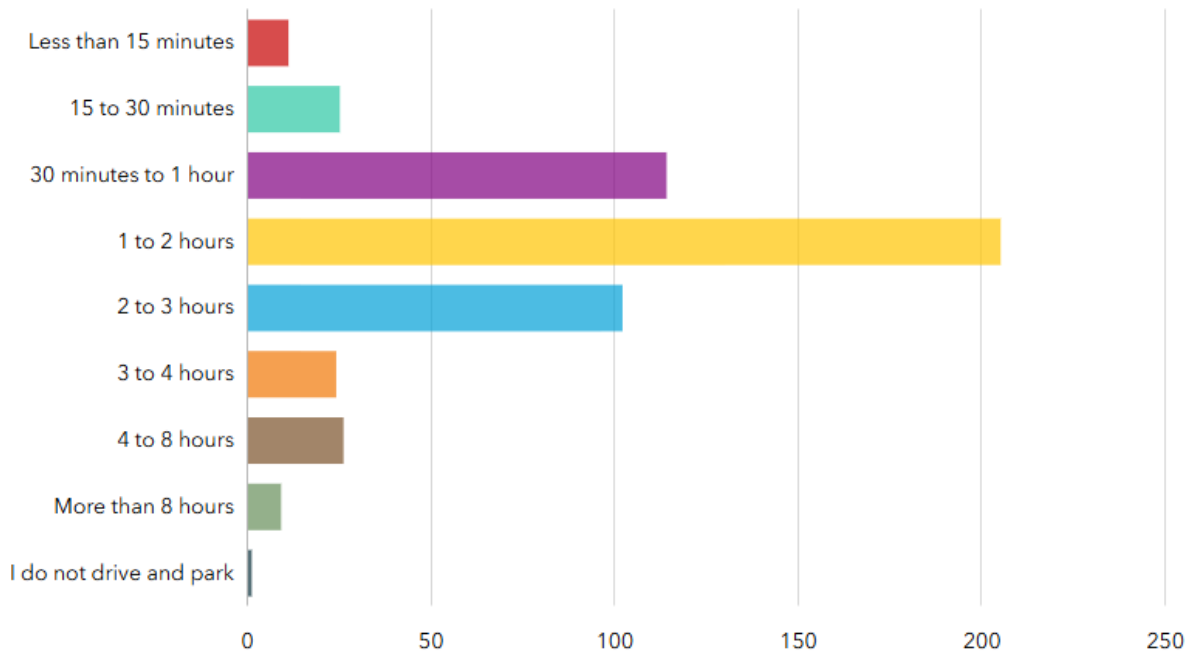


Figure 11: How long is your car typically parked when visiting Downtown Hillsborough?



Live, Work and Play Maps

Associated with the online survey was a map where respondents could share with the town where they live, work, shop, dine and play. This information helps the town and project team make informed, spatial recommendations on parking operations.

Almost all who responded lived within town limits, with a few respondents living just outside Hillsborough in unincorporated Orange County (Figure 12). The largest concentrations of responses live in downtown and West Hillsborough.

Figure 12: I Live Around Here

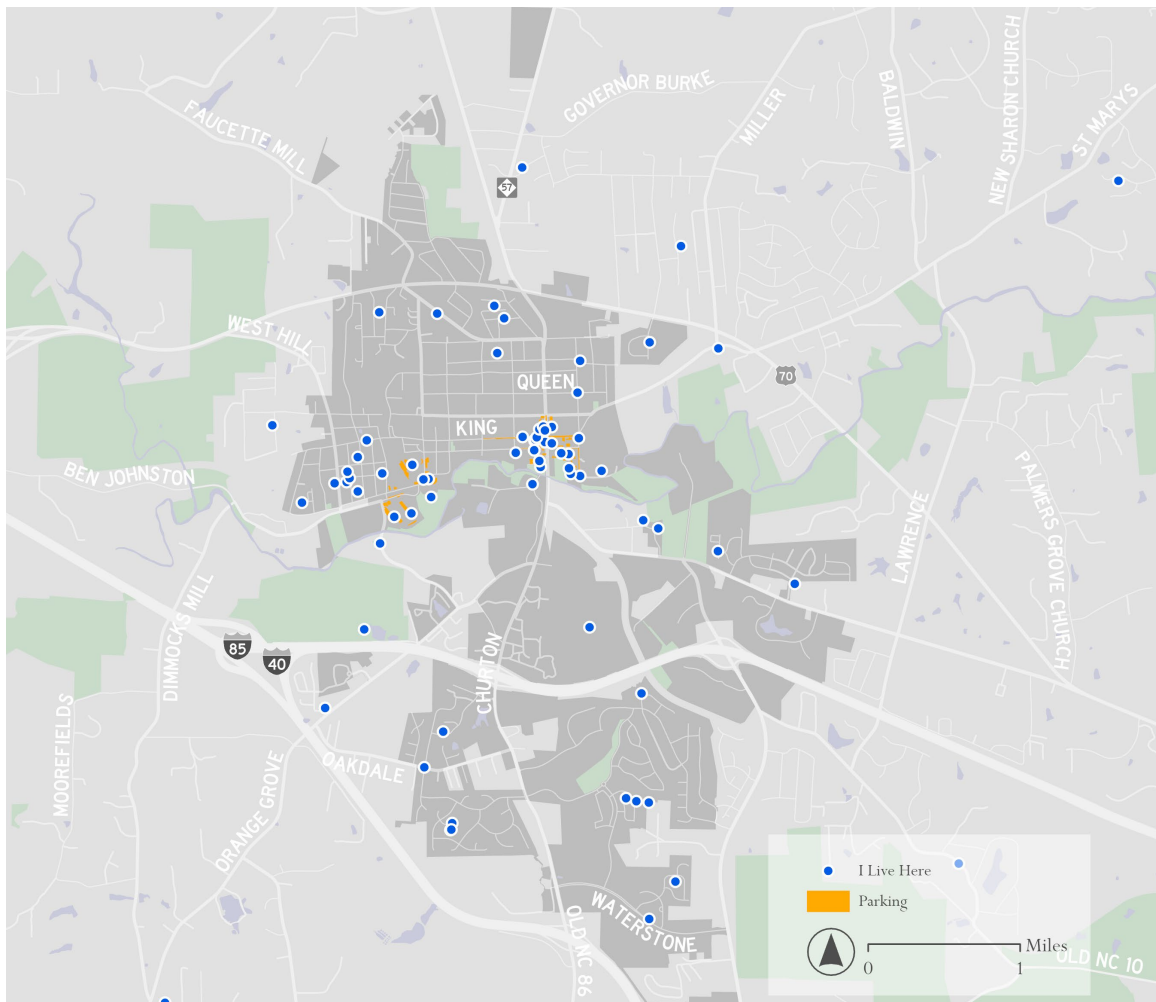
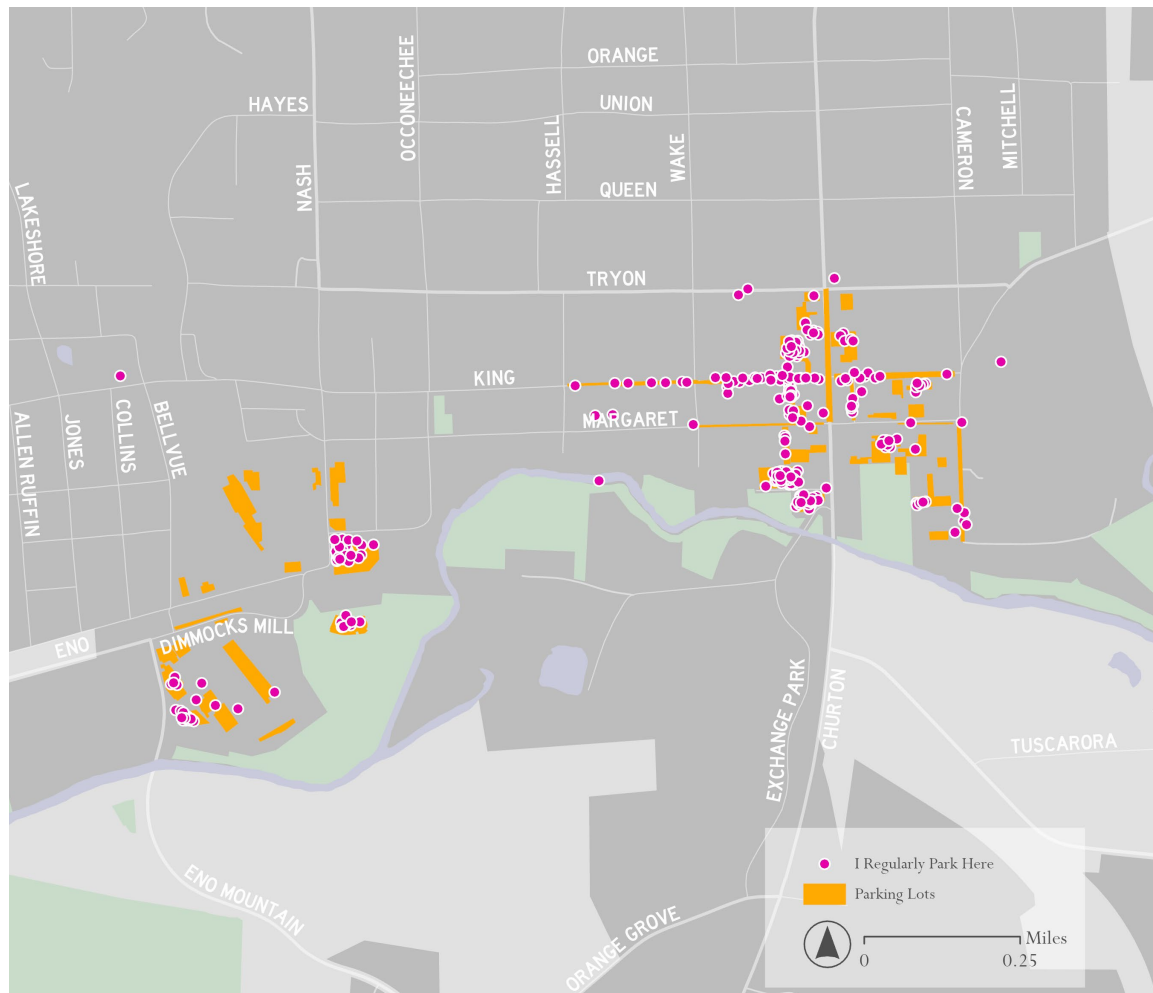


Figure 13 shows where respondents regularly park when they are in town. Concentrations are spread across downtown and a few locations in West Hillsborough. In downtown, the most popular off-street locations are the central surface lot between West King, North Churton and West Tryon streets, the Weaver Street Market lot, the Eno River Parking

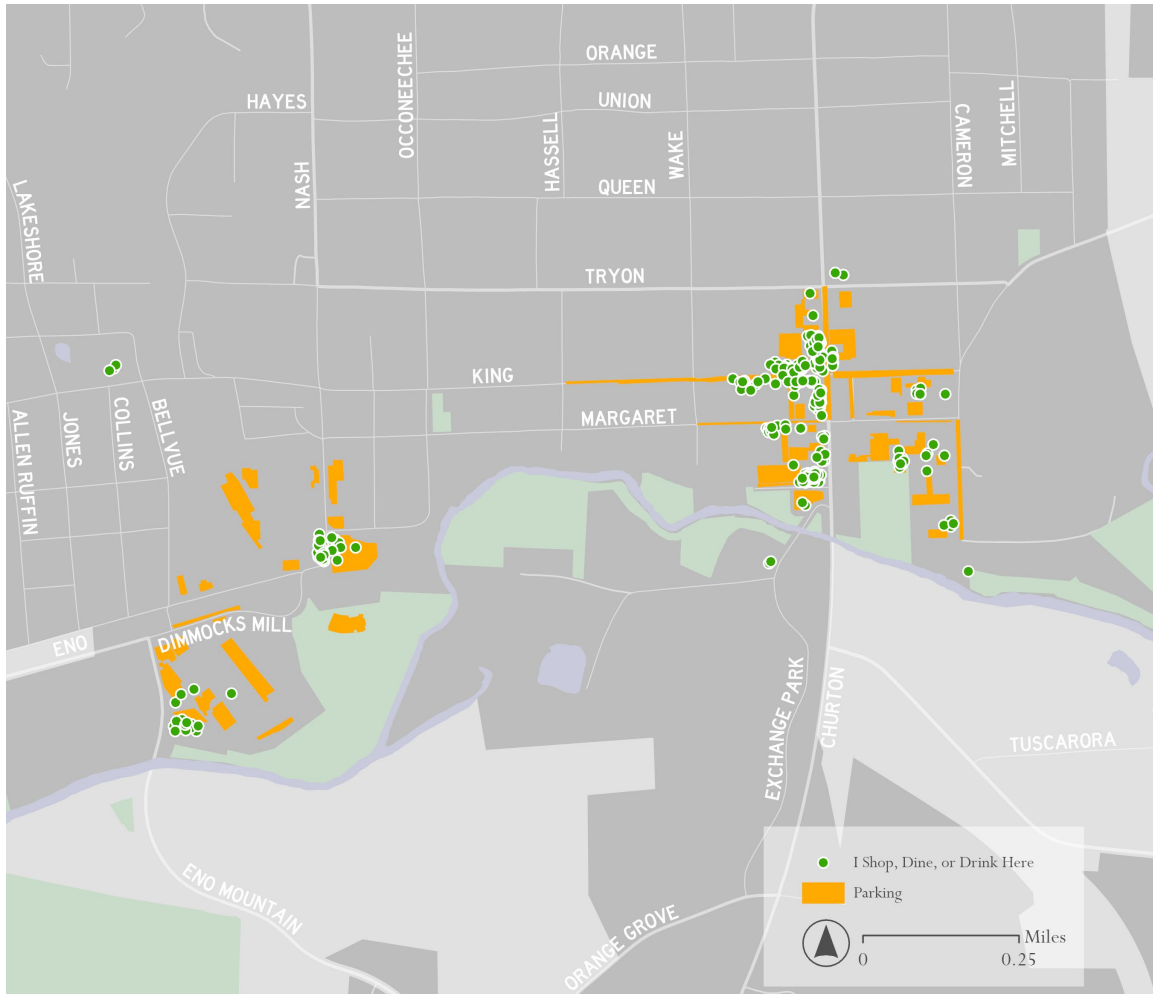
Deck, the lot for 112 N. Churton St., and the post office lot. On-street parking was reportedly most popular on West King Street, especially between Wake and North Churton streets. In West Hillsborough, no respondents reported parking on the street, and the most popular off-street locations included the large gravel lot at the southern end of Nash Street, the parking around the Eno River Mill, and Gold Park.

Figure 13: I Regularly Park Here



People shop, dine and drink in the same locations they park (Figure 14). This is unsurprising, given that survey respondents indicate they most often travel to downtown to eat, shop, drink or otherwise recreate.

Figure 14: I Shop, Dine or Drink Here



4 KEY ISSUES AND OPPORTUNITIES

Based upon a comprehensive review of the existing conditions, parking utilization analysis, partner focus groups and the user surveys, the initial needs assessment for Hillsborough identified the following key issues and opportunities. Overall, residents and visitors are very satisfied with parking in the town and can typically find parking. Some issues exist in specific locations, such as downtown Hillsborough along West King Street; but, overall, the town has many open parking spaces throughout.

Key issues and opportunities for improvement include:

- **Operations, Administration and Management:** There are several opportunities to better manage parking across town departments and with Orange County. These can include coordination with the county, signage and wayfinding, technology, shared parking agreements, event parking, and staffing.
- **Programmatic Updates:** Beyond parking strategies, several programmatic improvements and/or opportunities can encourage other modes of transportation, alleviating some pressure on parking. This can include transportation demand management, strategies to encourage walking, biking, and taking transit, employee parking programs, valet programs and curbside management programs.
- **Meeting Future Demand:** Potential parking demand impacts from changes in Hillsborough's current parking supply are important considerations for the town. Strategies to address changes in future demand and parking availability include a review of current shared parking agreements and coordination with Orange County on its potential new parking deck.



5 RECOMMENDED STRATEGIES

The Hillsborough Parking Study is a town-led effort to develop an efficient downtown parking system that enables continued growth and vibrancy of the town's commercial areas. To provide greater clarity and predictability across its parking supply and to better serve the downtown and West Hillsborough area, the town can leverage existing assets and informal practices already in place, while also planning with the future in mind. An efficient and flexible parking system — one that utilizes both private and public, on- and off-street facilities — will be imperative to ensure continued success.

1. Shared Parking Agreements

Shared parking is the co-location of off-street parking in one location that serves the parking demand for multiple land uses in a mixed-use context. Shared parking is particularly valuable in walkable, mixed-use centers, like downtown Hillsborough, in which private lots tend to have demand when their associated land uses are busy and tend to be significantly underutilized much of the rest of the time. Fortunately, such districts also present two distinct, cross-supportive, shared-parking opportunities that can reduce parking supply needs while providing more destinations with overflow parking resources. The Unified Development Ordinance allows required parking for multiple, separate and complementary uses located in any zoning district to be combined in one lot.

Shared parking agreements with adjacent or nearby property owners with underutilized parking or different peak demands would enable current and new land uses that have demand for more parking spaces to develop without the cost burden or land requirement for new parking. Two types of shared parking arrangements could work in downtown Hillsborough: business-to-business and public-private shared parking agreements.

Seek First Baptist Church Shared-Use Agreement

Investigate opportunity to provide shared use parking at First Baptist Church. If possible, enter into a formal sharing agreement with the First Baptist Church lot at 201 W. King St. Many Hillsborough residents know the First Baptist lot is open outside of church hours and park there to walk to downtown Hillsborough. The town coordinates parking there for event days. While not included on parking study maps, the town should enter into a



formal agreement with the church to allow town residents and visitors to park there outside of church hours. When agreed upon, the lot should be included on town parking maps and have signage indicating it is available for public parking.

Review Existing Shared Parking Agreements

Review existing shared parking agreements, such as the West King Street Public Parking Lot and the South Nash Street Parking Lot. Confirm time frame of agreements, cost, and expected town roles and responsibilities. This can give town staff more certainty around timing for potential lot changes. This is intended to help the town negotiate a long-term agreement to provide more certainty around parking.

Identify Additional Lots for Shared Parking Agreements

The Town of Hillsborough has parking capacity spread throughout the town, but downtown Hillsborough has concentrated areas where parking is consistently in demand. Additional lots for potential shared parking agreements could include the Hillsborough/Orange County Chamber of Commerce lot at the corner of North Churton and Tryon streets. The First Baptist Church Lot fits into this strategy as a lot near the West King Street Public Parking Lot, which is frequently close to capacity through most of the day.

2. Parking Coordination with Orange County

Coordinate with County on Eno River Parking Deck

Orange County reserves the top and bottom levels of the Eno River Parking Deck blocked off for county staff and the county fleet vehicles. The fleet is often out throughout the day, parking on the top level overnight or using it minimally. The county-designated levels of the parking deck are rarely fully occupied, and the consolidation of county staff and fleet vehicles would allow for greater spaces for public use. The town should coordinate with the county to:

- Consolidate all fleet parking and ensure all county fleet vehicles only park on allowed levels.
- Consolidate all county parking to one level and open the top or bottom level of the deck to the public.



- Offer shared parking, where the deck's bottom level (where county staff park) is open to the public after business hours, evenings, and weekends.

Coordinate on Potential New Parking Deck

Orange County has included several options for a new parking deck in its facilities master plan, including a parking deck on the former jail site. When Orange County purchased the Eno River Parking Deck, the town negotiated two levels of public parking. Coordinate with Orange County on the location of a new potential parking deck and opportunities for public spaces.

Coordinate with Traffic Court

Many residents said parking was not an issue except for special events and during traffic court days. Traffic court is every Wednesday at the Orange County Courthouse. It's unclear if the court sends parking information to court attendees. Coordinate with the county to ensure send information about parking locations for Court is sent out when sending traffic court summons. Traffic court attendees should be directed to park in public parking lots and facilities such as the Eno River Parking Deck. If the deck is constrained, one of the county levels could be opened to allow additional public parking.

3. Curbside Management

Develop Loading and Curbside Management Program

Downtown Hillsborough has four dedicated, full-time loading spaces for delivery trucks. Delivery trucks, however, often do not use the spaces and instead block a travel lane. This causes traffic congestion and safety issues in Hillsborough's historic, narrow downtown streets. Develop a loading enforcement program in coordination with town police and the Orange County Sheriff's Office to ticket trucks that load in unmarked spots or block travel lanes to unload. Consider ticketing cars that park in marked curbside loading spaces to ensure curbside spaces are open for trucks.

Develop Curbside Wayfinding and Education

In addition to a curbside management program, develop information and education materials for town residents, visitors and employees about the curbside loading spaces. These materials should provide information on the location of the spaces, usage restrictions (trucks only), and locations of nearby parking for drivers. Copies should be sent to businesses that frequently have large trucks loading and unloading deliveries. If

possible, information should also be sent to delivery companies. Businesses should be encouraged to provide this information to delivery drivers and vendors.

4. Accessible Parking

Improve Accessible Parking

A common comment throughout engagement was the lack of accessible parking throughout Hillsborough. Current on-street accessible parking spaces are not always close to a curb cut with an accessible path to a sidewalk. Some community members have asked town staff to remove the signage to allow for more on-street parking. The off-street parking supply has limited compliant spots, and the spaces in the Eno River Parking Deck may be too far for people with disabilities to walk to their destination. As funding becomes available, update and increase the number of spaces throughout town that are compliant with the Public Right-of-Way Accessibility Guidelines.

5. Effective Wayfinding and Signage

Update Town of Hillsborough Public Parking Map.

Hillsborough publishes a parking map for downtown Hillsborough on its website. However, the map does not include parking for West Hillsborough or locations of amenities like the Riverwalk Greenway. Making updated parking information available for the entire town will allow visitors and residents to plan trips ahead of time and find parking with ease. Maps should include any private lots with a shared parking agreement to allow public parking. Maps also should include regulations on time of day for all public parking options. The maps should be posted online and available in hard copy in various locations throughout town, like Town Hall and the Visitors Center. Maps on kiosks throughout the town should also be updated. Where possible, parking lots should be added to Google Maps for easy navigation to parking in town.

Improve and Expand Signage

Several out-of-town visitors and residents commented about unclear parking signs. Identifying public parking locations can be challenging for someone unfamiliar with the town. Signage is an important element of parking management. Providing clear identification of public parking facilities — both on- and off-street — aids in understanding acceptable places to park. Clear guidance for visiting patrons, who may be



wary of parking in facilities they are not accustomed to, is a crucial component of their experience. Signage should align with current public parking signage and ordinances but make it easier for visitors to find lots like the Eno River Parking Deck. Any new signage should be compliant and consistent with the town's current branded wayfinding system.

Figure 15: Existing Parking Signage along West King Street



Implement Parking Technology

Some lots, like the West King Street Public Parking Lot fill quickly. At peak periods, cars may circle the lot several times to find a spot before leaving. On busy days in the parking deck, some drivers may drive to the upper levels and have to turn around, unable to find parking. Consider parking technology, such as sensors, to show the number of spaces available at the entrances to the deck and other public lots (see example in Figure 16). Parking technology uses sensors and cameras to detect vehicles in spaces and often uses color coded lights to direct drivers to vacant spots. This information also could be shared in real time on the town website, allowing people to drive right to a lot with available parking, rather than circling a parking lot at peak times, such as midweek lunchtime).

Figure 16: Example of Real Time Parking Availability Sign



Source: Nelson\Nygaard

Figure 17: Entrance to the Eno River Parking Deck

6. Employee and Business Parking

Develop Employee and Business Parking Program

Many employees arrive at work before customers and park in prime spots close to their building. Customers then complain to business owners about a lack of parking close to the business and having to walk farther to their destination. The town has attempted to address this in the past, communicating with business owners about having their employees park farther away, but this has had limited success. Develop a formal employee parking program that partners with business owners to encourage employees to park in the parking deck or in underutilized parking lots. This could include incentive programs for employees to encourage them to park farther. The Town can help develop a program, but implementation will fall primarily to business owners to encourage employees to use the employee and business parking program.

Develop Employee Security Program

Very few partners had concerns about safety. However, some employees who finish work late at night or after dark may feel uncomfortable parking farther from their place of work and having to walk. The town should coordinate with the Hillsborough Police Department to offer an employee security program, where employees can call for a police escort to walk them back to their cars late at night.

Provide Employee Transportation Support

Some employees may be able to take alternative modes of transportation but are unaware of the options. The town should coordinate with the Orange County Commuter Options Program to provide information and trip planning services to employees in Hillsborough. The program offers free, personalized trip planning for employees in Orange County, as well as services like an emergency ride home program for employees who register and commute without driving.

Provide Valet Parking

On-street valet parking can expand access to parking during high-demand times. Parking valets offer a high level of parking convenience, make effective use of underutilized off-street locations, and promote park-once ideas by allowing the service to be used as an extension of the town's public parking operations. A valet can also facilitate shared parking arrangements by controlling access to a potential shared lot and assuming any increased liability. This can open access to private parking lots that might otherwise remain significantly underutilized during evening and weekend peaks. A private valet is not intended to take space in the public right-of-way.

Public Valet

Coordinate with downtown business owners to discuss a shared parking valet program for dinner hours or peak events. Customers could drop their cars off with a free or paid valet, and the valet could park the cars at a shared parking lot, like the First Baptist Church lot. This would lessen traffic congestion, provide customer convenience and use underutilized downtown parking lots. A public valet is not intended to take space in the public right-of-way.

A short-term pilot program could be created for a few months to test a valet. A pilot program should clearly define valet parking zones, operating hours and vehicle circulation patterns to and from the final parked location. The program should formalize operator permitting and applications in the municipal code if the pilot is extended. Businesses like



the Colonial Inn, which does not have any on-site parking spaces, could participate in a valet program

Private Valet

Private businesses can utilize valet parking operations to make parking available for their private customers. Specific examples would be for the hospitality businesses, like restaurants, which could enter into agreements with adjacent private parking owners to valet park in their lots. A valet option provides convenience to customers, decreases demand for on-street parking and increases demand for currently underutilized private lots.

7. Alternative Transportation Modes

Encourage Alternative Transportation Modes Hillsborough's walkability was praised throughout engagement. As the town continues to make Hillsborough a comfortable place to walk, it should encourage other modes of transportation, such as transit and bicycling. These alternative modes can reduce traffic congestion and parking demand through the town.

Walking

Quality pedestrian environments support a decreased risk of motor vehicle collisions and an increase in physical activity and social cohesion. They have direct physical health benefits as well as stress reduction and mental health improvements that promote individual and community health. Ensure that sidewalks and pedestrian facilities, including pedestrian paths to and from parking facilities, are well-maintained and Americans with Disabilities Act accessible.

Transit

Orange County and GoTriangle operates several fixed-route transit routes that serve Hillsborough, as well as mobility-on-demand and demand-response services. The town should coordinate with Orange County to provide information on public transit services. Information should be provided to town residents and employees, as well as Orange County employees who live elsewhere and work at county facilities in Hillsborough. This can also be coordinated through the Orange County Commuter Options Program, GoTriangle, and Chapel Hill Transit.

Bicycles

Hillsborough is home to Riverwalk, a three-mile greenway along the Eno River with a connections in West Hillsborough. The greenway is popular with cyclists, and the future



Ridewalk is expected to have more commuter cyclists. Hillsborough has limited public bicycle parking facilities to provide end-of-trip storage options for riders in Hillsborough. Complete an inventory of bicycle parking and bike racks in the town, including West Hillsborough, and identify locations for additional bicycle parking. Install bike racks as sidewalk improvement projects and other construction projects are completed.

Implement Transportation Demand Management

Transportation demand management is a set of transportation services, policies, programs, and educational and marketing campaigns that encourage people to switch to more sustainable modes of transportation compared to driving alone in their vehicle. Benefits include:

- Reduced traffic congestion, resulting in time saved driving and looking for parking.
- Multiple transportation options, enhancing overall access to and around Hillsborough.
- Improved quality of life in communities by providing more transportation options, especially walking and biking.
- More opportunities for spontaneous social interactions and connectedness within the community.
- Reduced dependence on vehicle travel, which leads to a reduced dependence on fossil fuels and a reduction in greenhouse gas emissions.
- Health benefits of improved air quality with less traffic.

Two potential strategies in Hillsborough include:

- Coordinate with the Orange County Commuter Options Program, which offers transportation demand management programs for employees throughout Orange County. Provide marketing materials and information materials to businesses throughout town and introduce interested employees to program staff.
- Consider developing a formal Town of Hillsborough transportation demand management program for developments like the Colonial Inn, which was approved without parking based on ample parking available in the town. While monitoring of parking is required, it is unclear how much monitoring occurs. If this option is chosen, consider applying for TDM funds through the Triangle Transportation Choices TDM Program. Triangle West MPO, CAMPO, and NCDOT fund and oversee this TDM funding program, with funds administered by the Central Pines Regional Council.



8. Event Parking

Require Event Parking Management Plans

Parking is typically harder on event days, when many visitors come to Hillsborough. Coordination with the event managers to develop parking management plans for each event should be required, with information disseminated to attendees in advance and through the town's social media channels. Create and have a special event parking plan on file for locations where events frequently occur. Clarify and codify requirements for special events, including a public communication plan and mitigation measures. Town staff should take a lead role in parking program coordination and should act as a centralized resource that coordinates and distributes information related to parking supply, availability, planning, special programs, event activities, and other resources. Event management, particularly daytime events, should be coordinated between public and private parking owners.

Provide Event Parking in Remote Lots and Shuttles

For larger events, Hillsborough may not have parking capacity in town. In cases where sufficient parking is not available in town, event organizers should coordinate with remote lots with ample parking that may not be used on event days, such as the Orange County Department of Social Services lot. The town can initiate conversations about that option and maintain contact with the event manager, providing information. The event manager can handle coordination with any remote lot about actual use. The town or event managers should consider shuttles for remote parking in West Hillsborough and other lots. Shuttles would allow people to park farther outside the town and easily travel into Hillsborough for events, alleviating traffic congestion.

Provide Public Transit for Events

Orange County has transit that runs through Hillsborough. In coordination with Orange County, provide information about transit services to event managers and encourage them to incorporate transit marketing materials into their advertisements. Taking transit to an event in Hillsborough can help reduce traffic congestion and parking demand in the town on event days.



9. Town Parking Management

Designate Parking Manager

Currently responsibility for parking is spread across town staff. Parking administration is handled within the Community Services Department by both the Planning and Economic Development Division and the Public Space and Sustainability Division. Parking enforcement, to the extent it happens, is performed by the Police Department. This can lead to questions and confusion about which staff members can answer questions about parking. Many recommendations in this report suggest involvement of the town police, distilling responsibility further. Designate an existing staff resource as the parking manager who oversees all parking regulations and recommendations. This person should be in close coordination with the county and regional metropolitan planning organization to support regional transportation programs, such as transportation demand management, that can alleviate some of Hillsborough's parking demand. This likely does not need to be a new full-time position and can be delegated to a town employee already handling many of these current responsibilities. Enforcement should continue to be the responsibility of the Hillsborough Police Department.

Review Minimum Parking Requirements

Under the town's current unified development ordinance, development in town must provide a minimum number of off-street parking spaces, including in the Central Commercial zones. Any off-street parking shown in the downtown parking inventory (2010 Parking Study, Phase 2) should be retained by the private property owner or replaced if proposed to be built over. In the Central Commercial District, parking is to be provided at a rate of one parking space per 500 square feet of gross floor area. If a property owner proposes to build an additional area or renovate space not occupied during the 2010 inventory, the owner is to provide additional parking to reflect the demand generated by the addition of occupied square footage.

As highlighted within this study, parking in downtown Hillsborough has areas of underutilization. In general, specific developments have more parking capacity than needed. With the North Carolina House passing a bill in June 2025 to remove parking minimums for new developments, the town should be prepared to remove parking minimums townwide as well as in the downtown from the Unified Development Ordinance. Recommendations and strategies outlined in this chapter provide the actions needed to manage the parking program while limiting the burden of building new parking resources.



Provide ‘Light Touch’ Enforcement and Education

Hillsborough does not need a formal or punitive enforcement program. Town residents and visitors enjoy the ample free parking without enforcement. However, many cars park for longer than the three-hour allowance in public parking. Develop a “light touch” enforcement program focusing on education. This should include marketing and advertising campaigns reminding people of the three-hour regulation and clearly visible signage in public parking lots. This could also include a program where educational flyers explaining parking time regulations are placed on cars that have been in a public space longer than three hours.



6 ACTION PLAN

Many parking strategies proposed for Hillsborough cannot be implemented overnight. Nor can they all be implemented concurrently. Some strategies can be implemented quickly, and others may take longer. Some strategies will work well when implemented together. Others are dependent on a series of consecutive steps.

This study's action plan is a roadmap that supports the strategies outlined in Chapter 5. Implementation considerations, time frame, and relative cost are indicated for each action. This action plan is a living document, to be used by Hillsborough staff and partners to help inform decisions.

The action plan is organized with the following structure:

- **Strategy**
 - The nine overarching strategies, as outlined in Chapter 5, are identified for the specific action.

Within this structure, the action plan includes the following for each sub-strategy action:

- **Actions**
 - The specific steps to move toward or to implement recommendations.
- **Time Frame**
 - Short term = completed within one year
 - Medium term = completed over the course of one to three years
 - Long term = completed over the course of more than three years
- **Implementation Considerations**
 - Select factors to be evaluated and/or integrated into decision-making. These roll out of actions.
- **Relative Cost**
 - Level of investment required for implementation.
 - Actions marked with a single \$ symbol represent the lowest cost actions, those that can be carried out by current staff.
 - Additional \$ symbols represent increases in investment (added labor or capital improvement) required to carry out those actions. Actions with a relative cost indicated by \$\$\$\$ are the most expensive and require a high level of capital and operational investment.



Strategy 1: Shared Parking Agreements

Action	Time Frame	Implementation Considerations	Relative Cost
Coordinate a shared parking agreement with First Baptist Church	Short term	Coordinate a formal sharing agreement with the First Baptist Church lot. Town residents already use this lot as informal shared parking.	\$
Review existing shared parking agreements	Short term	Review existing shared parking agreements to confirm time frame of agreements, costs, and expected town roles and responsibilities.	\$
Identify additional lots for shared parking agreements	Medium term	Identify additional lots in downtown Hillsborough for shared parking.	\$

Strategy 2: Parking Coordination with Orange County

Action	Time Frame	Implementation Considerations	Relative Cost
Coordinate with county on Eno River Parking Deck	Short term	Coordinate with county facilities staff on opening additional levels of the deck for public parking.	\$
Coordinate on potential new parking deck	Long term	Coordinate with Orange County on potential new parking deck.	\$-\$\$\$\$
Coordinate with traffic court	Short term	Coordinate with county to send informational material about where to park with traffic court summons.	\$

Strategy 3: Curbside Management

Action	Time Frame	Implementation Considerations	Relative Cost
Develop loading and curbside management program	Medium term	Develop a loading enforcement program to ticket delivery trucks using travel lanes for loading or unloading.	\$\$
Develop curbside wayfinding and education	Medium term	Develop information and education materials for town residents, visitors and employees about curbside loading spaces.	\$

Strategy 4: Accessible Parking

Action	Time Frame	Implementation Considerations	Relative Cost
Improve accessible parking	Long term	Improve marked accessible spaces and ensure creation of spaces compliant with Public Right-of-Way Accessibility Guidelines and Americans with Disability Act.	\$\$\$

Strategy 5: Effective Wayfinding and Signage

Action	Time Frame	Implementation Considerations	Relative Cost
Update Town of Hillsborough public parking map	Short term	Update Hillsborough's online public parking map to include West Hillsborough parking locations and parking regulations.	\$\$
Improve and expand signage	Medium term	Improve parking wayfinding signs for drivers and pedestrians to be consistent and widespread, with clearly communicated information before, upon, and after arrival.	\$\$\$
Implement parking technology	Long term	Consider using parking technology in lots that fill quickly.	\$\$\$\$



Strategy 6: Employee and Business Parking

Action	Time Frame	Implementation Considerations	Relative Cost
Develop employee and business parking program	Medium term	Develop a formal employee parking program that partners with business owners to encourage employees to park in the parking deck.	\$
Develop employee security program	Long term	Coordinate with Hillsborough police to escort employees to their cars at night.	\$\$\$
Provide employee transportation support	Medium term	Coordinate with the Orange County Commuter Options Program to offer trip planning and other transportation programs.	\$
Provide valet parking: Public valet	Medium term	Consider a short-term pilot of a public valet, owned and operated by the town.	\$\$\$
Provide valet parking: Private valet	Medium term	Coordinate with business owners for a shared parking valet program, organized and funded by businesses.	\$\$\$

Strategy 7: Alternative Transportation Modes

Action	Time Frame	Implementation Considerations	Relative Cost
Encourage alternative transportation modes: Walking	Long term	Continue to improve sidewalks and the pedestrian environment in Hillsborough.	\$\$\$



Action	Time Frame	Implementation Considerations	Relative Cost
Encourage alternative transportation modes: Transit	Long term	Coordinate with Orange County to provide informational material and create marketing campaigns to encourage transit use.	\$\$
Encourage alternative transportation modes: Bicycles	Long term	Identify bicycle parking in town and suggest locations for additional parking to be added as construction projects occur.	\$\$\$
Implement transportation demand management: Coordinate with Orange County Commuter Options	Short term	Coordinate with the Orange County Commuter Options Program to offer trip planning and other transportation programs.	\$
Implement transportation demand management: Develop a program	Long term	Develop a transportation demand management program for the town, including code updates.	\$\$

Strategy 8: Event Parking

Action	Time Frame	Implementation Considerations	Relative Cost
Require event parking management plans	Short term	Require events to develop event parking management plans, in coordination with town staff.	\$
Provide remote lots and shuttles for events	Long term	Identify remote lots that could be used for event parking, with shuttle service to and from the event.	\$
Provide public transit for events	Short term	Coordinate with event managers and Orange County to encourage transit use for events.	\$



Strategy 9: Town Parking Management

Action	Time Frame	Implementation Considerations	Relative Cost
Designate parking manager	Short term	Designate a town parking manager to oversee all parking regulations and programs.	\$
Review minimum parking requirements	Medium term	Prepare for statewide removal of parking minimums for new development.	\$
Provide “light touch” enforcement and education	Short term	Develop a “light touch” enforcement program focusing on education about current town parking regulations.	\$



APPENDIX A

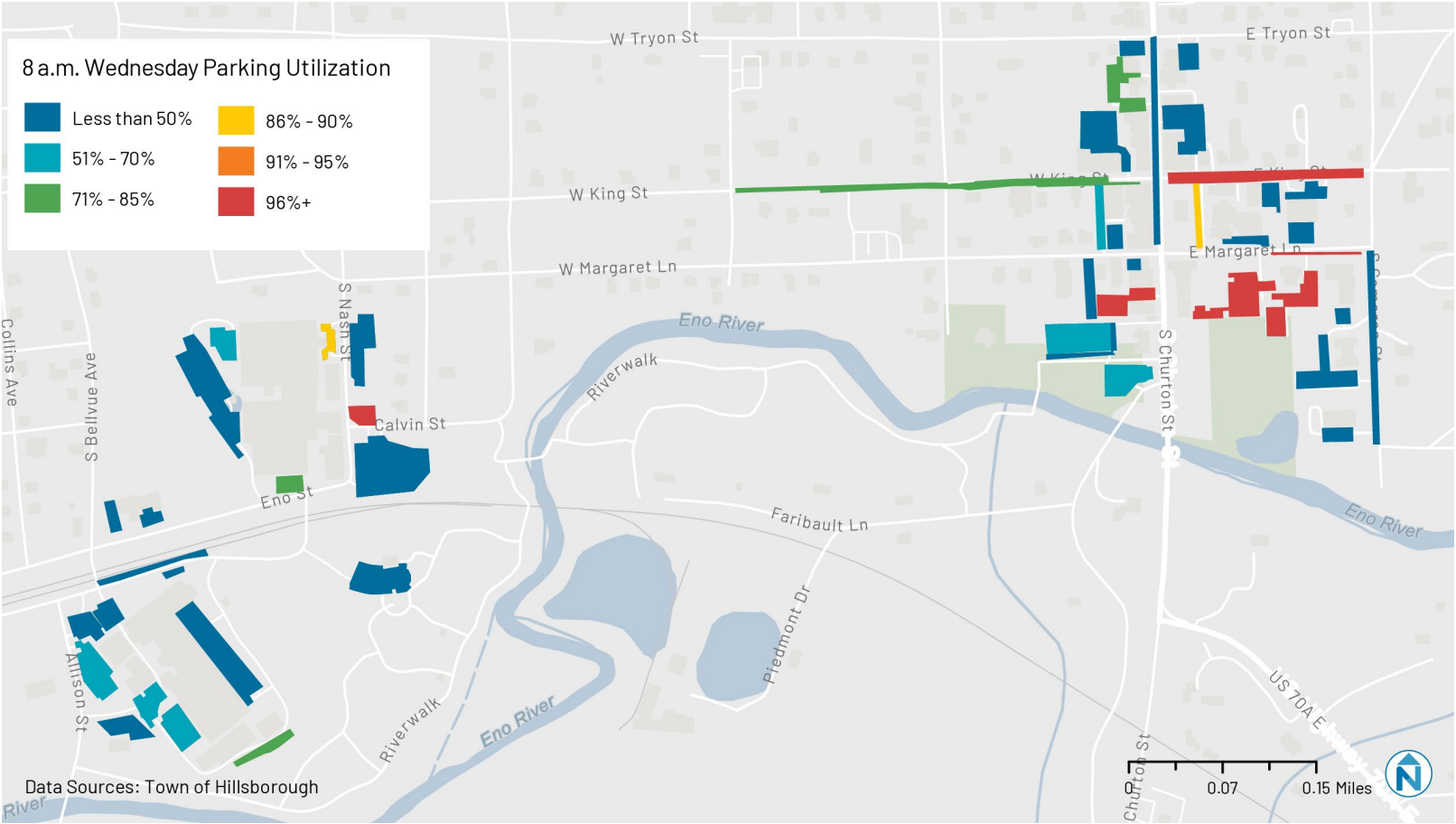
Parking Utilization by Time Period

Weekday Parking Utilization, 8 a.m.

Parking data was counted at 8 a.m. on a typical Wednesday. Like the daily average, downtown Hillsborough has a higher parking utilization rate (69%) compared to West Hillsborough (45%).



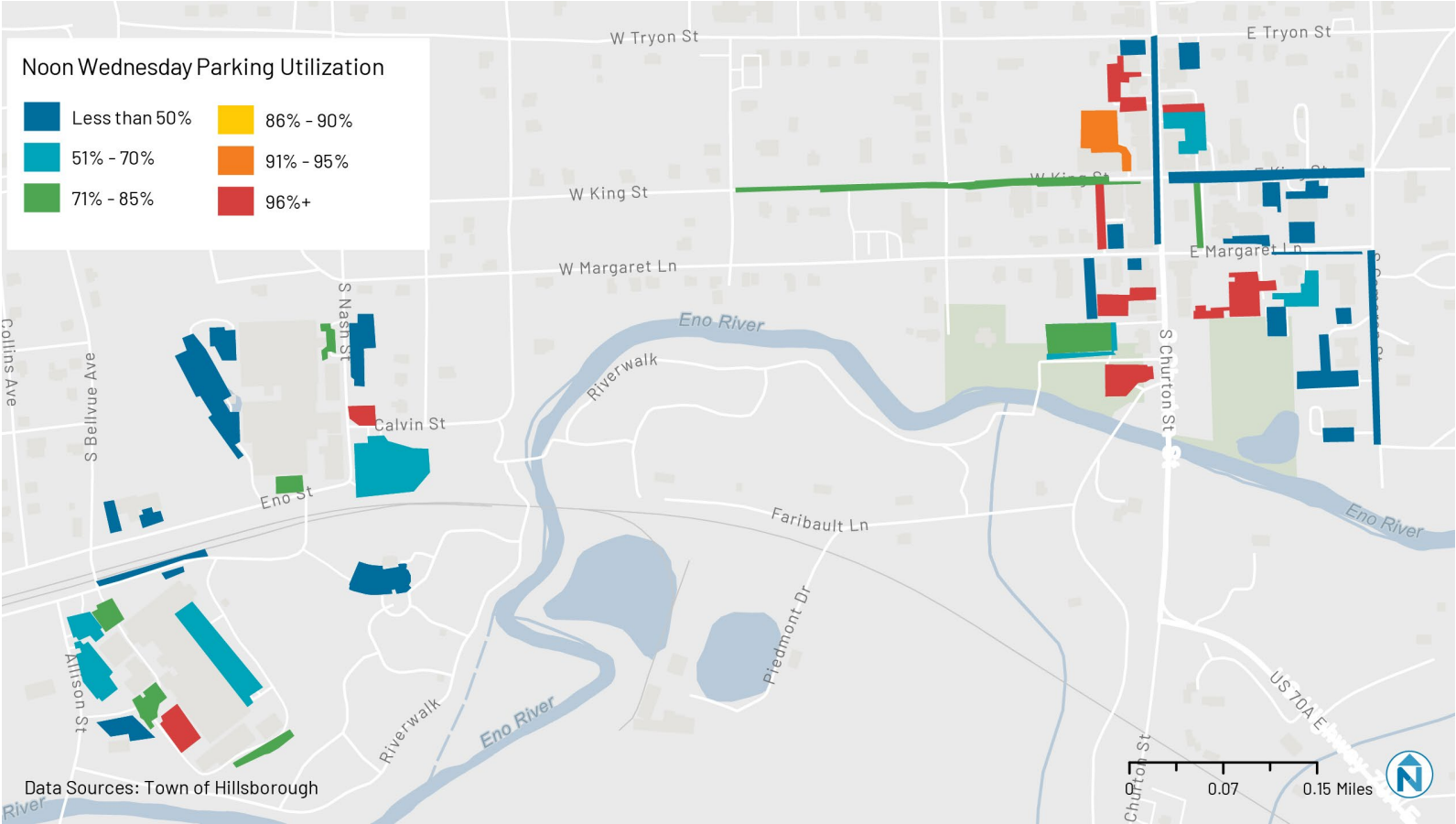
Figure 18: 8 a.m. Wednesday Parking Utilization



Weekday Parking Utilization, noon

Parking data was counted at noon on a typical Wednesday. This time period captures the lunch rush. Downtown Hillsborough again has a higher parking utilization rate (69%) than West Hillsborough (51%).

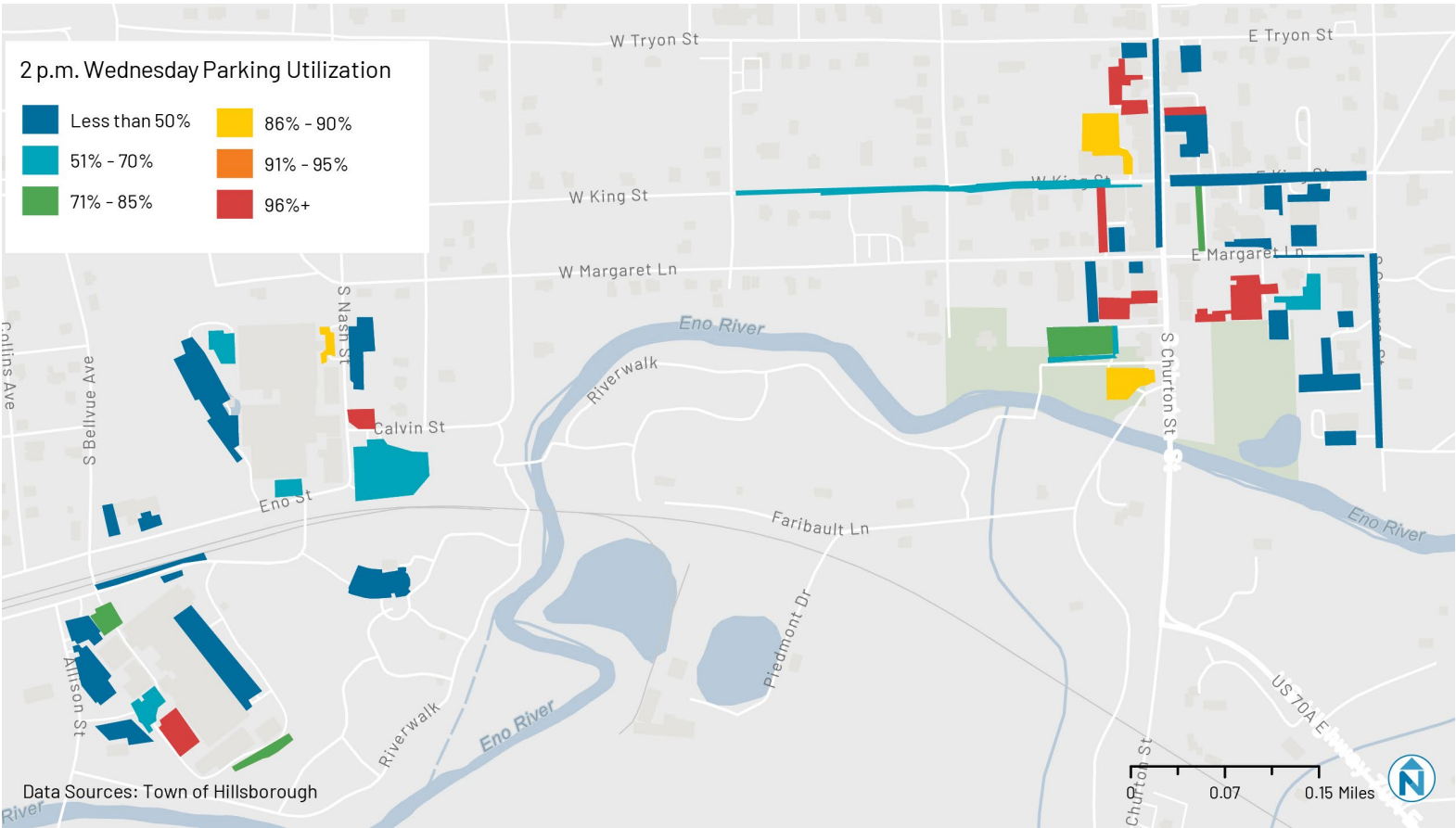
Figure 19: Noon, Wednesday Parking Utilization



Weekday Parking Utilization, 2 p.m.

Parking data was counted on a typical Wednesday at 2 p.m. Downtown Hillsborough (63%) has higher parking utilization than West Hillsborough (50%), but downtown’s parking utilization at this time is lower than the other two weekday time periods.

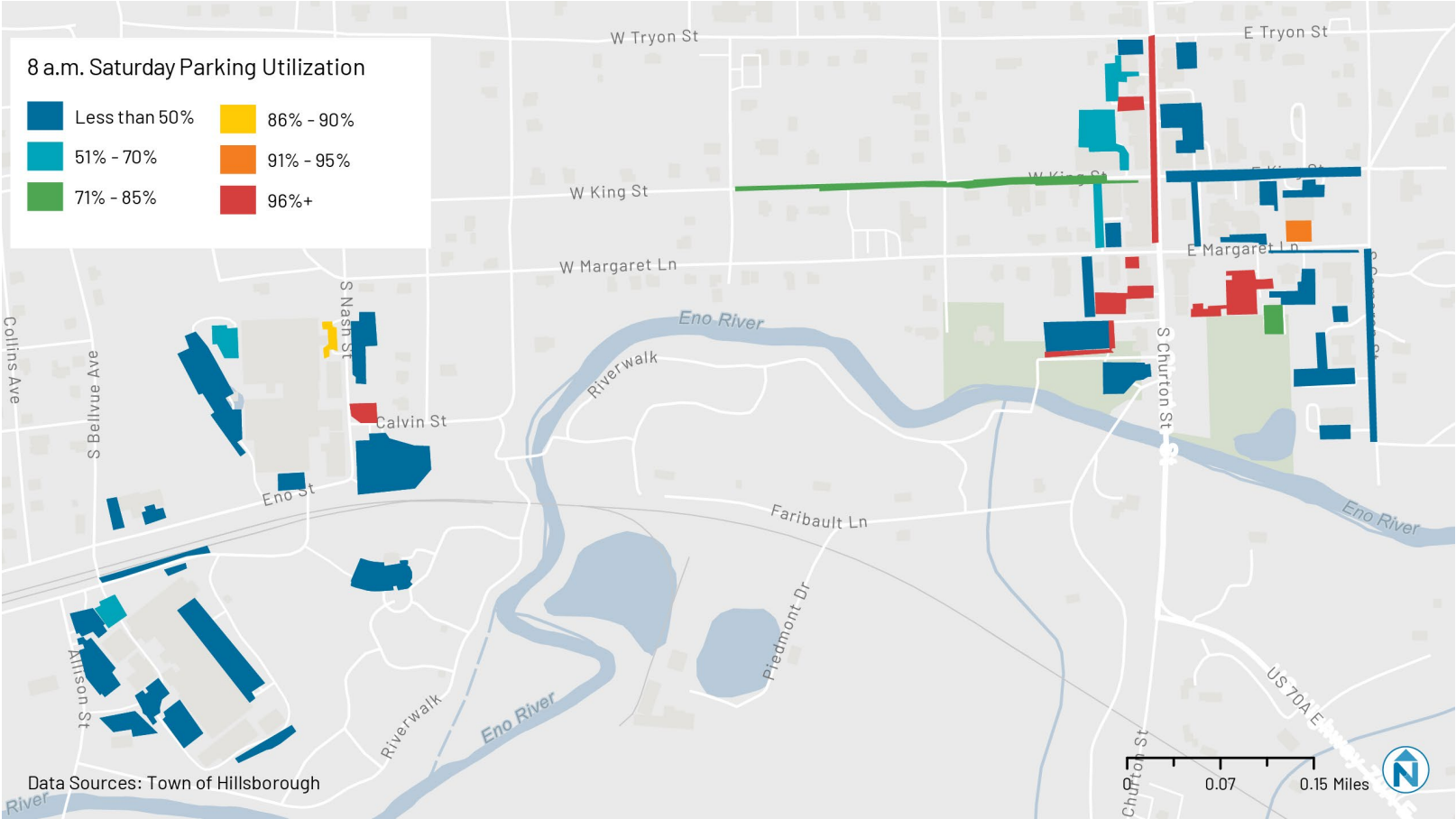
Figure 20: 2 p.m. Wednesday Parking Utilization



Weekend Parking Utilization, 8 a.m.

Parking data was counted at 8 a.m. on a typical Saturday in Hillsborough. Downtown Hillsborough has an average utilization of 43% across lots. West Hillsborough has an average utilization of 31%.

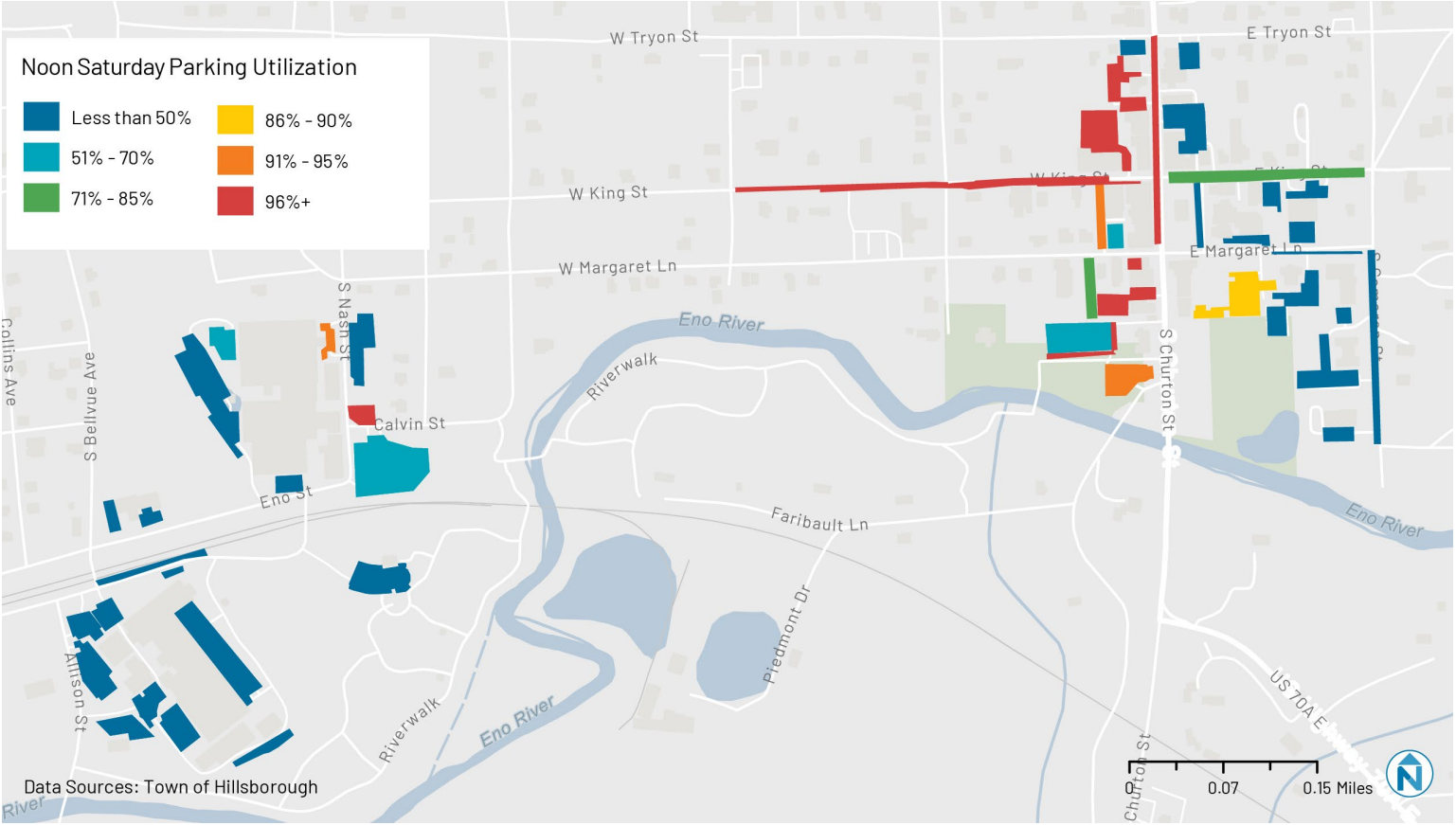
Figure 21: 8 a.m. Saturday Parking Utilization



Weekend Parking Utilization, noon

Parking data was collected at noon on a typical Saturday in Hillsborough. Downtown Hillsborough has an average utilization of 57%, while West Hillsborough has an average utilization of 29%.

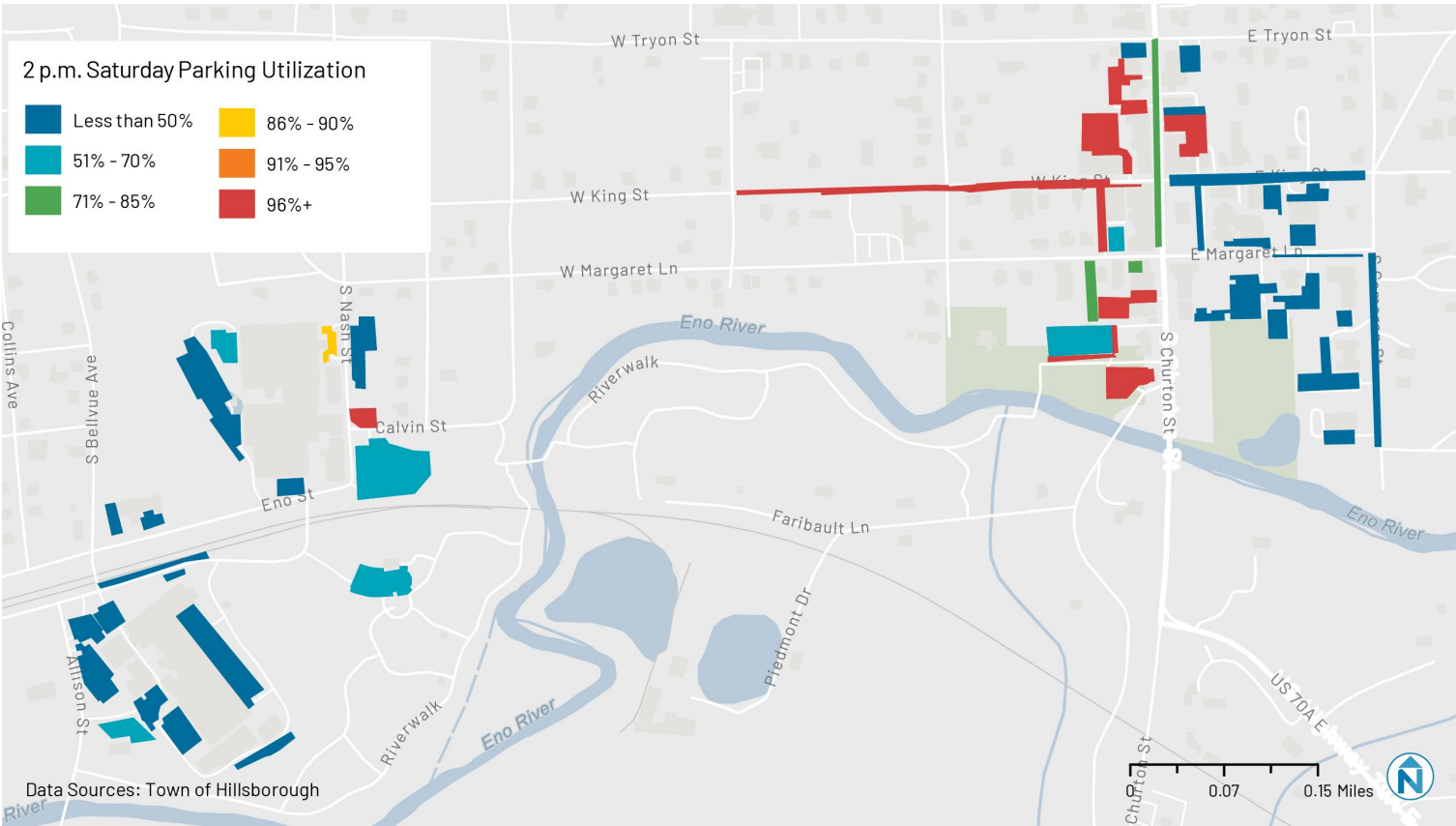
Figure 22: Noon, Saturday Parking Utilization



Weekend Parking Utilization, 2 p.m.

Parking data was collected on a typical Saturday in Hillsborough at 2 p.m. Downtown Hillsborough has an average utilization of 53%, while West Hillsborough has an average utilization of 33%.

Figure 23: 2 p.m. Saturday Parking Utilization







Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Sept. 8, 2025
Department: Planning and Economic Development
Agenda Section: Regular
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Shannan Campbell, Planning and Economic Development Manager

ITEM TO BE CONSIDERED

Subject: Code Enforcement Updates to Hillsborough Code of Ordinances

Attachments:

1. Chapter 4 Nuisance and Abandoned Structures (New Chapter)
2. Section 10-2 Keeping farm animals inside city limits (Updated/New Section)
3. Chapter 11 Solid Waste and Environmental Regulations, Article IV Abandoned, Nuisance, and Aesthetic Nuisance Motor Vehicles (Updated)
4. Section 11-2 Accumulation of Solid Waste (Updated)
5. Section 11-9 Health and Sanitation (New Section)
6. Chapter 11, Section 11-58 Nuisance Abatement (Updated)
7. Ordinances for adoption

Summary:

In Fiscal Year 2025, \$50,000 was allocated to contract with a part-time (10-15 hours per week) code enforcement service that would assist the town with more comprehensive and equitable code enforcement.

Additional funds were also allocated for the contracted code enforcement service to identify and update the Hillsborough Code of Ordinances with staff to incorporate best practices as well as alignment with current state statutes for code enforcement. Staff has worked with them over the last few months to identify and correct deficiencies in the ordinances and things that need to be updated.

A few things were identified:

- Lack of language regulating vacant/abandoned and nuisance structures.
- Lack of specific language regulating farm animals and urban chickens/fowl.
- Needed updates to the language around abandoned, nuisance, and junk vehicles.
- Needed stronger language and more strict standards and definitions of what "solid waste" is and how large of an accumulation constitutes a nuisance.
- Lack of specific language regulating open wells on properties, not having stagnant water collecting, discarded appliances, and using furniture intended and customarily indoor as outdoor.
- Need options for notifying property owners who refuse certified mail by posting the property in a conspicuous manner.

Financial impacts:

Low to medium for enforcement.

Staff recommendation and comments:

Staff recommends adopting the updated code enforcement language in the Hillsborough Code of Ordinances.

Action requested:

Review/comment and adoption.



ORDINANCE

Adding Chapter 4: Nuisance and Abandoned Structures

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

Chapter 4. NUISANCE AND ABANDONED STRUCTURES ¹

Footnotes:--- (1) --- State Law reference— Corporate power of municipality, G.S. 160A-11; general ordinance-making power, G.S. 160A-174; council to organize municipal government, G.S. 160A-146.

ARTICLE I. MINIMUM HOUSING STANDARDS

Sec. 4.1. Authorization

- a) Dwellings. The existence and occupation of dwellings that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health and safety of the people of the Town. A public necessity exists for the repair, closing, or demolition of such dwellings. Whenever the Town finds that there exists in town limits or the extra-territorial jurisdiction, dwellings that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the Town, power is conferred upon the Town to exercise its police powers to repair, close, or demolish the dwellings consistent with the provisions of Article 12 (Minimum Housing Codes) of Chapter 160D of the NC General Statutes.
- b) Abandoned Structures. This ordinance provides for the repair, closing, or demolition of any abandoned structures that the Governing Body finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. This ordinance provides for the repair, closing, or demolition of such structures pursuant to the same provisions and procedures as are prescribed by Article 12 of Chapter 160D for the repair, closing, or demolition of dwellings found to be unfit for human habitation, within town limits or the extra-territorial jurisdiction.

Sec. 4.2. Definitions

The following terms shall have the meanings whenever used or referred to as indicated when used in this Article unless a different meaning clearly appears from the context:

- a) **Abandoned structure.** Any dwelling, dwelling unit, habitable room, multiple dwelling, room unit, rooming house, structure, shed or accessory building, or manufactured/mobile home which is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities.
- b) **Alter, repair, or similar words.** The work is workmanlike and performed in a workmanlike manner.
- c) **Area, as applied to the dimensions of a building.** The maximum horizontal prospected area of the building at grade.

- d) **Area, as applied to the dimensions of a room.** The total square footage of floor area between finished walls.
- e) **Basement.** A portion of a dwelling, structure or abandoned structure which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.
- f) **Building.** Any structure enclosed and isolated by exterior walls constructed or used for, but not limited to, residence, business, industry or other public or private purposes, or accessory hereto, and also tents, lunch wagons, dining cars, trailers, and similar structures, whether stationary or movable.
- g) **Cellar.** A portion of a dwelling, structure or abandoned structure located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.
- h) **Code Enforcement Officer (Officer).** The officer or officers who are authorized by ordinances adopted hereunder to exercise the powers prescribed by the ordinances and by Article 12 of Chapter 160D.
- i) **Deteriorated.** A dwelling, structure or abandoned structure that is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this chapter except at a cost in excess of 50 percent of its value, as determined by findings of the code enforcement officer.
- j) **Dilapidated.** A dwelling, structure or abandoned structure that is unfit for human habitation and cannot be repaired, altered, or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50 percent of its value, as determined by findings of the code enforcement officer.
- k) **Dwelling.** Any building, structure, manufactured/mobile home, or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as defined in this section, shall not be regarded as a dwelling. The term shall include within its meaning the terms "rooming house" and "rooming unit," as defined in this section.
- l) **Dwelling unit.** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
- m) **Extermination.** The control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the code enforcement officer.
- n) **Garbage.** Organic waste resulting from the handling, preparation, cooking, and consumption of food.
- o) **Governing body.** The Board of Commissioners of the Town of Hillsborough.
- p) **Habitable space or room.** A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets, and storage spaces.
- q) **Infestation.** The presence, within or around a dwelling, structure, or abandoned structure of any insects, rodents, or other pests in such number as to constitute a menace to the health, safety, or welfare of the occupants or to the public.
- r) **Multiple dwelling.** Any dwelling containing five or more dwelling units.
- s) **Occupant.** Any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling, dwelling unit, or rooming unit.
- t) **Operator.** Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
- u) **Owner.** The holder of the title in fee simple and every mortgagee of record.
- v) **Parties in interest.** All individuals, associations, and corporations who have interests of record in a dwelling and any who are in possession thereof.
- w) **Plumbing.** All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch

basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

- x) **Public authority.** Any housing authority or any officer who is in charge of a department or branch of the government of the Town, County, or State relating to health, fire, building regulations, or other activities concerning dwellings in the Town.
- y) **Rooming unit.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- z) **Rooming house.** Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- aa) **Rubbish.** Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include, but not be limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, metals, mineral matter, glass, crockery, and dust.
- bb) **Structure.** Anything constructed or erected, the use of which requires location on the land, or attachment to the land or something having a permanent location on the land such as billboards, signs, or fences.
- cc) **Substandard dwelling or structure.** A dwelling, dwelling unit, multiple dwelling, apartment house, structure, abandoned structure or any other space used or intended to be used as a habitable living space in any building or structure which does not meet the basic minimum requirements of this chapter for such use.
- dd) **Supplied.** Paid for, furnished, or provided by, or under the control of, the owner or operator.
- ee) **Temporary housing.** Any tent, trailer or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.
- ff) **Tenant.** Any person who alone or jointly or severally with others occupies a residential building under a lease or holds a leasehold interest in a building.
- gg) **Unfit for human habitation.** Conditions existing in a dwelling, dwelling unit, rooming house, rooming unit, structure, or abandoned structure which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

Sec. 4.3. Ordinance Authorized as to Repair, Closing, And Demolition: Order of Code Enforcement Officer

Upon the adoption of an ordinance finding that dwelling conditions of the character described in G.S. 160D-1201 exist within the Town of Hillsborough, the Governing Body is authorized to adopt and enforce ordinances relating to dwellings and abandoned structures within the planning and zoning extra-territorial jurisdiction that are unfit for human habitation. These ordinances shall include the following provisions:

- a) Designation of an enforcement officer. The Town's Code Enforcement Officer shall be designated to exercise the powers prescribed by the ordinance.
- b) Investigation, complaint, hearing. Whenever a petition is filed with the Code Enforcement Officer by a public official or by at least five (5) residents of the jurisdiction charging that any dwelling is unfit for human habitation or when it appears to the Code Enforcement Officer that any dwelling is unfit for human habitation, the Code Enforcement Officer shall, if a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that an administrative hearing will be held before the Code Enforcement Officer, or the officer's designated agent, at a place within the Town of Hillsborough. The hearing shall be not less than ten (10) days nor more than thirty (30) days after the serving of the complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law shall not be controlling in administrative hearings before the Code Enforcement Officer.

c) Orders. If, after notice and an administrative hearing, the Code Enforcement Officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one (1) of the following orders, as appropriate:

- 1) Repair Order. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The ordinance may fix a certain percentage of this value as being reasonable. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, considering the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of eighteen (18) or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under Sec. 6-175(d).
- 2) Demolition Order. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish the dwelling. The ordinance may fix a certain percentage of this value as being reasonable. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949 and a Repair Order issued according to the regulations outlined in the Demolition by Neglect process under the Historic District Commission.

d) Lis Pendens.

- 1) After a Code Enforcement Officer issues a complaint containing a notice of administrative hearing or issues an order pursuant thereto, the Town Clerk shall file a notice of Lis pendens with the Orange County Clerk of Superior Court. A copy of the complaint containing a notice of hearing, and a copy of the order shall be attached to the Lis pendens. When the Lis pendens is filed with the Clerk, it shall also be served on the owners and parties in interest in the building or dwelling, including any lien holders and tenants who may be determined by the exercise of reasonable diligence.
- 2) A Code Enforcement Officer may cancel the Lis pendens upon a determination by that Officer that the property fully complies with the Minimum Housing Code. Cancellations of the Lis pendens must be made in a writing signed by the Officer and filed with the Clerk of Court.

e) Repair, closing, and posting. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the Code Enforcement Officer may cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and the Code Enforcement Officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the Code Enforcement Officer set forth in this subdivision shall not be exercised until the Governing Body shall have by ordinance ordered the Officer to proceed to effectuate the purpose of Article 12 of Chapter 160D with respect to the particular property or properties that the Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall

recorded in the office of the Orange County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.

f) Demolition. If the owner fails to comply with an order to remove or demolish the dwelling, the Officer may cause such dwelling to be removed or demolished. The duties of the Officer set forth in this subdivision shall not be exercised until the Governing Body shall have by ordinance ordered the Officer to proceed to effectuate the purpose of Article 12 of Chapter 160D with respect to the particular property or properties that the Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to demolish the structure or bring it into conformity with the building and/or housing code. This ordinance shall be recorded in the office of the Orange County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.

g) Abandonment of Intent to Repair. If the dwelling has been vacated and closed for a period of one (1) year pursuant to an ordinance adopted pursuant to Subsection (e) of this section or after a Code Enforcement Officer issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed as provided in this subdivision, then the Governing Body may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the Town in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the Governing Body may, after the expiration of such one (1) year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- 1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days.
- 2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within ninety (90) days.
- 3) This ordinance shall be recorded in the Orange County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Code Enforcement Officer shall effectuate the purpose of the ordinance.

h) Liens.

- 1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Code Enforcement Officer shall be realized in a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
- 2) If the real property upon which the cost was incurred is located in an incorporated Town, then the amount of the cost is also a lien on any other real property of the owner located within the Town limits or within one (1) mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.
- 3) If the dwelling is removed or demolished by the Code Enforcement Officer, the Town shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in

attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Code Enforcement Officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

- i) Civil action. If any occupant fails to comply with an order to vacate a dwelling, the Officer may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the Code Enforcement Officer produces a certified copy of an ordinance adopted by the Governing Body pursuant to Subsection (f) of this section authorizing the Officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal against any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the Governing Body has ordered the Officer to proceed to exercise his duties under subdivisions (4) and (5) of this section to vacate and close or remove and demolish the dwelling.
- j) Additional notices to affordable housing organizations. Whenever a determination is made pursuant to subdivision (3) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the Officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Officer to wait forty-five (45) days before causing removal or demolition.

Sec. 4.4. Standards

This ordinance adopted under Article 12 of Chapter 160D provides that the Code Enforcement Officer may determine that a dwelling is unfit for human habitation if the Officer finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction. Defective conditions include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. This ordinance provides the following additional standards to guide the Officers in determining the fitness of a dwelling for human habitation:

- a) Compliance with standards required.
 - 1) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with the conditions and standards below.

- 2) No person shall occupy as owner-occupant or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with the conditions and standards listed below.
 - 3) Full compliance with a standard means that if any part of the stated standard is not complied with by a particular dwelling, then that dwelling has failed to fully comply with the enumerated standard. For example, in regard to standard (b)(10) below, if all standards are met in a dwelling except that a supply of hot water is not provided then the dwelling fails to fully comply with standard (b)(10).
- b) If the Officer finds one (1) or more of the following conditions to exist in a dwelling, then the dwelling is rendered unfit for human habitation:
- 1) Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the dwelling unsafe.
 - 2) Supporting member or members which show thirty-three (33) percent or more damage or deterioration, or non-supporting, enclosing or outside walls or covering which shows fifty (50) percent or more of damage or deterioration.
 - 3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
 - 4) Such damage by fire, wind, or other causes as to render the dwelling unsafe.
 - 5) Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety or welfare of the occupants or other people in the Town.
 - 6) Inadequate facilities for egress in case of fire or panic.
 - 7) Defects significantly increasing the hazards of fire, accident, or other calamities.
 - 8) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the Town.
 - 9) Lack of proper electrical, heating, or plumbing facilities required by this Article which constitutes a definite health or safety hazard.
 - 10) Lack of connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one (1) of which renders a dwelling unfit for human habitation. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill pursuant to the Town's utilities ordinances or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.
- c) If the Officer finds seven (7) or more of the following standards that a dwelling fails to fully comply with, then the dwelling is rendered unfit for human habitation:
- 1) Structural Standard - Structural Integrity. Walls, partitions, supporting members, sills, joists, rafters, or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
 - 2) Structural Standard - Supports. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
 - 3) Structural Standard - Foundations. Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
 - 4) Structural Standard - Steps. Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
 - 5) Structural Standard - Egress. Adequate facilities for egress in case of fire or panic shall be provided.
 - 6) Structural Standard - Interior Materials. Interior walls and ceilings of all rooms, closets and hallways shall be furnished of suitable materials which will, by use of reasonable household methods,

promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

- 7) Structural Standard – Weatherization. The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained to be weather and watertight.
- 8) Structural Standard – Chimneys. There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
- 9) Structural Standard – Floors. There shall be no use of the ground for floors, or wood floors on the ground.
- 10) Plumbing Standard – Facilities. Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of non-payment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.
- 11) Plumbing Standard – Maintenance. All plumbing fixtures shall meet the standards of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.
- 12) Plumbing Standard – Accessible. All required plumbing fixtures shall be located within the dwelling and be accessible to the occupants of the same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.
- 13) Heating Standard – Generally. Every dwelling shall have facilities for providing heat in accordance with either paragraph (a) or (b) below. Such facilities shall be maintained in a state of good repair and good working order.
 - a. Central and electrical heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms, and water closet compartments in every dwelling to which it is connected with a minimum temperature of seventy (70) degrees Fahrenheit measured at a point three (3) feet above the floor during average winter conditions.
 - b. Other heating facilities. Where a central or electric heating system is not provided, each dwelling shall be provided with sufficient electrical receptacles, fireplaces, chimneys, flues, or gas vents whereby heating appliances may be connected so as to heat all habitable rooms, bathrooms, and water closet compartments with a minimum temperature of seventy (70) degrees Fahrenheit measured three (3) feet above the floor during average winter conditions.
- 14) Electrical Standard – Wiring. Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall type electrical convenience receptacles, connected in such manner as determined by the State Electric Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one (1) supplied ceiling or wall type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three (3) floor or wall type electric convenience receptacles.
- 15) Electrical Standard - Hall Lights. Every public hall and stairway in every multiple dwelling shall always be adequately lit by electric lights when natural light is not sufficient.
- 16) Electrical Standard – Maintenance. All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the State Electric Code.
- 17) Ventilation Standard – Generally. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls

other portions of structures face a window of any such room and such light obstructions are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such a room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.

- 18) Ventilation Standard - Habitable rooms. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room, shall be equal to at least forty-five percent (45%) of the minimum window area size or minimum skylight type window size as required, or shall have other approved equivalent ventilation.
- 19) Ventilation Standard - Bathroom and water closet room. Every bathroom equipped with more than one (1) water closet compartment shall comply with the light and ventilation requirements for habitable rooms.
- 20) Space, Use, and Location Standard – Room sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code. (Floor area shall be calculated based on habitable room area. However, closet area and wall area within the dwelling may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half (4½) feet shall not be considered as a part of the floor area in computing the total area of the room to determine maximum permissible occupancy.) Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
- 21) Space, Use, and Location Standard – Ceiling Height. At least one-half (½) of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches (7'-6").
- 22) Space, Use, and Location Standard – Cellar. No cellar shall be used for living purposes unless:
 - a. the floor and walls are substantially watertight.
 - b. the total window area, total openable window area and ceiling height are equal to those required for a habitable room.
 - c. the required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the windows face a stairwell, window well or access way.
- 23) Safe and Sanitary Maintenance Standard – Exterior foundation, walls, and roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance of penetration of moisture or the weather.
- 24) Safe and Sanitary Maintenance Standard – Interior floors, walls, and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

- 25) Safe and Sanitary Maintenance Standard – Windows and doors. Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, water- tight and rodent proof; and shall be kept in sound working condition and good repair.
- 26) Safe and Sanitary Maintenance Standard – Stair’s porches and appurtenances. Every inside and outside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- 27) Safe and Sanitary Maintenance Standard – Bathroom and kitchen floors. Every bathroom and kitchen floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in sound condition and good repair.
- 28) Safe and Sanitary Maintenance Standard – Supplied facilities. Every supplied facility, piece of equipment or utility which is required under this Article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
- 29) Safe and Sanitary Maintenance Standard – Drainage. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.
- 30) Safe and Sanitary Maintenance Standard – Smoke Detector Systems. Every dwelling unit shall be provided with an approved listed smoke detector installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, Single and Multiple Station Smoke Detectors.
- 31) Safe and Sanitary Maintenance Standard – Carbon Monoxide Alarm. Carbon monoxide alarms shall be provided in dwelling units in accordance with the NC Residential Code.
- 32) Insect, Rodent & Infestation Control Standard – Screens. For protection against mosquitoes, flies, and other insects ever, dwelling shall have:
- a. Supplied and installed screens on every door opening leading directly from the dwelling to outdoor space. Except, that sliding doors, doors with self-closing devices, doors on mobile homes with self-closing devices and doors that open into rooms of living spaces that are artificially ventilated or air conditioned are exempt from this provision.
 - b. Supplied and installed screens on every window or other device with an opening to outdoor space, except that this requirement shall not apply for any room or rooms of a dwelling that are ventilated year-round with an operable and installed heating and air conditioning system.
- 33) Insect, Rodent & Infestation Control Standard – Rodent Control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.
- 34) Insect, Rodent & Infestation Control Standard – Infestation. Every dwelling shall be maintained in a manner to be free of any infestations of insects, rodents, or other pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one (1) infested. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.
- 35) Insect, Rodent & Infestation Control Standard – Rubbish storage and disposal. Every dwelling shall be supplied with approved containers and covers for storage of rubbish as required by Town ordinances, and the owner, operator, or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

- 36) Insect, Rodent & Infestation Control Standard – Garbage storage and disposal. Every dwelling shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the Officer, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage container as required by Town ordinances.
 - 37) Rooming House Standard – Water closet, hand lavatory and bath facilities. At least one (1) water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever such facilities are shared. All such facilities shall be located within the residence building served, shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
 - 38) Rooming House Standard – Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
 - 39) Rooming House Standard – Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
 - 40) Rooming House Standard – Sanitary facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by Sec. 8-79(c)(36) shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.
- d) Rooming House Standards Exception. All of the provisions of this Article, and all of the minimum standards and requirements of this Article, shall be applicable to rooming houses, and to every person who operates a rooming house or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the subsections 36-39 of Secs. 8-79(c).
 - e) Structure and materials. Ceilings, walls, and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts, or other serious damage. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling.
 - f) Access. The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows).
 - g) Space and security. A living room, kitchen area and bathroom shall be present and shall contain at least one (1) sleeping or living/sleeping room of appropriate size for each two (2) persons. Exterior doors and windows accessible from outside the dwelling shall be lockable.
 - h) Heating system. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

Sec. 4.5. Service Of Complaints and Orders

- a) Complaints or orders issued by a Code Enforcement Officer pursuant to an ordinance adopted under Article 12 of Chapter 160D shall be served upon persons either personally or by certified mail. When served

is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, notice of the pending proceedings shall be posted in a conspicuous place on the premises affected and shall be assumed to be served.

- b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, and the Officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the jurisdiction at least once no later than the time at which personal service would be required under the provisions of Article 12 of Chapter 160D. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected and shall be assumed to be served.

Sec. 4.6. Periodic Inspections

- a) Except as provided in Sec. 8-81(b), the Code Enforcement Officer may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. However, when the Officer determines that a safety hazard exists in one (1) of the dwelling units within a multifamily building, which in the opinion of the officer poses an immediate threat to the occupant, the Officer may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. For purposes of this section, the term "reasonable cause" means any of the following:

- 1) the landlord or owner has a history of more than two (2) verified violations of the housing ordinances or codes within a twelve (12)-month period,
- 2) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected,
- 3) the planning department has actual knowledge of an unsafe condition within the building, or
- 4) violations of the Town ordinances or codes are visible from the outside of the property. In conducting inspections authorized under this section, the Officer shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings. In exercising this power, the Officer shall have a right to enter on any premises within the jurisdiction of the Town at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State Fire Prevention Code or as otherwise required by State law.

- b) In no event may the Town do any of the following:

- 1) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission under Article 11 or Article 12 of Chapter 160D from the Town to lease or rent residential real property or to register rental property with the Town, except for those individual properties that have more than four (4) verified violations in a rolling twelve (12)-month period or two (2) or more verified violations in a rolling thirty (30)-day period, or upon the property being identified within the top ten percent (10%) of properties with crime or disorder problems as set forth in a local ordinance,
- 2) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy,

- 3) levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties, unless expressly authorized by general law or applicable only to an individual rental unit or property described in Sec. 8-81(c)(1) and the fee does not exceed five hundred dollars (\$500.00) in any twelve (12)-month period in which the unit or property is found to have verified violations,
- 4) provide that any violation of a rental registration ordinance is punishable as a criminal offense, or
- 5) require any owner or manager of rental property to submit to an inspection before receiving any utility service provided by the Town.
- 6) For purposes of this section, the term "verified violation" means all of the following:
 - a. The aggregate of all violations of housing ordinances or codes found in an individual rental unit of residential real property during a seventy-two (72)-hour period.
 - b. Any violations that have not been corrected by the owner or manager within twenty-one (21) days of receipt of written notice from the Town of the violations. Should the same violation occur more than two (2) times in a twelve (12)-month period, the owner or manager may not have the option of correcting the violation. If the housing code provides that any form of prohibited tenant behavior constitutes a violation by the owner or manager of the rental property, it shall be deemed a correction of the tenant-related violation if the owner or manager, within thirty (30) days of receipt of written notice of the tenant-related violation, brings a summary ejectment action to have the tenant evicted.
- c) If a property is identified by the Code Enforcement Officer as being in the top ten percent (10%) of properties with crime or disorder problems, the Officer shall notify the landlord of any crimes, disorders, or other violations that will be counted against the property to allow the landlord an opportunity to attempt to correct the problems. In addition, the Officer and the County sheriff's office or Town's police department shall assist the landlord in addressing any criminal activity, which may include testifying in court in a summary ejectment action or other matter to aid in evicting a tenant who has been charged with a crime. If the County sheriff's office or Town's police department does not cooperate in evicting a tenant, the tenant's behavior or activity at issue shall not be counted as a crime or disorder problem as set forth in the local ordinance, and the property may not be included in the top ten percent (10%) of properties as a result of that tenant's behavior or activity.
- d) If the Officer takes action against an individual rental unit under this section, the owner of the individual rental unit may appeal the decision to the Board of Adjustment (Board of Appeals) acting as the Housing Appeals Board. The board shall fix a reasonable time for hearing appeals, shall give due notice to the owner of the individual rental unit, and shall render a decision within a reasonable time. The owner may appear in person or by agent or attorney. The board may reverse or affirm the action, wholly or partly, or may modify the action appealed from, and may make any decision and order that in the opinion of the board ought to be made in the matter.

Sec. 4.7. Remedies

- a) As authorized by G.S. 160D-305, this ordinance provides for the Board of Adjustment (Board of Appeals) to act as the Housing Appeals Board. An appeal from any decision or order of the Code Enforcement Officer is a quasi-judicial matter and may be taken by any person aggrieved thereby or by any officer, board, or commission of the Town. Any appeal from the Officer shall be taken within ten (10) days from the rendering of the decision or service of the order by filing with the Officer and with the Board of Adjustments (Board of Appeals) a notice of appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Officer refusing to allow the person aggrieved thereby to do any act, the decision remains in force until modified or reversed. When any appeal is from a decision of the Officer requiring the person aggrieved

do any act, the appeal has the effect of suspending the requirement until the hearing by the board, unless the Code Enforcement Officer certifies to the board, after the notice of appeal is filed with the officer, that because of facts stated in the certificate, a copy of which shall be furnished the appellant, a suspension of the requirement would cause imminent peril to life or property. In that case the requirement is not suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the Officer, by the board, or by a court of record upon petition made pursuant to Sec. 6-161(d).

- b) The Board of Adjustments (Board of Appeals) shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustments (Board of Appeals) may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and, to that end, it has all the powers of the Officer, but the concurring vote of four (4) members of the Board of Adjustments (Board of Appeals) is necessary to reverse or modify any decision or order of the Officer. The Board of Adjustments (Board of Appeals) also has power in passing upon appeals, when unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.
- c) Every decision of the Board of Adjustments (Board of Appeals) is subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the board, but not otherwise.
- d) Any person aggrieved by an order issued by the Officer, or a decision rendered by the Board of Adjustments (Board of Appeals) may petition the superior court for an injunction restraining the Officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the Officer pending a final disposition of the cause. The petition shall be filed within thirty (30) days after issuance of the order or rendering of the decision. Hearings shall be held by the court on a petition within twenty (20) days and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It is not necessary to file the bond in any amount before obtaining a temporary injunction under this subsection.
- e) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of Article 12 of Chapter 160D or of any ordinance or code adopted under authority of Article 12 of Chapter 160D or any valid order or decision of the Officer or the Governing Body made pursuant to any ordinance or code adopted under authority of Article 12 of Chapter 160D, the Officer or the Governing Body may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the dwelling; or to prevent any illegal act, conduct, or use in or about the premises of the dwelling.

Sec. 4.8. Compensation to Owners of Condemned Property

Nothing in Article 12 of Chapter 160D shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State.

Sec. 4.9. Powers of Code Enforcement Officer

Pursuant to NCGS 160D-1210, the Officer shall have the following powers:

- a) To investigate the dwelling conditions in the Town's planning and development regulation jurisdiction in order to determine which dwellings therein are unfit for human habitation.
- b) To administer oaths, affirmations, examine witnesses, and receive evidence.
- c) To enter upon premises for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.

- d) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances.
- e) To delegate any of his or her functions and powers under the ordinance to other officers and other agents.
- f) To carry out the objectives of this article with respect to such dwellings.
- g) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated.
- h) To keep record of the results of inspection made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed.
- i) To perform such other duties as may be herein prescribed.

Sec. 4.10. Administration of Ordinance

Pursuant to NCGS 160D-1211, the finance officer and appropriate staff shall prepare an estimate of the annual expenses or costs to provide the equipment, personnel, and supplies necessary for periodic examinations and investigations of the dwellings for the purpose of determining the fitness of dwellings for human habitation and for the enforcement and administration of its ordinances adopted under Article 12 of Chapter 160D. The Town is authorized to make appropriations from its revenues necessary for this purpose and may accept and apply grants or donations to assist it.

Sec. 4.11. Supplemental Nature of Ordinance

Pursuant to NCGS 160D-1212, nothing in this Ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the Town to enforce any provisions of its charter or its ordinances or regulations nor to prevent or punish violations thereof. The powers conferred by this Article shall be supplemental to the powers conferred by any other law in carrying out the provisions of the ordinances.

Sec. 4.12. Accessory Structures

- a) Fences and other accessory structures shall either be maintained in a safe and substantial condition or demolished and removed.
- b) Exterior surfaces, not inherently resistant to deterioration, shall be treated with protective coating, such as paint or other suitable preservative, and with sufficient frequency to prevent deterioration.
- c) Any electrical, plumbing, heating or other utilities furnished with an accessory structure shall be installed in accordance with applicable code provisions; and maintained in a safe condition.
- d) Every accessory structure shall be properly maintained in a clean and sanitary condition and free from physical hazards and other matter detrimental to the public health.

Sec. 4.13 Demolition of Dwellings

Where a building is under the jurisdiction of this Code, the building may be demolished by the owner provided that the following requirements are met:

- a) Obtain a Demolition Permit from the Orange County Building Inspections Department.
- b) Remove and properly dispose of all asbestos containing materials (ACM's).
- c) Properly close off and disconnect all electric, sanitary sewer, gas, water and similar taps or connections.
- d) Grade the lot to a smooth, even, finished grade, free from building material, debris, holes, and/or depressions. Where building debris remains on the site below street level, the owner must back fill the lot with no less than twelve (12) inches of clean fill which shall be graded to a smooth, even finished grade over any remaining debris; and
- e) Where walls of adjacent buildings become exposed as a result of the demolition, said walls must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stucco, or bricked by such building's owner so as not to detract from the aesthetics and value of the adjacent property and weatherproofed, if necessary, to prevent deterioration of the wall.

Sec. 4.14. Alternative Remedies

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4 and section 1-12, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Sec. 4.15. Conflict with Other Provisions

In the event any provision, standard or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town shall prevail.

Sec. 4.16. Violations; Penalty

- a) It shall be unlawful for the owner to occupy or to permit the occupancy by others or for anyone to occupy a dwelling which has been posted with the notices authorized by this Article after the time prescribed in the notice for the vacation of said dwelling. Each day's occupancy after said date shall be a separate and distinct offense.
- b) Any owner of a dwelling who fails to comply with an order to repair, vacate and close or demolish any dwelling determined to be unfit for human habitation pursuant to the provisions contained in this Article, or who permits the re-occupancy of an unfit dwelling in violation of this Article shall be subject to a civil penalty of \$100.00 for the first day following the expiration of an order to repair, vacate and close or demolish any dwelling or following a determination that an unfit dwelling has been reoccupied in violation of this Article. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of an order issued pursuant to this Article or in violation of this Article. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- c) Any owner of a dwelling whose property shall be subject to an order to repair, vacate and close, or demolish said dwelling or who permits the re-occupancy of an unfit dwelling as provided in subsection (c) shall on the second offense occurring within 1 year be subject to an additional civil penalty of \$100.00 for the first day following the expiration of the order to repair, vacate and close or demolish said dwelling or the unlawful re-occupancy of the unfit dwelling. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of the order or remains unlawfully occupied. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- d) Any owner of a dwelling who fails to comply with an order to repair, vacate and close or demolish any dwelling determined unfit for human habitation pursuant to the provisions contained in this Article shall be subject to an additional civil penalty of \$100.00 for the first day following the effective date of a Town Ordinance declaring said dwelling to be unfit for human habitation or ordering it to be repaired or demolished. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of the Ordinance or remains unlawfully occupied. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- e) When the building is declared unsafe the person in violation shall be guilty of a misdemeanor and shall be punished as provided by law.

Sec. 4.17. Administrative Fee

In addition to any other charge, any owner of a dwelling, dwelling unit or rooming unit located within the Town and its extraterritorial jurisdiction shall be subject to an administrative fee of \$150.00 upon an inspection hearing disclosing violations of minimum housing code standards.

In addition to any other charge, any owner of a dwelling, dwelling unit or rooming unit located within the Town and its extraterritorial jurisdiction shall be subject to an administrative fee of \$150.00 upon any additional inspection hearing disclosing violations of minimum housing code standards within the same 12-month period. The property owner may also be assessed for any costs incurred in obtaining service including legal publication of notice of complaint charges, hearing notice and findings of fact and orders related to the dwelling.

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

Sec. 10-2. Keeping farm animals inside city limits.

- (a) *Small farm animals.* Small farm animals ~~and fowl~~ may be kept as an accessory use in a residential zoning district under the following circumstances:
- (1) ~~(1)~~ — Small farm animals ~~means~~mean those that normally weigh less than ~~500~~100 pounds at maturity. Small animals include, but are not limited to: mini-goats, ~~and mini-sheep~~ breeds, rabbits, mini-pig breeds, etc.
 - (2) ~~(2)~~ — ~~Fowl means feathered animals that normally weigh less than 50 pounds at maturity.~~
 - (2) ~~(3)~~ — All animals must be kept in fenced enclosures at least five (5) feet from the side and rear property lines. ~~No animals shall be permitted to roam loose.~~
 - (3) — The minimum lot size for keeping ~~fowl~~small farm animals is ~~4020~~1000 square feet.
 - (4) ~~(4)~~ — ~~Number of animals permitted: The maximum number of animals allowed is five (5) per lot.~~
 - (5) — Animals ~~are~~must be kept secured on site under sanitary conditions with adequate food, water, and shelter, ~~subject to inspection by the code enforcement officer and/or county animal control officer.~~
 - (6) ~~(5)~~ — ~~Pens, roosts~~Location of pens, barns, hutches, etc., for the animals ~~are~~shall be only in rear or side yards and shall be located at least 50five (5) feet from the nearest adjacent property lines.
- (b) *Keeping of Domestic Chickens and Fowl.* Domestic chickens, quail, or guinea birds may be kept as an accessory use in a residential zoning district under the following circumstances:
- (1) — Domestic Chickens and fowl is defined as a domestic bird of whose eggs or flesh are used for food.
 - (2) — The minimum lot size for keeping fowl is 15,000 sq. ft.
 - (3) — Number and type of fowl permitted: The maximum number of female fowl (hens) allowed is eight (8) per lot. Roosters (male chickens) are prohibited.
 - (4) — All fowl must be kept in fenced enclosures at least five (5) feet from the side and rear property lines. No fowl shall be permitted to roam loose.
 - (5) — Chickens enclosed: A chicken coop and pen shall be provided, and such coops and enclosures may not include residential structures, carports, or garages/sheds, unless the garage/shed is fully converted to a coop. Fowl shall be secured in the coop during non-daylight hours. During daylight hours, fowl may be in the pen.
 - (6) — Location of coops and pens: Chicken coops and fowl pens (whether stationary or moveable) shall only be in rear yards or side yards (behind the line formed by the back wall of the front porch), shall comply with a minimum setback of five (5) feet from side and rear property lines, and shall be located closer to the owner's primary structure ~~not owned by the~~ than any neighbor's primary structure.
 - (7) — Coop and pen construction and design: The coop, and pen shall be properly designed and constructed to provide adequate security from rodents, wild birds, and predators; sufficient ventilation; and suitable shelter for the fowl.
- (c) *Maintenance of coops, pens and surrounding areas.* For both small farm animals, chickens, and fowl the following standards must be maintained:
- i. — The coop, pen, hutch, shelters and surrounding area shall be cleaned of all droppings, uneaten feed, feathers, fur, and other waste, and shall always be kept in a neat and sanitary condition to preclude odors and aesthetic nuisances.
 - ii. — Feed shall be stored in a secure container.
 - iii. — All necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites shall be performed.
 - iv. — All manure, uneaten feed, and other trash shall be removed in a timely manner and properly disposed of in a sanitary manner.

Style Definition: List Paragraph

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Created: 2025-05-31 15:58:58 582824-12-16 09:22:47 [EST]

(Supp. No. ~~5251~~)

(d) *On-site slaughter, breeding, sale of animals or animal or fowl owner products shall be prohibited. If a chicken or animal dies or is killed by a predator, it shall be promptly and properly disposed of.*

Ord of

(e) *Large farm animals. Large farm animals may be kept under the following circumstances:*

- (1) *not be housed within town limits unless the property qualifies as a Bona Fide farm pursuant to NCGS 160D-903 in which case the property will be subject to the restrictions of the Hillsborough Unified Development Ordinance. Large farm animals generally include, but are not limited to: pigs, horses, cows, etc.*
- (2) *The lot on which the animals are kept is at least one acre in size.*
- (3) *Grazing type animals (horses, full sized breeds of goats, sheep, cows, donkeys, etc.) have one acre per adult animal of grazing area available to them, not including buildings, horses, pigs, etc. Any property found to harbor large farm animals in violation of this ordinance will have fifteen (15) days to remove the animal(s) or it will constitute a public nuisance that will be abated according to section 11-58.*
- (4) *Animals are kept secured on site under sanitary conditions with adequate food, water, and shelter.*
- (5) *Barns, stables, etc., for the animals are located at least 50 feet from the property lines.*

Goats used temporarily to clear undergrowth and eat grass may be housed on a property for a maximum of seven (7) days. Goats shall be cared for subject to the terms of paragraph (a) standards (5) and (6) or it will constitute a public nuisance that will be abated according to section 11-58.

(d) *Violations. Any animals or property found in violation of this ordinance shall be removed or conditions corrected within fifteen (15) days of the receipt of a notice of violation. If violations are not corrected it will constitute a public nuisance that will be abated according to section 11-58.*

(Prior Code, § 10-2; Ord. of 12-11-2000; Ord. No. 20160808-10.F, §§ 1, 2, 8-8-2016)

Formatted: Font: Italic

Formatted: List Paragraph, Justified, Don't add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 4 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: List 1, Indent: Left: 0.25", Hanging: 0.25"

Created: 2025-05-31 15:58:58 2024-12-16 09:22:47 [EST]

(Supp. No. 5251)



ORDINANCE

Amending Section 10-2: Keeping Farm Animals in City Limits

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

Sec. 10-2. Keeping farm animals inside city limits.

- (a) *Small farm animals.* Small farm animals may be kept as an accessory use in a residential zoning district under the following circumstances:
- (1) Small farm animals mean those that normally weigh less than 100 pounds at maturity. Small animals include, but are not limited to: mini-goats and mini-sheep breeds, rabbits, mini-pig breeds, etc.
 - (2) All animals must be kept in fenced enclosures at least five (5) feet from the side and rear property lines. No animals shall be permitted to roam loose.
 - (3) The minimum lot size for keeping small farm animals is 20,000 square feet.
 - (4) Number of animals permitted: The maximum number of animals allowed is five (5) per lot.
 - (5) Animals must be kept secured on site under sanitary conditions with adequate food, water, and shelter, subject to inspection by the code enforcement officer and/or county animal control officer.
 - (6) Location of pens, barns, hutches, etc., for the animals shall be only in rear or side yards and shall be located at least five (5) feet from the property lines.
- (b) *Keeping of Domestic Chickens and Fowl.* Domestic chickens, quail, or guinea birds may be kept as an accessory use in a residential zoning district under the following circumstances:
- (1) Domestic Chickens and fowl is defined as a domestic bird of whose eggs or flesh are used for food.
 - (2) The minimum lot size for keeping fowl is 15,000 sq. ft.
 - (3) Number and type of fowl permitted: The maximum number of female fowl (hens) allowed is eight (8) per lot. Roosters (male chickens) are prohibited.
 - (4) All fowl must be kept in fenced enclosures at least five (5) feet from the side and rear property lines. No fowl shall be permitted to roam loose.
 - (5) Chickens enclosed: A chicken coop and pen shall be provided, and such coops and enclosures may not include residential structures, carports, or garages/sheds, unless the garage/shed is fully converted to a coop. Fowl shall be secured in the coop during non-daylight hours. During daylight hours, fowl may be in the pen.
 - (6) Location of coops and pens: Chicken coops and fowl pens (whether stationary or moveable) shall only be in rear yards or side yards (behind the line formed by the back wall of the front porch), shall comply with a minimum setback of five (5) feet from side and rear property lines, and shall be located closer to the owner's primary structure than any neighbor's primary structure.
 - (7) Coop and pen construction and design: The coop, and pen shall be properly designed and constructed to provide adequate security from rodents, wild birds, and predators; sufficient ventilation; and suitable shelter for the fowl.

- (c) *Maintenance of coops, pens and surrounding areas.* For both small farm animals, chickens, and fowl the following standards must be maintained:
- (1) The coop, pen, hutch, shelters and surrounding area shall be cleaned of all droppings, uneaten feed, feathers, fur, and other waste, and shall always be kept in a neat and sanitary condition to preclude odors and aesthetic nuisances.
 - (2) Feed shall be stored in a secure container.
 - (3) All necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites shall be performed.
 - (4) All manure, uneaten feed, and other trash shall be removed in a timely manner and properly disposed of in a sanitary manner.
- (d) *On-site slaughter, breeding, sale of animals or animal products shall be prohibited.* If a chicken or animal dies or is killed by a predator, it shall be promptly and properly disposed of.
- (e) *Large farm animals.* Large farm animals may not be housed within town limits unless the property qualifies as a Bona Fide farm pursuant to NCGS 160D-903 in which case the property will be subject to the restrictions of the Hillsborough Unified Development Ordinance. Large farm animals include but are not limited to: full sized breeds of goats, sheep, cows, donkeys, horses, pigs, etc. Any property found to harbor large farm animals in violation of this ordinance will have fifteen (15) days to remove the animal(s) or it will constitute a public nuisance that will be abated according to section 11-58.
- Goats used temporarily to clear undergrowth and eat grass may be housed on a property for a maximum of seven (7) days. Goats shall be cared for subject to the terms of paragraph (a) standards (5) and (6) or it will constitute a public nuisance that will be abated according to section 11-58.
- (f) *Violations.* Any animals or property found in violation of this ordinance shall be removed or conditions corrected within fifteen (15) days of the receipt of a notice of violation. If violations are not corrected it will constitute a public nuisance that will be abated according to section 11-58.

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

Chapter 11 - SOLID WASTE AND ENVIRONMENTAL REGULATIONS

~~ARTICLE IV. - ABANDONED, MOTOR VEHICLES^[3]~~

ARTICLE IV. - ABANDONED, NUISANCE, AND AESTHETIC NUISANCE MOTOR VEHICLES^[3]

Footnotes:

--- (3) ---

State Law reference— Removal and disposal of junked and abandoned motor vehicles, G.S. 160A-303.

~~Sec. 11-26. Removal of abandoned and junked vehicles authorized.~~

- ~~(a) Subject to subsection (b) of this section, the town may have abandoned or junked motor vehicles within the town removed in accordance with the provisions of this article.~~
- ~~(b) No motor vehicle classified as abandoned because it is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours may be removed without the written request of the owner, occupant, or lessee of the premises. The town may require any person requesting the removal of such vehicle to indemnify the town against any loss, expense, or liability incurred because of the removal, storage, or sale thereof.~~

~~(Prior Code, § 11-26; Ord. of 2-10-1992)~~

~~Sec. 11-27. Notice required before vehicle removal.~~

- ~~(a) Before removing a vehicle under the circumstances specified herein, the town shall attempt to notify the owner of its intent to tow such vehicle as provided in subsections (b) and (c) of this section. This pre-towing notification is required before removing a vehicle:
 - ~~(1) That is classified as abandoned because it is:
 - a. Left on property owned or occupied by the town for longer than 24 hours; or
 - b. Left on any public street or highway for longer than seven days.~~
 - ~~(2) That is classified as abandoned for any reason if such vehicle has neither a valid registration plate nor registration and the officer authorizing the vehicle to be towed has made a reasonable but unsuccessful effort, including checking the vehicle identification number, to determine the owner of such vehicle, except that notification before towing such vehicle shall not be required if the vehicle impedes the flow of traffic or otherwise jeopardizes the public welfare so that immediate towing is necessary.~~~~
- ~~(b) The notice required under subsection (a) of this item shall:
 - ~~(1) Identify the vehicle;~~
 - ~~(2) Specify its location;~~
 - ~~(3) State why the vehicle is subject to removal;~~
 - ~~(4) Inform the owner that, unless the vehicle is removed by a specified date and time, which shall be at least seven days after the date the notice is mailed or posted under subsection (c) of this item, the town shall have the vehicle removed and that, in that event, all charges incident to the removal and storage of such vehicle will have to be paid before the vehicle may be reclaimed;~~
 - ~~(5) Provide the owner with the name and phone number of a representative of the town who may be contacted to discuss any matter contained in the notice.~~~~
- ~~(c) The notice required in subsection (a) of this item shall be sent by mail or posted on the vehicle as follows:
 - ~~(1) If notice is required under subsection (a) (1) of this item the notice shall be sent by mail to the owner of the vehicle at his last known address according to information derived from the registration number or vehicle identification number.~~
 - ~~(2) If notice is required under subsection (a) (2) of this item the notice shall be posted on the vehicle's windshield or some other conspicuous place.~~~~

~~(Prior Code, § 11-27; Ord. of 2-10-1992)~~

~~Sec. 11-28. Notice required when removed; hearing.~~

- ~~(a) Whenever any junked or abandoned motor vehicle is towed in accordance with this article, the town shall promptly give notification to the owner of the matters set forth in subsection (d) of this section, if the owner can, with reasonable diligence, be identified and contacted.~~
 - ~~(b) If the vehicle has a North Carolina registration plate or registration, notice shall be given to the owner within 24 hours. If the vehicle is not registered in this state, notice shall be given to the owner within 72 hours. This notice shall, if feasible, be given by telephone, but in any case notice shall also be mailed to the owner's address unless the owner or his agent waives this notice in writing.~~
 - ~~(c) If the vehicle has neither a valid registration plate nor registration, then a reasonable effort shall be made, including checking the vehicle identification number, to identify the owner and notify him as promptly as possible of the matters set forth in subsection (d) of this section.~~
 - ~~(d) The notice required under this section shall be sent by mail (certified receipt requested if the owner has not previously been reached by telephone) and shall:
 - ~~(1) Contain a description of the vehicle;~~
 - ~~(2) State why and under what authority the vehicle was removed and identify any violation with which the owner is charged;~~
 - ~~(3) Explain where the vehicle is stored and what the owner must do to obtain possession, including paying the towing fee or posting a bond for double the amount of the fee;~~
 - ~~(4) Inform the owner that he is entitled to request in writing a hearing before a magistrate to determine if probable cause existed for the towing. The notice shall further explain that if the magistrate finds probable cause did not exist, the tower's lien is extinguished and if the owner has already paid the towing fee, he will be entitled to reimbursement from the town.~~~~
- ~~(Prior Code, § 11-28; Ord. of 2-10-1992)~~

~~Sec. 11-29. Use of private towing operators.~~

~~The town may have vehicles removed under this article by private towing operators. Such private towing operators shall have a lien on the vehicles towed and may dispose of such vehicles in accordance to the provisions of G.S. art. 1, ch. 44A.~~

~~(Prior Code, § 11-29; Ord. of 2-10-1992)~~

~~Sec. 11-30. Exempted vehicles.~~

~~The provisions of this article shall not apply to any vehicle in an enclosed building, enclosed meaning three solid walls, closable doors, and a roof; or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.~~

~~(Prior Code, § 11-30; Ord. of 2-10-1992; Ord. of 7-10-2006, § 2(11-30))~~

~~Sec. 11-31. Motor vehicles dangerous or prejudicial to public health and safety.~~

- ~~(a) Nothing contained in this article shall be construed to limit the authority of the town to effect the removal or abatement of any motor vehicle, regardless of whether it is located on private property with the consent of the owner, lessee, or occupant thereof, if the motor vehicle is found to constitute a public nuisance or a situation dangerous or prejudicial to the public health or safety in accordance with part 2 of article VI. Any vehicle exhibiting two or more of the following characteristics shall qualify as nuisances and be subject to abatement under section 11-58:
 - ~~(1) A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests;~~
 - ~~(2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;~~
 - ~~(3) A point of collection for pools or ponds of water;~~
 - ~~(4) A point of concentration of gasoline, oil or other flammable or explosive materials; or~~
 - ~~(5) So located that there is danger of the vehicle's falling or turning over;~~
 - ~~(6) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other materials; or~~
 - ~~(7) Used as a cover for or the location of illicit activity.~~~~
- ~~(b) Any residential lot may have no more than one vehicle that exhibits one of the criteria listed in the definition of the term "junked motor vehicle" provided the vehicle doesn't otherwise violate this section.~~

~~(Prior Code, § 11-31; Ord. of 02-10-1992; Ord. of 9-14-1998; Ord. of 7-10-2006, § 2(11-31))~~

~~**Secs. 11-32—11-35. Reserved.**~~

Sec. 11-26 Definitions

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandoned motor vehicle. As defined in G.S. 160A-303 as written or subsequently amended, a motor vehicle that:

- (a) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (b) Is left on property owned or operated by the Town for longer than 24 hours without the consent of the Town; or
- (c) Is left on private property without the consent of the owner or occupant or lessee thereof for longer than two hours; or
- (d) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.

Aesthetic nuisance vehicle. A junked motor vehicle on public or private property that has been determined by authorizing officials of the police or planning departments to be so offensive to the sight as to damage the community, neighborhood, or general area appearance. In making the determination, the authorizing official must find that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such findings shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. Factors that may be considered are protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character, and integrity of the community, or promotion of the comfort, happiness, and emotional stability of area residents, provided that this definition shall not apply to any motor vehicle that is used on a regular basis for business or personal use nor shall it apply to the removal or disposal of a motor vehicle kept or stored at a lawfully established bona fide "auto graveyard" or "junkyard" as defined in G.S. 136-143.

Antique motor vehicle. A motor vehicle but not a reproduction thereof, manufactured more than 25 years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored, or will be maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance, and is listed for ad valorem taxes in Orange County.

Authorized official. The supervisory employee of the police and/or planning office designated to authorize the removal of vehicles under the provisions of this article.

Junked motor vehicle. As defined in G.S. 160A-303 as written or subsequently amended, a motor vehicle that does not display a current license plate lawfully upon that vehicle and:

- (a) Is partially dismantled or wrecked; or
- (b) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (c) Is more than five years old and appears to be worth less than \$500.

Motor vehicle or vehicle. As defined in G.S. 160A-303 as written or subsequently amended, all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Nuisance vehicle. A motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, or unlawful, including a vehicle found to be any of the following:

- (a) A breeding ground or harbor for mosquitoes, other insects, rats, or other pests; or
- (b) A point of heavy growth of weeds or other noxious vegetation over eight inches in height; or
- (c) A point of collection of pools or ponds of water; or

- (d) A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
- (e) One that has areas of confinement that cannot be operated from the inside, such as trunks, hoods, and the like; or
- (f) So situated or located that there is a danger of it falling or turning over; or
- (g) One that is a point of collection of garbage, food waste, animal waste, or any other matter that is rotten or likely to decay; or
- (h) One that has sharp parts which are jagged or contain sharp edges of metal or glass; or
- (i) Any other vehicle specifically declared a health and safety hazard or a public nuisance by the Governing Body.

Tow. As used in this article, the word tow in any of its forms shall mean removing a vehicle by any means including towing and storing the vehicle.

Sec. 11-27 Abandoned, Nuisance, and Aesthetic Nuisance Vehicles Unlawful; Towing Authorized; Responsibility for Costs

- (a) Abandoned vehicles. It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to abandon the motor vehicle on public or private property within the Town's municipal boundaries for such time and under such circumstances as to cause the vehicle to appear to have been abandoned.
- (b) Nuisance vehicles. It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- (c) Aesthetic nuisance vehicles. It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared an aesthetic nuisance vehicle.
- (d) Towing authorized. Upon investigation, the authorizing officials may determine and declare that a motor vehicle is abandoned, a nuisance vehicle or aesthetic nuisance vehicle and order the vehicle towed.
- (e) Owner responsible for removal costs. If an abandoned, nuisance, or aesthetic nuisance vehicle is removed by or at the direction of the Town, the owner shall pay all costs incidental to the removal and storage of such vehicle and incident to locating the owner thereof.

Sec. 11-28 Administration

- (a) Responsibility of the Town.
 - (1) The code enforcement officer shall be responsible for the administration and enforcement of this article. The authorizing official of the police department shall be responsible for administering the towing and disposition of vehicles determined to be "abandoned" on the public streets, rights of way, and highways within the Town, and property owned by the Town. The code enforcement officer and/or planning department may be responsible for determining which vehicles are nuisance or aesthetic nuisance vehicles and shall be responsible for towing and disposing of abandoned, nuisance, and aesthetic nuisance vehicles located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to tow, store, and dispose of abandoned, nuisance and aesthetic nuisance vehicles in accordance with this article and applicable state law.
 - (2) Nothing in this article shall be construed to limit the legal authority or powers of the code enforcement officer in enforcing any other laws or otherwise carrying out their duties.

- (b) Right to inspect vehicles on private property. Authorized officials shall have the right, upon presentation of proper credentials and identification, to enter any premises within the jurisdiction of this article during daylight hours to determine if any vehicle is a health or safety hazard or is distracting from the aesthetics of the area.

Sec. 11-29 Removal of Abandoned, Nuisance, and Aesthetic Nuisance Vehicles; Pre-Towing Notice Requirements

- (a) Pre-towing notice not required. Except as set forth in subsection (d) below, an abandoned motor vehicle may be towed by or at the direction of the Town without pre-towing notice if the abandoned motor vehicle has a valid license plate and registration or if the last registered owner is known to the Town, provided post-towing notice is thereafter given as set forth in section 26-88.5.
- (b) Pre-towing notice required. Except as set forth in subsection (d) below, an abandoned motor vehicle without a valid license plate or registration, or for which the Town does not know the last registered owner, nuisance and aesthetic nuisance vehicles, shall be towed only after notice to the owner or person entitled to possession of the vehicle. Notice shall be given by affixing notice on the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time and that a civil penalty may be imposed. Additionally, in the case of a nuisance and aesthetic nuisance motor vehicle, if the names and mailing addresses of the owners of the vehicle or the real property upon which it is located can be ascertained in the exercise of reasonable diligence, the notice shall also be given to both by first-class mail. The person who mails notices shall retain a written record to show the names and addresses to which mailed, and the date mailed.
- (c) Pre-towing appeal. If the owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is a nuisance or aesthetic nuisance vehicle, such appeal shall be made within thirty (30) days of the date of the pre-towing notice to the Planning Director as hearing officer. The Planning Director shall have ten days to issue a decision. Further proceedings to remove the vehicle and to impose the penalties provided in section 26-88.11 shall be stayed until the appeal is heard and decided.
- (d) Pre-towing notice exception for certain abandoned and nuisance vehicles.
- (1) If an authorized official finds that an abandoned motor vehicle on public streets impedes the flow of traffic or otherwise jeopardizes the public welfare so that immediate removal is necessary, that vehicle may be removed without any pre-towing notice. Such findings shall be entered by the authorized official in the appropriate daily records. Circumstances justifying the immediate removal of motor vehicles include vehicles:
- a. Obstructing traffic;
 - b. Parked in violation of an ordinance prohibiting or restricting parking;
 - c. Parked in a no stopping or standing zone;
 - d. Parked in loading zones;
 - e. Parked in bus zones; or
 - f. Parked in violation of temporary parking restrictions imposed by the Town.
- (2) Abandoned vehicles and nuisance vehicles on other public or Town property may be removed without pre-towing notice only in those circumstances where the authorized official finds, and enters such findings in appropriate records, a special need for prompt action to maintain the public health, safety, and welfare. By way of illustration and not of limitation such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

- (e) Indemnification. When an abandoned, nuisance, or aesthetic nuisance motor vehicle is removed from private property at the request of the owner, lessee, or occupant of the premises, the person at whose request such vehicle is removed may be required to pay or otherwise indemnify the Town for any loss, costs, expense, or liability incurred by the Town by reason of the towing, storage, sale, or other disposal of such vehicle.

Sec. 11-30 Removal of Vehicle; Post-Towing Notice Requirements

- (a) Content of post-towing notice. Any abandoned motor vehicle or any vehicle which has been determined to be a nuisance or aesthetic nuisance vehicle, may be removed to a storage garage or area by the Town or a towing business contracting to perform such services for the Town. The authorizing official shall, immediately after removing any abandoned, nuisance, or aesthetic nuisance vehicle, notify the last known registered owner of the vehicle, such notice to include the following:
- (1) A description of the removed vehicle;
 - (2) The location where the vehicle is stored;
 - (3) The violation with which the owner is charged, if any;
 - (4) The procedure the owner must follow to redeem the vehicle; and
 - (5) The procedure the owner must follow to request a probable cause hearing on the removal of the vehicle as described in section 26-88.6(a).
- (b) Notice. This notice shall be mailed to the owner's last known address.
- (c) Notice for registered vehicles. If the vehicle is registered in the state, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the owner within 72 hours of the removal of the vehicle.
- (d) Notice for unregistered abandoned, nuisance, and aesthetic nuisance vehicles. Whenever an abandoned motor vehicle, nuisance vehicle, or aesthetic nuisance vehicle is removed and such vehicle has no valid registration or license plate, the authorizing official shall make reasonable efforts, including the checking of the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information as set forth in subsections (a)(1) through (a)(5) above.
- (e) Compliance with state statutes. All post- towing notices shall comply with the provisions of G.S. 20-219.11, as written or subsequently amended, applicable to towing of a vehicle with a valid registration plate or registration.

Sec. 11-31 Right to Hearing; Right to Recover Vehicle; Unauthorized Removal Unlawful

- (a) Probable cause hearing. After towing of an abandoned, nuisance, or aesthetic nuisance vehicle, the owner or other person entitled to possession may request in writing a hearing to determine if probable cause existed for removing the vehicle. The request must be filed with the magistrate in the county where the vehicle was towed. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11. Recovery of vehicle. At any time after towing of an abandoned, nuisance, or aesthetic nuisance motor vehicle, the owner may obtain possession of the motor vehicle by paying the fee for towing and storage or by posting bond in accordance with G.S. 20-219.12.
- (b) Removal unlawful. It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Town any vehicle which has been impounded pursuant to the provisions of this article unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

Sec. 11-32 Sale and Disposition of Vehicle

- (a) Consent of owner. With the consent of the registered owner, the Town or tow truck operator may dispose of any vehicle without holding it for any prescribed period of time.
- (b) Sale of vehicle. The towing business under contract with the Town shall hold an abandoned, nuisance or aesthetic nuisance motor vehicle for a period of at least thirty (30) days. During this time the owner may claim it by exhibiting proof of ownership to the towing business and by paying the incident costs of towing and storage. Thereafter, any abandoned, junked or aesthetic junked motor vehicle which is not claimed by the owner may be disposed of by the towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in accordance with G.S. 44A, Article 1, Possessory Liens on Personal Property.

Sec. 11-33 Disposition of Proceeds of Sale

The proceeds of the sale of an abandoned, nuisance, or aesthetic nuisance motor vehicle shall be as set forth in G.S. 44A-5 as written or hereafter amended:

- (a) Payment of reasonable expenses incurred in connection with the sale, including but not limited to reasonable storage expenses after giving notice of sale;
- (b) Payment of towing costs and costs incurred in connection with learning the identity of the vehicle's owner or the owner of the real estate on which a nuisance vehicle is located; and
- (c) Any surplus shall be paid to the person entitled thereto, but when such person cannot be found, this surplus shall be paid to the Clerk of Superior Court of Orange County to be held by the clerk for the person entitled thereto.

Sec. 11-34 Immunity

Neither the Town nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, nuisance, or aesthetic nuisance vehicle for disposing of such vehicle as contemplated by this article.

Sec. 11-35 Exceptions

Nothing in this article shall apply to any motor vehicle, that is:

- (a) In a fully enclosed building;
- (b) On the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary for the operation of such business enterprise;
- (c) Located in a lawfully established bona fide "auto graveyard" or "junkyard" as defined in G.S. 136-143 in accordance with "Junkyard Control Act" G.S. 136-141 et seq.; or
- (d) In an appropriate storage place or depository maintained in a lawful place and manner by the Town; or
- (e) An antique motor vehicle as defined by G.S. 105-330.9, in process of restoration; or
- (f) A vehicle that is being repaired or restored, is listed for ad valorem taxes in Orange County, and is under a cover manufactured for automobiles or trucks. No more than one such vehicle under an automobile/truck cover shall be permitted per lot and not to exceed 180 days.

Sec. 11-36 Penalty

- (a) Civil penalty. Any violation of sections 26-88.1 to 26-88.10 of this article shall subject the registered owner of the motor vehicle or the landowner to a civil penalty in the amount of \$100. No penalty shall be imposed if the owner removes the motor vehicle from the property within seven days of the date the pre-towing notice has been given by the Town pursuant to section 26-88.4. If the owner does not remove the motor vehicle from the property within seven days of the pre-towing notice, the penalty may be imposed for each day the vehicle was permitted to remain on the property commencing with the date the pre-towing notice was given and terminating on the date of removal of the motor vehicle, each day's violation constituting a separate offense.
- (b) Recovery of penalty. The penalty may be recovered by the Town in a civil action in the nature of debt if the owner does not pay the penalty within the prescribed period of time after he has been issued a citation.
- (c) Citation. The owner shall be issued a written citation by delivery in person or mailed by certified or registered mail. The civil penalty must be paid by the owner within 72 hours of receipt of written citation.
- (d) No crime. Violation of this article shall not constitute a crime.
- (e) Article cumulative. Procedures set forth in this article shall be in addition to any other remedies that may exist under law including ordinances for the abatement of public nuisance.

Secs 11-37 – 11-55 Reserved



ORDINANCE

Amending Chapter II, Article IV: Abandoned, Junked Motor Vehicles

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

ARTICLE IV. - ABANDONED, NUISANCE, AND AESTHETIC NUISANCE MOTOR VEHICLES

Sec. 11-26 Definitions

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandoned motor vehicle. As defined in G.S. 160A-303 as written or subsequently amended, a motor vehicle that:

- (a) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (b) Is left on property owned or operated by the Town for longer than 24 hours without the consent of the Town; or
- (c) Is left on private property without the consent of the owner or occupant or lessee thereof for longer than two hours; or
- (d) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.

Aesthetic nuisance vehicle. A junked motor vehicle on public or private property that has been determined by authorizing officials of the police or planning departments to be so offensive to the sight as to damage the community, neighborhood, or general area appearance. In making the determination, the authorizing official must find that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such findings shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. Factors that may be considered are protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character, and integrity of the community, or promotion of the comfort, happiness, and emotional stability of area residents, provided that this definition shall not apply to any motor vehicle that is used on a regular basis for business or personal use nor shall it apply to the removal or disposal of a motor vehicle kept or stored at a lawfully established bona fide "auto graveyard" or "junkyard" as defined in G.S. 136-143.

Antique motor vehicle. A motor vehicle but not a reproduction thereof, manufactured more than 25 years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored, or will be maintained in or restored to a condition which is substantially in

conformity with the manufacturer's specifications and appearance, and is listed for ad valorem taxes in Orange County.

Authorized official. The supervisory employee of the police and/or planning office designated to authorize the removal of vehicles under the provisions of this article.

Junked motor vehicle. As defined in G.S. 160A-303 as written or subsequently amended, a motor vehicle that does not display a current license plate lawfully upon that vehicle and:

- (a) Is partially dismantled or wrecked; or
- (b) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (c) Is more than five years old and appears to be worth less than \$500.

Motor vehicle or vehicle. As defined in G.S. 160A-303 as written or subsequently amended, all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Nuisance vehicle. A motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, or unlawful, including a vehicle found to be any of the following:

- (a) A breeding ground or harbor for mosquitoes, other insects, rats, or other pests; or
- (b) A point of heavy growth of weeds or other noxious vegetation over eight inches in height; or
- (c) A point of collection of pools or ponds of water; or
- (d) A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
- (e) One that has areas of confinement that cannot be operated from the inside, such as trunks, hoods, and the like; or
- (f) So situated or located that there is a danger of it falling or turning over; or
- (g) One that is a point of collection of garbage, food waste, animal waste, or any other matter that is rotten or likely to decay; or
- (h) One that has sharp parts which are jagged or contain sharp edges of metal or glass; or
- (i) Any other vehicle specifically declared a health and safety hazard or a public nuisance by the Governing Body.

Tow. As used in this article, the word tow in any of its forms shall mean removing a vehicle by any means including towing and storing the vehicle.

Sec. 11-27 Abandoned, Nuisance, and Aesthetic Nuisance Vehicles Unlawful; Towing Authorized; Responsibility for Costs

- (a) *Abandoned vehicles.* It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to abandon the motor vehicle on public or private property within the Town's municipal boundaries for such time and under such circumstances as to cause the vehicle to appear to have been abandoned.
- (b) *Nuisance vehicles.* It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the

vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

- (c) *Aesthetic nuisance vehicles.* It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared an aesthetic nuisance vehicle.
- (d) *Towing authorized.* Upon investigation, the authorizing officials may determine and declare that a motor vehicle is abandoned, a nuisance vehicle or aesthetic nuisance vehicle and order the vehicle towed.
- (e) *Owner responsible for removal costs.* If an abandoned, nuisance, or aesthetic nuisance vehicle is removed by or at the direction of the Town, the owner shall pay all costs incidental to the removal and storage of such vehicle and incident to locating the owner thereof.

Sec. 11-28 Administration

- (a) *Responsibility of the Town.*
 - 1) The code enforcement officer shall be responsible for the administration and enforcement of this article. The authorizing official of the police department shall be responsible for administering the towing and disposition of vehicles determined to be "abandoned" on the public streets, rights of way, and highways within the Town, and property owned by the Town. The code enforcement officer and/or planning department may be responsible for determining which vehicles are nuisance or aesthetic nuisance vehicles and shall be responsible for towing and disposing of abandoned, nuisance, and aesthetic nuisance vehicles located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to tow, store, and dispose of abandoned, nuisance and aesthetic nuisance vehicles in accordance with this article and applicable state law.
 - 2) Nothing in this article shall be construed to limit the legal authority or powers of the code enforcement officer in enforcing any other laws or otherwise carrying out their duties.
- (b) *Right to inspect vehicles on private property.* Authorized officials shall have the right, upon presentation of proper credentials and identification, to enter any premises within the jurisdiction of this article during daylight hours to determine if any vehicle is a health or safety hazard or is distracting from the aesthetics of the area.

Sec. 11-29 Removal of Abandoned, Nuisance, and Aesthetic Nuisance Vehicles; Pre-Towing Notice Requirements

- (a) *Pre-towing notice not required.* Except as set forth in subsection (d) below, an abandoned motor vehicle may be towed by or at the direction of the Town without pre-towing notice if the abandoned motor vehicle has a valid license plate and registration or if the last registered owner is known to the Town, provided post-towing notice is thereafter given as set forth in section 26-88.5.

- (b) *Pre-towing notice required.* Except as set forth in subsection (d) below, an abandoned motor vehicle without a valid license plate or registration, or for which the Town does not know the last registered owner, nuisance and aesthetic nuisance vehicles, shall be towed only after notice to the owner or person entitled to possession of the vehicle. Notice shall be given by affixing notice on the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time and that a civil penalty may be imposed. Additionally, in the case of a nuisance and aesthetic nuisance motor vehicle, if the names and mailing addresses of the owners of the vehicle or the real property upon which it is located can be ascertained in the exercise of reasonable diligence, the notice shall also be given to both by first-class mail. The person who mails notices shall retain a written record to show the names and addresses to which mailed, and the date mailed.
- (c) *Pre-towing appeal.* If the owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is a nuisance or aesthetic nuisance vehicle, such appeal shall be made within thirty (30) days of the date of the pre-towing notice to the Planning Director as hearing officer. The Planning Director shall have ten days to issue a decision. Further proceedings to remove the vehicle and to impose the penalties provided in section 26-88.11 shall be stayed until the appeal is heard and decided.
- (d) *Pre-towing notice exception for certain abandoned and nuisance vehicles.*
- 1) If an authorized official finds that an abandoned motor vehicle on public streets impedes the flow of traffic or otherwise jeopardizes the public welfare so that immediate removal is necessary, that vehicle may be removed without any pre-towing notice. Such findings shall be entered by the authorized official in the appropriate daily records. Circumstances justifying the immediate removal of motor vehicles include vehicles:
 - a. Obstructing traffic;
 - b. Parked in violation of an ordinance prohibiting or restricting parking;
 - c. Parked in a no stopping or standing zone;
 - d. Parked in loading zones;
 - e. Parked in bus zones; or
 - f. Parked in violation of temporary parking restrictions imposed by the Town.
 - 2) Abandoned vehicles and nuisance vehicles on other public or Town property may be removed without pre-towing notice only in those circumstances where the authorized official finds, and enters such findings in appropriate records, a special need for prompt action to maintain the public health, safety, and welfare. By way of illustration and not of limitation such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.
- (e) *Indemnification.* When an abandoned, nuisance, or aesthetic nuisance motor vehicle is removed from private property at the request of the owner, lessee, or occupant of the premises, the person at whose request such vehicle is removed may be required to pay or otherwise indemnify the Town for any loss, costs, expense, or liability incurred by the Town by reason of the towing, storage, sale, or other disposal of such vehicle.

Sec. 11-30 Removal of Vehicle; Post-Towing Notice Requirements

- (a) *Content of post-towing notice.* Any abandoned motor vehicle or any vehicle which has been determined to be a nuisance or aesthetic nuisance vehicle, may be removed to a storage garage or area by the Town or a towing business contracting to perform such services for the Town. The authorizing official shall, immediately after removing any abandoned, nuisance, or aesthetic nuisance vehicle, notify the last known registered owner of the vehicle, such notice to include the following:
- 1) A description of the removed vehicle;
 - 2) The location where the vehicle is stored;
 - 3) The violation with which the owner is charged, if any;
 - 4) The procedure the owner must follow to redeem the vehicle; and
 - 5) The procedure the owner must follow to request a probable cause hearing on the removal of the vehicle as described in section 26-88.6(a).
- (b) *Notice.* This notice shall be mailed to the owner's last known address.
- (c) *Notice for registered vehicles.* If the vehicle is registered in the state, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the owner within 72 hours of the removal of the vehicle.
- (d) *Notice for unregistered abandoned, nuisance, and aesthetic nuisance vehicles.* Whenever an abandoned motor vehicle, nuisance vehicle, or aesthetic nuisance vehicle is removed and such vehicle has no valid registration or license plate, the authorizing official shall make reasonable efforts, including the checking of the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information as set forth in subsections (a)(1) through (a)(5) above.
- (e) *Compliance with state statutes.* All post- towing notices shall comply with the provisions of G.S. 20-219.11, as written or subsequently amended, applicable to towing of a vehicle with a valid registration plate or registration.

Sec. 11-31 Right to Hearing; Right to Recover Vehicle; Unauthorized Removal Unlawful

- (a) *Probable cause hearing.* After towing of an abandoned, nuisance, or aesthetic nuisance vehicle, the owner or other person entitled to possession may request in writing a hearing to determine if probable cause existed for removing the vehicle. The request must be filed with the magistrate in the county where the vehicle was towed. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11. Recovery of vehicle. At any time after towing of an abandoned, nuisance, or aesthetic nuisance motor vehicle, the owner may obtain possession of the motor vehicle by paying the fee for towing and storage or by posting bond in accordance with G.S. 20-219.12.
- (b) *Removal unlawful.* It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Town any vehicle which has been impounded pursuant to the provisions of this article unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

Sec. 11-32 Sale and Disposition of Vehicle

- (a) *Consent of owner.* With the consent of the registered owner, the Town or tow truck operator may dispose of any vehicle without holding it for any prescribed period of time.
- (b) *Sale of vehicle.* The towing business under contract with the Town shall hold an abandoned, nuisance or aesthetic nuisance motor vehicle for a period of at least thirty (30) days. During this time the owner may claim it by exhibiting proof of ownership to the towing business and by paying the incident costs of towing and storage. Thereafter, any abandoned, junked or aesthetic junked motor vehicle which is not claimed by the owner may be disposed of by the towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in accordance with G.S. 44A, Article 1, Possessory Liens on Personal Property.

Sec. 11-33 Disposition of Proceeds of Sale

The proceeds of the sale of an abandoned, nuisance, or aesthetic nuisance motor vehicle shall be as set forth in G.S. 44A-5 as written or hereafter amended:

- (a) Payment of reasonable expenses incurred in connection with the sale, including but not limited to reasonable storage expenses after giving notice of sale;
- (b) Payment of towing costs and costs incurred in connection with learning the identity of the vehicle's owner or the owner of the real estate on which a nuisance vehicle is located; and
- (c) Any surplus shall be paid to the person entitled thereto, but when such person cannot be found, this surplus shall be paid to the Clerk of Superior Court of Orange County to be held by the clerk for the person entitled thereto.

Sec. 11-34 Immunity

Neither the Town nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, nuisance, or aesthetic nuisance vehicle for disposing of such vehicle as contemplated by this article.

Sec. 11-35 Exceptions

Nothing in this article shall apply to any motor vehicle, that is:

- (a) In a fully enclosed building;
- (b) On the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary for the operation of such business enterprise;
- (c) Located in a lawfully established bona fide "auto graveyard" or "junkyard" as defined in G.S. 136-143 in accordance with "Junkyard Control Act" G.S. 136-141 et seq.; or
- (d) In an appropriate storage place or depository maintained in a lawful place and manner by the Town; or
- (e) An antique motor vehicle as defined by G.S. 105-330.9, in process of restoration; or
- (f) A vehicle that is being repaired or restored, is listed for ad valorem taxes in Orange County, and is under a cover manufactured for automobiles or trucks. No more than one such vehicle under an automobile/truck cover shall be permitted per lot and not to exceed 180 days.

Sec. 11-36 Penalty

- (a) *Civil penalty.* Any violation of sections 26-88.1 to 26-88.10 of this article shall subject the registered owner of the motor vehicle or the landowner to a civil penalty in the amount of \$100. No penalty shall be imposed if the owner removes the motor vehicle from the property within seven days of the date the pre-towing notice has been given by the Town pursuant to section 26-88.4. If the owner does not remove the motor vehicle from the property within seven days of the pre-towing notice, the penalty may be imposed for each day the vehicle was permitted to remain on the property commencing with the date the pre-towing notice was given and terminating on the date of removal of the motor vehicle, each day's violation constituting a separate offense.
- (b) *Recovery of penalty.* The penalty may be recovered by the Town in a civil action in the nature of debt if the owner does not pay the penalty within the prescribed period of time after he has been issued a citation.
- (c) *Citation.* The owner shall be issued a written citation by delivery in person or mailed by certified or registered mail. The civil penalty must be paid by the owner within 72 hours of receipt of written citation.
- (d) *No crime.* Violation of this article shall not constitute a crime.
- (e) *Article cumulative.* Procedures set forth in this article shall be in addition to any other remedies that may exist under law including ordinances for the abatement of public nuisance.

Sections 11-37 – 11-55 Reserved

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:
Noes:
Absent or excused:

Sarah E. Kimrey, Town Clerk

Sec. 11-2. Accumulation of solid waste.

- (a) Subject to the qualifications contained in subsection (b) of this section, no person may cause, suffer, or permit solid wastes, scrap materials, construction debris, pallets, yard waste, stumps, dirt or stones, and similar to accumulate or remain on premises under their control or ownership, except in accordance with the provision of article III of this chapter.
- ~~(b) Natural solid waste materials resulting from lawn or garden work, such as bush and tree trimmings, leaves, grass, stumps, dirt and stones may be allowed to accumulate or remain on the premises under a person's control unless these materials become or threaten to become a fire hazard or harboring place for rats, mice, snakes or other vermin or otherwise pose a danger to the public health or safety.~~
- ~~(b) (c)~~ The accumulation of solid waste or similar materials as outlined in section (a) with a volume greater than ~~300~~ 50 cubic feet for a period of more than 21 days shall constitute a public nuisance and will be abated according to section 11-58.
- ~~(c) The outdoor storage, dumping, or accumulation of indoor furniture and household items outside for a period of more than 21 days shall constitute a public nuisance and will be abated according to section 11-58. These items include but are not limited to, couches, chairs, dining room tables and chairs, and any indoor appliances including but not limited to refrigerators, washing machines, dryers, and fixtures such as toilets, sinks, and other indoor fixtures and/or building materials.~~

(Prior Code, § 11-2; Ord. of 9-14-1998; Ord of _____)



ORDINANCE

Amending Section II-2: Accumulation of Solid Waste

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

Sec. 11-2. Accumulation of solid waste.

- (a) Subject to the qualifications contained in subsection (b) of this section, no person may cause, suffer, or permit solid wastes, scrap materials, construction debris, pallets, yard waste, stumps, dirt or stones, and similar to accumulate or remain on premises under their control or ownership, except in accordance with the provision of article III of this chapter.
- (b) The accumulation of solid waste or similar materials as outlined in section (a) with a volume greater than 50 cubic feet for a period of more than 21 days shall constitute a public nuisance and will be abated according to section 11-58.
- (c) The outdoor storage, dumping, or accumulation of indoor furniture and household items outside for a period of more than 21 days shall constitute a public nuisance and will be abated according to section 11-58. These items include but are not limited to, couches, chairs, dining room tables and chairs, and any indoor appliances including but not limited to refrigerators, washing machines, dryers, and fixtures such as toilets, sinks, and other indoor fixtures and/or building materials.

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



ORDINANCE

Adding Section II-9: Health and Sanitation

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

Section 11-9 Health and Sanitation

(a) Open wells.

- (1) No person, after discontinuing the use of any well, shall leave said well open and exposed.
- (2) The use of a well shall be deemed to be discontinued when it is not being used by a permitted and occupied dwelling on the land upon which the well is located for a period of more than 30 days.
- (3) A well shall be deemed open and exposed when its use is discontinued unless:
 - a. The mouth or top of such well shall be securely and carefully covered so as not to permit the entry of any animals or objects.
 - b. A fence or wall not less than three feet in height shall completely surround said well.
- (4) An open and exposed well within the town, the use of which has been discontinued, is hereby declared to be a public nuisance.
- (5) No person shall discontinue the use of any well within the town for a period of more than 30 days without:
 - a. Carefully and securely filling the same.
 - b. Covering the mound or top of such well and erecting a fence or wall surrounding the well as set forth in paragraph (3), above.

(b) Stagnant water.

No owner, lessee, tenant or occupant of any building or premises shall keep or permit thereon any standing water open to becoming a breeding pool for mosquitos. Also there shall not allow to be or remain, open vessels such as buckets accumulated on a property that gather stagnant water.

(c) Premises kept free from discarded appliances, vegetation, etc.

- (1) Every person owning or occupying any premises shall keep such premises free from all trash and all other forms of offensive animal, vegetable matter, or refuse which may be dangerous or prejudicial to the public health, constitute a fire hazard, or which may constitute a public nuisance or an attractive nuisance to children.
- (2) Every person owning or occupying property shall dispose of all cut or fallen trees, stumps, limbs, leaves and all other vegetable matter or refuse, and the same shall not be permitted to remain upon any property within the town.
- (3) No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under their control, in a place accessible to children, any abandoned, unattended or discarded cooler, refrigerator, stove or other container which has an airtight door or lid, snap-lock or other locking device which may not be released from the inside, without first removing said door or lid, snap-lock or other locking device from the cooler, refrigerator, stove or container.

(e) Public Drains.

No person shall obstruct in any manner any street drainage ditch, gutter, drain or culvert so as to prevent the free flow of water therein; provided, that this shall not prevent the erection of footbridges or fences over the ditches, gutters and drains along streets which have not been curbed and the gutters and drains along paving, of the width of three feet for pedestrian crossings to sidewalks leading to doorways, and bridges of the width of ten feet for vehicle crossings into lots where such crossings are required. Such bridges shall received necessary permits and be so constructed as not to prevent the flow of water to or in gutters, ditches and drains.

(f) Weeds and undergrowth.

No owner, lessee, occupant, agent, or representative or employee of any lessee or occupant, having control of any lot or ground situated in the town, shall allow or maintain on any such lot any growth of weeds and undergrowth to a height of over eight (8) inches. If any person shall fail, refuse or neglect to cut, destroy or remove such weeds, grass, or growth within ten (10) days after the receipt of notice to do so given by the code enforcement officer, then the town, through its agents and employees, may enter upon such lot or premises for a depth of 50 feet from each abutting property line and cut and destroy such weeds and undergrowth for a depth of 50 feet from each abutting property line, and the cost and expense thereof shall be paid by the owner, lessee, occupant or agent, or it shall become a lien against such property in the same manner as for taxes. If the owner of the lot or ground, or his address, is unknown, the notice herein provided shall not be required. The property owner shall destroy all ragweed and other pollen-producing weeds growing on any lot or along or in the streets of the town before August 30 of each year.

Secs. 11-10 —11-15. Reserved.

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:
Noes:
Absent or excused:

Sarah E. Kimrey, Town Clerk

Sec. 11-58. Nuisance abatement.

- (a) Upon the determination that a property is a nuisance, as defined in this chapter, the code enforcement officer will notify the person in possession of the property and the current owner of record of ~~his finding~~their findings and a clear written description of the necessary corrective actions. This notice will be either by certified mail with a return receipt or via personal delivery. If corrective action has not been taken within ten ~~(10)~~ days of receipt of the notice of the nuisance by the person in possession of the property, the town will proceed with the abatement procedure in subsection (c) of this section.
- (b) In the case where the person in possession of the property cannot be contacted through certified mail or personal delivery, the property will be publicly posted with a notice of ~~the~~ nuisance. In the case of a property posting, the responsible party will have twenty (20) days to take corrective action. Personal delivery of a written notice shall be documented through a signed acknowledgment of receipt. A photo of property posting will be taken and retained in the case file.
- (c) The Town of Hillsborough will take action to abate nuisance situations through one of the following methods:
- (1) Arrange a written agreement with the responsible party to establish special collections at the property for a fee established by the sanitation superintendent;
 - (2) Arrange for town staff to bring the property into compliance for a fee established by the sanitation superintendent to cover the town's expenses for labor, equipment, and disposal; or
 - (3) Arrange for a private contractor to bring the property into compliance for a negotiated fee.
- (d) The responsible party and property owner will receive written notification of the correction method and cost involved five working days before corrective action is taken.
- (e) Fees for special collections will be collected as stated in section 11-21. Other abatement fees will be collected through a payment schedule or as a lien on the property, at the discretion of the town manager in consultation with the code enforcement officer, finance director, and responsible party.

(Prior Code, § 11-38; Ord. No. 20111212-11.B, § 1, 12-12-2011; Ord. No. 20220613-4.K, § 15, 6-13-2022)

Part II. Extraordinary Remedies

Sec. 11-59. Summary abatement of conditions dangerous or prejudicial to public health.

If the Board concludes, after notice and hearing as provided in this part, that any condition or situation prohibited by this chapter or any other condition or situation is dangerous or prejudicial to the public health or safety, it may order town officials to summarily remove, abate, or remedy everything so found within the town limits. The expense of this action shall be paid by the person in default and, if not paid, shall be a lien upon the land or premises where the trouble arose and shall be collected as unpaid taxes.

(Prior Code, § 11-39; Ord. of 9-14-1998; Ord. No. 20111212-11.B, § 1, 12-12-2011)

Sec. 11-60. Notice required.

- (a) Before the action authorized by section 11-59 is taken, notice shall be sent to the respondent, informing ~~him~~them:
- (1) What condition or situation is alleged to be dangerous or prejudicial to the public health or safety;

Style Definition: Footer

Style Definition: Header

- (2) When and where the Board will meet to hold a hearing on the issue of whether the condition cited is dangerous or prejudicial to public health;
- (3) That if the Board determines that the cited condition is dangerous or prejudicial to public health or safety, it may order town officials to summarily abate, remedy, or correct the offending condition;
- (4) That the expense incurred by the town in connection with the actions described in subsection (a)(3) of this section, if not paid by the respondent, shall become a lien upon the land where the offending condition is located, to be collected as unpaid taxes.

~~(b) If, after due diligence, the respondent's address cannot be determined, then the notice required by this section shall be posted conspicuously on the offending property not later than three days before the scheduled hearing. This notice shall be sent by certified mail, return receipt requested, not later than five calendar days prior to the scheduled hearing or delivered to the respondent by a town officer or employee, not later than three days prior to the scheduled hearing.~~

~~(c)~~

Sec. 11-61 Notice to Abate

-

a) Whenever it shall come to the attention of the Code Enforcement Officer that there exists on any lot or parcel of land in the Town any of the conditions enumerated in Section 11-60, the Code Enforcement Officer shall give the owner a notice to promptly abate such conditions within ten (10) calendar days from the date of such written notice.

b) The notice of violation letter:

1. shall be delivered to the property owner and indicate that the violation exists, and that the violation must be remedied within ten (10) days of the date of the letter.
2. may be delivered to any person liable, including the occupant of the property and/or the person undertaking the work or activity.
1. shall be delivered by personal delivery, electronic delivery, or certified and first-class mail.
4. shall be posted in a conspicuous place on the property.
5. shall state that upon expiration of the ten (10) day warning period, the offender shall be subject to a civil penalty:

c) Such written notice:

1. may be delivered to any person liable, including the occupant of the property and/or the person undertaking the work or activity;
2. shall be delivered by personal delivery, electronic delivery, or certified and first-class mail;
3. shall be posted in a conspicuous place on the property; and
4. shall state that upon expiration of the ten (10) day warning period, the offender shall be subject to a civil penalty:

d) For purposes of this part, the respondent is the person who is responsible for the offending condition, as well as the owner of the property where the offending condition is located, if different from the former.

(Prior Code, § 11-40; Ord. No. 20111212-11.B, § 1, 12-12-2011; Ord. No. 20220613-4.K, § 16, 6-13-2022)

Formatted: Font: +Body (Calibri), 11 pt

Formatted: Font: +Body (Calibri), 11 pt

Formatted: Indent: Left: 0.5", Hanging: 0.5"

Sec. 11-~~61~~62. Hearing procedures.

At the hearing held pursuant to this part, the town administration shall be responsible for presenting sufficient evidence to the Board to substantiate a finding that a condition exists that is dangerous or prejudicial to the public health or safety. The Board may consider all reliable evidence and need not be bound by the strict rules of evidence applicable to courts of law, but all witnesses shall be sworn. The respondent may be represented by counsel and may present evidence. All parties may cross examine adverse witnesses. At the conclusion of the hearing, the Board shall make findings of fact, state its conclusions, and enter an appropriate order. The Board's findings of fact, conclusion and order shall be reduced to writing and a copy sent by mail or delivered to the respondent within 30 days following the hearing.

(Prior Code, § 11-41; Ord. No. 20111212-11.B, § 1, 12-12-2011)

Sec. 11-~~62~~63. Order.

If the Board concludes that a situation or condition exists that is dangerous or prejudicial to the public health or safety, it may:

- (1) Order appropriate town officials or employees to summarily remove, abate or remedy everything so found and to assess the cost of this action against the respondent in accordance with section 11-59; or
- (2) Order the respondent to correct the situation within a specified time period and order town officials to abate, correct, or remedy the offending condition if the respondent fails to act within the prescribed time limits. If town officials are required to take corrective action, the costs shall be assessed against the respondent in accordance with section 11-59.

(Prior Code, § 11-42; Ord. No. 20111212-11.B, § 1, 12-12-2011; Ord. No. 20220613-4.K, § 16, 6-13-2022)



ORDINANCE

Amending Section II-58: Nuisance Abatement Through Section II-63: Order

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

Sec. 11-58. Nuisance abatement.

- (a) Upon the determination that a property is a nuisance, as defined in this chapter, the code enforcement officer will notify the person in possession of the property and the current owner of record of their findings and a clear written description of the necessary corrective actions. This notice will be either by certified mail with a return receipt or via personal delivery. If corrective action has not been taken within ten (10) days of receipt of the notice of the nuisance by the person in possession of the property, the town will proceed with the abatement procedure in subsection (c) of this section.
- (b) In the case where the person in possession of the property cannot be contacted through certified mail or personal delivery, the property will be publicly posted with a notice of the nuisance. In the case of a property posting, the responsible party will have twenty (20) days to take corrective action. Personal delivery of a written notice shall be documented through a signed acknowledgment of receipt. A photo of property posting will be taken and retained in the case file.
- (c) The Town of Hillsborough will take action to abate nuisance situations through one of the following methods:
 - (1) Arrange a written agreement with the responsible party to establish special collections at the property for a fee established by the sanitation superintendent;
 - (2) Arrange for town staff to bring the property into compliance for a fee established by the sanitation superintendent to cover the town's expenses for labor, equipment, and disposal; or
 - (3) Arrange for a private contractor to bring the property into compliance for a negotiated fee.
- (d) The responsible party and property owner will receive written notification of the correction method and cost involved five working days before corrective action is taken.
- (e) Fees for special collections will be collected as stated in section 11-21. Other abatement fees will be collected through a payment schedule or as a lien on the property, at the discretion of the town manager in consultation with the code enforcement officer, finance director, and responsible party.

Part II. Extraordinary Remedies

Sec. 11-59. Summary abatement of conditions dangerous or prejudicial to public health.

If the Board concludes, after notice and hearing as provided in this part, that any condition or situation prohibited by this chapter or any other condition or situation is dangerous or prejudicial to the public health or safety, it may order town officials to summarily remove, abate, or remedy everything so found within the town limits. The expense of this action shall be paid by the person in default and, if not paid, shall be a lien upon the land or premises where the trouble arose and shall be collected as unpaid taxes.

Sec. 11-60. Notice required.

- (a) Before the action authorized by section 11-59 is taken, notice shall be sent to the respondent, informing them:
 - (1) What condition or situation is alleged to be dangerous or prejudicial to the public health or safety;
 - (2) When and where the Board will meet to hold a hearing on the issue of whether the condition cited is dangerous or prejudicial to public health;
 - (3) That if the Board determines that the cited condition is dangerous or prejudicial to public health or safety, it may order town officials to summarily abate, remedy, or correct the offending condition;
 - (4) That the expense incurred by the town in connection with the actions described in subsection (a)(3) of this section, if not paid by the respondent, shall become a lien upon the land where the offending condition is located, to be collected as unpaid taxes.

Sec. 11-61 Notice to Abate.

- (a) Whenever it shall come to the attention of the Code Enforcement Officer that there exists on any lot or parcel of land in the Town any of the conditions enumerated in Section 11-60, the Code Enforcement Officer shall give the owner a notice to promptly abate such conditions within ten (10) calendar days from the date of such written notice.
- (b) The notice of violation letter:
 - (1) Shall be delivered to the property owner and indicate that the violation exists, and that the violation must be remedied within ten (10) days of the date of the letter.
 - (2) May be delivered to any person liable, including the occupant of the property and/or the person undertaking the work or activity.
 - (3) Shall be delivered by personal delivery, electronic delivery, or certified and first-class mail.
 - (4) Shall be posted in a conspicuous place on the property.
 - (5) Shall state that upon expiration of the ten (10) day warning period, the offender shall be subject to a civil penalty:
- (c) Such written notice:
 - (1) May be delivered to any person liable, including the occupant of the property and/or the person undertaking the work or activity;
 - (2) Shall be delivered by personal delivery, electronic delivery, or certified and first-class mail;
 - (3) Shall be posted in a conspicuous place on the property; and
 - (4) Shall state that upon expiration of the ten (10) day warning period, the offender shall be subject to a civil penalty:
- (d) For purposes of this part, the respondent is the person who is responsible for the offending condition, as well as the owner of the property where the offending condition is located, if different from the former.

Sec. 11-62. Hearing procedures.

At the hearing held pursuant to this part, the town administration shall be responsible for presenting sufficient evidence to the Board to substantiate a finding that a condition exists that is dangerous or prejudicial to the public health or safety. The Board may consider all reliable evidence and need not be bound by the strict rules of evidence applicable to courts of law, but all witnesses shall be sworn. The respondent may be represented by counsel and may present evidence. All parties may cross examine adverse witnesses. At the conclusion of the hearing, the Board shall make findings of fact, state its conclusions, and enter an appropriate order. The Board

findings of fact, conclusion and order shall be reduced to writing and a copy sent by mail or delivered to the respondent within 30 days following the hearing.

Sec. 11-63. Order.

If the Board concludes that a situation or condition exists that is dangerous or prejudicial to the public health or safety, it may:

- (1) Order appropriate town officials or employees to summarily remove, abate or remedy everything so found and to assess the cost of this action against the respondent in accordance with section 11-59; or
- (2) Order the respondent to correct the situation within a specified time period and order town officials to abate, correct, or remedy the offending condition if the respondent fails to act within the prescribed time limits. If town officials are required to take corrective action, the costs shall be assessed against the respondent in accordance with section 11-59.

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Sept. 8, 2025
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 Sept. 22, 2025

Attachments:

None

Summary:

A public hearing to receive public comment on the closure of an unimproved right-of-way and portion of S. Hassel Street is scheduled for the Sept. 22 work session. Other discussion topics include:

- Transportation projects update
- Update from Triangle West Transportation Planning Organization

Financial impacts:

None

Staff recommendation and comments:

None

Action requested:

None



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Sept. 8, 2025
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 August 2025

Budget

- Continued OpenGov and Tyler integration
- Continued Water and Sewer Rate Structure Analysis with Raftelis.

Communications

- Town Materials — Created new OC Alerts postcards and social media with specific instructions and image for how to sign up for Hillsborough alerts. Drafted new boil water signs.
- Website — Updated information about OC Alerts on Ready Hillsborough and Communications pages to clearly note instructions to register and confirm that accounts will receive Hillsborough alerts. Added OC Alerts registration specifics to Email Subscriptions page. Working on splitting various water and sewer alerts information into separate pages to link to the specific advisory or notice in alerts. Revised color choice for alerts banner to ensure the alert is seen.
- Utilities Outreach — Bill message on OC Alerts, ensuring registration for town water and sewer alerts, and reminder on increased water and sewer rates. Bill insert on how new rates will affect bills. Working with billing staff to gain access to the utility billing notification system to send water and sewer notifications for townwide emergencies (system is limited in hours notifications can be sent).
- Other — Senior specialist earned advanced public information officer certification. Filled all seats for Government 101, which starts in September.

Fleet Maintenance

- Attended Sustainable Fuel conference.

Human Resources/Town Clerk

- Processed biweekly payrolls and merit increases.

RECRUITMENT AND SELECTION	
Position	Status
Equipment Operator	Closed 8/3.
Information Technology Manager	Assessment center held 8/22.
Police Officer	Continuous recruitment
Utility Systems Mechanic I	Start dates: 9/8 & 9/15.
Utility Maintenance Technician	Closes 9/2.

Diversity, Equity and Inclusion:

- Continuing to keep up to date with status of House Bill 171 Equality in State Agencies/Prohibition on DEI.

Information Technology

- No update.

Safety and Risk Management

- Continuing to work with NCLM for insurance reimbursement from tropical storm Chantel damage.



TOWN OF HILLSBOROUGH

Public Works Report: August 2025

Work Orders

21 completed

Public Spaces

75.5 staff hours

Stormwater Maintenance

64 Storm drains cleaned, and 19 staff hours

Inspections

7 Utility inspections and 4 proof rolls

Special Events

Last Friday's 3 staff hours

Training

4 staff completed training through NEOGOV

Cemetery

2 monuments marked

Asphalt Repairs

7 utility cuts and 1 road repair



Utilities Department Status Report for Sep. 2025 (covering Aug. 2025)

PROJECT/ CATEGORY	STATUS
WTP	<ul style="list-style-type: none"> Minor repairs from TS Chantal such as fencing, filling in washed out areas and moving controls to higher ground are underway. Aesthetic complaints have been received around town, and the carbon feed has been increased to address the probable cause of increased algae in the raw water. Testing is being performed in five areas in the distribution system. We believe the complaints have subsided.
WWTP	<ul style="list-style-type: none"> River pumping station was inundated by TS Chantal. Replacement pumps, motors, controls and electrical have been ordered and are arriving. The station is still being bypassed. Carolina Civilworks will be the contractor to replace the newly procured equipment and a "kick off" meeting occurred 9/2. We have value engineered the original quote and have received finance approval to do the work on a time and materials basis with not to exceed \$570,000. The work is being performed under an emergency basis.
West Fork of the Eno Reservoir	<ul style="list-style-type: none"> The reservoir is at approximately 52.71'. 53' is the normal Phase 2 pool elevation. Water has been hovering just below spilling for a few months now. Staff received a quote for placing live cameras at the WFER for observation and eventual live feed to a website. The quote is more than we have budget so this will need to be further vetted for FY27 budget.
Misc	<ul style="list-style-type: none"> The Lawndale sewer rehabilitation project is on the LGC agenda will evaluate award of the SRF loan on September 9. A contract with Hinterland Group is being developed. They are out of Florida. Will be working on resident outreach. A workplan for the dedicated EPA STAG funding the town received for the Starfield booster pumping station has been prepared and submitted. Changes to town code regarding sewer lateral responsibility are forthcoming in the Sep. work session. A small edit to Section 14-71 regarding fees is on the Sep. main meeting agenda. Engineering Services is negotiating several contractor strikes to our utilities due to fiber installation that they claim they should not have to pay. A consultant, Freese and Nichols, will be presenting a brief overview of their work to evaluate replacement of Hasell St. Water Tank and US70 Water Main. This is a requirement of receiving grant funding from the state to do the studies. This will be scheduled for the Sep. work session or Oct. main meeting.

Staffing	<ul style="list-style-type: none">C&D has made offers for two maintenance mechanic positions after the loss of two staff members to the gas company and they were accepted! We are reviewing applications and scheduling interviews for a maintenance technician position due to the loss of a staff member due to a personnel matter.
----------	--