



Agenda

Board of Commissioners Regular Meeting

7:00 PM October 14, 2024

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

This meeting will be live streamed on the [Town of Hillsborough YouTube channel](#)

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.](#) Introduction of recently hired and promoted Sgt. Jay Henderson and public re-affirmation of his oath of office
- [B.](#) Recognition of recently promoted Lt. Will Felts and public re-affirmation of his oath of office

5. Items for decision – consent agenda

- [A.](#) Minutes
 - Regular meeting Sept. 9, 2024
 - Work session Sept. 23, 2024
 - Work session closed session Sept. 23, 2024
- [B.](#) Miscellaneous budget amendments and transfers
- [C.](#) 2025 Board of Commissioners Meeting Schedule
- [D.](#) Special Event Permit – 2024 Hillsborough Holiday Parade
- [E.](#) Special Event Permit – 2024 Hillsborough Holiday Tree Lighting Ceremony
- [F.](#) Resolution prohibiting viewing of pornography on town networks and devices
- [G.](#) Unified Development Ordinance text amendment – Section 3, *Administrative Procedures*, Subsection 3.13, *Site Plan Review* (staff initiated)
- [H.](#) Ordinance Amending Chapter 3, Section 3-50 of the Code of Ordinances – Reservation of Facilities Within Town Parks
- [I.](#) Classification and Pay Amendment – add construction project coordinator classification

6. Items for decision - regular agenda

- [A.](#) Unified Development Ordinance text amendment – Section 5.2.8, *Dwelling, Accessory* (applicant-initiated)

101 E. Orange St., PO Box 429, Hillsborough, NC 27278
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- [B.](#) Unified Development Ordinance text amendment – Section 5.1.8 *Use Table for Non-residential Districts* (applicant-initiated)
- [C.](#) Equity Update
- [D.](#) Hot topics for work session Oct. 28, 2024

7. Updates

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

8. Closed session

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

9. Adjournment

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



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2024
Department: Police
Agenda Section: Presentations
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Police Chief Duane Hampton

ITEM TO BE CONSIDERED

Subject: Introduction of recently hired and promoted Sgt. Jay Henderson and public re-affirmation of his oath of office

Attachments:

None

Summary:

Recently hired and promoted Sgt. Jay Henderson will be introduced to the board and will publicly reaffirm his oath of office as administered by the mayor.

Financial impacts:

None

Staff recommendation and comments:

None

Action requested:

None



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2024
Department: Police
Agenda Section: Presentations
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Police Chief Duane Hampton

ITEM TO BE CONSIDERED

Subject: Recognition of recently promoted Lt. Will Felts and public re-affirmation of his oath of office

Attachments:

None

Summary:

Recently promoted Lt. Will Felts will be recognized before the board and will publicly reaffirm his oath of office as administered by the mayor.

Financial impacts:

None

Staff recommendation and comments:

None

Action requested:

None



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2024
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 Sept. 9, 2024
2. Work session Sept. 23, 2024
3. Work session closed session Sept. 23, 2024

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 Sept. 9, 2024, work session Sept. 23, 2024, and work session closed session Sept. 23, 2024.



Minutes

Board of Commissioners Regular Meeting

7 p.m. Sept. 9, 2024

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

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

Staff: Planner II Molly Boyle, Budget Director Emily Bradford, Planning and Economic Development Manager Shannan Campbell, Administrative Services Director Jen Della Valle, Budget and Management Analyst Josh Fernandez, Environmental Engineering Supervisor Bryant Green, Police Chief Duane Hampton, Town Attorney Nick Herman, Town Clerk and Human Resources Technician Sarah Kimrey, Town Manager Eric Peterson, Senior Communications Specialist Cheryl Sadgrove and Public Space and Sustainability Manager Stephanie Trueblood

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

There were none.

3. Agenda changes and approval

Item 8A – Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with the town attorney in order to preserve the attorney-client privilege (potential litigation) was removed.

Motion: Commissioner Evelyn Lloyd moved to approve the amended agenda. Commissioner Matt Hughes seconded.

Vote: 5-0.

4. Appointments

- A. Tree Board – Appointment of Tim Logue for a term ending Oct. 30, 2027
- B. Parks and Recreation Board – Reappointment of Richard von Furstenberg for a term ending Oct 30, 2027
- C. Tree Board – Reappointment of Linda Paynter for a term ending Sept. 10, 2027
- D. Parks and Recreation Board – Appointment of Nevin Daryani for a term ending Sept. 10, 2027

Motion: Commissioner Kathleen Ferguson moved to approve the appointments. Lloyd seconded.

Vote: 5-0.

5. Items for decision – consent agenda

- A. Minutes
– Regular meeting Aug. 12, 2024

- Regular meeting closed session Aug. 12, 2024
- Work session and joint Water and Sewer Advisory Committee meeting Aug. 26, 2024
- Work session closed session Aug. 26, 2024
- B. Miscellaneous budget amendments and transfers
- C. Resolution authorizing ABC Permit signing authority
- D. Proclamation – Diaper Need Awareness Week
- E. Proclamation – Hispanic Heritage Month 2024
- F. Special Event Permit – Hillsborough Half Marathon and 5K
- G. Special Event Permit – Carolina Tarwheels Bikefest 2024
- H. Special Event Permit – Hog Day 2024
- I. Sale and Indemnity agreement authorizing the retirement of K-9 Vader and transfer of ownership to Sgt. Scott Foster

Motion: Ferguson moved to approve all items on the consent agenda. Commissioner Robb English seconded.

Vote: 5-0.

6. Items for decision - regular agenda

- A. Annexation and rezoning request for Waterstone South

Hillsborough Planner II Molly Boyle recapped the proposal and its project and consideration timeline. The developer proposed building 450 apartments, 205 townhomes and 240,000 square feet of medical, office and neighborhood commercial use space and had agreed to make 15% of the market-rate units affordable to those earning 80% of the average median income. The non-residential buildings would be built along Waterstone Drive and N.C. 86 South.

Hillsborough Environmental Engineering Supervisor Bryant Green reviewed the developer's commitments to financially contribute to several water and sewer upgrades, including a new pump station to replace the Nazarene and Woods Edge pump stations and \$250,000 for Elizabeth Brady Pump Station improvements. The water system connection was agreed upon and the system development fees would be paid when the site plan is filed.

Eric Chupp, vice president of Capkov Ventures Inc., said the development aligns with the town's plans for the area and the area has sewer capacity. The development would be close to major transportation corridors and would provide opportunities to walk to businesses and schools. Additional rooftops should help attract commercial businesses. Affordable townhome and apartment units would be among the market-rate units and have the same exterior.

John Dempsey, an Orange County resident, addressed the board to ask that the intermittent stream on the property be protected.

Dan Jewell, landscape architect and principal regional director of the engineering services firm Thomas & Hutton, addressed the board. He said the development should connect with the rest of town and the developer is committed to building a greenway in the N.C. 86 right of way. The developer will make a \$150,000 payment in lieu if the state does not approve the greenway location by the time the certificates of occupation are sought.

The board posed questions to those who had spoken. It was noted that:

- Utilities staff had considered all previously approved development when calculating whether this proposal could be accommodated.

- The Elizabeth Brady Pump Station will need to be replaced within five years.
- The developer's utilities contributions would be close to covering the cost of providing service in this new area.
- Affordable units would have the same heating and air conditioning units as market-rate units.

The greenway placement and payment in lieu were discussed at length. It was determined that the trail would be 1.25 miles long and asphalt where allowed in the N.C. 86 South right of way, located at the bottom of the slope. It was noted that payments in lieu are usually 125% of the cost at the expected construction date to build a sidewalk or greenway. Following discussion, Chupp agreed to pay \$187,000 as a payment in lieu if the greenway could not be built.

Motion: English moved to approve the rezoning request to include the greenway changes to the map and amended conditions the applicant presented, noting that the proposed amendment is consistent with the Land Use and Development chapter goal to "Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity" and that the proposed regulations advance identified goals and strategies found in the Comprehensive Sustainability Plan and promote public health, safety and welfare by creating more diversity in the town's housing stock, creating more affordable housing options in the community, and adding commercial development at Waterstone Drive and N.C. 86 South. Ferguson seconded.

Motion: Darab moved to amend the motion to include that the affordable units shall be integrated with the market-rate units and shall include similar HVAC installations. Hughes seconded.

Vote: 5-0.

Motion: Hughes moved to approve the annexation request. Ferguson seconded.

Vote: 5-0.

B. Strategic Plan Annual Report

Administrative Services Director Jen Della Valle presented the annual report of progress made on the Strategic Plan goals in Fiscal Year 2024. She reviewed the achievements in the five focus areas: sustainability, connected community, economic vitality, community safety and service excellence. Achievements included two dozen tasks that had been completed, were on track to be completed on time, or have had progress made ahead of schedule. The report also noted 10 tasks that needed an extended timeframe for completion.

C. Hot topics for work session Sept. 23, 2024

The analysis of the Ridgewalk greenway would be presented at the work session.

7. Updates

A. Board members

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

B. Town manager

There was no additional report.

C. Staff (written reports in agenda packet)

There was no additional report.

8. Closed session

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

9. Adjournment

The mayor adjourned the meeting at 8:44 p.m.

Respectfully submitted,

Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners

DRAFT

FY 2024-2025

TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT

DATES: 09/09/2024 TO 09/09/2024

REFERENCE	CHANGE NUMBER	DATE	USER	ORIGINAL BUDGET	BUDGET CHANGE	AMENDED BUDGET
GF 10-00-9990-5300-000 CONTINGENCY Contingency To cover utility analysis contract	45504	09/09/2024	EBRADFORI	450,000.00	-600.00	434,283.00
Comms. 10-10-4600-5300-113 LICENSE FEES To cover Convertio subscription for web i	45513	09/09/2024	JFernandez	13,998.00	72.00	11,070.00
Comms. 10-10-4600-5300-330 SUPPLIES - DEPARTMENTAL To cover Convertio subscription for web i	45512	09/09/2024	JFernandez	1,740.00	-72.00	1,668.00
Special Approp. 10-60-6900-5300-475 C.S./UTILITY ANALYSIS To cover utility analysis contract	45503	09/09/2024	EBRADFORI	0.00	600.00	600.00
Admin. of Enterprise 30-80-7200-5300-475 C.S./UTILITY ANALYSIS To cover utility analysis contract	45506	09/09/2024	EBRADFORI	0.00	996.00	996.00
Utilities Admin. 30-80-7220-5300-570 MISCELLANEOUS To cover document scanning contract	45507	09/09/2024	EBRADFORI	12,600.00	17,000.00	29,600.00
Water Dist. 30-80-8140-5300-326 SUPPLIES - PATCH To cover curb & sidewalk repairs from w	45515	09/09/2024	JFernandez	4,000.00	4,000.00	10,000.00
Water Dist. 30-80-8140-5300-330 SUPPLIES - DEPARTMENTAL To cover curb & sidewalk repairs from w	45514	09/09/2024	JFernandez	120,000.00	-4,000.00	105,500.00
W&S Contingency 30-80-9990-5300-000 CONTINGENCY To cover utility analysis contract	45505	09/09/2024	EBRADFORI	400,000.00	-996.00	284,514.00
To cover document scanning contract	45508	09/09/2024	EBRADFORI	400,000.00	-17,000.00	267,514.00
					<u>0.00</u>	

DRAFT

APPROVED: 5/0

DATE: 9/9/24

VERIFIED: _____

Sharon E. Kimrey

**NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION
(919) 779-0700**

Location: 400 E. Tryon Road
Raleigh, NC 27610

Mail: 4307 Mail Service Center
Raleigh, NC 27699-4307

RESOLUTION OF THE CITY OF Hillsborough, COUNTY OF Orange, REGARDING THE DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS.

WHEREAS G.S.18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS the City of Hillsborough, County of Orange, wishes to notify the NC ABC Commission of its designation as required by G.S.18B-904(f);

BE IT THEREFORE RESOLVED that Duane Hampton, Chief of Police,
(Name of Official) (Title or Position)

Andy Simmons, Major and Jason Winn, Major,
(Name of Official) (Title or Position) (Name of Official) (Title or Position)

are hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the City of Hillsborough, County of Orange, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the City of Hillsborough, County of Orange, should be mailed or delivered to the official designated above at the following address:

Mailing address: 127 N. Churton St. Hillsborough, NC 27278

Office location: 127 N. Churton St.

City: Hillsborough, NC

Zip Code: 27278 Phone #: (919) 296-9500

This the 9th day of September, 2024.

Mark Bell
(Mayor/Chairman)

Sworn to and subscribed before me this the 9th day of Septmeber, 2024.

Janet E. Kimrey
(Clerk)





PROCLAMATION

2024 Diaper Need Awareness Week

Sept. 23 - 29

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 child care programs and quality early-education programs; and

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

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

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

NOW, THEREFORE, I, Mark Bell, mayor of the Town of Hillsborough, do hereby proclaim the week of Sept. 23 through Sept. 29, 2024, 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 9th day of September in the year 2024.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough



PROCLAMATION Hispanic Heritage Month 2024

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, 2024, 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 9th day of September in the year 2024.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough

NORTH CAROLINA
ORANGE COUNTY

SALE AND INDEMNITY AGREEMENT

THIS AGREEMENT is made as of the date below by and between Police Sergeant Scott Foster, Indemnitor, hereinafter known as "Sgt. Foster" and the Town of Hillsborough, North Carolina, a North Carolina municipality, Indemnitee, hereinafter known as "Hillsborough".

WHEREAS, "Vader" a canine owned by Hillsborough and heretofore used by the Hillsborough Police Department as a valuable member of its K-9 unit, has been retired from service because of his age and current health condition.

WHEREAS, the K-9 "Vader" has been declared surplus property and the Hillsborough Town Board has authorized the sale of "Vader" to Sgt. Foster on the terms set forth herein; and

WHEREAS, Sgt. Foster agrees to purchase and acquire "Vader" for the consideration stated herein and to indemnify and hold harmless the Town of Hillsborough, North Carolina, a municipality, and its employees, agents or elected officials Hillsborough, from (1) veterinary and health related expenses for "Vader" and any and (2) all other claims, actions, suits, damages, costs, losses and expenses, including attorney's fees, in any manner arising related to "Vader's" activities and conduct subsequent to the sale; and

NOW, THEREFORE, in consideration of the agreements stated herein and the payment by Sgt. Foster to the Town of Hillsborough of One Dollar (\$1.00) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Sgt. Foster does hereby indemnify and hold harmless the Town of Hillsborough, North Carolina and its employees, agents or elected officials of Hillsborough from (1) veterinary and health related expenses for "Vader", and (2) all other claims, actions, suits, damages, costs, losses and expenses, including attorney's fees, in any manner arising related to "Vader's" activities and conduct subsequent to the date hereof.

This the 30 day of September, 2024.



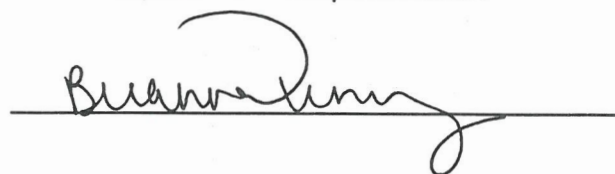
Signature



Witness: Duane Hampton, Chief of Police

I have hereby received the sum of \$1.00 from Sgt. Foster for the sale of K-9 "Vader" which has been declared as surplus property by the Town of Hillsborough Board of Commissioners.

This the 30 day of September, 2024.



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

Consistency Statement per Section 160D-605
*Request to amend the Official Zoning Map for the Town of Hillsborough -
Waterstone South Planned Development District*

September 9, 2024

The Board of Commissioners for the Town of Hillsborough has received and reviewed the request from Capkov Ventures, Inc. and Woodsedge Properties, LLC to amend the town's Official Zoning Map as follows:

- *Rezone approximately 98.948 acres from R1 (County), EDH-2 (County), and ESU (Town) to a Planned Development (PD) district for apartments, townhomes, and various nonresidential uses, such as medical, hospital, office, and neighborhood commercial*
(Parcel Identification Numbers: 9873-42-2375; 9873-42-5271; 9873-42-5076; 9873-41-5972; 9873-41-6716; 9873-51-0737; 9873-50-3553; 9873-50-4152; and 9872-49-4729)

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

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

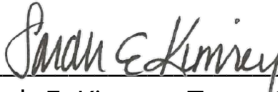
Strategy: Develop and adopt plans that contribute to meeting preferred future land use and growth patterns.

2. The proposed regulations **advance** identified goals and strategies found in the CSP and promote public health, safety, and welfare by creating more diversity in the town's housing stock, creating more affordable housing options in the community, and adding commercial development at Waterstone Drive and NC 86 S.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 9th day of September in the year 2024.

Ayes: 5
Noes: 0
Absent or excused: 0





Sarah E. Kimrey, Town Clerk



ORDINANCE

Annexing certain contiguous property to the Town of Hillsborough, NC Waterstone South, a Planned Development

WHEREAS, a petition was received requesting the annexation of Parcel Identification Numbers 9873-42-2375; 9873-42-5271; 9873-42-5076; 9873-41-5972; 9873-41-6716; 9873-51-0737; 9873-50-3553; 9873-50-4152; and 9872-49-4729, which are located south of Waterstone Drive, west of NC 86 S, north of E. Scarlett Mountain Road, and east of I-40 and together total 97.016 acres in area;

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

WHEREAS, a properly advertised public hearing on the annexation was held on August 15, 2024, following notice of said hearing being published in the *News of Orange County* in accordance with NC GS § 160A-31 (c).

Now, therefore, the Board of Commissioners for the Town of Hillsborough ordains:

- Section 1.** The petition requesting the annexation of the area described in Section 2 was properly signed by the owners of all the real property located within such area and that such area is contiguous to the boundaries of the Town of Hillsborough, as the term "contiguous" is defined in NC GS § 160A-31 (f).
- Section 2.** The area shown and described hereto in Exhibits A and B is hereby annexed and made part of the Town of Hillsborough.
- Section 3.** This ordinance shall become effective upon adoption.
- Section 4.** The Town Clerk shall cause an accurate map of the annexed territory described in Section 2 together with a duly certified copy of this ordinance to be recorded in the office of the Register of Deeds of Orange County. Such a map shall also be delivered to the Orange County Board of Elections as required by NC GS § 163-288.1.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 9th day of September in the year 2024.

Ayes: 5
Noes: 0
Absent or excused: 0



Sarah E. Kimrey

Sarah E. Kimrey, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

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

Witness my hand and official seal, this the 10 day of September, 2024.



Lindsay A Rhew

Notary Public Signature

My commission expires: 4-29-2025

**EXHIBIT A
LEGAL DESCRIPTION**

**PARCEL DESCRIPTION - NORTH ANNEX
14.283 ACRES**

Situated in the State of North Carolina, County of Orange, Hillsborough Township and being all of that 4.451 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6653, Page 1382, all of that 3.980 acre tract conveyed to Capkov Ventures Inc. in Deed Book 6728, Page 908, all of that 4.013 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6728, Page 908, all of that 0.920 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6728, Page 231, and all of that 0.919 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6822, Page 565 in the Office of the Register of Deeds of Orange County, North Carolina, and being more particularly bounded and described as follows;

Beginning, at an iron pipe found at the southeastern corner of a 2.134 acre tract conveyed to Capkov Ventures Inc. of record in Deed Book 6718, Page 1700, being on the westerly line of a 15.8 acre tract conveyed to Crabtree Glenn, LLC of record in Deed Book 6009, Page 565, being the northeastern corner of said 4.451 acre tract and having State Plane Ground Coordinates (NAD 83 – 2011 Adjustment): Northing 832390.8190, Easting 1975249.9620;

Thence **S 01° 05' 37" E**, with the easterly line of said 4.451 acre tract, said 3.980 acre tract, said 4.013 acre tract and said 0.919 acre tract, and the westerly line of said 15.8 acre tract a distance of **635.30 feet** to an iron pipe found along the westerly line of said 15.8 acre tract, the northern right-of-way of Phoebe Drive and being the southeastern corner of said 0.919 acre tract;

Thence **S 85° 58' 04" W**, along the northern right-of-way of said Phoebe Drive a distance of **217.33 feet** to an iron pipe found at the southeastern corner of a 0.918 acre tract conveyed to Roger Stephens of record in Deed Book 4444, Page 274;

Thence along the common lines of said 0.919 acre tract, said 0.918 acre tract, said 4.013 acre tract and said 0.920 acre tract the following three (3) courses:

N 01° 09' 34" W, a distance of **186.96 feet** to an iron pipe found;

S 87° 21' 19" W, a distance of **210.98 feet** to an iron pipe found;

S 01° 09' 57" E, a distance of **192.08 feet** to an iron pipe found along the northern right-of-way of said Phoebe Drive and being the southwestern corner of said 0.918 acre tract;

Thence **S 85° 58' 04" W**, along said Phoebe Drive right-of-way a distance of **205.70 feet** to an iron pipe set at the southeastern corner of that 3.206 acre tract conveyed to Worth and Deanna Overman of record in Deed Book 664, Page 551;

Thence along the common lines of said 3.206 acre tract, said 0.920 acre tract and said 4.013 acre tract the following two (2) courses:

N 01° 14' 22" W, a distance of **197.87 feet** to an iron pipe found;

S 87° 19' 37" W, a distance of **598.88 feet** to an iron pipe found at the northeastern corner of said 3.206 acre tract, being on the easterly line of a 57.7 acre tract conveyed to the University of North Carolina Hospitals at Chapel Hill #319 in Deed Book 4832, Page 301 and being the southwestern corner of said 4.013 acre tract;

Thence **N 07° 36' 56" W**, along the common line of said 57.7 acre tract, said 4.013 acre tract, said 3.980 acre tract, and said 4.451 acre tract a distance of **410.56 feet** to an iron pipe set at the southwestern corner of said 2.134 acre tract and being the northwestern corner of said 4.451 acre tract;

Thence **N 85° 23' 33" E**, with the common line of said 2.134 acre tract and said 4.451 acre tract a distance of **1281.55 feet** to the **Point of Beginning**, and containing **14.283 acres** of land, more or less, as calculated by the above courses. Subject, to all legal restrictions, easements and/or right-of-way.

The above description was prepared by James D. Whitacre, P.L.S. L-5273 on July 2, 2024. This description is based on existing records from the Orange County Register of Deeds and an actual field survey by Advanced Civil Design, Inc. completed in September, 2023.

The **Basis of Bearings** used in this description is based upon monuments established by the National Geodetic Survey (NAD 83, 2011 Adjustment) and was determined using GPS equipment and procedures.

All references used in this description can be found at the Register of Deeds, Orange County, North Carolina.

PARCEL DESCRIPTION - SOUTHERN ANNEX
82.733 ACRES

Situated in the State of North Carolina, County of Orange, Hillsborough and Chapel Hill Townships and being all of that 13.697 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6820, Page 513, all of that 52.803 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6812, Page 98, a portion of that 16.409 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6540, Page 1 also known as Lot 4 of record in Plat Book 128, Page 10, and all of that 1.823 acre tract conveyed to Capcov Ventures, Inc. in Deed Book 6856, Page 1337 in the Office of the Register of Deeds of Orange County, North Carolina, and being more particularly bounded and described as follows;

Beginning, at an iron pipe found in the westerly right-of-way of NC Highway 86, the southeasterly corner of said 13.697 acre tract, the northeasterly corner of said 52.803 acre tract and having State Plane Ground Coordinates (NAD 83 – 2011 Adjustment): Northing 829806.807, Easting 1976136.323;

Thence **S 09° 40' 00" E**, with the easterly line of said 52.803 acre tract and said right-of-way a distance of **118.52 feet** to an iron pipe set at the northeastern corner of a 5.108 acre tract conveyed to Advisory Board of the NC District Church of Nazarene of record in Deed Book 600, Page 329;

Thence with the common line of said 5.108 acre tract and said 52.803 acre tract the following two (2) courses:

S 88° 49' 38" W, a distance of **679.62 feet** to an iron pipe set;

S 09° 42' 51" E, a distance of **280.89 feet** to an iron pipe found at the southwestern corner of said 5.108 acre tract and being the northwestern corner of a 5.381 acre tract conveyed to Santos Guadalupe Mejia Reyes and Alicia Suyapa Mejia Vasquez of record in Deed Book 6637, Page 1403;

Thence **S 09° 35' 31" E**, with the common line of said 5.381 acre tract and said 52.803 acre tract a distance of **337.73 feet** to an iron pipe found at the northern right-of-way of Scarlette Mountain Road (private);

Thence **S 09° 35' 31" E**, across said right-of-way a distance of **29.05 feet** to a point on the center line of said Scarlette Mountain Road and being the southeasterly corner of said 52.803 acre tract;

Thence with the centerline of said Scarlette Mountain Road the following four (4) courses:

N 80° 27' 53" W, a distance of **449.66 feet** to a point;

N 87° 17' 53" W, a distance of **222.63 feet** to a point;

N 89° 46' 53" W, a distance of **199.58 feet** to a point;

N 73° 28' 04" W, a distance of **121.53 feet** to a point in the easterly line of a 7.87 acre tract conveyed to Karen Jordan of record in Deed Book 359, Page 169;

Thence with the common line of said 52.803 acre tract and said 7.87 acre tract the following two courses;

N 00° 28' 17" E, a distance of **36.71 feet** to an iron pipe found;

S 89° 39' 52" W, a distance of **942.40 feet** to a point on the easterly right of way of Interstate 40;

Thence with the westerly line of said 52.803 acre tract, the easterly right-of-way of said Interstate 40, the following six courses;

N 10°05' 55" W, a distance of **185.45 feet** to a concrete monument found;

N 13°40' 27" W, a distance of **305.71 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 16° 38' 15" W**, **594.24 feet**, a radius of **3952.94 feet**, a central angle of **08° 37' 17"**, and an arc length of **594.80 feet** to a rebar found;

N 70°03' 27" E, a distance of **15.10 feet** to a concrete monument found;

N 12°43' 48" W, a distance of **154.12 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 24° 03' 34" W**, **130.79 feet**, a radius of **3994.72 feet**, a central angle of **01° 52' 34"**, and an arc length of **130.80 feet** to a point in the centerline of a stream, the southwesterly corner of that 0.218 acre tract conveyed to North Carolina Department of Transportation of record in Deed Book 6814, Page 224;

Thence with the centerline of the stream, the common line of said 0.218 acre tract and said 52.803 acre tract the following seven (7) courses;

N 51°53' 36" E, a distance of **19.81 feet** to a point;

N 65°44' 56" E, a distance of **14.85 feet** to a point;

N 87°59' 35" E, a distance of **10.37 feet** to a point;

S 21°18' 06" E, a distance of **13.55 feet** to a point;

S 10°49' 00" E, a distance of **14.94 feet** to a point;

S 60°12' 19" E, a distance of **16.24 feet** to a point;

N 83°11' 17" E, a distance of **5.02 feet** to a point at the southeasterly corner of said 0.218 acre tract, southwesterly corner of said 1.823 acre tract;

Thence with the common line of said 1.823 acre tract and said 0.218 acre tract the following three courses;

N 09°42' 11" W, a distance of **6.91 feet** to a point;

N 24°51' 58" W, a distance of **53.01 feet** to a point;

N 37°12' 08" W, a distance of **329.50 feet** to a concrete monument found on the easterly right-of-way of said Interstate 40;

Thence with the westerly line of said 1.823 acre tract, the easterly right-of-way of said Interstate 40 the following two (2) courses;

N 36°05' 34" W, a distance of **104.78 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 36° 44' 37" W, 747.03 feet**, a radius of **3984.72 feet**, a central angle of **10° 45' 26"**, and an arc length of **748.12 feet** to a point at the northwesterly corner of said 48.313 (orig.) acre tract the southwesterly corner of that 57.7 acre tract conveyed to University of North Carolina Hospitals at Chapel Hill #319 of record in Deed Book 4832, Page 301;

Thence **S 89° 58' 08" E**, with the common line of said 1.823 acre tract and said 57.7 acre tract a distance of **106.08 feet** to a point at the northwesterly corner of Lot 1 of record in Plat Book 128, Page 10;

Thence **S 35° 32' 16" E**, with the common line of said 1.823 acre tract and said Lot 1, a distance of **1211.14 feet** to a point in the centerline of the creek, the southerly line of said Lot 1 acre tract, the northerly line of said 52.803 acre tract;

Thence with the centerline of said creek, the common line of said Lot 1 and said 52.803 acre tract the following twenty-two courses;

S 79°54' 09" E, a distance of **15.47 feet** to a point;

S 87°24' 39" E, a distance of **27.59 feet** to a point;

N 78°38' 06" E, a distance of **22.76 feet** to a point;

N 84°18' 24" E, a distance of **19.35 feet** to a point;

S 72°25' 59" E, a distance of **70.41 feet** to a point;

N 69°27' 22" E, a distance of **13.58 feet** to a point;

N 55°59' 25" E, a distance of **16.05 feet** to a point;

S 64°00' 12" E, a distance of **11.36 feet** to a point;

S 80°43' 27" E, a distance of **28.61 feet** to a point;

N 58°34' 08" E, a distance of **7.81 feet** to a point;

N 82°04' 36" E, a distance of **27.81 feet** to a point;

N 69°02' 05" E, a distance of **31.39 feet** to a point;

S 70°48' 35" E, a distance of **57.04 feet** to a point;

S 49°54' 40" E, a distance of **45.06 feet** to a point;

S 89°28' 32" E, a distance of **41.22 feet** to a point;

S 48°46' 48" E, a distance of **36.86 feet** to a point;

N 77°03' 15" E, a distance of **44.59 feet** to a point;

N 69°17' 26" E, a distance of **42.52 feet** to a point;

N 48°34' 08" E, a distance of **31.88 feet** to a point;

S 63°48' 18" E, a distance of **73.07 feet** to a point;

N 90°00' 00" E, a distance of **302.17 feet** to a point;

N 61°54' 05" E, a distance of **184.24 feet** to a point;

S 71°37' 17" E, a distance of **86.76 feet** to a point on the westerly line of said Lot 4, the southeasterly corner of said Lot 1;

Thence **N 00° 16' 18" E**, with the common line of said Lot 1 said Lot 4 a distance of **174.79 feet** to an iron pipe set at the southwesterly corner of Lot 3 of record in Plat Book 128, Page 10;

Thence along the common lines of said Lot 3 and said Lot 4 the following two courses;

S 89°23' 25" E, a distance of **626.12 feet** to an iron pipe set;

N 01°11' 36" E, a distance of **138.91 feet** to an iron pipe set at the southwesterly corner of that 8.35 acre tract conveyed to Lillie Mangum of record in Deed Book 232, Page 1392;

Thence **S 89° 23' 25" E**, with the common line of said Lot 4 and said 8.35 acre tract a distance of **719.04 feet** to an iron pipe set on the westerly right-of-way of said State Route 86;

Thence with the westerly right-of-way of said State Route 86, the following two (2) courses:

S 08° 55' 32" E, with a distance of **506.04 feet** to a rebar found at the southeasterly corner of said 16.409 acre tract, the northeasterly corner of said 13.697 acre tract;

S 10° 28' 14" E, with a distance of **518.50 feet** to the **Point of Beginning**, and containing **82.733 acres** of land, more or less, as calculated by the above courses. Subject, to all legal restrictions, easements and/or right-of-way.

The above description was prepared by James D. Whitacre, P.L.S. L-5273 on September 6, 2024. This description is based on existing records from the Orange County Register of Deeds and an actual field survey completed by Advanced Civil Design, Inc. in September, 2023.

The **Basis of Bearings** used in this description is based upon monuments established by the National Geodetic Survey (NAD 83, 2011 Adjustment) and was determined using GPS equipment and procedures.

All references used in this description can be found at the Register of Deeds, Orange County, North Carolina.

ADVANCED CIVIL DESIGN, INC.

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DIST.
01	50°37'17"	2670.84'	594.62'	N61°08'27.4"	594.64'
02	79°52'34"	3694.72'	130.80'	S24°02'57.4"	130.79'
03	107°45'42"	1084.22'	144.12'	N81°14'37.4"	137.67'

LINE TABLE		LINE TABLE	
LINE	BEARING	LINE	BEARING
10	185.52	207°30'12"	185.52
11	199.60	S89°53'25"	199.60
12	189.80	S89°53'25"	189.80
13	153.50	S72°18'00"	153.50
14	186.45	N01°05'33"	186.45
15	151.07	N01°05'33"	151.07
16	154.22	N01°05'33"	154.22
17	139.88	N01°05'33"	139.88
18	144.90	S49°04'56"	144.90
19	107.77	S49°04'56"	107.77
20	133.57	S21°18'00"	133.57
21	144.34	S19°49'00"	144.34
22	164.81	S19°49'00"	164.81
23	157.07	N01°05'33"	157.07
24	139.88	N01°05'33"	139.88
25	135.21	N01°05'33"	135.21
26	229.30	N67°42'38"	229.30

LINE TABLE	
LINE	BEARING
107	S21°18'00"
108	S19°49'00"
109	S19°49'00"
110	S19°49'00"
111	S19°49'00"
112	S19°49'00"
113	S19°49'00"
114	S19°49'00"
115	S19°49'00"
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127	S19°49'00"
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196	S19°49'00"
197	S19°49'00"
198	S19°49'00"
199	S19°49'00"
200	S19°49'00"



FLOOD NOTE
 By graphic building only the property is located in Zone "X" (Special Flood Hazard Area) as shown on the Flood Hazard Insurance Study (FHIS) for Hillsborough County, Florida, dated February 2, 2017, in Orange County, Florida, and Chapter 61B-1.07(2)(b)2017, with an effective date of November 1, 2017, in Orange County, North Carolina. No other flooding information is contained in this map or attached instruments. It is advised to verify the information on this map against the latest County Government records.

- NOTES**
1. Lines obtained by traverse survey.
 2. All distances are horizontal ground distances.
 3. Mean of Mean of 1988 (MMS) 1983 Adjustment Horizontal Datum.
 4. No published horizontal control monuments found within 1000 feet of site.
 5. No survey information shown herein was acquired from the local land survey or from other records or references herein.
 6. This plat may be subject to accuracy or error of other surveys and other recorded plat maps.
 7. All measurements are taken from the corner of the adjacent survey.
 8. Coordinates shown on this plat were taken by Real Time Kinematic (RTK) Global Positioning System (GPS) from a known NAD 83 (2011 Adjustment) (PPRS) 2011 bench mark station, North Corner of 1988 (MMS) 1983 Adjustment, with the following relative accuracy (RAA) of 1:100,000. The accuracy of the survey is dependent on the accuracy of the bench mark station.

SURVEY CERTIFICATION
 I, the undersigned, a duly licensed Professional Engineer in the State of Florida, do hereby certify that the above plat was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Florida. I am not aware of any fraud or other deception in the preparation of this plat, and I am not aware of any fraud or other deception in the preparation of this plat.

Dated this 18th day of July, 2024, at Hillsborough, Florida.

LEGEND

- See Pin Four
- Unfinished Point
- Pin Not Found
- Corner Markers
- ▭ Existing Property Lines
- ▬ Existing Town Lines
- ▬ New Town Lines

GRAPHIC SCALE
 1 inch = 200 feet

CONTROL CORNER (NAD 83)
 N. 832390.8190
 E. 1176138.2230
 (2011 Adjusted)

CONTIGUOUS ANNEXATION MAP FOR TOWN OF HILLSBOROUGH

MEASURED BY: ADVANCPD
 DATE: 07/18/2024

ADVANCPD
 ENGINEERING & SURVEYING
 1100 W. US HIGHWAY 90, SUITE 100
 HILLSBOROUGH, FL 34610
 TEL: 813.944.8700 FAX: 813.944.8701
 WWW.ADVANCPD.COM

DATE PLOTTED: 07/18/2024
 SHEET: 1 / 1

EXHIBIT B



ORDINANCE

Amending the Official Zoning Map for the Town of Hillsborough Waterstone South, a Planned Development

WHEREAS, an application was made to amend the Official Zoning Map for the Town of Hillsborough, specifically to rezone approximately 98.948 acres of property described hereto and identified as Parcel Identification Numbers 9873-42-2375; 9873-42-5271; 9873-42-5076; 9873-41-5972; 9873-41-6716; 9873-51-0737; 9873-50-3553; 9873-50-4152; and 9872-49-4729 to *Planned Development (PD)*;

WHEREAS, the application was referred to the town Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate;

WHEREAS, the applicant and the Board of Commissioners have negotiated and mutually agreed to a list of conditions to be placed on the zoning district as allowed under NC GS § 160D-703 (b); 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.

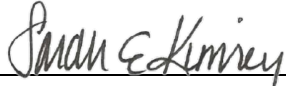
Now, therefore, the Board of Commissioners for the Town of Hillsborough ordains:

- Section 1.** The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone the 98.948 acres of property shown and described hereto in Exhibits A and B to *Planned Development (PD)*.
- Section 2.** As part of this rezoning, the aforementioned property is subject to the conditions attached hereto as Exhibit C, to which both the applicant and the Board of Commissioners have mutually agreed.
- 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 9th day of September in the year 2024.

Ayes: 5
Noes: 0
Absent or excused: 0





Sarah E. Kimrey, Town Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

**PARCEL DESCRIPTION - NORTH ANNEX
14.283 ACRES**

Situated in the State of North Carolina, County of Orange, Hillsborough Township and being all of that 4.451 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6653, Page 1382, all of that 3.980 acre tract conveyed to Capkov Ventures Inc. in Deed Book 6728, Page 908, all of that 4.013 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6728, Page 908, all of that 0.920 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6728, Page 231, and all of that 0.919 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6822, Page 565 in the Office of the Register of Deeds of Orange County, North Carolina, and being more particularly bounded and described as follows;

Beginning, at an iron pipe found at the southeastern corner of a 2.134 acre tract conveyed to Capkov Ventures Inc. of record in Deed Book 6718, Page 1700, being on the westerly line of a 15.8 acre tract conveyed to Crabtree Glenn, LLC of record in Deed Book 6009, Page 565, being the northeastern corner of said 4.451 acre tract and having State Plane Ground Coordinates (NAD 83 – 2011 Adjustment): Northing 832390.8190, Easting 1975249.9620;

Thence **S 01° 05' 37" E**, with the easterly line of said 4.451 acre tract, said 3.980 acre tract, said 4.013 acre tract and said 0.919 acre tract, and the westerly line of said 15.8 acre tract a distance of **635.30 feet** to an iron pipe found along the westerly line of said 15.8 acre tract, the northern right-of-way of Phoebe Drive and being the southeastern corner of said 0.919 acre tract;

Thence **S 85° 58' 04" W**, along the northern right-of-way of said Phoebe Drive a distance of **217.33 feet** to an iron pipe found at the southeastern corner of a 0.918 acre tract conveyed to Roger Stephens of record in Deed Book 4444, Page 274;

Thence along the common lines of said 0.919 acre tract, said 0.918 acre tract, said 4.013 acre tract and said 0.920 acre tract the following three (3) courses:

N 01° 09' 34" W, a distance of **186.96 feet** to an iron pipe found;

S 87° 21' 19" W, a distance of **210.98 feet** to an iron pipe found;

S 01° 09' 57" E, a distance of **192.08 feet** to an iron pipe found along the northern right-of-way of said Phoebe Drive and being the southwestern corner of said 0.918 acre tract;

Thence **S 85° 58' 04" W**, along said Phoebe Drive right-of-way a distance of **205.70 feet** to an iron pipe set at the southeastern corner of that 3.206 acre tract conveyed to Worth and Deanna Overman of record in Deed Book 664, Page 551;

Thence along the common lines of said 3.206 acre tract, said 0.920 acre tract and said 4.013 acre tract the following two (2) courses:

N 01° 14' 22" W, a distance of **197.87 feet** to an iron pipe found;

S 87° 19' 37" W, a distance of **598.88 feet** to an iron pipe found at the northeastern corner of said 3.206 acre tract, being on the easterly line of a 57.7 acre tract conveyed to the University of North Carolina Hospitals at Chapel Hill #319 in Deed Book 4832, Page 301 and being the southwestern corner of said 4.013 acre tract;

Thence **N 07° 36' 56" W**, along the common line of said 57.7 acre tract, said 4.013 acre tract, said 3.980 acre tract, and said 4.451 acre tract a distance of **410.56 feet** to an iron pipe set at the southwestern corner of said 2.134 acre tract and being the northwestern corner of said 4.451 acre tract;

Thence **N 85° 23' 33" E**, with the common line of said 2.134 acre tract and said 4.451 acre tract a distance of **1281.55 feet** to the **Point of Beginning**, and containing **14.283 acres** of land, more or less, as calculated by the above courses. Subject, to all legal restrictions, easements and/or right-of-way.

The above description was prepared by James D. Whitacre, P.L.S. L-5273 on July 2, 2024. This description is based on existing records from the Orange County Register of Deeds and an actual field survey by Advanced Civil Design, Inc. completed in September, 2023.

The **Basis of Bearings** used in this description is based upon monuments established by the National Geodetic Survey (NAD 83, 2011 Adjustment) and was determined using GPS equipment and procedures.

All references used in this description can be found at the Register of Deeds, Orange County, North Carolina.

PARCEL DESCRIPTION - SOUTHERN ANNEX
82.733 ACRES

Situated in the State of North Carolina, County of Orange, Hillsborough and Chapel Hill Townships and being all of that 13.697 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6820, Page 513, all of that 52.803 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6812, Page 98, a portion of that 16.409 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6540, Page 1 also known as Lot 4 of record in Plat Book 128, Page 10, and all of that 1.823 acre tract conveyed to Capcov Ventures, Inc. in Deed Book 6856, Page 1337 in the Office of the Register of Deeds of Orange County, North Carolina, and being more particularly bounded and described as follows;

Beginning, at an iron pipe found in the westerly right-of-way of NC Highway 86, the southeasterly corner of said 13.697 acre tract, the northeasterly corner of said 52.803 acre tract and having State Plane Ground Coordinates (NAD 83 – 2011 Adjustment): Northing 829806.807, Easting 1976136.323;

Thence **S 09° 40' 00" E**, with the easterly line of said 52.803 acre tract and said right-of-way a distance of **118.52 feet** to an iron pipe set at the northeastern corner of a 5.108 acre tract conveyed to Advisory Board of the NC District Church of Nazarene of record in Deed Book 600, Page 329;

Thence with the common line of said 5.108 acre tract and said 52.803 acre tract the following two (2) courses:

S 88° 49' 38" W, a distance of **679.62 feet** to an iron pipe set;

S 09° 42' 51" E, a distance of **280.89 feet** to an iron pipe found at the southwestern corner of said 5.108 acre tract and being the northwestern corner of a 5.381 acre tract conveyed to Santos Guadalupe Mejia Reyes and Alicia Suyapa Mejia Vasquez of record in Deed Book 6637, Page 1403;

Thence **S 09° 35' 31" E**, with the common line of said 5.381 acre tract and said 52.803 acre tract a distance of **337.73 feet** to an iron pipe found at the northern right-of-way of Scarlette Mountain Road (private);

Thence **S 09° 35' 31" E**, across said right-of-way a distance of **29.05 feet** to a point on the center line of said Scarlette Mountain Road and being the southeasterly corner of said 52.803 acre tract;

Thence with the centerline of said Scarlette Mountain Road the following four (4) courses:

N 80° 27' 53" W, a distance of **449.66 feet** to a point;

N 87° 17' 53" W, a distance of **222.63 feet** to a point;

N 89° 46' 53" W, a distance of **199.58 feet** to a point;

N 73° 28' 04" W, a distance of **121.53 feet** to a point in the easterly line of a 7.87 acre tract conveyed to Karen Jordan of record in Deed Book 359, Page 169;

Thence with the common line of said 52.803 acre tract and said 7.87 acre tract the following two courses;

N 00° 28' 17" E, a distance of **36.71 feet** to an iron pipe found;

S 89° 39' 52" W, a distance of **942.40 feet** to a point on the easterly right of way of Interstate 40;

Thence with the westerly line of said 52.803 acre tract, the easterly right-of-way of said Interstate 40, the following six courses;

N 10°05' 55" W, a distance of **185.45 feet** to a concrete monument found;

N 13°40' 27" W, a distance of **305.71 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 16° 38' 15" W**, **594.24 feet**, a radius of **3952.94 feet**, a central angle of **08° 37' 17"**, and an arc length of **594.80 feet** to a rebar found;

N 70°03' 27" E, a distance of **15.10 feet** to a concrete monument found;

N 12°43' 48" W, a distance of **154.12 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 24° 03' 34" W**, **130.79 feet**, a radius of **3994.72 feet**, a central angle of **01° 52' 34"**, and an arc length of **130.80 feet** to a point in the centerline of a stream, the southwesterly corner of that 0.218 acre tract conveyed to North Carolina Department of Transportation of record in Deed Book 6814, Page 224;

Thence with the centerline of the stream, the common line of said 0.218 acre tract and said 52.803 acre tract the following seven (7) courses;

N 51°53' 36" E, a distance of **19.81 feet** to a point;

N 65°44' 56" E, a distance of **14.85 feet** to a point;

N 87°59' 35" E, a distance of **10.37 feet** to a point;

S 21°18' 06" E, a distance of **13.55 feet** to a point;

S 10°49' 00" E, a distance of **14.94 feet** to a point;

S 60°12' 19" E, a distance of **16.24 feet** to a point;

N 83°11' 17" E, a distance of **5.02 feet** to a point at the southeasterly corner of said 0.218 acre tract, southwesterly corner of said 1.823 acre tract;

Thence with the common line of said 1.823 acre tract and said 0.218 acre tract the following three courses;

N 09°42' 11" W, a distance of **6.91 feet** to a point;

N 24°51' 58" W, a distance of **53.01 feet** to a point;

N 37°12' 08" W, a distance of **329.50 feet** to a concrete monument found on the easterly right-of-way of said Interstate 40;

Thence with the westerly line of said 1.823 acre tract, the easterly right-of-way of said Interstate 40 the following two (2) courses;

N 36°05' 34" W, a distance of **104.78 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 36° 44' 37" W, 747.03 feet**, a radius of **3984.72 feet**, a central angle of **10° 45' 26"**, and an arc length of **748.12 feet** to a point at the northwesterly corner of said 48.313 (orig.) acre tract the southwesterly corner of that 57.7 acre tract conveyed to University of North Carolina Hospitals at Chapel Hill #319 of record in Deed Book 4832, Page 301;

Thence **S 89° 58' 08" E**, with the common line of said 1.823 acre tract and said 57.7 acre tract a distance of **106.08 feet** to a point at the northwesterly corner of Lot 1 of record in Plat Book 128, Page 10;

Thence **S 35° 32' 16" E**, with the common line of said 1.823 acre tract and said Lot 1, a distance of **1211.14 feet** to a point in the centerline of the creek, the southerly line of said Lot 1 acre tract, the northerly line of said 52.803 acre tract;

Thence with the centerline of said creek, the common line of said Lot 1 and said 52.803 acre tract the following twenty-two courses;

S 79°54' 09" E, a distance of **15.47 feet** to a point;

S 87°24' 39" E, a distance of **27.59 feet** to a point;

N 78°38' 06" E, a distance of **22.76 feet** to a point;

N 84°18' 24" E, a distance of **19.35 feet** to a point;

S 72°25' 59" E, a distance of **70.41 feet** to a point;

N 69°27' 22" E, a distance of **13.58 feet** to a point;

N 55°59' 25" E, a distance of **16.05 feet** to a point;

S 64°00' 12" E, a distance of **11.36 feet** to a point;

S 80°43' 27" E, a distance of **28.61 feet** to a point;

N 58°34' 08" E, a distance of **7.81 feet** to a point;

N 82°04' 36" E, a distance of **27.81 feet** to a point;

N 69°02' 05" E, a distance of **31.39 feet** to a point;

S 70°48' 35" E, a distance of **57.04 feet** to a point;

S 49°54' 40" E, a distance of **45.06 feet** to a point;

S 89°28' 32" E, a distance of **41.22 feet** to a point;

S 48°46' 48" E, a distance of **36.86 feet** to a point;

N 77°03' 15" E, a distance of **44.59 feet** to a point;

N 69°17' 26" E, a distance of **42.52 feet** to a point;

N 48°34' 08" E, a distance of **31.88 feet** to a point;

S 63°48' 18" E, a distance of **73.07 feet** to a point;

N 90°00' 00" E, a distance of **302.17 feet** to a point;

N 61°54' 05" E, a distance of **184.24 feet** to a point;

S 71°37' 17" E, a distance of **86.76 feet** to a point on the westerly line of said Lot 4, the southeasterly corner of said Lot 1;

Thence N 00° 16' 18" E, with the common line of said Lot 1 said Lot 4 a distance of **174.79 feet** to an iron pipe set at the southwesterly corner of Lot 3 of record in Plat Book 128, Page 10;

Thence along the common lines of said Lot 3 and said Lot 4 the following two courses;

S 89°23' 25" E, a distance of **626.12 feet** to an iron pipe set;

N 01°11' 36" E, a distance of **138.91 feet** to an iron pipe set at the southwesterly corner of that 8.35 acre tract conveyed to Lillie Mangum of record in Deed Book 232, Page 1392;

Thence S 89° 23' 25" E, with the common line of said Lot 4 and said 8.35 acre tract a distance of **719.04 feet** to an iron pipe set on the westerly right-of-way of said State Route 86;

Thence with the westerly right-of-way of said State Route 86, the following two (2) courses:

S 08° 55' 32" E, with a distance of **506.04 feet** to a rebar found at the southeasterly corner of said 16.409 acre tract, the northeasterly corner of said 13.697 acre tract;

S 10° 28' 14" E, with a distance of **518.50 feet** to the **Point of Beginning**, and containing **82.733 acres** of land, more or less, as calculated by the above courses. Subject, to all legal restrictions, easements and/or right-of-way.

The above description was prepared by James D. Whitacre, P.L.S. L-5273 on September 6, 2024. This description is based on existing records from the Orange County Register of Deeds and an actual field survey completed by Advanced Civil Design, Inc. in September, 2023.

The **Basis of Bearings** used in this description is based upon monuments established by the National Geodetic Survey (NAD 83, 2011 Adjustment) and was determined using GPS equipment and procedures.

All references used in this description can be found at the Register of Deeds, Orange County, North Carolina.

ADVANCED CIVIL DESIGN, INC.

EXHIBIT C

ORDINANCE #20240909-6.A-1

CONDITIONS OF APPROVAL FOR WATERSTONE SOUTH, A PLANNED DEVELOPMENT

I. Generally

- a. Site plans and construction drawings for the development shall comply with these conditions of approval, as well as any applicable development regulations for the Town of Hillsborough that are in effect when the plans and/or drawings are submitted. When there is a conflict between a condition of approval and the development regulations of the town, the condition of approval shall govern.
- b. The size of the townhome blocks, denoted as Blocks A, B, C, and D on the master plan, and the number of units within them may be adjusted administratively with the Planning Manager's approval only if the overall acreage and density of the combined townhome blocks are not changed.
- c. Once construction on the project begins, the developer shall conduct a weekly inspection, as needed, of the erosion control and stream protection measures throughout the development of each phase to ensure that all the devices are working effectively. The developer will notify Town Planning staff and neighbors within 500' of the development site(s) of the planned inspection schedule.

II. Affordable Housing

- a. Fifteen percent (15%) of the total market rate homes in the development, including the townhomes and multi-family apartment units, shall be affordable to those earning an average of 80% or less of the median income. Median income shall be determined using data from the US Department of Housing and Urban Development for the geographic statistical area in which Hillsborough is located.
- b. A deed restriction reserving the affordable apartment units for a period of ninety-nine (99) years and requiring annual certification with the town of the number of affordable units shall be recorded before a Zoning Compliance Permit will be issued for the first residential unit. The deed restriction shall require the developer, its successors and/or assigns to certify to the town in writing during the month of July of each year that they comply with the affordability condition as of the date of the certification.
- c. For the affordable townhome units, the developer shall prepare and submit an affordable housing plan for the review and approval of the Planning Manager. The approved affordable housing plan shall be recorded in conjunction with the plat(s) for the townhome lots and these conditions of approval. The plan shall include the following information at a minimum:
 - i. General information about the nature and scope of the development.

- ii. The total number of market rate units and affordable dwelling units in the development. ORDINANCE #20240909-6.A-1
 - iii. The number of bedrooms and bathrooms in each affordable dwelling unit.
 - iv. The approximate square footage of each affordable dwelling unit.
 - v. The approximate location of each affordable dwelling unit.
- d. The affordable units shall be integrated with the market-rate units, and the exterior finishes shall make the affordable units indistinguishable from those that are market-rate.
- e. Affordable units will be developed in accordance with the following minimum size schedule:

Minimum Net Livable Square Footage	
Number of Bedrooms in Unit	Minimum Square Footage
Efficiency/studio apartment	500
1 Bedroom	700
2 Bedroom	850
3 Bedroom	1,100
4 Bedrooms or more	1,200 plus 250 sq. ft. per additional bedroom above 4

- f. Floor plans for buildings containing affordable units must be submitted for review with zoning compliance permit applications.

III. Conservation Easement

- a. Approximately 12.8 acres along the southern project boundary shall be held in a conservation easement. The easement, shown on sheet MP1.1 of the approved Waterstone South Master Plan set, was mandated by the Orange County Board of Adjustment as part of the modified Special Use Permits for The Woods and Woodsedge on May 8, 2024. The applicant shall record the conservation easement in a form satisfactory to the Town of Hillsborough with the Orange County Register of Deeds within 120 days of annexation by the Town of Hillsborough. The Town of Hillsborough shall hold the conservation easement in perpetuity.

IV. Landscaping

- a. Invasive species are strictly prohibited from landscape designs for the development. All landscape plantings in the development shall be non-invasive, and the developer shall make every effort to use native species when commercially available.

V. Multi-modal Transportation

- a. The locations of the internal streets shown on the master plan are conceptual. Exact street locations will be established during site plan/construction drawing review.

The developer shall record a public access easement and private maintenance agreement in each phase for all trails labeled "Walking & Bicycle Trail" on the approved Master Plan before the recordation of the final plat for the residential lots for that phase.

- b.** The developer shall pave all trails labeled "Walking & Bicycle Trail" on the approved Master Plan unless a proposed trail is in an environmentally sensitive area (e.g., floodplains; wetlands; slopes exceeding 25%; highly erodible soils), in which case crushed stone or soft surfaces (e.g., natural earth; wood chips) may be used. All trails within the 12.8-acre conservation easement described in Section III above may be made of natural surfaces. The layout of trails shown on the Master Plan is conceptual. Exact trail locations and surfaces will be established during site plan/construction drawing review.
- c.** All trails shall be maintained in perpetuity by the developer, any successors and assigns of the developer, or other acquiring parties. The Town shall not be responsible for trail maintenance.
- d.** The developer shall install a sidewalk network interior to the site that connects with a sidewalk system on the west side of NC 86 S as shown on the Master Plan.
- e.** The developer shall install a painted crosswalk with high-visibility striping and a flashing beacon at E. Scarlett Mountain Road and Storey Lane at the NC 86 S intersections if allowed and approved by the North Carolina Department of Transportation.
- f.** The developer shall install a sidewalk on the east side of NC 86 S connecting to said crosswalk as shown on the Master Plan if allowed and approved by both the North Carolina Department of Transportation and the Orange County School Board.
- g.** The developer shall design all streets designated as public on the Master Plan to NCDOT Subdivision Design Standards and Town of Hillsborough cross-sections as required by the town's Unified Development Ordinance. This design shall include, but shall not be limited to, the following: radii, vertical curves, storm drainage design, and gutter spread. The design speed will be consistent with current Town of Hillsborough ordinances. Curb and gutter will be required on all streets proposed for town acceptance but will not be required at the taper and turn-lanes at the intersection of NC 86 S and the development's entrance.
- h.** The developer shall install all off-site improvements recommended by their Traffic Impact Analysis prepared September 19, 2023, and concurred with by NCDOT in its letter dated December 7, 2023.
- i.** The developer shall update the Traffic Impact Analysis prior to the issuance of any Zoning Compliance Permits for Phase 2 to ensure acceptable operation at the various study intersections. If an updated Traffic Impact Analysis projects a Level of Service (LOS) of D or

lower at the intersection of Waterstone Parkway and NC 86 S, then the developer shall install a traffic signal at the intersection before the approval of the final Certificate of Occupancy in Phase 2. If signalization has already been installed at Waterstone Parkway and NC 86 S by another developer, the developer of Waterstone South shall not be responsible for signalization at said intersection.

- j. The applicant will construct a greenway trail within the NCDOT right-of-way from their northern property line to Waterstone Drive conditioned on NCDOT approving the greenway trail. In the event NCDOT approval is not forthcoming by the issuance of the last Certificate of Occupancy in Phase 2 of the community, the applicant will proffer \$187,000 for the future acquisition and/or construction of a greenway trail connection adjacent to the community.

VI. Phasing

- a. The Town of Hillsborough will not issue zoning compliance permits for the last 10 (ten) dwelling units in a phase until the developer
 - i. completes, certifies, and submits for town acceptance of all public infrastructure (e.g., sidewalks, streets, trails, greenways, utilities) in said phase, and
 - ii. installs or provides adequate performance security for the installation of all landscaping, street trees, and stormwater conveyances in said phase.
- b. The development shall be constructed in three phases, with each phase of construction to last no more than three years per phase for a total of nine years of construction:
 - i. Phase 1: 205 townhomes and 10,000 square feet of neighborhood commercial.
 - ii. Phase 2: 225 apartment units and 10,000 square feet of neighborhood commercial.
 - iii. Phase 3: 225 apartment units and 20,000 square feet of neighborhood commercial.
- c. The developer shall coordinate with staff to create a mutually agreeable schedule for infrastructure improvements, and the developer shall install or provide adequate performance security for said improvements. However, the developer cannot post a performance security for the new sewer pumping station described in Section VII (a) below. The developer must construct this pumping station during Phase 1.
- d. The medical and general office portion of the development (Blocks H and I as shown on sheet MP1.1 of the approved Waterstone South Master Plan set) is not included in the phasing plan and shall be developed based on market demand as the adjacent UNC Health facility grows.

VII. Utilities

- a. As indicated on the approved Master Plan, a new sewer pumping station, associated force main, and all appurtenances shall be constructed by the developer and dedicated to the Town of Hillsborough by the developer after successful completion. The existing gravity sewer to the Woodsedge Back and Nazarene Pumping Stations shall be redirected into this new pumping station located at a site near or in the development as agreed to with the Town of Hillsborough.
 - i. The new gravity sewers and sewer pumping station shall be designed to Town of Hillsborough specifications and details including site layout, drive, fencing, and station features.
 - ii. If the new pumping station is in a conspicuous location, something more than a chain link fence may be required to soften the visual impact of the pumping station. However, no landscaping may be placed within three feet of any piping or fencing.
- b. The developer shall connect the project water main extension to the town's existing water distribution system at the general locations shown in the Master Plan. A minimum of two connections is required.
 - i. The new water main shall be of a size and type acceptable to the Town of Hillsborough and designed in accordance with the town's specifications and details. Final connection points shall be as shown on Exhibit C.1. The minimum size for any main to be dedicated to the town is 8".
- c. The developer agrees to accelerate payment of System Development Fees (SDFs) sooner than otherwise provided by statute for each planned phase upon its approval by the town to provide better cash flow for downstream capital improvement projects that are needed and will benefit the project. The SDFs shall be calculated based on the unit bedroom counts for each phase of site plan approval, and site plan approval will not be issued for a phase until the appropriate SDFs are paid. SDFs shall be those in effect at the time of payment.
- d. The developer shall demolish the existing Nazarene and Woodsedge Back pumping stations to specifications agreed upon with the town and the property owner of Woodsedge Mobile Home Park after the new pumping station is fully certified and operational with redirected flow from these existing pumping stations active with no apparent issues.
 - i. In general, the developer shall carefully salvage all equipment identified by the town as salvageable and provide such equipment to the town.

- ii.** The existing stations and force mains shall be flushed out. The station features, if unable to be removed completely, shall be taken to 3 feet below grade. Any voids shall be filled with excavatable flowable fill.
- iii.** The existing station sites shall be graded, seeded, and mulched to establish new ground cover.
- iv.** Water meters for Block H will be released upon completion of the water and sewer infrastructure required to serve the units in Block H and the stub to Worth Street. This infrastructure is shown as magenta in the attached Exhibit C.1. Block H will connect to the Town's existing sewer that drains to Woods Edge Front Pump Station, and no other blocks of the proposed development will be allowed to connect to the Woods Edge Front Pump Station. The developer shall evaluate the capacity of the Woods Edge Front pump station and make all upgrades needed to serve the proposed development if upgrades are needed to meet the state's minimum design criteria for pump stations.
- v.** Water meters for Blocks A, B, C, D, E, F and G will be released upon completion of the waterlines shown in orange in Exhibit C.1 as well as the abandonment of the existing Nazarene and Woods Edge Back Pump stations into the new pump station shown in Exhibit C.1.
- vi.** The developer shall make the connections shown in the green circles in Exhibit C.1 to all waterlines in platted Town right-of-way and NC DOT right-of-way. The developer shall make connections to existing Town waterlines on private property at the locations shown with green circles if the Town provides documentation of deeded and platted public utility easements at the proposed connection locations. If the Town does not provide the required easement and plat information by construction drawing approval of the proposed connection, the Town will require only a platted and deeded stub to the edge of the subject development.
- e.** The developer shall enter into a Water and Sewer Extension Contract as typical with the town. This contract shall provide the finer details of the design, permitting, construction and acceptance details.
- f.** The developer shall contribute \$250,000 to the cost of upgrading the Elizabeth Brady Pump Station to handle the additional flow generated by the proposed project. This contribution shall be made before the approval of the first site plan for the project and will be used by the town to install upgraded instrumentation, monitoring equipment, and controls.

- g.** By agreeing to the developer's proffers and pledged water and sewer improvements, the town guarantees capacity for each phase of the project as it comes online in accordance with the phasing schedule in Section V (b).

DRAFT



Minutes

Board of Commissioners Work Session

7 p.m. Sept. 23, 2024

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

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

Staff: Budget Director Emily Bradford, Administrative Services Director Jen Della Valle, Environmental Engineering Supervisor Bryant Green, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Communications Specialist JC Leser, Utilities Director Marie Strandwitz and Public Space and Sustainability Manager Stephanie Trueblood

1. Opening of the work session

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

2. Agenda changes and approval

No changes.

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

Vote: 5-0.

3. Items for decision — consent agenda

A. Miscellaneous budget amendments and transfers

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

Vote: 5-0.

4. In-depth discussion and topics

A. Update on the Environmental Protection Agency's Lead and Copper Rule revisions

Environmental Engineering Supervisor Bryant Green presented the Environmental Protection Agency's Lead and Copper Rule revisions. He shared that the rule revisions require the town to create an inventory of system- and customer-owned water service lines with four categories:

- Lead.
- Galvanized requiring replacement.
- Non-lead.
- Unknown.

Galvanized steel lines will require replacement if they are downstream of a lead line.

Green said the inventory must be publicly available and submitted to the state by Oct. 16. Members of the public who have lead service lines, galvanized steel service lines that require replacement or unknown service lines must be notified within 30 days of submitting the inventory. The letter must include information on the hazardous health effects of lead.

Green shared that the town's research revealed no history of lead service lines and about 900 unknown service lines on the town side and 3,000 on the customer side — about 40% of the town's water service lines. Almost all town notices will be due to service lines being unknown rather than requiring replacement.

The federal rule update also creates provisions for:

- Regular testing at registered schools and daycare facilities, including in-home facilities.
- Future compliance through reducing unknown service lines.

Lead was prohibited for use in new water lines and in water line repairs after June 1986. Buildings constructed after 1987 will not have lead service lines.

There was discussion about going beyond the EPA's requirements for eliminating lead by removing lead goosenecks from the water system and about informing multi-family communities and the state prison about lead dangers. Green said lead goosenecks may have been used to connect cast iron water mains to water service lines, but they were not used in many places in town or already have been replaced. He said the EPA's guidance is for service lines under 2 inches in diameter. Service lines over that size were not typically made of lead.

Green noted that costs related to the rule update could be greater than the town originally budgeted for in the Water and Sewer Fund but those costs likely would occur in future years.

B. Ridgewalk Benefits Analysis and Feasibility Study Phase 2

Public Space and Sustainability Manager Stephanie Trueblood reviewed the Ridgewalk Benefits Analysis and five alternative alignments. The analysis highlighted:

- Residents' enjoyment of Riverwalk and desire for another greenway.
- Positive health benefits, economic benefits and environmental impacts of greenways.

Concern was expressed that the town does not have a plan for greenway connections to the northern part of town, including the Fairview community. Trueblood said the town's current population and future growth are south of downtown, where Ridgewalk would connect.

The feasibility study for Phase 2 of the greenway reviews alternative alignments for the trail's northern and southern segments. Trueblood said enough debt service will be retired in Fiscal Year 2029 to build the greenway's northern portion without raising taxes or finding an alternative funding source. The southern segment would require additional funding.

Commissioner Robb English, who serves as the board representative on the Hillsborough Parks and Recreation Board, provided insight into that board's discussion on the greenway options:

- Option 1 would connect downtown Hillsborough to the future train station site at a significantly reduced cost. Creating the route under the trestle on Exchange Park Lane could be done in a safe and controlled way.

- Option 4 is the preferred option for the town, as it would cost significantly less to go under Interstate 85 than over it, which was the original plan. This route is dependent on a compatible bridge being installed during the state's widening of I-85.

A desire was expressed to continue discussion of a connection to the Hampton Pointe shopping center, even though the route is currently not feasible due to an old train trestle.

Motion: Ferguson moved to authorize staff to move forward with adding Ridgewalk alternatives 1 and 4 to the Comprehensive Sustainability Plan. English seconded.

Vote: 5-0.

Motion: Ferguson moved to go into closed session. Commissioner Evelyn Lloyd seconded.

Vote: 5-0.

5. Closed session

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

Motion: Ferguson moved to return to open session. Darab seconded.

Vote: 5-0.

~~6. Committee updates and reports~~

7. Adjournment

The mayor adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners

DRAFT

FY 2024-2025

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 09/23/2024 TO 09/23/2024

REFERENCE	CHANGE NUMBER	DATE	USER	ORIGINAL BUDGET	BUDGET CHANGE	AMENDED BUDGET
GF 10-00-9990-5300-000 CONTINGENCY						
Contingency To cover crosswalk return shipping	45530	09/23/2024	EBRADFORD	450,000.00	-3,000.00	431,283.00
To cover revised quantity of rollout carts.	45532	09/23/2024	JFernandez	450,000.00	-2,000.00	429,283.00
IT 10-10-6610-5300-110 TELEPHONE/INTERNET						
Move PD MiFi & Cell Phones to IT	45517	09/23/2024	EBRADFORD	99,362.00	5,000.00	104,362.00
Police 10-20-5100-5300-481 C.S./MOBILE DATA TERMINALS						
Move MiFi & Cell Phones to IT	45516	09/23/2024	EBRADFORD	5,500.00	-5,000.00	500.00
Streets 10-30-5600-5300-165 MAINTENANCE - INFRASTRUCTURE						
To cover crosswalk return shipping	45529	09/23/2024	EBRADFORD	5,000.00	3,000.00	8,000.00
Solid Waste 10-30-5800-5300-410 C.S./ROLLOUT CONTAINER						
To cover revised quantity of rollout carts.	45531	09/23/2024	JFernandez	12,000.00	2,000.00	14,000.00
Water Dist. 30-80-8140-5300-326 SUPPLIES - PATCH						
For purchase of cold patch.	45526	09/23/2024	JFernandez	4,000.00	2,000.00	12,000.00
Water Dist. 30-80-8140-5300-330 SUPPLIES - DEPARTMENTAL						
For purchase of cold patch.	45525	09/23/2024	JFernandez	120,000.00	-2,000.00	103,500.00
WW Collect. 30-80-8200-5300-326 SUPPLIES - PATCH						
For purchase of cold patch.	45528	09/23/2024	JFernandez	6,000.00	2,000.00	8,000.00
WW Collect. 30-80-8200-5300-330 SUPPLIES - DEPARTMENTAL						
For purchase of cold patch.	45527	09/23/2024	JFernandez	70,000.00	-2,000.00	67,700.00
WWTP 30-80-8220-5300-473 MAINTENANCE CONTRACTS						
To cover contracts for fire alarm and HVAC.	45537	09/23/2024	JFernandez	30,250.00	1,300.00	35,522.00
WWTP 30-80-8220-5300-570 MISCELLANEOUS						
To cover contracts for fire alarm and HVAC.	45538	09/23/2024	JFernandez	4,520.00	-1,300.00	3,220.00
Gen. Cap. Proj. 60-05-3870-3870-406 TRANSFER FROM GF-NC86 RENOVATION						
Adj per FY25 budget	45524	09/23/2024	EBRADFORD	1,398,450.00	2,208,999.52	3,607,449.52
Gen. Cap. Proj. 60-05-3900-3900-000 FUND BALANCE APPROPRIATION						
Adj per FY25 budget	45523	09/23/2024	EBRADFORD	61,612.54	1,028,719.94	1,090,332.48
Gen. Cap. Proj. 60-05-3980-3980-104 INSTALL FIN/NC86 RENOVATION						
Adj per FY25 budget	45522	09/23/2024	EBRADFORD	3,237,719.46	-3,237,719.46	0.00
W&S Cap. Proj. 69-24-8140-5700-722 GOV BURKE RD WATER MAIN REPLACEMENT						
Transfer unused funds to WSF	45535	09/23/2024	EBRADFORD	80,592.00	-30,592.00	50,000.00
W&S Cap. Proj. 69-24-8140-5970-920 TRANSFER TO WATER SEWER FUND						
Transfer unused funds to WSF	45536	09/23/2024	EBRADFORD	0.00	30,592.00	30,592.00
					<u>0.00</u>	

APPROVED: 5/0

DATE: 9/23/24

VERIFIED: *Janet E. Kimrey*



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2024
Department: Administration
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Emily Bradford, Budget Director

ITEM TO BE CONSIDERED

Subject: Miscellaneous budget amendments and transfers

Attachments:

Budget Changes Report

Summary:

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

Financial impacts:

As indicated by each amendment.

Staff recommendation and comments:

To approve the attached list of budget amendments and transfers.

Action requested:

Consider approving budget amendments and transfers.

FY 2024-2025

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 10/14/2024 TO 10/14/2024

REFERENCE	CHANGE NUMBER	DATE	USER	ORIGINAL BUDGET	BUDGET CHANGE	AMENDED BUDGET
GF 10-00-9990-5300-000 CONTINGENCY						
Contingency To cover Fleet Maintenance Software	45558	10/14/2024	EBRADFORD	450,000.00	-8,400.00	420,883.00
800 MHz Radios for EOC	45570	10/14/2024	EBRADFORD	450,000.00	-40,000.00	380,883.00
Hurricane Helene Mutual Aid Expenses	45578	10/14/2024	EBRADFORD	450,000.00	-15,000.00	365,883.00
Hurricane Helene Mutual Aid Expenses	45589	10/14/2024	EBRADFORD	450,000.00	-10,000.00	355,883.00
Disaster Relief 10-10-4000-5300-310 GASOLINE						
Hurricane Helene Mutual Aid Expenses	45585	10/14/2024	EBRADFORD	0.00	5,000.00	5,000.00
Disaster Relief 10-10-4000-5300-324 SUPPLIES - DISASTER						
Hurricane Helene Mutual Aid Expenses	45577	10/14/2024	EBRADFORD	0.00	15,000.00	15,000.00
Disaster Relief 10-10-4000-5300-570 MISCELLANEOUS						
Hurricane Helene Mutual Aid Expenses	45586	10/14/2024	EBRADFORD	0.00	5,000.00	5,000.00
Accounting 10-10-4400-5300-113 LICENSE FEES						
ERP expenses	45539	10/14/2024	EBRADFORD	209,750.00	-7,603.00	202,147.00
Accounting 10-10-4400-5300-458 DATA PROCESSING SERVICES						
ERP expenses	45540	10/14/2024	EBRADFORD	24,900.00	7,603.00	32,503.00
HR 10-10-4500-5300-454 CONTRACT SERVICES						
Move expenses to Contract Services acct	45545	10/14/2024	EBRADFORD	0.00	48,500.00	48,500.00
Move expenses to Contract Services acct	45546	10/14/2024	EBRADFORD	0.00	16,000.00	64,500.00
HR 10-10-4500-5300-570 MISCELLANEOUS						
Move expenses to Contract Services acct	45544	10/14/2024	EBRADFORD	72,539.00	-48,500.00	24,039.00
Move expenses to Contract Services acct	45547	10/14/2024	EBRADFORD	72,539.00	-16,000.00	8,039.00
Comms 10-10-4600-5300-113 LICENSE FEES						
Move website support to Data Processing Serv	45551	10/14/2024	EBRADFORD	13,998.00	-3,000.00	8,070.00
Reverse budget amendment	45552	10/14/2024	EBRADFORD	13,998.00	3,000.00	11,070.00
Comms 10-10-4600-5300-454 CONTRACT SERVICES						
Move translation services to Contract Services	45548	10/14/2024	EBRADFORD	0.00	1,000.00	1,000.00
Comms 10-10-4600-5300-458 DATA PROCESSING SERVICES						
Move website support to Data Processing Serv	45550	10/14/2024	EBRADFORD	0.00	3,000.00	3,000.00
Comms 10-10-4600-5300-570 MISCELLANEOUS						
Move translation services to Contract Services	45549	10/14/2024	EBRADFORD	6,200.00	-1,000.00	8,200.00
Move website support to Data Processing Serv	45553	10/14/2024	EBRADFORD	6,200.00	-3,000.00	5,200.00
Facilities Mgmt. 10-10-5000-5300-145 MAINTENANCE - BUILDINGS						
Flooring project at HPD moved to Facilities bu	45556	10/14/2024	JFernandez	384,174.00	6,000.00	390,174.00
Safety & Risk 10-10-6600-5300-330 SUPPLIES - DEPARTMENTAL						
To cover OSHA supplies through FY25.	45563	10/14/2024	JFernandez	76,000.00	-50,000.00	26,000.00
Safety & Risk 10-10-6600-5300-332 SUPPLIES - OSHA						
To cover OSHA supplies through FY25.	45564	10/14/2024	JFernandez	0.00	50,000.00	50,000.00
Police 10-20-5100-5300-145 MAINTENANCE - BUILDINGS						
Flooring project at HPD moved to Facilities bu	45555	10/14/2024	JFernandez	9,000.00	-6,000.00	3,000.00
Police 10-20-5100-5300-330 SUPPLIES - DEPARTMENTAL						
To cover extended warranty on body cameras.	45559	10/14/2024	JFernandez	57,375.00	-1,700.00	55,675.00
To cover remaining cost of body camera warra	45565	10/14/2024	JFernandez	57,375.00	-80.00	55,595.00
Police 10-20-5100-5300-458 DATA PROCESSING SERVICES						
To cover extended warranty on body cameras.	45560	10/14/2024	JFernandez	26,100.00	1,700.00	31,310.00

JFernandez
10/07/2024 12:35:59PM
fl142r03

Section 5, Item B.

FY 2024-2025

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 10/14/2024 TO 10/14/2024

	<u>REFERENCE</u>	<u>CHANGE NUMBER</u>	<u>DATE</u>	<u>USER</u>	<u>ORIGINAL BUDGET</u>	<u>BUDGET CHANGE</u>	<u>AMENDED BUDGET</u>
	To cover remaining cost of body camera warra	45566	10/14/2024	JFernandez	26,100.00	80.00	31,390.00
Police	10-20-5100-5300-732 EMERGENCY OPERATIONS CENTER 800 MHz Radios for EOC	45569	10/14/2024	EBRADFORD	10,000.00	40,000.00	50,000.00
Fleet Maint.	10-30-5550-5300-113 LICENSE FEES To cover Fleet Maintenance Software	45557	10/14/2024	EBRADFORD	12,850.00	8,400.00	21,250.00
Disaster Relief	30-80-4000-5300-310 GASOLINE Hurricane Helene Mutual Aid Expenses	45587	10/14/2024	EBRADFORD	0.00	5,000.00	5,000.00
Disaster Relief	30-80-4000-5300-324 SUPPLIES - DISASTER Hurricane Helene Mutual Aid Expenses	45580	10/14/2024	EBRADFORD	0.00	15,000.00	15,000.00
Disaster Relief	30-80-4000-5300-570 MISCELLANEOUS Hurricane Helene Mutual Aid Expenses	45588	10/14/2024	EBRADFORD	0.00	5,000.00	5,000.00
Billing & Collect.	30-80-7240-5300-330 SUPPLIES - DEPARTMENTAL To cover cash drawers for Billing & Collector	45575	10/14/2024	JFernandez	0.00	114.00	114.00
Billing & Collect.	30-80-7240-5300-570 MISCELLANEOUS To cover cash drawers for Billing & Collector	45576	10/14/2024	JFernandez	1,000.00	-114.00	886.00
Water Dist.	30-80-8140-5300-154 MAINTENANCE - GROUNDS To cover pine tree removal at utility sites.	45562	10/14/2024	JFernandez	27,000.00	5,000.00	35,000.00
Water Dist.	30-80-8140-5300-330 SUPPLIES - DEPARTMENTAL To cover pine tree removal at utility sites.	45561	10/14/2024	JFernandez	120,000.00	-5,000.00	98,500.00
	To cover standby pump rental extension at Has	45567	10/14/2024	JFernandez	120,000.00	-11,500.00	87,000.00
Water Dist.	30-80-8140-5300-351 RENTAL - EQUIPMENT To cover standby pump rental extension at Has	45568	10/14/2024	JFernandez	2,000.00	11,500.00	22,000.00
WWTP	30-80-8220-5300-164 MAINTENANCE - INSTRUMENTATION Replacement of plant control computer.	45572	10/14/2024	JFernandez	20,760.00	1,800.00	22,560.00
WWTP	30-80-8220-5300-458 DATA PROCESSING SERVICES To cover alarm management customer care.	45574	10/14/2024	JFernandez	1,000.00	450.00	1,450.00
WWTP	30-80-8220-5300-570 MISCELLANEOUS Replacement of plant control computer.	45571	10/14/2024	JFernandez	4,520.00	-1,800.00	1,420.00
	To cover alarm management customer care.	45573	10/14/2024	JFernandez	4,520.00	-450.00	970.00
W&S Contingency	30-80-9990-5300-000 CONTINGENCY Hurricane Helene Mutual Aid Expenses	45579	10/14/2024	EBRADFORD	400,000.00	-15,000.00	252,514.00
	Hurricane Helene Mutual Aid Expenses	45590	10/14/2024	EBRADFORD	400,000.00	-10,000.00	242,514.00
						<u>0.00</u>	



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2025
Department: Administrative Services
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Town Clerk Sarah Kimrey

ITEM TO BE CONSIDERED

Subject: 2025 Board of Commissioners Meeting Schedule

Attachments:

Draft 2025 Board of Commissioners meeting schedule

Summary:

The 2025 Board of Commissioners meeting schedule includes dates for regular meetings, monthly work sessions, quarterly joint public hearings with the Planning Board, joint meetings with the Water and Sewer Advisory Committee, and budget meetings (the budget retreat is TBD).

Financial impacts:

None

Staff recommendation and comments:

None

Action requested:

To adopt the 2025 Board of Commissioners meeting schedule.

Meeting Schedule: 2025

BOARD OF COMMISSIONERS



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

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

Regular meetings

Regular meetings typically occur the second Monday of the month.

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

Work sessions

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

Jan. 27	With economic and budget update	May 27	With budget workshop, if needed
TBD	Budget retreat	June 23	Budget adoption, if needed
Feb. 24		Aug. 25	With joint WSAC meeting
March 24		Sept. 22	
April 28	State of the Town Address	Oct. 27	
May 19	Budget workshop, public hearing	Nov. 24	

Joint public hearings

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

Jan. 16		Aug. 21
April 17		Oct. 16

Joint meetings

Meetings with the Water and Sewer Advisory Committee are planned biannually.

Feb. 17	Orange County Board of Commissioners	Feb. 6	Water and Sewer Advisory Committee
	Whitted Building		
	300 W. Tryon St., Hillsborough		

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

Adopted: Oct. 14, 2024



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2024
Department: Planning and Economic Development
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

ITEM TO BE CONSIDERED

Subject: Special Event Permit – 2024 Hillsborough Holiday Parade

Attachments:

1. Special Event Permit Application: Holiday Parade
2. Route layout and road closure information

Summary:

The annual Hillsborough Holiday Parade is proposed to be held on Sunday, Dec. 8 and will follow the same route as in previous years. The Hillsborough/Orange Chamber of Commerce has adopted and implemented additional safety standards and protocols over the years.

Please note: The annual tree lighting ceremony will take place this year at the conclusion of Shop Small Saturday on Saturday, Nov. 30 instead of the directly after the parade. A separate special event permit application has been submitted for that event. These events were split up due to large attendance numbers at both and to encourage folks to come to town twice and shop and dine with our small businesses during the holiday season.

Financial impacts:

Low to moderate; Public Works and Police assistance are being requested for street closures and trash collection/street sweeping.

Staff recommendation and comments:

Staff recommends approval.

Action requested:

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



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: "Light Up The Night" Holiday Parade

Event location address: See online map: www.hillsboroughchamber.com/light-up-the-night-holiday-

Date(s) of event: Dec 8, 2024

Event setup time: 1:00 pm Event hours: 4:00-6:00 pm Event breakdown: 6:00-7:00 pm

Date(s) of event: _____

Event setup time: _____ Event hours: _____ Event breakdown: _____

EVENT ORGANIZER AND CONTACT INFORMATION

Name of organization/company: Hillsborough/Orange County Chamber of Commerce

Organization/company mailing address: 200 North Churton Street

Organization status: Formal Informal For-profit Not-for-profit

Event organizer name: Scott Czechlewski

Event organizer phone: 919-732-8156 Event organizer email: scott@hillsboroughchamber.com

On-site contact(s) during the event:

Name: Scott Czechlewski Cell phone: 910-338-8203

Name: Erika Isley Cell phone: 336-567-5153

GENERAL EVENT INFORMATION

Type of event:

- Private event on private property
- Private event on public property
- Street or greenway event (includes parades, marches, rallies, and foot and bike races)
- Public event on public property
- Public event on private property

General event description:

Please outline the event purpose and elements, including items such as food trucks, car shows, races and vendors.
Holiday parade lineup starting at Hwy 70/N. Churton St. Parade begins at Corbin St/Churton St. and ends at East Margaret/Cameron. Running of Elves road race before the parade, begins at Mitchell Street to Corbin St., then joins parade route. Parade returns via N. Cameron St.

Estimated number of people who will attend the event: 5,000

Estimated peak time(s) of attendance: 4:00-7:00 pm

Maximum capacity of event location (number of persons, if applicable): n/a

For annual events, the estimated attendance of the last event of this kind: 5,000

GENERAL EVENT QUESTIONNAIRE

Will tickets be sold or admission or fees charged as part of the event? Yes No

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:

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:

Drizzle D Donuts

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

If yes, for what cause or organization? _____

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

Please explain: _____

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

Please explain: _____

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? _____

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
- Traffic control

- Police coverage
 - Trash and recycling rollouts
- Number of rollouts _____

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:

West Bend Mutual Insurance Company

Contact information for broker/agent providing coverage:

Adam Fryer / 608-410-3002 (coverage not finalized until 60 days before event)

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:

Name of property owner

Phone

Signature of property owner

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.

12b8a5d0-9747-4949-
be0c-4708942d57b9

Digitally signed by 12b8a5d0-9747-4949-
be0c-4708942d57b9
Date: 2024.09.12 11:51:11 -04'00'

9/10/2024

Applicant signature

Date

SUBMITTAL DIRECTIONS:

The following methods may be used:

- Submit electronically to Planning Technician Kelsey Carson at kelsey.carson@hillsboroughnc.gov.
- Submit paper copy to:
Hillsborough Planning Department
ATTN: Planning Technician Kelsey Carson
PO Box 429
101 E. Orange St.
Hillsborough, NC 27278

FOR OFFICE USE ONLY

Application received by: Seth Brown

Date: 09/10/24 Fee paid: \$65

Date information emailed out: 09/12/24

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

2023 Hillsborough Holiday Parade and Tree Lighting Map of Line-Ups and Services





Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2024
Department: Planning and Economic Development
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

ITEM TO BE CONSIDERED

Subject: Special Event Permit – 2024 Hillsborough Holiday Tree Lighting Ceremony

Attachments:

1. Special Event Permit Application: Tree Lighting Ceremony
2. Road Closure Information

Summary:

The annual Hillsborough Holiday Tree Lighting Ceremony is proposed to be held on Saturday, Nov. 30. Unlike in previous years, the event will not take place following the Hillsborough Holiday Parade. Instead, the event will take place at the conclusion of Shop Small Saturday.

Financial impacts:

Low to moderate; Public Works and Police assistance are being requested for street closures and trash collection.

Staff recommendation and comments:

Staff recommends approval.

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: Hillsborough Holiday Tree Lighting Ceremony

Event location address: 104 E. King Street

Date(s) of event: 11/30/2024

Event setup time: 4:00 pm Event hours: 6:00-7:00 pm Event breakdown: 7:00 pm

Date(s) of event: _____

Event setup time: _____ Event hours: _____ Event breakdown: _____

EVENT ORGANIZER AND CONTACT INFORMATION

Name of organization/company: Hillsborough/Orange County Chamber of Commerce

Organization/company mailing address: 200 N. Churton Street, Hillsborough, NC 27278

Organization status: Formal Informal For-profit Not-for-profit

Event organizer name: Scott Czechlewski

Event organizer phone: 919-732-8156 Event organizer email: scott@hillsboroughchamber.com

On-site contact(s) during the event:

Name: Scott Czechlewski Cell phone: 910-338-8203

Name: Erika Isley Cell phone: 336-567-5153

GENERAL EVENT INFORMATION

Type of event:

- Private event on private property
- Public event on public property
- Private event on public property
- 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.
Official holiday tree lighting ceremony for the Town of Hillsborough. Mayor and other elected officials will be in attendance.
Event is being conducted in conjunction with the Hillsborough Visitors Center's "Photos with Santa" that will take place from 3:00-6:00 pm at the Visitors Center. The old courthouse site will have carolers (probably from local high school) and the tree lighting. Attendance is difficult to judge, because it's not being held after the holiday parade this year.

Estimated number of people who will attend the event: 250

Estimated peak time(s) of attendance: 6:00 pm

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

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

GENERAL EVENT QUESTIONNAIRE

Will tickets be sold or admission or fees charged as part of the event? Yes No

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:

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:

No food or craft vendors...form is not working correctly for me to check those boxes above

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

If yes, for what cause or organization? _____

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

Please explain: Portable sound system

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

Please explain: _____

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? _____

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Road closures | <input checked="" type="checkbox"/> Police coverage |
| <input type="checkbox"/> Traffic control | <input type="checkbox"/> Trash and recycling rollouts |
| | Number of rollouts <u>none</u> |

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:

West Bend Mutual Insurance Company

Contact information for broker/agent providing coverage:

Adam Fryer / 608-410-3002 (coverage not finalized until 60 days before event)

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:

Brenda Taylor/AMS, Orange County

Name of property owner

919-245-2630

Phone


Signature of property owner

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.

12b8a5d0-9747-4949-
be0c-4708942d57b9

 Digitally signed by 12b8a5d0-9747-4949-
be0c-4708942d57b9
Date: 2024.09.16 10:47:12 -04'00'

9/16/2024

Date

Applicant signature

SUBMITTAL DIRECTIONS:

The following methods may be used:

- Submit electronically to Planning Technician Kelsey Carson at kelsey.carson@hillsboroughnc.gov.
- Submit paper copy to:
Hillsborough Planning Department
ATTN: Planning Technician Kelsey Carson
PO Box 429
101 E. Orange St.
Hillsborough, NC 27278

FOR OFFICE USE ONLY

Application received by: Seth Brown

Date: 09/16/2021 Fee paid: 65

Date information emailed out: 09/16/2024

Permit Status

Approved: Yes No

Explanation: _____

Date permit issued: _____

Approved with any conditions: _____

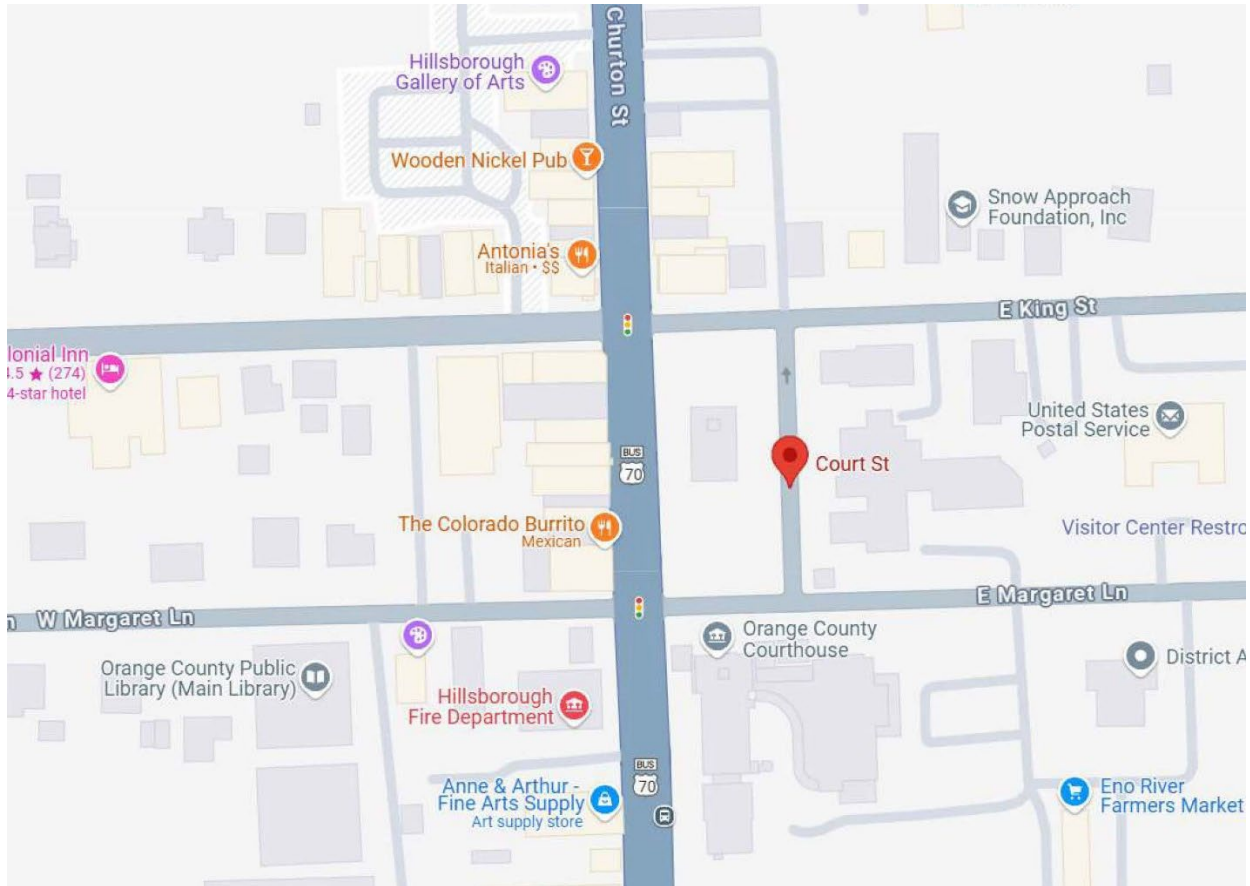
By: _____ Date _____
Name of town staff member

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

Requested Street Closure for Holiday Tree Lighting Ceremony

Close the entire length of Court Street from E. King Street to E. Margaret Lane from 2:30 pm to 7:30 pm on Saturday, November 30, 2024.





Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2024
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: Resolution prohibiting viewing of pornography on town networks and devices

Attachments:

Resolution prohibiting viewing of pornography on town networks and devices

Summary:

Effective Oct. 1, 2024, there is a new law in North Carolina prohibiting pornography from being viewed on government networks and devices. The law requires public agencies to adopt (or update) policies by Jan. 1, 2025, governing the use of their networks and devices.

Devices to which this law applies include cellular phones, desktop or laptop computers, and other electronic equipment capable of connecting to a network. Public agencies are prohibited from permitting employees, elected officials, or appointees to view pornography on these devices. Public agencies should not permit employees to view pornography on their public networks, even if their employees are using personal devices.

The new law recognizes exceptions for employees who need to access or view “pornography” as part of their official duties.

There is a requirement that an annual report be submitted to the State Chief Information Officer (CIO) detailing pornography viewing or attempted viewing on the public agency’s network and devices.

The Employee Handbook (policy manual) will be updated to ensure the policy language is consistent with the new North Carolina law.

Financial impacts:

None.

Staff recommendation and comments:

Action requested:

Approve attached resolution.



RESOLUTION

Prohibiting Viewing of Pornography on Town Networks and Devices

WHEREAS, N.C.G.S. § 143-805, effective October 1, 2024, states that a public agency shall not permit the viewing of pornography by its employees on a network of that public agency, and no public agency shall permit an employee, elected official, or appointee of that public agency to view pornography on a device owned, leased, maintained, or otherwise controlled by that public agency; and

WHEREAS, N.C.G.S. § 143-805 requires public agencies to adopt a policy governing the use of its network and devices owned, leased, maintained, or otherwise controlled by that public agency;

NOW, THEREFORE, be it resolved that the following shall apply in the Town of Hillsborough:

1. No employee of the town shall view pornography on any computer network owned, leased, maintained, or otherwise controlled by the town, whether on a device controlled by the town or on a privately owned, leased, maintained, or otherwise controlled device.
2. No employee, elected official, or appointee of the town shall view pornography on a device owned, leased, maintained, or otherwise controlled by the town.
3. Any employee, elected official, or appointee of the town who has saved pornography to a device owned, leased, maintained, or otherwise controlled by the town shall remove, delete, or uninstall the pornography no later than January 1, 2025.
4. Paragraphs 1, 2, and 3 shall not apply to an official or employee if the use falls under the provisions of N.C.G.S. § 143-805(d), but this use shall follow the recommendations for appropriate viewing of pornography issued by the State Chief Information Officer for the purposes under N.C.G.S. § 143- 805(d).
5. The terms used herein shall be defined as set forth in N.C.G.S. § 143-805(g).
6. Starting annually in 2025, no later than August 1, and in the format required by the State Chief Information Officer, the town shall report information to the State Chief Information Officer on the number of incidences of unauthorized viewing or attempted viewing of pornography on the town's network.
7. Any employee of the town who becomes aware of a violation of any provision of this policy shall report the violation to the Human Resources Division. If the violation was by an appointee of the Board of Commissioners, the town clerk shall report the violation to the Board of Commissioners unless the appointee first resigns from the position held.
8. Any employee of the town who violates any provision of this policy shall be subject to disciplinary action under Article V. Disciplinary Actions and Non-Disciplinary Suspensions of the town's Employee Handbook (Policy Manual).
9. Any appointee of the town who violates any provision of this policy shall be subject to removal by the Board of Commissioners.

Approved this 14th day of October of the year 2024.

Mark Bell, Mayor
Town of Hillsborough

Attestation:

Sarah Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Oct. 14, 2024
Department:	Planning and Economic Development Division
Agenda Section:	Consent
Public hearing:	Yes
Date of public hearing:	August 15, 2024

PRESENTER/INFORMATION CONTACT

Tom King, Senior Planner: (919) 296-9475; tom.king@hillsboroughnc.gov
Molly Boyle, Planner II: (919) 296-9473; molly.boyle@hillsboroughnc.gov

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance text amendment – Section 3, *Administrative Procedures*, Subsection 3.13, *Site Plan Review* (staff initiated)

Attachments:

1. Subsection 3.13 with proposed amendments
2. Subsection 3.13 clean version
3. Consistency statement
4. Ordinance

Summary:

Site plan review is a staff-level procedure designed to ensure uses allowed by right in a particular zoning district comply with applicable Unified Development Ordinance requirements before zoning permit issuance. Currently, single-family homes, smaller commercial structures, and additions are exempt from the procedure, as are uses subject to a special use permit (for special use permits, site plans are reviewed and approved by the Board of Adjustment as part of the permit). Recent requests for certain uses requiring site plan approval prompted staff to re-examine when the procedure should apply. Staff discovered current requirements hinder residential uses that could increase the town's supply of duplexes and other smaller multi-family housing, as well as agricultural land uses. Staff revisited Subsection 3.13 in its entirety and proposes additional changes to remove unnecessary language and provide opportunity for vesting beyond the standard expiration date.

Comprehensive Sustainability Plan goals:

- Town Government and Public Services Goal 2: Adopt local laws, regulations, and policies that help to achieve sustainable and equitable outcomes.
 - Strategy: Develop and adopt policies that help accomplish town goals.
 - Implementation Action: Regularly review and update town policies as new information is garnered and achievements are met.
- Land Use and 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 & development regulations are aligned with preferred future land use and growth patterns.

- Implementation Action: Ensure that the Unified Development Ordinance incorporates strategies to achieve a mix of housing types through zoning.
- Housing and Affordability Goal 1: Develop and maintain a variety of safe, healthy, and sustainable housing options to increase housing stability for renters and homeowners.
 - Strategy: Adopt development regulations that contribute to meeting identifiable affordable housing needs.
 - Implementation Action: Increase diversity of housing stock through development regulations and decisions.
 - Strategy: Adopt development regulations that contribute to meeting overall housing needs.
 - Implementation Actions:
 - Adopt regulations that promote a variety in housing that fills the missing middle housing.
 - Streamline the permitting process for multiple parts of the housing development process.

Financial impacts:

None.

Staff comments and recommendation:

No public comment was received on this case at the Aug. 15, 2024, joint public hearing. Minutes for the hearing are available online: <https://mccmeetings.blob.core.usgovcloudapi.net/hillsbronc-pubu/MEET-Minutes-b7f52dc9d9ca462cb8c47b47ee1b1534.pdf>.

The Planning Board unanimously recommended approval of the amendment at its meeting on Sept. 19, 2024 (vote 6-0).

Staff recommends approval of the text amendment.

Action requested:

Approve the proposed text amendment.

VERSION 2: August 20, 2024 (Post-August 15, 2024 Joint Public Hearing)

Version 1: ~~Strikethrough~~ = Existing Language to be Removed
Underlined = Proposed Language

Version 2: ~~**Bold Strikethrough**~~ = Proposed Language to be Removed from Version 1
~~**Bold Underlined**~~ = Proposed Language Added to Version 1

1 **3.13 SITE PLAN REVIEW**

2
3 **3.13.1 INTENT**

4 ~~It is t~~The intent of this subsection is to address the specific conditions and standards of
5 evaluation for ~~the review of site plans~~ review and approval.
6

7 **3.13.2 APPLICABILITY**

8 ~~Site Plan review is the general term used to describe review of projects other than (a) the~~
9 ~~construction of or addition to single-family dwellings on lots zoned for single-family uses~~
10 ~~and (b) uses requiring a Special Use Permit, as Site Plan review is built into the Special Use~~
11 ~~Permit review process.~~

12
13 The Site Plan Review process is applicable ~~only to proposed development involving:~~

14
15 ~~**3.13.2.1** The disturbance of 10,000 square feet or more of land and/or:~~

16
17 ~~**3.13.2.1.a** the construction of new structures consisting of more than 5,000 square~~
18 ~~feet of gross floor area, or~~

19
20 ~~**3.13.2.1.b** additions to existing structures consisting of more than 2,500 square~~
21 ~~feet of gross floor area~~

22
23 ~~in any general purpose residential or non-residential zoning district.~~

24
25 ~~**3.13.2.2** The construction of attached dwelling units in any general-purpose zoning district~~
26 ~~that does not otherwise exceed a threshold established by subparagraphs a or b~~
27 ~~above.~~

28
29 ~~**3.13.2.3** All development located within the PD (Planned Development) zoning district.~~

30
31 Site plan review and approval is required prior to issuance of a Zoning Compliance Permit
32 for any development except the following:

33
34 (a) Bona fide farms and agricultural uses, including associated principal and accessory
35 buildings and structures.

36
37 (b) Single-family dwellings, two-, three-, and four-unit attached dwellings, and
38 manufactured homes, including their accessory uses and structures, located on an
39 individual lot.
40

VERSION 2: August 20, 2024 (Post-August 15, 2024 Joint Public Hearing)

Version 1: ~~Strikethrough~~ = Existing Language to be Removed
Underlined = Proposed Language

Version 2: **~~Strikethrough~~** = Proposed Language to be Removed from Version 1
Underlined = Proposed Language Added to Version 1

- 1 (c) ~~The~~ Construction of new structures not listed in (a) or (b), above consisting of **no**
2 more than 5,000 square feet of gross floor area~~;~~.
- 3
- 4 (d) Expansion of existing development if the expansion results in:
- 5
- 6 (1) an addition of no more than 15% of previously existing gross floor area, or
7 2,500 square feet of gross floor area, whichever is greater, **or**
- 8
- 9 (2) an addition of no more than 15% of previously existing parking spaces, or 10
10 parking spaces, whichever is greater, **and or**
- 11
- 12 (3) an increase of no more than 15% in the amount of land cleared for non-
13 agricultural development, or 10,000 square feet of new land clearing,
14 whichever is greater.
- 15
- 16 (e) **Any change in use provided the change does not involve development other**
17 **than that exempted above.**
- 18
- 19 (f) Any sign.
- 20
- 21 (g) Uses requiring a Special Use Permit, as site plan review is built into the Special Use
22 Permit review process.
- 23

3.13.3 PROCEDURE

3.13.3.1 Authority to Apply

The property owner ~~of any property,~~ or their authorized representative, may apply ~~to the~~
Planning Director for site plan approval.

3.13.3.2 Pre-application Conference

~~Before submitting an application for site plan approval, the Applicants should first~~
meet with the Planning Director to review the proposed site plan and the discuss
ordinance requirements of this Ordinance before submitting an application for site
plan review.

3.13.4 APPLICATION REQUIREMENTS

The Planning Director shall provide forms ~~for applications~~ for site plan approval review;
~~which shall be submitted by the applicant.~~ Applicants for site plan approval shall submit all
required information ~~required to be submitted as set forth~~ found in the *Administrative*
Manual, and any additional information needed to demonstrate ~~and support~~ compliance

VERSION 2: August 20, 2024 (Post-August 15, 2024 Joint Public Hearing)

Version 1: ~~Strikethrough~~ = Existing Language to be Removed
Underlined = Proposed Language

Version 2: ~~**Bold Strikethrough**~~ = Proposed Language to be Removed from Version 1
~~**Bold Underlined**~~ = Proposed Language Added to Version 1

1 with ~~the standards of evaluation~~ this Ordinance. No application shall be accepted as
2 complete unless accompanied by ~~all the~~ required application fees ~~as set forth in the~~
3 Schedule of Fees.
4

5 **3.13.5 REVIEW PROCESS**
6

7 **3.13.5.1 GENERAL**

8 The Planning Director shall review and, if the site plan submitted otherwise meets all
9 ~~of the~~ standards of this Ordinance, approve the site plans for uses permitted as of
10 right in any general-purpose zoning district. Approval or denial of the ~~Site Plan~~ shall
11 be made within 45 working days of a site plan submittal being deemed complete.
12

13 **3.13.5.2 COMPLETENESS REVIEW**

14 Upon receipt of a Site Plan Review application, the Planning Director shall first
15 determine whether the application is complete, including ~~the~~ payment of all the
16 required application fees. The Planning Director shall have five working days in which
17 to determine application completeness. If the Planning Director determines the
18 application is ~~not~~ incomplete, they shall notify the applicant in writing of the reasons
19 for such determination.
20

21 **3.13.5.3 TECHNICAL REVIEW COMMITTEE**

22 Upon determination that a complete application has been filed, the Planning Director
23 shall refer the site plan to the Technical Review Committee. The Technical Review
24 Committee shall review the plan at its next regularly scheduled meeting. Written
25 ~~committee~~ review comments shall then be forwarded to the applicant.
26

27 **3.13.6 DECISIONS ON SITE PLAN APPLICATIONS**

28 The Planning Director ~~shall have~~ has the authority to approve or deny site plans, ~~or to deny~~.
29 Denial of site plan approval shall be based on the grounds that the site plan ~~submitted~~ fails
30 to comply with any specific requirements of this Ordinance. ~~The d~~Decisions shall be
31 provided in writing via first class mail to the applicant within 5 working days of the decision.
32

33 **3.13.7 APPEAL**
34

35 ~~**3.13.7.1**~~ A decision of the Planning Director's decision on an application for a Site Plan Review
36 may be appealed to the Board of Adjustment ~~by an aggrieved party~~. ~~Such appeal shall~~
37 ~~be made within thirty (30) days of filing of the decision in the office of the Planning~~
38 ~~Director or the delivery of the notice required in Section 3.13.6, *Decision on Site Plan*~~
39 ~~*Applications*, whichever is later, following procedures established in Section 3.11,~~
40 *Appeal*.

3.13 SITE PLAN REVIEW

3.13.1 INTENT

The intent of this subsection is to address the specific conditions and standards of evaluation for site plan review and approval.

3.13.2 APPLICABILITY

Site plan review and approval is required prior to issuance of a Zoning Compliance Permit for any development except the following:

- (a) Bona fide farms and agricultural uses, including associated principal and accessory buildings and structures.
- (b) Single-family dwellings, two-, three-, and four-unit attached dwellings, and manufactured homes, including their accessory uses and structures, located on an individual lot.
- (c) Construction of new structures not listed in (a) or (b), above consisting of no more than 5,000 square feet of gross floor area.
- (d) Expansion of existing development if the expansion results in:
 - (1) an addition of no more than 15% of previously existing gross floor area, or 2,500 square feet of gross floor area, whichever is greater, or
 - (2) an addition of no more than 15% of previously existing parking spaces, or 10 parking spaces, whichever is greater, or
 - (3) an increase of no more than 15% in the amount of land cleared for non-agricultural development, or 10,000 square feet of new land clearing, whichever is greater.
- (e) Any change in use, provided the change does not involve development other than that exempted above.
- (f) Any sign.
- (g) Uses requiring a Special Use Permit, as site plan review is built into the Special Use Permit review process.

3.13.3 PROCEDURE

3.13.3.1 Authority to Apply

The property owner or their authorized representative may apply for site plan approval.

3.13.3.2 Pre-application Conference

Applicants should meet with the Planning Director to review the proposed plan and discuss ordinance requirements before submitting an application for site plan review.

3.13.4 APPLICATION REQUIREMENTS

The Planning Director shall provide forms for site plan review. Applicants shall submit all required information found in the *Administrative Manual*, and any additional information needed to demonstrate compliance with this Ordinance. No application shall be accepted as complete unless accompanied by the required application fee.

3.13.5 REVIEW PROCESS

3.13.5.1 GENERAL

The Planning Director shall review and, if the site plan submitted otherwise meets all standards of this Ordinance, approve the site plan. Approval or denial of the site plan shall be made within 45 working days of a site plan submittal being deemed complete.

3.13.5.2 COMPLETENESS REVIEW

Upon receipt of a Site Plan Review application, the Planning Director shall first determine whether the application is complete, including payment of the application fee. The Planning Director shall have five working days in which to determine application completeness. If the Planning Director determine the application is incomplete, they shall notify the applicant in writing of the reasons for such determination.

3.13.5.3 TECHNICAL REVIEW COMMITTEE

Upon determination that a complete application has been filed, the Planning Director shall refer the site plan to the Technical Review Committee. The Technical Review Committee shall review the plan at its next regularly scheduled meeting. Written review comments shall then be forwarded to the applicant.

3.13.6 DECISIONS ON SITE PLAN APPLICATIONS

The Planning Director has the authority to approve or deny site plans. Denial of site plan approval shall be based on the grounds that the site plan fails to comply with any specific requirements of this Ordinance. Decisions shall be provided in writing via first class mail to the applicant within 5 working days of the decision.

3.13.7 APPEAL

The Planning Director's decision on an application for a Site Plan Review may be appealed to the Board of Adjustment following procedures established in Section 3.11, *Appeal*.

3.13.8 VESTING

No statutory vested right is established by approval of a site plan. However, as part of their application, applicants may request statutory vesting of a site plan following procedures found in subsection 1.8, *Vested Rights*, of this Ordinance.

3.13.9 MODIFICATIONS

Approval of modifications to approved site plans shall be made by applying the criteria found in paragraphs 3.8.18, *Minor Changes and Modifications*, and 3.8.19, *Criteria Used for Determination*, of this Ordinance.

3.13.10 REVOCATION

The Planning Director may revoke site plan approval by following the procedure found in sub-paragraph 8.6.4.5, *Revocation of Permits or Certificates*, of this Ordinance.

3.13.11 EXPIRATION

Site plan approval expires 12 calendar months from the date of approval unless:

- (a) a Zoning Compliance Permit has been issued for the project prior to the expiration date,
- (b) a statutory vested right was obtained under procedures found in subsection 1.8, *Vested Rights*, of this Ordinance prior to approval, or
- (c) a common law vested right is obtained from the Planning Director following provisions found in North Carolina General Statute 160D-108(h).

HILLSBOROUGH BOARD OF COMMISSIONERS
Consistency Statement per Section 160D-605(a)

Text Amendment Request from:
Staff – Planning and Economic Development Division

October 14, 2024

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

Amend UDO §3.13 (Administrative Procedures – Site Plan Review) to exempt the following uses from site plan review and approval requirements: bona fide farms and agricultural uses; single-family dwellings; attached dwellings with 2-4 units; manufactured homes; new structures equal to or less than 5,000 sq. ft. in gross floor area; and the expansion of existing development under specific conditions.

The Hillsborough Board of Commissioners has determined the proposed action **is/is not** consistent with the Town of Hillsborough’s Comprehensive Sustainability Plan (CSP) because it **supports/does not support** the following goals:

- Town Government & Public Services Goal 2: Adopt local laws, regulations, & policies that help to achieve sustainable & equitable outcomes.
 - Strategy: develop and adopt policies that help accomplish town goals
 - Implementation Action: regularly review and update town policies as new information is garnered and achievements are met.
- Land Use and Development Goal 1: Ensure that future growth & development, including infill & redevelopment, are aligned with smart growth principles & consider infrastructure constraints such as water & wastewater system capacity.
 - Strategy: Ensure that land use & development regulations are aligned with preferred future land use & growth patterns.

- Implementation Action: Ensure that the Unified Development Ordinance incorporates strategies to achieve a mix of housing types through zoning.
- Housing & Affordability Goal 1: Develop & maintain a variety of safe, healthy, & sustainable housing options to increase housing stability for renters & homeowners.
 - Strategy: Adopt development regulations that contribute to meeting identifiable affordable housing needs.
 - Implementation Action: Increase diversity of housing stock through development regulations & decisions.
 - Strategy: Adopt development regulations that contribute to meeting overall housing needs.
 - Implementation Actions: Adopt regulations that promote a variety in housing that fills the missing middle housing; and streamline the permitting process for multiple parts of the housing development process.

The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 14th day of October in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Town of Hillsborough Unified Development Ordinance Section 3.13, *Administrative Procedures – Site Plan Review*

The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to Unified Development Ordinance Section 3.13, *Administrative Procedures – Site Plan Review*, 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 14th day of October in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

3.13 SITE PLAN REVIEW

3.13.1 INTENT

The intent of this subsection is to address the specific conditions and standards of evaluation for site plan review and approval.

3.13.2 APPLICABILITY

Site plan review and approval is required prior to issuance of a Zoning Compliance Permit for any development except the following:

- (a) Bona fide farms and agricultural uses, including associated principal and accessory buildings and structures.
- (b) Single-family dwellings, two-, three-, and four-unit attached dwellings, and manufactured homes, including their accessory uses and structures, located on an individual lot.
- (c) Construction of new structures not listed in (a) or (b), above consisting of no more than 5,000 square feet of gross floor area.
- (d) Expansion of existing development if the expansion results in:
 - (1) an addition of no more than 15% of previously existing gross floor area, or 2,500 square feet of gross floor area, whichever is greater, or
 - (2) an addition of no more than 15% of previously existing parking spaces, or 10 parking spaces, whichever is greater, or
 - (3) an increase of no more than 15% in the amount of land cleared for non-agricultural development, or 10,000 square feet of new land clearing, whichever is greater.
- (e) Any change in use, provided the change does not involve development other than that exempted above.
- (f) Any sign.
- (g) Uses requiring a Special Use Permit, as site plan review is built into the Special Use Permit review process.

3.13.3 PROCEDURE

3.13.3.1 Authority to Apply

The property owner or their authorized representative may apply for site plan approval.

3.13.3.2 Pre-application Conference

Applicants should meet with the Planning Director to review the proposed plan and discuss ordinance requirements before submitting an application for site plan review.

3.13.4 APPLICATION REQUIREMENTS

The Planning Director shall provide forms for site plan review. Applicants shall submit all required information found in the *Administrative Manual*, and any additional information needed to demonstrate

compliance with this Ordinance. No application shall be accepted as complete unless accompanied by the required application fee.

3.13.5 REVIEW PROCESS

3.13.5.1 General

The Planning Director shall review and, if the site plan submitted otherwise meets all standards of this Ordinance, approve the site plan. Approval or denial of the site plan shall be made within 45 working days of a site plan submittal being deemed complete.

3.13.5.2 Completeness Review

Upon receipt of a Site Plan Review application, the Planning Director shall first determine whether the application is complete, including payment of the application fee. The Planning Director shall have five working days in which to determine application completeness. If the Planning Director determine the application is incomplete, they shall notify the applicant in writing of the reasons for such determination.

3.13.5.3 Technical Review Committee

Upon determination that a complete application has been filed, the Planning Director shall refer the site plan to the Technical Review Committee. The Technical Review Committee shall review the plan at its next regularly scheduled meeting. Written review comments shall then be forwarded to the applicant.

3.13.6 DECISIONS ON SITE PLAN APPLICATIONS

The Planning Director has the authority to approve or deny site plans. Denial of site plan approval shall be based on the grounds that the site plan fails to comply with any specific requirements of this Ordinance. Decisions shall be provided in writing via first class mail to the applicant within 5 working days of the decision.

3.13.7 APPEAL

The Planning Director's decision on an application for a Site Plan Review may be appealed to the Board of Adjustment following procedures established in Section 3.11, *Appeal*.

3.13.8 VESTING

No statutory vested right is established by approval of a site plan. However, as part of their application, applicants may request statutory vesting of a site plan following procedures found in subsection 1.8, *Vested Rights*, of this Ordinance.

3.13.9 MODIFICATIONS

Approval of modifications to approved site plans shall be made by applying the criteria found in paragraphs 3.8.18, *Minor Changes and Modifications*, and 3.8.19, *Criteria Used for Determination*, of this Ordinance.

3.13.10 REVOCATION

The Planning Director may revoke site plan approval by following the procedure found in sub-paragraph 8.6.4.5, *Revocation of Permits or Certificates*, of this Ordinance.

3.13.11 EXPIRATION

Site plan approval expires 12 calendar months from the date of approval unless:

- (a) A Zoning Compliance Permit has been issued for the project prior to the expiration date,

- (b) a statutory vested right was obtained under procedures found in subsection 1.8, *Vested Rights*, of this Ordinance prior to approval, or
- (c) a common law vested right is obtained from the Planning Director following provisions found in North Carolina General Statute 160D-108(h).



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2024
Department: Community Services
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Stephanie Trueblood, Public Space & Sustainability Manager

ITEM TO BE CONSIDERED

Subject: Ordinance Amending Chapter 3, Section 3-50 of the Code of Ordinances – Reservation of Facilities Within Town Parks

Attachments:

1. Town Code Chapter 3, Section 3-50, as proposed to be amended
2. Ordinance amending the Code of Ordinances

Summary:

At its Sept. 17, 2024, meeting, the Parks and Recreation Board discussed and recommended changes to the rules regarding the use of town parks and greenways and the administration of park reservation and special event permits. The Parks and Recreation Board worked in coordination with town staff and community members to address questions that have recently arisen regarding the size of school events at town parks and greenways.

The recommended amendments include allowing schools and academic institutions to conduct events for up to 150 persons up to 4 times per calendar year through a special event permit. The recommended amendments also clarify that town parks and greenways may not be reserved as the starting or ending point for walk, run, or bicycle events but may be used as a portion of the route for permitted events.

Financial impacts:

None

Staff recommendation and comments:

None

Action requested:

Approve text amendments.

ARTICLE VII. RECREATION

Sec. 3-48. Town park and greenway trail hours of operation; remaining after closing.

- (a) Unless otherwise authorized by the town manager, or the manager's designee, all town parks are closed from 30 minutes past sunset until 7:00 a.m. Use of a park outside of these operating hours must be authorized by the Town of Hillsborough through an approved special event permit.
- (b) Unless otherwise authorized by the town manager, or the manager's designee, all town greenway trails are closed from 30 minutes past sunset until sunrise. Use of a greenway outside of these operating hours must be authorized by the Town of Hillsborough through an approved special event permit.
- (c) It shall be unlawful to remain upon the park or greenway grounds during the time the facility is closed.

(Ord. No. 2006.006.12-11.E, § 1(3-48), 6-12-2006; Ord. No. 20090413-8.I, § 1, 4-13-2009; Ord. No. 20150413-9.G, § 1, 4-13-2015; Ord. No. 20240513-6.H, § 1, 5-13-2024)

Sec. 3-49. Rules and regulations for town parks and greenways.

The rules and regulations for town parks and greenways are as follows:

- (1) All persons in any park or greenway shall obey all posted regulations, signs and directions.
- (2) No person shall willfully mark, deface, disfigure, injure, tamper with, displace, dig, or remove any structure, equipment, facility, vegetation or any other real or personal property that is located within the park or greenway and belonging to the town unless authorized by the Town of Hillsborough. This includes but is not limited to the removal of any artifacts, plants, flowers, or foliage from town parks or greenways.
- (3) No person shall park, drive or ride motorized vehicles in town parks or greenways, except in designated roadways and parking areas unless authorized by the Town of Hillsborough. Parking areas at town parks are restricted to park users and patrons.
- (4) No person shall dump, deposit, leave or place trash, balloons, confetti, ashes, broken glass or other waste within any park or greenway except in designated waste or recycling receptacles provided for the purpose. No person shall dispose of household garbage or rubbish within any town park or greenway. All pet waste shall be picked up and disposed of in pet waste receptacles or removed from the site.
- (5) No person shall camp or stay overnight in any town park or greenway.
- (6) No person shall carry, possess or use any firearm or other dangerous weapon within any town park. This section shall not apply to law enforcement or other government personnel acting within the scope of their employment.
- (7) No person shall use, consume or possess any alcoholic beverages, beer or wine within any town park or greenway unless authorized by the Town of Hillsborough through a special event permit. No person shall use, consume or possess any narcotic drug or hallucinogen or any other controlled substance within any town park or greenway without a valid physician's prescription for the substance.

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- (8) No person shall engage, either verbally or physically, in any loud, disruptive or offensive conduct, or engage in any activity or sport in a manner which threatens the safety or welfare of other patrons of the town park or greenway, or which unreasonably impairs the public's opportunity to use and enjoy the park.
 - (9) No person shall ride or bring livestock or other animals, with the exception of leashed domesticated pets, to a town park or greenway. Unleashed dogs are prohibited outside of designated dog parks. Pets must be supervised at all times.
 - (10) No person shall access or use any body of water in or adjacent to a town park or greenway where there is not properly permitted public access to the body of water.
 - (11) Advertising, commercial or income generating activity is prohibited in town parks and greenways unless authorized by the Town of Hillsborough through a special event permit. This includes but is not limited to fitness classes, personal instruction, and selling of goods or services.
 - (12) The following activities are prohibited in town parks and greenways:
 - a. Balloon releases.
 - b. Bounce house or inflatables.
 - c. Climbing walls.
 - d. Fire, fire pits, fireworks.
 - e. Game trailers.
 - f. Golf.
 - g. Petting zoos, circuses, carnivals.
 - h. Waterslides, water balloons, pools, and other water toys.
 - i. High voltage electrical items. Outlets in picnic shelters are limited to 200 amps or lower. Electricity is not provided in all shelters.
 - j. Paints, spray paints, and permanent markings on fields, buildings, equipment, walkways, and trails.
 - k. The use of cleated shoes on playing fields.

(Ord. No. 2006.006.12-11.E, § 2(3-49), 6-12-2006; Ord. No 20150727-8, § 1, 7-27-2015; Ord. No. 20170410-10.G, §§ 1, 2, 4-10-2017; Ord. No. 20240513-6.H, § 1, 5-13-2024)

Sec. 3-50. Reservation of facilities within town parks.

- (a) The town may allow the reservation of certain facilities within town parks for private use for limited periods when such use does not conflict with enjoyment of the park by the general public or other town policies.
- (b) A person seeking to reserve a town park facility must submit a reservation permit application a minimum of 14 days in advance of the reservation date. The reservation request must be approved by town staff in advance of the reservation date for the reservation to be effective. Fees associated with the reservation are non-refundable and are due on the date specified by town staff after the reservation request is reviewed. Cancellations made seven days prior to the reservation date may be issued a credit toward a future reservation of the facility, to be used within one calendar year. Reservation cancellations made within seven days of the reservation date are not eligible for credit.

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- (c) The reservation shall be on a form provided by town staff and require sufficient information to identify the person requesting the permit, emergency contact information, the facility to be reserved, the proposed use and duration of use, and proof of liability insurance if deemed necessary by the town.
 - (d) The public space manager or their designee is authorized to approve park facility reservation permits.
 - (e) The reservation permit-issuing staff may issue a reservation permit when they find that the proposed activity or use of the park:
 - (1) Will not unreasonably interfere or detract from the general public enjoyment of the park;
 - (2) Will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - (3) Is not reasonably anticipated to incite violence, crime or disorderly conduct;
 - (4) Will not entail unusual, extraordinary or burdensome expense or police operation by the town;
 - (5) Has not been reserved for other use at the day and hour required in the application.
 - (f) Not to limit the generality of paragraph (e), the following activities are prohibited and may not be permitted as part of a park reservation but can be considered and approved during the review of a special event permit:
 - (1) Archery;
 - (2) Sound amplifying equipment including but not limited to PA systems and stereos;
 - (3) Temporary chalk markings associated with sports and games on playing fields.
 - (g) Events that meet a threshold specified in section 7-18 shall seek a special event permit rather than a park reservation permit. Special event fees and park reservation fees apply to all events, unless hosted by the Town of Hillsborough. The standard reservation fees apply for special events, unless sponsored by the Town of Hillsborough. The following regulations apply to all special events and park reservations in town parks excluding Town of Hillsborough hosted events:
 - (1) Events at town parks are limited to a total number of 75 persons excluding excluding events conducted by schools and academic institutions held during school operating hours which may be permitted through a special event permit for up to 150 persons up to 4 times per calendar year. Town of Hillsborough hosted events.
 - (2) Events at town parks must comply with chapter 5, article II of the Code of Ordinances: Noise.
 - (3) Event sponsors and hosts are responsible for the collection and disposal of all trash and waste that is not located within a provided trash bin or receptacle. No trash may be left on site or placed outside of the provided waste receptacles.
 - (h) Town parks and greenways may not be reserved for exclusive, non-public use unless approved by the Hillsborough Board of Commissioners through a special event permit.
 - (i) Town parks and greenways may not be reserved as the starting or ending point for walk, run, or bicycle events but may be used as a portion of the route for permitted events.

(Ord. No. 20090413-8.J, § 1, 4-13-2009; Ord. No. 20150713-10.H, §§ 1, 2, 7-13-2015; 20150511-10.D, § 1, 5-11-2015; Ord. No. 20170410-10.G, §§ 3, 4, 4-10-2017; Ord. No. 20240513-6.H, § 1, 5-13-2024)

Sec. 3-51. Town parks are tobacco free zones.

All designated parks owned by the Town of Hillsborough are tobacco free zones. No person within a park boundary may possess a lighted tobacco product, including but not limited to cigarette, cigar, or pipe.

(Ord. No. 20090914-10.K, § 1, 9-14-2009)

Editor's note(s)—Ord. No. 20090914-10.K, § 1, adopted Sept. 14, 2009, set out provisions intended for use as § 3-50. For purposes of classification, and at the editor's discretion, these provisions have been included as § 3-51.

Sec. 3-52. Park naming procedure.

(a) *Policy.* The Hillsborough Parks and Recreation Board shall be the responsible agency for receiving suggestions for park names and recommending all names for parks, recreation areas and facilities within the Town of Hillsborough. Upon approval from the parks and recreation board, the recommendation shall be sent to the Town Board for final approval and official designation.

(b) *Procedure, rule.*

(1) *Presentation to parks and recreation board.* The board will receive written applications only. These requests may come from any citizen, organization, or the planning department. The application request shall include as much data as possible in order to determine why a particular name shall be attached to a certain park or facility.

(2) *Statement of reference.* Generally, the parks and recreation board will accept applications from any citizens in honor of a person, historical or ecological relationships indigenous to the park, recreation area or facility.

(3) *Statement of criteria.*

a. The parks and recreation board will accept applications from any citizens or group of citizens who wish to recommend the naming of facility or area in honor of a person, historical event, natural phenomenon or geographical location.

b. The parks and recreation board may recommend the name of an individual for a particular area or facility when that individual has made exceptional contributions to the town. Contributions in money, time or in the overall promotion of parks and recreation or in exceptional service to the town in areas other than parks and recreation are equally acceptable.

c. Generally, the board believes that facilities within a park should not have separate names, but should bear the name of the park itself. Where a facility (within a park that has an existing name) is to be named, the proposed name of

the facility will in some manner denote its affiliation with the park. The name of the park will precede the facility name (example, the Wilson Park Smith Shelter).

d. The name must not duplicate, or be exceptionally similar to, any other name existing within the parks and recreation system so as to cause confusion to the public.

e. When the proposed name is for an individual who is no longer living, the board will not consider that request unless a period of time of at least one year has elapsed from the time of death of the individual.

f. When the board feels that the contribution of a particular individual warrants his name to be associated with a facility or park that already has a name, the board may add that name to the

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existing name. Such an addition to the name of a facility may not be made until at least five years has elapsed from the time of the original naming of the facility. Only one additional name may be added to the name of a park, recreation area or facility. The original name will take priority in order of arrangement (example: Wilson/Smith Park).

- g. A proposal to change the name of a previously named park, area or facility shall require a petition, including reasons, with the signatures of at least 200 residents of the Town of Hillsborough. This does not apply to parks, areas and facilities named for clubs, organizations or individuals pursuant to an agreement with the Town of Hillsborough. The terms of the agreement will apply and the name of the park cannot be changed if so stipulated by the agreement.
 - h. Unless otherwise petitioned or requested, newly constructed parks, areas and facilities will use the name determined by the town administration for contract documents during construction. However, as in all cases involving disagreement between staff and citizens, any citizen may appeal to the parks and recreation board in writing and be heard with the board making a formal recommendation for Town Board action. A proposal for naming can be accepted at this time as well.
- (c) *Procedure for submitting proposals.*
- (1) *Requirements.* The board will only accept proposals, which have been submitted in writing to planning department staff at least ten days before a regularly scheduled meeting. The parks and recreation board will discuss and hear public discussion at the public meeting. The parks and recreation board will vote on the proposal at the meeting following the meeting at which the proposal was originally heard, unless an objection is received, in writing, ten days before the second meeting.
 - a. In the event that there is an objection to a proposal, those objecting will also have to complete a statement identifying the reasons for their objection, and allow the parks and recreation board to question them, upon appearance before the board. The board may require the objectors to provide a petition.
 - b. When objection occurs to a naming request, the parks and recreation board will delay action on the naming of the park or facility for at least two months, in order to evaluate the objector's information.
 - (2) *Public notice.* The planning department will notify local media through a press release and post notices at the park site at least five business days before the meeting to inform citizens that the parks and recreation board is considering the naming of a park or facility or a name change proposal.

(Ord. of 7-11-2005, § 1; Ord. No. 20230109-7.A, § 2, 1-9-2023)

Editor's note(s)—Formerly § 3-29, see editor's note at article V.

Secs. 3-53—3-59. Reserved.



ORDINANCE

Amending Chapter 3, Section 3-50 of the Code of Ordinances – Reservation of Facilities Within Town Parks

The Hillsborough Board of Commissioners ordains:

Section 1. Chapter 3, Article VII, of the Hillsborough Code of Ordinances is amended as follows:

Section 3-50. Reservation of facilities within town parks.

- (a) The town may allow the reservation of certain facilities within town parks for private use for limited periods when such use does not conflict with enjoyment of the park by the general public or other town policies.
- (b) A person seeking to reserve a town park facility must submit a reservation permit application a minimum of 14 days in advance of the reservation date. The reservation request must be approved by town staff in advance of the reservation date for the reservation to be effective. Fees associated with the reservation are non-refundable and are due on the date specified by town staff after the reservation request is reviewed. Cancellations made 7 days prior to the reservation date may be issued a credit toward a future reservation of the facility, to be used within one calendar year. Reservation cancellations made within 7 days of the reservation date are not eligible for credit.
- (c) The reservation shall be on a form provided by town staff and require sufficient information to identify the person requesting the permit, emergency contact information, the facility to be reserved, the proposed use and duration of use, and proof of liability insurance if deemed necessary by the town.
- (d) The public space manager or their designee is authorized to approve park facility reservation permits.
- (e) The reservation permit-issuing staff may issue a reservation permit when they find that the proposed activity or use of the park:
 - (1) Will not unreasonably interfere or detract from the general public enjoyment of the park;
 - (2) Will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - (3) Is not reasonably anticipated to incite violence, crime or disorderly conduct;
 - (4) Will not entail unusual, extraordinary or burdensome expense or police operation by the town;
 - (5) Has not been reserved for other use at the day and hour required in the application.
- (f) Not to limit the generality of paragraph (e), the following activities are prohibited and may not be permitted as part of a park reservation but can be considered and approved during the review of a special event permit:

- (1) Archery;
 - (2) Sound amplifying equipment including but not limited to PA systems and stereos;
 - (3) Temporary chalk markings associated with sports and games on playing fields.
- g) Events that meet a threshold specified in section 7-18 shall seek a special event permit rather than a park reservation permit. Special event fees and park reservation fees apply to all events, unless hosted by the Town of Hillsborough. The following regulations apply to all special events and park reservations in town parks excluding Town of Hillsborough hosted events:
- (1) Events at town parks are limited to a total number of 75 persons excluding events conducted by schools and academic institutions held during school operating hours which may be permitted through a special event permit for up to 150 persons up to 4 times per calendar year.
 - (2) Events at town parks must comply with Section 5 of the Code of Ordinances: Noise.
 - (3) Event sponsors and hosts are responsible for the collection and disposal of all trash and waste that is not located within a provided trash bin or receptacle. No trash may be left on site or placed outside of the provided waste receptacles.
- h) Town parks and greenways may not be reserved for exclusive, non-public use unless approved by the Hillsborough Board of Commissioners through a special event permit.
- (i) Town parks and greenways may not be reserved as the starting or ending point for walk, run, or bicycle events but may be used as a portion of the route for permitted events.

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 14th day of October in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2024
Department: Administrative Services
Agenda Section: Consent
Public hearing: No
Date of public hearing:

PRESENTER/INFORMATION CONTACT

Human Resources Manager Haley Thore

ITEM TO BE CONSIDERED

Subject: Classification and Pay Amendment – add construction project coordinator classification

Attachments:

Proposed salary schedule

Summary:

The employee in the civil engineering technician position will no longer be employed with the town after this calendar year. It's been determined by the Utilities Department to help their operations to run more efficient, to remove the civil engineering technician classification as of Jan. 1, 2025. The Utilities Department is requesting to add a construction project coordinator classification effective immediately to assist in the transition.

An employee in the construction project coordinator classification will focus on project management and oversight of the design and construction of utilities improvements and major maintenance projects and may perform construction observation and manage other town utilities inspectors.

The proposed grade and salary range for the new classification of construction project coordinator is grade 15 with a salary range of \$70,724 - \$111,358. This recommendation is based on the current market or other jurisdictions who have a similar position. This classification is in two grades higher than the civil engineering technician position due to the higher level of responsibility required.

In addition to adding the construction project coordinator classification, the environmental engineering supervisor classification will be updated to environmental engineering manager. This classification update does not affect the grade and salary range. The position will remain in grade 20.

Financial impacts:

The impact will be an increase in the salary range and benefit cost of the higher classified position.

Staff recommendation and comments:

An amended salary schedule to remove the civil engineering technician classification will be provided early in 2025.

Action requested:

Approve the attached proposed salary schedule.

Regular (Non-Law Enforcement) Positions

Salary Grade	Minimum	Midpoint	Maximum	FLSA		Classification
				Status	Class Code	
1	37,205	48,667	60,128			
2	38,915	49,690	60,465	N	201	ADMINISTRATIVE SUPPORT SPECIALIST
2	38,915	49,690	60,465	N	202	METER SERVICES TECHNICIAN
2	38,915	49,690	60,465	N	205	CUSTOMER SERVICE REPRESENTATIVE
3	40,711	52,024	63,338	N	302	EQUIPMENT OPERATOR I
3	40,711	52,024	63,338	N	303	UTILITY MAINTENANCE TECHNICIAN I
4	42,597	54,476	66,355	N	401	SENIOR CUSTOMER SERVICE REPRESENTATIVE
4	42,597	54,476	66,355	N	402	UTILITY MAINTENANCE TECHNICIAN II
4	42,597	54,476	66,355	N	403	WASTEWATER PLANT OPERATOR I
4	42,597	54,476	66,355	N	404	WATER PLANT OPERATOR I
5	44,576	57,049	69,522	N	502	EQUIPMENT OPERATOR II
5	44,576	57,049	69,522	N	503	SENIOR ADMINISTRATIVE SUPPORT SPECIALIST
5	44,576	57,049	69,522	N	504	UTILITY MAINTENANCE TECHNICIAN III
5	44,576	57,049	69,522	N	505	WASTEWATER PLANT OPERATOR II
5	44,576	57,049	69,522	N	506	WATER PLANT OPERATOR II
6	46,655	59,752	72,848	N	605	ACCOUNTS PAYABLE TECHNICIAN
6	46,655	59,752	72,848	N	605	EQUIPMENT OPERATOR III
6	46,655	59,752	72,848	N	601	PLANNING TECHNICIAN
6	46,655	59,752	72,848	N	602	PLANT MAINTENANCE MECHANIC I
6	46,655	59,752	72,848	N	604	UTILITY SYSTEMS MECHANIC I
6	46,655	59,752	72,848	N	607	STORMWATER TECHNICIAN
7	48,838	62,589	76,341	N	706	ACCOUNTING TECHNICIAN
7	48,838	62,589	76,341	N	701	CREW LEADER
7	48,838	62,589	76,341	N	702	PLANT MAINTENANCE MECHANIC II
7	48,838	62,589	76,341	N	703	UTILITY SYSTEMS MECHANIC II
7	48,838	62,589	76,341	N	704	WASTEWATER PLANT OPERATOR III
7	48,838	62,589	76,341	N	705	WATER PLANT OPERATOR III
8	51,130	65,569	80,008	N	801	FLEET MECHANIC
8	51,130	65,569	80,008	N	802	PLANT MAINTENANCE MECHANIC III
8	51,130	65,569	80,008	N	803	UTILITY SYSTEMS MECHANIC III
8	51,130	65,569	80,008	N	804	DIVERSION SOCIAL WORKER
9	53,536	68,697	83,858	E	901	BILLING & CUSTOMER SERVICE SUPERVISOR
9	53,536	68,697	83,858	N	902	METER SERVICES SUPERVISOR
9	53,536	68,697	83,858	N	903	UTILITIES INSPECTOR
9	53,536	68,697	83,858	E	904	PUBLIC WORKS SUPERVISOR
10	56,063	71,982	87,901	N	1001	BACKFLOW/FOG SPECIALIST
10	56,063	71,982	87,901	N	1002	CHIEF WASTEWATER PLANT OPERATOR
10	56,063	71,982	87,901	N	1003	COMMUNICATIONS SPECIALIST
10	56,063	71,982	87,901	N	1004	FACILITIES COORDINATOR
10	56,063	71,982	87,901	N	1005	OPERATOR IN RESPONSIBLE CHARGE
11	58,716	75,431	92,146	N	1101	PLANNER
12	61,502	79,053	96,604	E	1201	BUDGET & MANAGEMENT ANALYST
12	61,502	79,053	96,604	E	1202	FINANCIAL ANALYST
12	61,502	79,053	96,604	E	1203	FLEET MAINTENANCE SUPERVISOR
12	61,502	79,053	96,604	E	1204	HUMAN RESOURCES ANALYST

12	61,502	79,053	96,604	E	1205	MANAGEMENT ANALYST
12	61,502	79,053	96,604	N	1206	STORMWATER PROGRAM COORDINATOR
12	61,502	79,053	96,604	N	1207	WASTEWATER LABORATORY SUPERVISOR
12	61,502	79,053	96,604	N	1208	SENIOR COMMUNICATIONS SPECIALIST
12	61,502	79,053	96,604	N	1209	PLANNER II
13	64,427	82,856	101,284	E	1301	CIVIL ENGINEERING TECHNICAN
13	64,427	82,856	101,284	E	1302	SENIOR PLANNER
13	64,427	82,856	101,284	E	1303	UTILITY MAINTENANCE SUPERVISOR
14	67,499	86,848	106,198	E	1401	TOWN CLERK/HUMAN RESOURCES TECHNICIAN
14	67,499	86,848	106,198	E	1402	UTILITY MECHANIC SUPERVISOR
15	70,724	91,041	111,358	E	1501	SAFETY & RISK MANAGER
15	70,724	91,041	111,358	E	1502	CONSTRUCTION PROJECT COORDINATOR
16	74,110	95,443	116,776	E	1601	WATER PLANT SUPERINTENDENT
17	77,665	100,065	122,465	E	1701	PUBLIC WORKS MANAGER
17	77,665	100,065	122,465	E	1702	STORMWATER & ENVIRONMENTAL SERVICES MANAGER
17	77,665	100,065	122,465	E	1703	UTILITY SYSTEM SUPERINTENDENT
18	81,399	104,918	128,438	E	1802	COMMUNICATIONS MANAGER
19	85,319	110,014	134,710	E	1901	INFORMATION TECHNOLOGY MANAGER
20	89,434	115,365	141,295	E	2001	BUDGET DIRECTOR
20	89,434	115,365	141,295	E	2002	ENVIRONMENTAL ENGINEERING SUPERVISOR-MANAGER
20	89,434	115,365	141,295	E	2003	HUMAN RESOURCES MANAGER
20	89,434	115,365	141,295	E	2004	PLANNING & ECONOMIC DEVELOPMENT MANAGER
20	89,434	115,365	141,295	E	2005	PUBLIC SPACE & SUSTAINABILITY MANAGER
20	89,434	115,365	141,295	E	2006	DEPUTY UTILITIES DIRECTOR - WATER TREATMENT
21	93,756	120,983	148,210			
22	98,294	126,882	155,470			
23	103,059	133,076	163,094			
24	108,062	139,580	171,099	E	2401	ADMINISTRATIVE SERVICES DIRECTOR
24	108,062	139,580	171,099	E	2402	ASSISTANT TOWN MANAGER/COMMUNITY SERVICES DIRECTOR
24	108,062	139,580	171,099	E	2403	FINANCE DIRECTOR
25	113,315	146,409	179,504	E	2501	UTILITIES DIRECTOR

Sworn Law Enforcement Officer Positions

Salary Grade	Salary			FLSA		Classification
	Minimum	Midpoint	Maximum	Status	Class Code	
100	48,138	61,679	75,220	N	100	POLICE OFFICER TRAINEE
102	54,912	70,485	86,059	N	102	POLICE OFFICER
201	57,508	73,860	90,212	N	203	POLICE OFFICER FIRST CLASS
202	60,233	77,403	94,573	N	204	POLICE CORPORAL
402	68,730	88,449	108,168	N	405	POLICE SERGEANT
502	75,467	97,207	118,947	E	507	POLICE LIEUTENANT
601	86,700	111,809	136,919	E	606	POLICE MAJOR
701	108,062	139,580	171,099	E	707	CHIEF OF POLICE



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Oct. 14, 2024
Department:	Planning and Economic Development
Agenda Section:	Regular
Public hearing:	Yes
Date of public hearing:	Aug. 15, 2024

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II
Shannan Campbell, Planning & Economic Development Manager

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance text amendment – Section 5.2.8, *Dwelling, Accessory* (applicant-initiated)

Attachments:

1. Submitted application, including applicant’s proposed amendment and justification
2. Staff analysis
3. Staff draft of text amendment
4. Minutes from previous meetings discussing attached ADUs on private streets
5. Map of single-family parcels on private streets in town’s planning jurisdiction
6. Examples of private streets in town’s planning jurisdiction
7. Consistency statement
8. Ordinance

Summary:

On April 18, 2024, a joint public hearing was held for a staff-initiated Unified Development Ordinance text amendment on accessory dwelling units. The main goal of the text amendment was to increase the maximum size of accessory dwelling units.

Hillsborough resident, Natalie Dolgireff, spoke at the hearing. She and her husband live on the private portion of Daphine Drive (originally platted as Daphine Court). She asked that the amendment be revised to allow freestanding (*i.e.*, detached) accessory dwelling units on private streets so they could build a freestanding accessory dwelling unit; currently, the Unified Development Ordinance allows freestanding accessory dwelling units only on lots with direct access to a public street.

On June 10, 2024, the Board of Commissioners adopted the text amendment as originally proposed by staff (*i.e.*, Dolgireff’s request was not included). When making its recommendation in May 2024, the Planning Board asked staff to investigate the feasibility of allowing freestanding accessory dwelling units on private streets and to report back to the board. Before the Planning Board met again, the applicant submitted their own request to amend the Unified Development Ordinance.

The joint public hearing for this proposal was held on Aug. 15, 2024. Minutes from the hearing are available online: <https://mccmeetings.blob.core.usgovcloudapi.net/hillsbronc-pubu/MEET-Minutes-b7f52dc9d9ca462cb8c47b47ee1b1534.pdf>.

Proposal:

The applicant is proposing to amend Unified Development Ordinance Section 5.2.8, *Dwelling, Accessory* to allow freestanding accessory dwelling units on private streets. The applicant’s proposed amendment and justification are enclosed with the application materials.

Comprehensive Sustainability Plan goals:

- Land Use and 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.

- Town Government and Public Services Goal 2: Adopt local laws, regulations, and policies that help to achieve sustainable and equitable outcomes.
 - Strategy: Develop and adopt policies that help accomplish town goals.

Financial impacts:

None.

Staff recommendation and comments:

See the enclosed Staff Analysis for comments from Planning and Utilities.

Staff does not support the proposed text amendment as written. Staff has many concerns about increasing residential density on private streets as outlined in the Staff Analysis. If the boards wish to allow freestanding accessory dwelling units on private streets, staff recommends including the following limitations:

- A platted, deeded public utility easement shall be required, and existing utility lines shall be upsized, if deemed necessary by the Utilities Department; and
- The private street providing access to the accessory dwelling unit must conform to Unified Development Ordinance Section 6.21.4, *Design Standards – Private Streets*.

Note this would necessitate additional amendments to Section 6.21.4. For example, subsection 6.21.4.5.b prohibits “any other residential use or nonresidential use that would tend to generate more traffic than that customarily generated by four (4) single-family residences” on private streets. This language would need to be revised.

Staff has enclosed a draft version of the text amendment inclusive of staff’s suggested edits.

Planning Board recommendation:

At its regular meeting on Sept. 19, 2024, the Planning Board unanimously recommended approval of Planning staff’s draft of the text amendment (6-0). The Planning Board felt staff’s revisions were necessary to help address emergency access and utility concerns associated with allowing accessory dwelling units on private streets.

Action requested:

Make a recommendation on the proposed text amendment.



TOWN OF
HILLSBOROUGH

GENERAL APPLICATION
Amendment to Future Land Use Map, Unified
Development Ordinance or Official Zoning
Map

Planning and Economic Development Division
101 E. Orange St., PO Box 429, Hillsborough, NC 27278
919-296-9477 | Fax: 919-644-2390
www.hillsboroughnc.gov

This application is for amendments to the Comprehensive Sustainability Plan, Unified Development Ordinance, and/or Official Zoning Map. Incomplete applications will not be accepted or processed.

OFFICIAL USE ONLY		
Case Number:	Fee: \$	Receipt No.:
FLUM Designation:	Zoning District:	Overlay Zone:

Amendment Type: Future Land Use Map Unified Development Ordinance Text
 Zoning Map – General Use or Overlay District Zoning Map – Planned Development District

PROPERTY LOCATION AND DESCRIPTION		N/A
Property Address or Location:		
PIN(s):	Size of Property (Acres/Sq. Ft.):	
Current Use of Property:		
Current Zoning Classification(s):		
Proposed Zoning Classification(s):		

CERTIFICATION AND SIGNATURES	
Applications will not be accepted without signature of legal property owner or official agent.	
I certify that the information presented by me in this application and all accompanying documents are true and accurate to the best of my knowledge, information, and belief; and I acknowledge that the processing of this application may require additional town, county and/or state permits, approvals, and associated fees.	
Applicant Name: <i>Natalie Dolgireff and Armand Bath</i>	Legal Property Owner Name:
Mailing Address: <i>170 Daphine Drive</i>	Mailing Address:
City, State, ZIP Code: <i>Hillsborough, NC 27278</i>	City, State, ZIP Code:
Telephone: [REDACTED]	Telephone:
Email: [REDACTED]	Email:
Signature: <i>Natalie Dolgireff & Armand Bath</i>	Signature:
Date: <i>6/19/24</i>	Date:

**Reasons Supporting Change to
Town of Hillsborough Ordinance 5.2.8 Dwelling, Accessory
to Allow Freestanding Accessory Dwelling Units (ADUs) on Private Streets**

**Proposed Amendment to Unified Development Ordinance Text
Town of Hillsborough**

Section 5.2.8 of the Unified Development Ordinance (last amended Oct. 9, 2023) is hereby amended as follows:

Accessory dwelling units (ADUs) built as free-standing outbuildings from a single-family dwelling, shall be allowed on lots accessible by private street/road. The prior requirement that accessory dwelling units on private street/road be connected to the main dwelling, is rescinded. Accessory dwelling units built on lots accessible by private street shall be subject to the same requirements and restrictions as for accessory dwelling units on lots accessed by public street.

**Reasons Supporting Change to
Town of Hillsborough Ordinance 5.2.8 Dwelling, Accessory
to Allow Freestanding Accessory Dwelling Units (ADUs) on Private Streets**

We, Natalie Dolgireff and Armand Roth, Town of Hillsborough residents and property owners, respectfully request that the Town of Hillsborough amend its Ordinance 5.2.8 to allow freestanding ADUs on lots accessed by private streets/roads. The Town's stricter requirements that ADUs developed on lots accessed via private street, be attached to the primary dwelling, remain unsupported by the Town's own data during the past 5 years, which shows no ADUs have been built on private streets/roads.

The following six (6) reasons support this amendment:

- (1) **No ADUs built on lots accessible by private roads in the past 5 years since the Ordinance was amended to allow them**, per research provided by Planning and Economic Development Manager Shannan Campbell.
- (2) **Hypothetical issues** about the potential burdens of increased numbers of ADUs on private streets (further described below based on information provided by Planning and Economic Development Manager Shannan Campbell) are **unsupported by the Town's own 5-year experience** to date since no such ADUs have been built.
 - 2.1) Hypothetical issue that ADUs pose increased burdens for **maintenance of private gravel roads** is unrelated to if an ADU is detached. Any such cost would be the responsibility of private owners and Homeowners' Associations (HOAs) to bear, not the Town from public funds.
 - 2.2) Hypothetical issue about **potential delayed emergency access response time** on private gravel roads is unrelated to whether ADUs are freestanding or attached.
 - 2.3) Hypothetical issue that an **increased number of trash and recycling cans associated with ADUs could cause crowding on an adjacent public street** if that is where such trash is collected, is unrelated to whether ADUs are freestanding or not [in our own case, all cans in our HOA are picked up in front of our houses on the HOA's private gravel street].
 - 2.4) Hypothetical issues that detached ADUs cause **significantly decreased water pressure and increased sewage flows** necessitating increased numbers of meters and sewer lines are unrelated to whether ADUs are freestanding. Instead, the Town's own intermittent, anecdotal experience most likely correlates to overall increased building of single-family dwellings since no ADUs have been built on lots accessible via private street. (Any hypothetical costs for ADUs on private roads would also be borne by their owners.)
3. The Town's unique higher requirement that ADUs built on private roads can only be attached to the primary dwelling results in **unequal financial burdens** on homeowners of lots on private roads.

**Reasons Supporting Change to
Town of Hillsborough Ordinance 5.2.8 Dwelling, Accessory
to Allow Freestanding Accessory Dwelling Units (ADUs) on Private Streets**

Conclusion

Applying the same Town requirements for the types of ADUs allowed to be built on lots accessible via private and public streets promotes greater equality amongst all residential property owners and provides a fairer, more level playing field. It's also consistent with the recent study by the American Association of Retired Persons (AARP) recommending that communities further liberalize their restrictions as much as possible to promote greater building of ADUs and minimize ADU-only specific requirements (study available at <https://www.aarp.org/content/dam/aarp/livable-communities/housing/2022/ABCs%20of%20ADUs-web-singles-082222.pdf>).

Memorandum

To: Board of Commissioners
From: Molly Boyle, Planner II
Cc: Shannan Campbell, Planning & Economic Development Manager
Date: October 14, 2024
Subject: Staff analysis for UDO text amendment to Section 5.2.8, *Dwelling, Accessory* (applicant-initiated)



Proposal Summary

The applicant is proposing to amend UDO Section 5.2.8, *Dwelling, Accessory* to allow freestanding (*i.e.*, detached) ADUs on private streets. The applicant lives on the private portion of Daphine Drive (originally platted as Daphine Court) and would like to build a freestanding ADU. Currently, the UDO allows attached ADUs on private streets but not detached ones. The applicant’s proposed amendment and justification are enclosed with the application materials.

Planning Analysis

Daphine Drive

The applicant lives on the private portion of Daphine Drive, which consists of the following:

- a 60’ private right-of-way;
- a new gravel travel-way approximately 20’ wide, which was laid within the past three years; and
- a new gravel cul-de-sac approximately 95’ in diameter, also laid within the past three years.

The lots on the private right-of-way for Daphine Drive were created decades ago. The street serving the lots was historically gravel and deteriorated over time after homes were removed from the lots. Around 2019, a developer bought the lots and, after consultation with town staff and the Fire Marshal, installed new utility lines and improved the street to the standard described above.

Private Street Standards

Not all private streets in town are built to the same standard as Daphine Drive.

UDO Section 6.21.4, *Design Standards – Private Streets* and the town’s Street Manual contain standards for new private streets. Private streets that provide primary access to no more than four lots and/or dwelling units may be constructed with a right-of-way as narrow as 18’ in width. The travel-way in these situations may be gravel and 12’ wide. There are no design standards for private streets that serve only one or two lots. Some existing private streets pre-date these standards and are considered nonconforming, meaning they do not meet, and are not required to meet, current private street design standards.

Allowing freestanding ADUs on all private streets raises concerns about emergency access, such as:

- Can the private street support the width and weight of a fire apparatus and other emergency vehicles?
- Does the private street have a turn-around, such as a cul-de-sac or t-turn, that can accommodate these emergency vehicles?

It raises the same questions for other types of service vehicles, such as school buses and garbage trucks. Bus stops and trash receptacles may have to be brought to the closest public street intersection as well, which may be a significant distance.

ADU Regulations: Attached vs. Detached

On June 14, 2021, pursuant to a citizen-initiated text amendment application, the Board of Commissioners amended the UDO to allow attached ADUs on private streets (vote 3-2). In the UDO, an attached ADU is referred to as “within a principal single-family dwelling.” Minutes from the subject hearing, Planning Board meeting, and Commissioners meeting are attached.

Street access standards should be made the same for both attached and detached ADUs, either through the text amendment process or during the UDO rewrite. However, because of the variability in private streets in town, access standards should be established in the interest of public health, safety, and welfare.

Utilities Analysis

Per the Utilities Department, many of the private streets in town have undersized, outdated utilities without properly platted and recorded public utility easements. The Utilities Department does not support additional development on streets that do not meet the town’s current standards for sizing and access for maintenance.

If freestanding ADUs are to be allowed on a private street, then Utilities staff suggests that the private street be required to have a platted, deeded public utility easement and that the existing utility lines must be upsized, if needed, prior to development.

Staff Recommendation

Staff does not support the proposed text amendment as written because of the issues outlined above. If the boards wish to allow all types of ADUs on private streets, staff recommends including the following limitations:

- A platted, deeded public utility easement shall be required and existing utility lines shall be upsized, if deemed necessary by the Utilities Department; and
- The private street providing access to the ADU must conform to UDO Section 6.21.4, *Design Standards – Private Streets*.

Note this will necessitate additional amendments to Section 6.21.4. For example, subsection 6.21.4.5.b prohibits “any other residential use or nonresidential use that would tend to generate more traffic than that customarily generated by four (4) single-family residences” on private streets. This language would need to be revised.

5.2 USE-SPECIFIC STANDARDS

5.2.8 DWELLING, ACCESSORY

The following sections are provided to create opportunities for a diversity of housing stock within town. A dwelling unit must contain sleeping, cooking, and bathroom facilities. Guest quarters or suites that do not contain all three types of facilities are not dwelling units and are not reviewed in this section.

5.2.8.1 Accessory dwelling units in freestanding structures

New or existing accessory buildings may be used as dwelling units in addition to the principal dwelling unit in the R-10, R-15, and R-20 districts, subject to the following conditions:

- 5.2.8.1.a The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.
- 5.2.8.1.b The lot has direct access to a public street or a private street that conforms with the requirements for private streets in UDO Section 6.21.4, Design Standards – Private Streets and the Town of Hillsborough Street Manual.
- 5.2.8.1.c One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.
- 5.2.8.1.d The structure containing the accessory dwelling must meet the applicable primary building setbacks established in Table 6.3.1, *Dimensional Requirements – residential* OR Section 7.5.3, *Non-conforming lot setback requirements*. The existing, primary dwelling may be non-conforming in regard to building setbacks required in the zoning district. The setback provision in Section 9.1.5.2.c of this ordinance is available for an accessory building containing a dwelling unit.
- 5.2.8.1.e An accessory dwelling unit in a freestanding structure shall be located to the side or rear of the primary dwelling and behind the primary dwelling's front façade.
- 5.2.8.1.f All structures containing dwellings are connected to municipal water and sewer service.
- 5.2.8.1.g The accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or 1,000 square feet in gross floor area, whichever is greater. In no case shall the accessory dwelling unit exceed the gross floor area and/or height of the principal dwelling unit.
- 5.2.8.1.h The accessory unit is constructed to the state building code for one- and two-family dwellings (i.e., is not a manufactured home).
- 5.2.8.1.i There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.
- 5.2.8.1.j The application materials indicate storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.
- 5.2.8.1.k A platted, deeded public utility easement shall be required and existing

utility lines shall be upsized if deemed necessary by the Utilities Department.

5.2.8.1.kl Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses.

5.2.8.2 Accessory dwelling units within a principal single-family dwelling

Accessory dwelling units may be located within a principal single-family dwelling in any zoning district, subject to the following conditions:

5.2.8.2.a The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.

5.2.8.2.b The lot has direct access to a public street or a private street that conforms with the requirements for private streets in UDO Section 6.21.4, Design Standards – Private Streets and the Town of Hillsborough Street Manual.

5.2.8.2.bc One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.

5.2.8.2.ed Both dwellings are connected to municipal water and sewer service.

5.2.8.2.de The accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or 1,000 square feet in gross floor area, whichever is greater. In no case shall the accessory dwelling unit exceed the gross floor area of the principal dwelling unit.

5.2.8.2.ef The accessory dwelling unit must have its own exterior access. Any interior access to the principal dwelling must be lockable from both dwellings.

5.2.8.2.fg There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.

5.2.8.2.gh The application materials indicated storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.

5.2.8.2.i A platted, deeded public utility easement shall be required and existing utility lines shall be upsized if deemed necessary by the Utilities Department.

5.2.8.2.hj Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses.

6.21 STREETS

6.21.4 DESIGN STANDARDS - PRIVATE STREETS

- 6.21.4.1** Any private street within a non-residential or multi-family development must meet the design standards for town public streets.
- 6.21.4.2** Any private street within a minor residential subdivision must be designed in compliance with the North Carolina Fire Prevention Code, which generally requires a twenty-foot wide improved travel way. Associated drainage facilities must be located in the right of way. Underground utilities may be located within the street right of way or in a separate utility easement. Factors such as the length and alignment of the street and the use of sprinklers in individual buildings may impact the travel way or right of way required by the North Carolina Fire Prevention Code.
- 6.21.4.3** A private street within a minor residential subdivision may be required to provide a right of way of fifty (50) feet if the land and lots are arranged to allow the potential conversion of the street to a public street. If the lot arrangement, surrounding development pattern, zoning, and existing town plans indicate conversion is unlikely, the permit issuing authority may allow a private street to reduce the right of way width to no less than 18 feet.
- 6.21.4.4** Lots for single-family detached dwellings may be created with access to a private street provided that:
- 6.21.4.4.a** No more than four (4) lots may have their sole access to the private street.
 - 6.21.4.4.b** A new private street shall not be an extension of any existing public or private street.
 - 6.21.4.4.c** A new private street shall not be aligned with an existing public street in such a way as may interfere with any planned extension of the public street.
- 6.21.4.5** The intent of this subsection is primarily to allow the creation of not more than four (4) lots with frontage on a private street for single-family development. Therefore, the Town may not approve any project served by a private street authorized by this subsection in which one (1) or more of the lots thereby created is intended for:
- 6.21.4.5.a** Two-family or multi-family residential use, or
 - 6.21.4.5.b** Any other residential use or nonresidential use that would tend to generate more traffic than that customarily generated by four (4) single-family residences with one accessory dwelling unit each.
- 6.21.4.6** To ensure that the intent of this subsection is not subverted, the Town may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential development served by a private street be smaller than the permissible size of lots on which two-family or multi-family developments could be located, or that restrictive covenants limiting the use of the subdivided property in accordance with this section be recorded before final plat approval.
- 6.21.4.7** No final plat that shows lots served by private streets may be recorded unless the final plat contains the following notation:
"Further subdivision of any lot shown on this plat as served by a private street maybe prohibited by the Town of Hillsborough *Unified Development Ordinance*."

6.21.4.8 The recorded plat of any development that includes a private street shall clearly state that such street is a private street and must be accompanied by a private street maintenance agreement that is also recorded.

Minutes

Remote Joint Public Hearing

Planning Board and Board of Commissioners

7 p.m. April 15, 2021

Virtual meeting via YouTubeLive

[Town of Hillsborough YouTube channel](#)

Present

Town board: Mayor Jenn Weaver and commissioners Mark Bell, Kathleen Ferguson, Matt Hughes and Evelyn Lloyd
Planning Board: Chair Chris Johnston, Vice Chair Jenn Sykes, Christopher Austin, Frank Casadonte, Oliver Child-Lanning, Lisa Frazier, Alyse Polly, Jeff Scott, Scott Taylor and Toby Vandemark
Absent: Board of Commissioners: Robb English
Early exit: Kathleen Ferguson (8:02 p.m.)
Staff: Planning Director Margaret Hauth and Town Attorney Brady Herman

1. Call to order and confirmation of quorum

Mayor Jenn Weaver called the meeting to order at 7:09 p.m. Planning Director Margaret Hauth called the roll and confirmed the presence of a quorum, noting that Commissioner Matt Hughes had not yet arrived. Weaver turned the meeting over to Planning Board Chair Chris Johnston.

2. Agenda changes and approval

There were no changes. The agenda stood as presented.

Hughes arrived at 7:11 p.m.

Motion: Commissioner Kathleen Ferguson moved to approve the agenda as presented. Planning Board Vice Chair Jenn Sykes seconded.

Hauth called the roll for voting.

Vote: 13-0. Ayes: Commissioners Mark Bell, Ferguson, Hughes and Evelyn Lloyd; Planning Board members Christopher Austin, Frank Casadonte, Lisa Frazier, Johnston, Alyse Polly, Hooper Schultz, Jeff Scott, Sykes and Scott Taylor. Nays: None.

3. Open the public hearing

Johnston introduced the public hearing. The hearing was opened without a vote.

4. Text amendments to the Unified Development Ordinance

- A. Section 5.2.9.2 to remove requirement for public road access for accessory dwellings within a principal residential structure and Section 6.3.1 to decrease setbacks from 50 feet to 30 feet in the Agricultural Residential district.

Johnston introduced Item 4A, noting that citizen Samantha Johnson has requested the text amendment. Johnson arrived at 7:13 p.m.

Hauth summarized Johnson's application, saying the request comprises two parts.

Hauth summarized the request's first part: The applicant requests that the ordinance allow accessory dwelling units to be developed on parcels that only have access from a private road. Hauth said Johnson has acquired property with access from a private road and wants to construct an accessory dwelling attached to the existing house. Hauth summarized the current text of the ordinance, which states an accessory dwelling unit may be located within a single-family dwelling if the lot has direct access to a public street. Hauth noted that the same limitation exists for accessory dwellings in separate buildings and that the limitation on access has been in place for more than 30 years. She also noted that for the past few years the town has been loosening restrictions on accessory dwellings based on requests.

Hauth summarized the request's second part: The applicant requests a reduction in setbacks in Agricultural-Residential zoning districts to improve flexibility. Hauth said the minimum setbacks in Agricultural-Residential districts are 50 feet on the side, rear and front, which is wider than in other residential districts. She said about 21% of the town's jurisdiction is zoned Agricultural-Residential, but added that most properties in that district are large landholdings unlikely to change their development patterns without rezoning. She said the most likely area to be impacted is about 150 acres zoned Agricultural-Residential inside the town limits. She said a setback reduction would align the Agricultural-Residential setbacks more closely to setbacks in the Residential-40 district, a district that is very similar. Hauth noted these changes would apply across the Agricultural-Residential district, adding there is no way to grant a reduction to just the applicant's property.

Regarding the request's first part, Johnson explained that she had acquired property on a gravel road and wants to build an accessory unit so that her father can live with her and her family. Regarding the request's second part, Johnson said that although most residential areas require a minimum 30-foot setback, her property happens to be zoned Agricultural-Residential although there is no agricultural on the property or surrounding properties. She said requesting the ordinance changes seemed easier than requesting a rezoning, which also would affect her neighbors.

Regarding the request's first part, Ferguson noted that Hauth had suggested amending the ordinance by removing the requirement that the lot be on a public road. Ferguson asked amending the ordinance to require a lot have access via a public road *or* a private road also would be a viable solution. Hauth said she would prefer removing the requirement altogether, because specifying both road types would imply there is some third alternative for access. Hauth asked Town Attorney Brady Herman if he had an opinion. Herman said either alternative would work.

Sykes asked Hauth if there is a way to address the fact that some private roads in town are in poor condition. She noted a previous Board of Adjustment meeting regarding development along a private road that resulted in traffic and safety issues. Hauth said a few of the town's private roads existed before the town developed private road standards. Hauth noted that most of the town's private roads are new and must meet current development standards. Hauth added that private roads are a private issue, with residents on those roads responsible for maintaining ingress and egress; she said it is difficult for the town to insert itself very much into such a situation.

Weaver noted a similar setback request several months ago regarding a different zoning district. She asked if it is possible or makes sense to have a broader conversation about setbacks. Hauth also recalled the conversation to which Weaver referred and said it had been specific to the setbacks for unattached accessory

dwelling units. Hauth said rezoning would not have solved that person's issue, but staff had provided possible next steps to that person – similar to those steps pursued by Johnson tonight – which that person had not chosen to pursue. Hauth said a broader conversation about setbacks is possible, though perhaps not at a public hearing.

Hughes said he is not in favor of eliminating the requirement for public road access for accessory dwelling units. He noted that postal carriers, school busses and emergency vehicles might not be able to fit down private roads. He said he does not think it is in the town's best interest to remove the requirement that accessory dwelling units have guaranteed access to those three basic services. He said he is not opposed to reducing the setbacks from 50 feet to 30 feet in Agricultural-Residential districts.

Johnson acknowledged that her requests would change the requirements across the town's Agricultural-Residential districts, but she noted houses already have been developed along her specific road.

Hughes said he could understand that this solution could be feasible in Johnson's specific situation, but he noted that the boards are enacting town-wide policies.

Regarding the setback reduction request, Polly said she understood the applicant is requesting setbacks be reduced to 30 feet on all sides for Agricultural-Residential districts. She said she understood the boards are considering bringing Agricultural-Residential setbacks in line with Residential-40 setbacks, and she noted that Residential-40 setbacks are 30 feet in the side and rear but 40 feet in the front. Polly asked for clarity around which numbers are correct. Hauth said the applicant is not necessarily trying to align her setbacks with those in Residential-40, but that Hauth had simply noted the two are very similar. Hauth said the applicant's particular interest is in the side and rear setbacks rather than the front, but she said it seemed cleaner and easier to request 30 feet on all sides because the Agricultural-Residential district currently requires the same distance on all sides. Johnson confirmed Hauth is correct.

Casadonte asked if it is possible to grant the applicant a variance rather than change the requirements for the entire Agricultural-Residential district. Hauth explained that the applicant does not qualify for a variance. Hauth briefly outlined the state law's requirements for variances. Hauth said staff would have proposed an easier solution to the applicant's requests if an easier solution existed. When asked, Hauth confirmed that the requested changes would apply to all Agricultural-Residential districts in town. When asked, Hauth confirmed no other tools exist to grant the applicant's requests. Hauth confirmed the two parts of the applicant's request could be considered separately.

Johnston asked if the applicant could apply for rezoning, noting that also is a substantial request. Hauth agreed and added that such a rezoning request would be inconsistent with the town's Future Land Use Plan.

Scott noted that larger emergency vehicles are not always able to access dwellings on private roads. He asked if anything in the town's code would be at odds with the requested amendment. Hauth said if the text amendment is approved it is possible an accessory dwelling could trigger an issue under the fire code regarding turnaround clearance. Hauth said such a technical violation is conceivable, but she is not sure it would be captured in the permitting process, noting that the fire marshal does not look at residential development. She noted the fire code is not user-friendly and is difficult to integrate into traditional planning and zoning situations.

Casadonte asked whether the fire marshal would already have taken the road into account in the applicant's particular case, as the road is developed already. Hauth said that is not necessarily the case, as the applicant's road is one of the town's older private roads. Hauth noted the applicant's road is in excellent condition and

has been maintained very well, but it has more than the four houses that the town currently allows on new private roads, possibly making the road problematic for the fire code. Hauth added the applicant's house is very close to the entrance to the public road, which may be a mitigating factor. Haugh said she could see how a circumstance could develop on an old or new private road where an additional accessory dwelling unit could exceed the fire code's limit on number or spacing of dwellings. When asked, Hauth confirmed that the applicant's road had been grandfathered in and, were it a new private road today, would not be allowed to have as many houses on it as currently exist there.

Hughes asked why sufficient turnaround space on a private road could be overlooked regarding fire code but not trash pickup. Hauth said trash pickup trucks do not go down private roads. When asked, Hauth said that new private roads are required to have road maintenance agreements, which often are accomplished via homeowners' associations. She added private road residents are welcome to bring their trash bins to the public road for pickup. Hughes said he sees the request as a potentially significant policy change regarding accessory dwelling units and private roads, and he is concerned that such a change be equitable. When asked, Hauth said the town does not have a way to ensure all private roads stay well-maintained, adding that in such situations it is the residents' responsibility to self-police and ensure they are safe and well protected, although the town does due diligence by requiring the road maintenance agreement. She said private road construction standards include minimum travel width and gravel depth but are not nearly as elaborate as the standards for public paved roads. Sykes noted that newer townhouse developments are very different from some older private developments. Hughes noted that private roads might meet standards when first constructed but could fall into disrepair; he expressed concern that the town would still be required to provide emergency services to out-of-repair roads, which might damage town equipment. He wondered if private roads could be held to maintenance standards in perpetuity. He noted that some subdivisions have begun requesting more services, even though when built their developers understood the roads would be maintained privately. Hauth said she believes Hughes to be speaking more about townhome neighborhoods, which will always have a homeowners' association and are required to build their private roads to state Department of Transportation standards. Hauth said she does not think the town has any recourse if a neighborhood is not maintaining its private roads. Hughes noted townhome neighborhoods often have private trash services.

Johnston clarified that the discussion at hand deals not with fixing the town's existing issues regarding services and access for dwellings on private roads, but instead with whether to allow more density on those private roads via accessible dwelling units.

Hughes asked whether Town Attorney Bob Hornik had been consulted about the two requested changes. Hauth noted that Herman is substituting for Hornik at tonight's meeting. Herman said the boards are discussing the relevant issues, particularly as the requested changes would impact all properties in the Agricultural-Residential districts. Herman said he did not have any relevant case law on hand but offered to further research specific questions.

Johnson noted that the residents of the private road are not requesting new services, as they already receive certain services. Johnston said he thinks Hughes' concern is that allowing additional dwellings could create additional pressure on town resources. Hughes clarified he also is concerned about equitable school bus and trash pickup access.

Motion: Sykes moved to close the public hearing for Item 4A. Ferguson seconded.

Hauth called the roll for voting.

Vote: 13-0. Ayes: Commissioners Bell, Ferguson, Hughes and Lloyd; Planning Board members Austin, Casadonte, Frazier, Johnston, Polly, Schultz, Scott, Sykes and Taylor. Nays: None.

Hauth noted the text amendments would be discussed at the May 2021 Planning Board meeting.

B. Section 7.5 to no longer require the combination of undeveloped contiguous non-conforming lots

Johnston introduced Item 4B and requested that he be recused from this item.

Motion: Sykes moved to allow Johnston to recuse himself from public hearing Item 4B. Hughes seconded.

Hauth called the roll for voting.

Vote: 12-0. Ayes: Commissioners Bell, Ferguson, Hughes and Lloyd; Planning Board members Austin, Casadonte, Frazier, Polly, Schultz, Scott, Sykes and Taylor. Nays: None.

Hauth summarized Item 4B. She explained Section 7.5 of the Unified Development Ordinance requires adjacent non-conforming lots owned by the same property owner to be recombined into conforming lots before the properties can be developed. She said the town has a policy of reducing non-conformities. She gave a brief history of the requirement and noted the recombination requirement is common in zoning ordinances. Hauth said Hillsborough also has accommodated nonconforming lots in the ordinance for many years but still maintains the recombination requirement. She outlined several of the current accommodations.

Hauth outlined the requested text amendment, noting that it limited the recombination requirement to lots narrower than 40 feet, rather than all nonconforming lots. She said the impact of the change would be limited to roughly two dozen lots throughout town. Hauth said requirements for water and sewer connections would still apply, which would limit the possibility of undevelopable lots being created. She noted that the amendment would consolidate exceptions in the ordinance, streamlining the requirements and exceptions. Hauth added that the reduced setback provisions will be discussed in the next quarterly hearing to address a recent Board of Adjustment interpretation.

Hauth introduced Richard Turlington of Habitat for Humanity of Orange County, which has requested the text amendment. Turlington said Habitat owns five non-conforming lots on Homemont Street that they hope to recombine into four lots of equal size, noting that the resulting four lots would not be large enough to meet that location's zoning requirements.

Hughes asked Hauth what unintended consequences might result from such a change to the ordinance. He expressed concern about enacting town-wide change. He expressed concern that commercial developers could use the amended ordinance as a bypass. Hauth said the areas where there are many lots that the change would apply to all are outside town limits and lack utility connections, thus limiting their developability. Hughes asked whether a legislative change is warranted, as it would affect only two dozen lots. He wondered if there is another mechanism that could solve the applicant's issue. Hauth said she is not aware of another tool that the applicant could use. She added the amendment would further goals she believes the boards support, such as encouraging development in the existing town core on smaller lot sizes and encouraging diversity of lot sizes. Hauth noted many localities do not have a recombination ordinance.

Ferguson left at 8:02 p.m.

Minutes

Planning Board

Remote regular meeting

7 p.m. May 20, 2021

Virtual meeting via YouTubeLive

[Town of Hillsborough YouTube channel](#)

Present: Chair Chris Johnston, Vice Chair Jenn Sykes, Christopher Austin, Frank Casadonte, Lisa Frazier, Alyse Polly, and Scott Taylor

Absent: Hooper Schultz and Jeff Scott

Staff: Planning Director Margaret Hauth and Town Attorney Bob Hornik

1. Call to order and confirmation of quorum

Chair Chris Johnston called the meeting to order at 7:03 p.m. Planning Director Margaret Hauth called the roll and confirmed the presence of a quorum.

2. Agenda changes and approval

The agenda was accepted as presented. Later in the meeting, a conversation with prospective board members was added as Item 6C.

3. Minutes review and approval

Minutes from the regular meeting on March 18, 2021, and from the joint public hearing on April 15, 2021.

Motion: Vice Chair Jenn Sykes moved to approve the minutes as presented. Member Scott Taylor seconded.

Hauth called the roll for voting.

Vote: 6-0. Ayes: Members Chris Austin, Lisa Frazier, Johnston, Alyse Polly, Sykes and Taylor. Nays: None.

4. Recommendations to town board of public hearing items

A. Unified Development Ordinance: Amendments to Section 5.2.9.2 and Section 6.3.1 – Allow accessory dwelling units on private roads and Agricultural Residential setback reduction

Applicant Samantha Johnson and her husband Matthew Johnson arrived.

Johnston introduced Item 4A. Hauth summarized the proposed text amendment, noting the proposed change comprises two parts: first, to allow accessory dwelling units on private roads, and second, to reduce the width of setbacks in the Agricultural Residential zoning district. Hauth noted that both changes would apply town-wide and said no other options exist to meet the applicant's interests. Regarding allowing accessory dwelling units on private roads, Hauth noted the ordinance has long required accessory dwelling units to be on public

roads, but she noted the board consistently has been loosening regulations on accessory dwelling units to encourage more development. Regarding reducing setbacks in Agricultural Residential zoning districts, Hauth noted the applicant's property is located in a small section of town zoned Agricultural Residential where water and sewer service is available, and so the proposed change could result in more intense development in that location. She noted that Agricultural Residential districts currently require 50-foot setbacks on all sides, which she characterized as significant. She added that this request pertains to land within the city limits, noting the town has very limited zoning authority on any parcel in the extraterritorial jurisdiction in active agricultural use.

Regarding reducing the setbacks, Sykes said that instead of reducing the setbacks from 50 feet on each side to the proposed 30 feet on each side, she prefers matching Agricultural Residential setbacks to those in Residential-40 districts, which would require 30-foot side and rear setbacks and 40-foot front setbacks. She said it would seem strange to allow smaller setbacks in Agricultural Residential districts than in Residential-40 districts, as Agricultural Residential districts are designed for larger lots than the more dense Residential-40 districts.

Regarding allowing accessory dwelling units on private roads, Sykes expressed concern that some of the town's private roads are not in good shape and may not be able to support the higher traffic that could come with allowing accessory dwelling units on such roads. Johnston noted that the change would apply across town, not just to the applicant's property.

Hauth noted there is a difference between roads in disrepair and whether or not services are provided to dwellings on a private road. She said it is in the nature of private roads that school buses and mail delivery generally do not go serve them, especially when they are unpaved. She noted that the board's decision would have no impact on whether those services are provided on private roads.

Johnston said the conflict is between board members' desire to encourage increased density and hesitancy about allowing increased density on roads that do not receive public services.

Sykes noted that inadequate private roads naturally could limit the amount of development along those roads, citing a private road in some disrepair off of Nash Street that has limited what the property owner can develop there.

When asked, Hauth confirmed the applicant's property is located on Burnside Drive. Matthew Johnson said the property is within 300 yards of the corner of South Cameron Avenue, a public road.

Samantha Johnson acknowledged the board must consider the proposed amendment's impact on the entire town. She wondered if it is too late to add language allowing the board to consider applications on a case-by-case basis, based on the condition of the private road in question. Matthew Johnson wondered if language could be added to consider a property's distance from a public road.

Austin recalled Town Commissioner Matt Hughes' points from the April 15 public hearing that having mail and school bus services are parts of the cornerstones of democracy. Austin said he would argue it is important to let people live the way they prefer and have the choices to do that. Austin said he agreed with Hughes' point that it is important to create equitable situations across town. Austin noted that this application would allow a Johnson family member to age in place; he said it is important to promote aging in place as part of equity, especially as demographics shift to include more elderly citizens. Austin said he does not agree with disapproving of where people can provide dwellings based on the board's discomfort with the amount of government services they receive.

Matthew Johnson said that the property's mailbox is on South Cameron Avenue, a public road. Samantha Johnson added that they receive trash pickup and school bus services via South Cameron Avenue.

Austin acknowledged that the amendment would affect properties town-wide.

Member Frank Casadonte arrived at 7:15 p.m.

When asked whether case-by-case language is allowed, Hauth said that the board could require that a private road be constructed to certain standards when someone asks to build an accessory dwelling unit on a private road. She noted the town would not be able to inspect that road in an ongoing manner after it is constructed. Regarding the Johnson's particular case, Hauth noted that Burnside Drive is unusual in that it is a private road predating zoning, it is one of the town's best-constructed private roads and the town does provide trash service there due to tradition.

Town Attorney Bob Hornik confirmed that case-by-case language is not possible in this situation. He agreed with Hauth that a text amendment could require a private road to be constructed. He said the amendment also could require a property to be a certain distance from a public road in order to build an accessory dwelling unit. Hauth said a fixed distance requirement would be easier for staff to enforce than a requirement about the road's quality.

Taylor asked what the downsides might be of allowing accessory dwelling units on private roads.

Hauth said allowing accessory dwelling units on private roads could create future private property disputes, which the town could neither intervene in nor solve. She said that if homeowners at the end of a private road were to build accessory dwelling units and create more traffic and wear on the road than their neighbors, the private road agreement might not address which neighbor has to pay to maintain the road. Hauth added that would be the case in any private road situation where one family has more cars and people than their neighbors. Hauth said resolving such private property issues is not the town's job, though the town does try to write ordinances that encourage neighbors to be happy with one another.

When asked, Hauth clarified that Public Space Manager Stephanie Trueblood has proposed reducing front setbacks for commercial developments. Hauth said the town also has seen a shift in the setbacks that new neighborhoods propose under special use permits, noting that the Forest Ridge, Collins Ridge and Fiori Hill subdivisions all have significantly smaller setbacks than the town's traditional zoning districts. Hauth said the special use permit process offers developers more setback flexibility than building on a large tract of residentially zoned land. Hauth said staff has concerns about the long-term maintenance of private roads in townhome neighborhoods, noting that staff is unable to help resolve private disputes that may arise from such roads not being maintained.

Polly said she agreed with Sykes that the setbacks in Agricultural Residential districts should mirror those in Residential-40 districts, with a minimum width of 30 feet in the sides and rear and 40 feet in the front. Polly also noted that the town boards have been discussing ways to encourage smart development, infill development and more dense neighborhoods; she said allowing accessory dwelling units on private roads could help meet those goals. Sykes agreed but noted that some of the town's private roads are very old and increased traffic on them could put cars at risk. Sykes said she would want to include a requirement addressing road quality, such as requiring the lot in question to be within a certain distance of a public road.

Hornik asked Hauth how much Agricultural Residential land within town limits would be suitable for infill projects, as most Agricultural Residential districts are on the outskirts of town and would not see infill development.

Hauth confirmed about 150 acres are zoned Agricultural Residential within town limits and also have water and sewer access, which is required for accessory dwelling units. She said most of that land is on Burnside Drive, where the applicants live. Hauth said overall the town has about 800 acres zoned Agricultural Residential, but she said much of that would never be developed for various logistical reasons.

Hauth said reducing the setbacks in Agricultural Residential districts does not concern her, as she does not think it would not open the town to any risks or pose any challenges to staff.

When asked, Hornik confirmed the board could make separate recommendations regarding reducing the setbacks and allowing accessory dwelling units on private roads.

Motion: Sykes moved to recommend approval of the text amendment changing the minimum setbacks in Agricultural Residential zoning districts to 30 feet on the sides, 30 feet in the rear and 40 feet in the front. Austin seconded.

Hauth called the roll for voting.

Vote: 7-0. Ayes: Austin, Casadonte, Frazier, Johnston, Polly, Sykes and Taylor. Nays: None.

Polly said she is leaning toward allowing accessory dwelling units on private roads. She said she hears Sykes' point about the existence of older private roads in town. Polly wondered how many private roads in town would be affected, aside from Burnside Drive.

Hauth said the proposed change only would allow accessory dwelling units within a principal dwelling on a private road. She said freestanding accessory dwelling units still would not be allowed on a private road, noting that most people want to build freestanding accessory dwelling units. Hauth said accessory dwelling units also must have water and sewer services, which increases the likelihood that they will be built within town limits rather than on some of the older private roads in the extraterritorial jurisdiction.

Hauth said that if the board wants to include a requirement that the lot be a certain distance from a public road, the distance would need to be 300 feet from the lot's driveway in order to capture what the current applicant is requesting. Hauth said most of the town's private roads are not much longer than 300 feet, excluding townhome neighborhoods. She said including that requirement would include more private roads than it excludes and she is not sure including the distance requirement would be worthwhile. Hauth recommended the board decide either to leave the requirement in or take it out, noting that any problems created would be for residents of the private road to resolve, not the government.

When asked, Hauth confirmed there are no code restrictions for private roads. Hauth said new private roads meet a basic standard, but she said that would not be easy to verify or enforce after a road is in place. Regarding emergency services, Hauth said ambulance drivers have the right to choose whether they can drive down a private road or not. She noted that the town's private roads are in better shape than many county private roads, some of which force ambulance drivers to choose between damaging their vehicles and not providing service.

Johnston noted that allowing more accessory dwellings on private roads would create more density in areas where the town has less regulatory control. He noted the board wants people to be able to do what they want on their property, but he said the town still has responsibilities to citizens.

Sykes said the situation currently before the board is one of aging in place, but she noted that residents of other private roads might want to rent out their accessory dwelling units. She said economic pressures could take care of potential problems, noting that no one would want to rent an accessory dwelling unit if the road to it would damage their car. She said she would prefer a more elegant solution to bring private roads up to code, but she acknowledged that most of the town’s private roads are in subdivisions and townhome communities and so already are up to code.

When asked, Hawth said the majority of the town’s private roads are new and are no longer than 400 feet. She said of the roughly two dozen private roads outside townhome neighborhoods, less than a third are older. Hawth confirmed there are only a small handful of older private roads in town.

Motion: Austin moved to recommend approval of the text amendment removing the requirement for public road access for accessory dwelling units within a principal structure. Sykes seconded.

Hawth called the roll for voting.

Vote: 6-1. Ayes: Austin, Casadonte, Frazier, Polly, Sykes and Taylor. Nays: Johnston.

Hawth said the town board would receive the planning board’s recommendations at the June 14 Board of Commissioners meeting, noting that would be the final action on the items.

Samantha and Matthew Johnson left at 7:46 p.m.

~~B. Unified Development Ordinance: Amendments to Section 7.5 – Limit requirement to combine undeveloped contiguous non-conforming lots~~

~~Johnston asked to recuse himself from Item 4A because his wife works for the applicant requesting the amendment, Habitat for Humanity of Orange County.~~

~~Motion: Sykes moved to allow Johnston to recuse himself from Item 4B. Taylor seconded.~~

~~Hawth called the roll for voting.~~

~~Vote: 6-0. Ayes: Austin, Casadonte, Frazier, Polly, Sykes and Taylor. Nays: None.~~

~~Sykes introduced Item 4A. Hawth said the proposed change would limit the circumstances in which adjoining, undeveloped, contiguous non-conforming lots need to be combined into less-non-conforming lots. Hawth said the change would remove the requirement that one of the newly combined lots be developed and that all lots be 50 feet wide; the proposed language would require only that the newly combined lots be 40 feet wide. Hawth said the change would provide more flexibility, noting that Habitat for Humanity of Orange County had requested the change in order to serve one more family. Hawth added there are not many vacant lots left in town that were platted out in small increments, and so the change likely will not have a large impact.~~

~~Applicant Richard Turlington arrived at 7:48 p.m.~~

TOWN OF HILLSBOROUGH

Minutes

Board of Commissioners

Remote regular meeting

7 p.m. June 14, 2021

Virtual meeting via YouTube Live

[Town of Hillsborough YouTube channel](#)

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

Staff: Interim Human Resources Director Haley Bizzell, Budget Director Emily Bradford, Assistant to the Manager/Deputy Budget Director Jen Della Valle, Interim Town Clerk/Human Resources Technician Sarah Kimrey, Stormwater and Environmental Services Manager Terry Hackett, Police Chief Duane Hampton, Assistant Town Manager/Planning Director Margaret Hauth, Interim Public Works Director Dustin Hill, Town Attorney Bob Hornik, Town Manager Eric Peterson, Utilities Director Marie Strandwitz, Public Space Manager Stephanie Trueblood and Public Information Officer Catherine Wright

Opening of the meeting

Mayor Jenn Weaver called the meeting to order at 7:03 p.m. Interim Town Clerk and Human Resources Technician Sarah Kimrey called the roll and confirmed the presence of a quorum.

1. Public charge

Weaver did not read the public charge.

2. Audience comments not related to the printed agenda

There was none.

3. Agenda changes and approval

The mayor noted a change sent by the budget director by email prior to the meeting regarding the Community Development Block Grant project ordinance and an associated budget amendment. She also noted a change sent by the deputy budget director earlier regarding amending the miscellaneous budget amendments with two additional amendments regarding an aerator blower.

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

Kimrey called the roll for voting.

Vote: 5-0. Ayes: Commissioners Bell, Robb English, Ferguson, Matt Hughes and Evelyn Lloyd. Nays: 0.

4. Public hearings

A. Request to close unopened right of way named Cole Avenue

The mayor opened the public hearing. Assistant Town Manager and Planning Director Margaret Hauth said Cole Avenue is an unopened lane that separates property between two neighbors, serves no purpose, is unimproved and has no utilities. The closure was requested by one of the neighbors. Both neighbors were in

attendance at the meeting. The property owner who made the request, Mark Rhoades, said the closure would allow the two neighbors to have a cleaner property line and would remove questions of maintenance responsibilities along the boundary. Hauth said the other neighbor, Christina Perrella, had noted in an email that she was planning to observe rather than participate in the meeting. The mayor asked for confirmation that both parties are amenable to the request. Hauth said she had not heard otherwise.

Motion: Ferguson moved to close the public hearing. Bell seconded.

Kimrey called the roll for voting.

Vote: 5-0. Ayes: Bell, English, Ferguson, Hughes and Lloyd. Nays: None.

B. FY2022 budget public hearing

Mayor Weaver opened the public hearing. A water and sewer customer, William Johnson, provided a brief presentation against increasing utility rates. His presentation included a comparison of rates with surrounding communities and a look at specific aspects of the town's water and sewer fund. There were no other speakers. The mayor said the board received public comments from three other people via email. She summarized them:

- Will Lane, who attended the town's academy on operations, said he was glad to see funding for future sessions, thanked staff for making the budget document easy to understand, and said he wants to see the property tax rate stay the same.
- Lavone Tucker expressed concerns about out-of-town water and sewer rates. The mayor noted that the town manager had responded to the email.
- Michelle Jenkins was curious about the location for the proposed installation of a bench on Nash Street and had some questions about the installation.

The mayor said the board also received a letter from Fairview Community Watch asking for signage to be changed to rename the community center in the neighborhood after Dorothy Johnson.

Motion: Bell moved to close the public hearing. Ferguson seconded.

Kimrey called the roll for voting.

Vote: 5-0. Ayes: Bell, English, Ferguson, Hughes and Lloyd. Nays: None.

5. Items for decision — consent agenda

A. Minutes

1. Joint Public Hearing April 15, 2021
2. Regular meeting May 10, 2021
3. Work session May 24, 2021

B. Miscellaneous budget amendments and transfers (revised item)

C. Miscellaneous Tourism Board amendments and transfers

D. Hillsborough Tourism Board FY2022 Budget Ordinance

E. Proclamation Commemorating Juneteenth Independence Day

F. Consistency statement and ordinance amending Unified Development Ordinance Sections 7.5 – limiting the requirement to combine nonconforming lots

G. Consistency statement and ordinance amending Unified Development Ordinance Sections 5.1.6 and 5.1.7, Table of permissible uses

H. Reclassification and pay amendment – utilities analyst position to civil engineer

I. Deed restriction for all town parcels surrounding the West Fork Eno Reservoir

- J. Special event permit – road closure and sponsorship request for police service for Juneteenth March
- K. NC 86 Connector Study (Phase II)
- L. Community Development Block Grant (CDBG-CV) project ordinance and associated budget amendment (added item)

Motion: Ferguson moved to approve all items on the amended consent agenda. Bell seconded.

Kimrey called the roll for voting.

Vote: 5-0. Ayes: Bell, English, Ferguson, Hughes and Lloyd. Nays: None.

6. Items for decision — regular agenda

A. Consistency statement and ordinance amending Unified Development Ordinance Sections 5.2.9.2 and 6.3.1 – citizen request related to accessory dwelling units and setbacks

Planning Director Margaret Hauth said she placed this request for text amendments on the regular agenda vs. the consent agenda because the Planning Board had a lot of discussion on it at the public hearing. She said the request is from a private property owner who would like to construct an accessory dwelling on the property. The ordinance does not allow accessory dwellings on private roads. The owner also would like to change the setback requirements of the property, which is zoned agricultural residential and has setbacks of 50 feet on all sides. The structures on this property are built closer to the property line already. The owner is asking to conform with setbacks in a nearby neighborhood, with a 40-foot setback in front and 30-foot setbacks on the other sides. Hauth said staff does its best to find options that don't involve changing the ordinance since it is a solution that impacts the entire town. She said the Planning Board's recommendation to allow accessory dwellings on private roads was not unanimous.

She answered questions from the board. She said the property is on Burnside Drive and is one of a few agricultural residential areas serviced by town water and sewer. Most agricultural residential zoning is outside town limits, and the impact of the request would be very limited, especially for the setback issue.

Hughes suggested separating the vote on setbacks and accessory dwelling units.

There was additional discussion. Hauth noted a change in the setback would affect all land zoned agricultural residential. She said that properties with the designation include the mining area and some places in West Hillsborough and that mining is regulated by the state. She said the only other tool that could be used to grant the request is a variance, but there is no hardship in this case to justify a variance. Hauth said reducing the setback gives property owners more ability to use their lot. She said individual houses that would be impacted likely are a dozen or fewer; a lot of the land in areas without water and sewer service are not developed; and the town has almost no way to oversee property used for agricultural purposes in its extraterritorial jurisdiction.

Motion: Hughes moved to approve ordinance change and consistency statement regarding setbacks. Lloyd seconded.

Kimrey called the roll for voting.

Vote: 3-1. Ayes: Bell, Ferguson, and Lloyd. Nays: Hughes. English lost connection and was unable to vote.

The board discussed the request to allow an accessory dwelling unit on a private road. The planning director said the applicant wants to build a garage with an apartment over it for a family member. She said the town greatly expanded the ability to have accessory dwelling units but the requirement to be on a public road has been in place for more than 30 years. Hauth said the Planning Board discussed whether a fixed distance could be set from a private road to allow accessory dwellings. The distance needed to allow the unit at this particular property is 300 feet, which would allow accessory dwellings on any private road in town. One of the Planning Board members was opposed to allowing the unit on a private road.

Hauth answered questions from the board. She confirmed the private road is a gravel road. She said it is one of the oldest private roads in town and probably one of the more well-constructed ones, noting that garbage trucks do travel it. She said most of the new private roads built are to access deeper lots and most private roads in town are very short. Hauth said the Planning Board discussed looking at the standard of a private road and she was very hesitant to accept the option because town staff are not qualified to look at a road and determine whether it's built to a certain standard and because the maintenance and standard for private roads is determined by the private owners. It was determined that a fair standard could not be implemented and the only option before the Planning Board was to allow accessory dwellings on private roads or don't.

In answering what the downside is to allowing accessory dwellings on private roads, Hauth said that not all private roads have been built in the last five years and some may not be well maintained or have a maintenance agreement among all the owners. She said the more people who live on a private road, the more pressure there will be also for the town to accept a road that would be a challenge. Hauth said staff have had conversations that private roads are a problem in the long run and perhaps they should not be allowed in town.

The mayor noted that the town has already taken steps to make accessory dwelling units more accessible to people and that both parts of this request seem to do that. In this case, the dwelling would make it possible for an aging parent to live on site. For another person, renting out the unit could help produce funds to maintain the road.

There was continued discussion about the assumption people have that private roads are public and subject to the same services as public roads and about the treatment of this private road. Hauth said the long tradition of garbage and recycling service on this road and the possibility of the road becoming public should be discussed separately.

Motion: Bell moved to adopt the ordinance and consistency statement to allow accessory dwelling units on private roads. Lloyd seconded.

Kimrey called the roll for voting.

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

~~B. Order closing unopened right of way named Cole Avenue~~

~~Motion: Hughes moved to close unopened right of way named Cole Avenue. Ferguson seconded.~~

~~Kimrey called the roll for voting.~~

~~Vote: 5-0. Ayes: Bell, English, Ferguson, Hughes and Lloyd. Nays: None.~~



Section 6, Item A.

- Single Family Parcels on Private Streets with ADU Potential in Town Limits and ETJ
- Town Limits
- Extraterritorial Jurisdiction



Private Street off McAdams Road



Private Street – Birch Run Minor Subdivision off North Nash Street



Private Street – Private Portion of Daphine Drive (Daphine Court)



Private Street - Amanda Lane



Unnamed Private Street off W Orange Street 1



Unnamed Private Street off W Orange Street 2



HILLSBOROUGH BOARD OF COMMISSIONERS
Consistency Statement per Section 160D-605(a)

Applicant-Initiated Text Amendment Request Regarding
Free-standing Accessory Dwelling Units on Private Streets

October 14, 2024

The Town of Hillsborough Board of Commissioners has received and reviewed an application from residents Natalie Dolgireff and Armand Roth to amend the Unified Development Ordinance as follows:

Amend UDO §5.2.8 (Dwelling, Accessory) to allow freestanding (detached) accessory dwelling units on private streets.

After deliberation on the applicant's proposal and on Planning staff's suggested edits, the Hillsborough Board of Commissioners has determined that Planning staff's version of the proposed text amendment **is/is not** consistent with the Town of Hillsborough's Comprehensive Sustainability Plan (CSP) because it **supports/does not support** the following goals:

- Land Use and 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.
- Town Government and Public Services Goal 2: Adopt local laws, regulations, and policies that help to achieve sustainable and equitable outcomes.
 - Strategy: Develop and adopt policies that help accomplish town goals.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 14th day of October in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Town of Hillsborough Unified Development Ordinance Sections 5.2.8, *Dwelling, Accessory* and 6.21.4, *Design Standards – Private Streets*

The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to Unified Development Ordinance Section 5.2.8, *Dwelling, Accessory* and Section 6.21.4, *Design Standards – Private Streets*, 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 14th day of October in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

5.2 USE-SPECIFIC STANDARDS

5.2.8 DWELLING, ACCESSORY

The following sections are provided to create opportunities for a diversity of housing stock within town. A dwelling unit must contain sleeping, cooking, and bathroom facilities. Guest quarters or suites that do not contain all three types of facilities are not dwelling units and are not reviewed in this section.

5.2.8.1 Accessory dwelling units in freestanding structures

New or existing accessory buildings may be used as dwelling units in addition to the principal dwelling unit in the R-10, R-15, and R-20 districts, subject to the following conditions:

- 5.2.8.1.a The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.
- 5.2.8.1.b The lot has direct access to a public street or a private street that conforms with the requirements for private streets in UDO Section 6.21.4, *Design Standards – Private Streets* and the Town of Hillsborough Street Manual.
- 5.2.8.1.c One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.
- 5.2.8.1.d The structure containing the accessory dwelling must meet the applicable primary building setbacks established in Table 6.3.1, *Dimensional Requirements – residential* OR Section 7.5.3, *Non-conforming lot setback requirements*. The existing, primary dwelling may be non-conforming in regard to building setbacks required in the zoning district. The setback provision in Section 9.1.5.2.c of this ordinance is available for an accessory building containing a dwelling unit.
- 5.2.8.1.e An accessory dwelling unit in a freestanding structure shall be located to the side or rear of the primary dwelling and behind the primary dwelling's front façade.
- 5.2.8.1.f All structures containing dwellings are connected to municipal water and sewer service.
- 5.2.8.1.g The accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or 1,000 square feet in gross floor area, whichever is greater. In no case shall the accessory dwelling unit exceed the gross floor area and/or height of the principal dwelling unit.
- 5.2.8.1.h The accessory unit is constructed to the state building code for one- and two-family dwellings (i.e., is not a manufactured home).
- 5.2.8.1.i There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.
- 5.2.8.1.j The application materials indicate storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.
- 5.2.8.1.k A platted, deeded public utility easement shall be required and existing utility lines shall be upsized if deemed necessary by the Utilities Department.

5.2.8.1.i Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses.

5.2.8.2 Accessory dwelling units within a principal single-family dwelling

Accessory dwelling units may be located within a principal single-family dwelling in any zoning district, subject to the following conditions:

5.2.8.2.a The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.

5.2.8.2.b The lot has direct access to a public street or a private street that conforms with the requirements for private streets in UDO Section 6.21.4, *Design Standards – Private Streets* and the Town of Hillsborough Street Manual.

5.2.8.2.c One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.

5.2.8.2.d Both dwellings are connected to municipal water and sewer service.

5.2.8.2.e The accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or 1,000 square feet in gross floor area, whichever is greater. In no case shall the accessory dwelling unit exceed the gross floor area of the principal dwelling unit.

5.2.8.2.f The accessory dwelling unit must have its own exterior access. Any interior access to the principal dwelling must be lockable from both dwellings.

5.2.8.2.g There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.

5.2.8.2.h The application materials indicated storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.

5.2.8.2.i A platted, deeded public utility easement shall be required and existing utility lines shall be upsized if deemed necessary by the Utilities Department.

5.2.8.2.j Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses.

6.21 STREETS

6.21.4 DESIGN STANDARDS - PRIVATE STREETS

- 6.21.4.1** Any private street within a non-residential or multi-family development must meet the design standards for town public streets.
- 6.21.4.2** Any private street within a minor residential subdivision must be designed in compliance with the North Carolina Fire Prevention Code, which generally requires a twenty-foot wide improved travel way. Associated drainage facilities must be located in the right of way. Underground utilities may be located within the street right of way or in a separate utility easement. Factors such as the length and alignment of the street and the use of sprinklers in individual buildings may impact the travel way or right of way required by the North Carolina Fire Prevention Code.
- 6.21.4.3** A private street within a minor residential subdivision may be required to provide a right of way of fifty (50) feet if the land and lots are arranged to allow the potential conversion of the street to a public street. If the lot arrangement, surrounding development pattern, zoning, and existing town plans indicate conversion is unlikely, the permit issuing authority may allow a private street to reduce the right of way width to no less than 18 feet.
- 6.21.4.4** Lots for single-family detached dwellings may be created with access to a private street provided that:
- 6.21.4.4.a** No more than four (4) lots may have their sole access to the private street.
- 6.21.4.4.b** A new private street shall not be an extension of any existing public or private street.
- 6.21.4.4.c** A new private street shall not be aligned with an existing public street in such a way as may interfere with any planned extension of the public street.
- 6.21.4.5** The intent of this subsection is primarily to allow the creation of not more than four (4) lots with frontage on a private street for single-family development. Therefore, the Town may not approve any project served by a private street authorized by this subsection in which one (1) or more of the lots thereby created is intended for:
- 6.21.4.5.a** Two-family or multi-family residential use, or
- 6.21.4.5.b** Any other residential use or nonresidential use that would tend to generate more traffic than that customarily generated by four (4) single-family residences with one accessory dwelling unit each.
- 6.21.4.6** To ensure that the intent of this subsection is not subverted, the Town may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential development served by a private street be smaller than the permissible size of lots on which two-family or multi-family developments could be located, or that restrictive covenants limiting the use of the subdivided property in accordance with this section be recorded before final plat approval.
- 6.21.4.7** No final plat that shows lots served by private streets may be recorded unless the final plat contains the following notation:
"Further subdivision of any lot shown on this plat as served by a private street maybe prohibited by the Town of Hillsborough *Unified Development Ordinance.*"

6.21.4.8 The recorded plat of any development that includes a private street shall clearly state that such street is a private street and must be accompanied by a private street maintenance agreement that is also recorded.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Oct. 14, 2024
Department:	Planning and Economic Development
Agenda Section:	Regular
Public hearing:	Yes
Date of public hearing:	Aug. 15, 2024

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II
Shannan Campbell, Planning & Economic Services Manager

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance text amendment – Section 5.1.8 *Use Table for Non-residential Districts* (applicant-initiated)

Attachments:

1. Application, including proposed revisions and reasoning
2. Map of General Commercial zoned properties in town's jurisdiction
3. Staff draft of text amendment
4. Consistency statement
5. Ordinance

Summary:

The applicant owns two parcels on US 70 E totaling +/- 16.43 acres (PINs 9875-10-4533 and 9875-00-9537). The parcels were previously zoned Entranceway Special Use with a master plan, which allowed for several non-residential uses. The parcels were then annexed and rezoned to General Commercial on June 21, 2023, at the applicant's request. The House at Gatewood restaurant is on PIN 9875-10-4533. The other parcel is undeveloped.

The applicant's submittal, including the proposed amendment and justification, is attached. The applicant is proposing to amend Table 5.1.8 *Use Table for Non-residential Districts*. Specifically, they are proposing the following uses be allowed in the General Commercial district subject to a Special Use Permit:

- Dwelling, Attached (5-19 units)
- Dwelling, Attached (20+ units)

The joint public hearing for this proposal was held on Aug. 15, 2024. Minutes for the hearing are available online: <https://mccmeetings.blob.core.usgovcloudapi.net/hillsbrnc-pubu/MEET-Minutes-b7f52dc9d9ca462cb8c47b47ee1b1534.pdf>.

Comprehensive Sustainability Plan goals:

- Land Use and 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.

Financial impacts:

N/A

Staff recommendation and comments:

Staff recommends denial of the proposed text amendment

Planning

Note that single-family residences (and associated accessory dwelling units) are allowed by right in the General Commercial district. It appears the district was originally applied in areas with a high concentration of existing single-family residences along a major thoroughfare.

The Unified Development Ordinance does not intend for multi-family residential uses in the General Commercial district. Unified Development Ordinance Section 4.2.5, *General Commercial District* states, “the purpose of the General Commercial District is to accommodate a diverse range of retail, service, and office uses that provide goods and services to the residents and businesses in the community at large...”. If multi-family residential uses are to be allowed in General Commercial, this language in Section 4.2.5 will need to be amended.

Allowing multi-family uses in the General Commercial district may also necessitate amending the Future Land Use Plan. For example, the applicant’s properties are zoned General Commercial and designated as Retail Services on the Future Land Use Map/Plan. The plan envisions Retail Services near residential development, but it does not envision mixed-use development, such as retail and multi-family residential on the same parcel. The plan would need to be amended to include residential uses in any Future Land Use category that corresponds with the General Commercial district. The Future Land Use Map/Plan can be found under “Ordinances and Other Guiding Documents” on the town’s website: <https://www.hillsboroughnc.gov/about-us/departments/community-services/planning>.

Creating more opportunities for mixed-use development is reasonable, even desirable. However, with upcoming updates to the Unified Development Ordinance and Future Land Use Map/Plan, the proposed amendment is premature. This amendment would apply to all General Commercial zoned properties and would necessitate additional amendments to the Unified Development Ordinance and Future Land Use Map/Plan. Further research would be necessary to determine the feasibility of allowing multi-family development on all existing parcels zoned General Commercial.

A request to rezone the applicant’s parcels to Planned Development or Multi-Family would be more appropriate to achieve mixed use development or multi-family development in this location. However, rezoning the parcels would still not guarantee utility capacity, and there are concerns about the town’s ability to serve multi-family development in this location (see comments from Utilities below).

Utilities

The town’s sewer model is based on flow rates from commercial developments consistent with Subchapter 02T, *Waste Not Discharged to Surface Waters* in the North Carolina Administrative Code. Flow from residential development within commercial areas is consistently higher than commercial flows (even with the state’s recent reductions in residential flows).

Utilities would need to re-model the impacts of allowing multifamily “by right” in commercial areas before confirming that the utilities system could support this change. It is unlikely that modeling the areas impacted by the proposed amendment will indicate that capacity is available to support the proposed Unified Development Ordinance change given observed current capacity constraints in the sewer system.

Action requested:

Make a recommendation on the proposed text amendment.



TOWN OF
HILLSBOROUGH

GENERAL APPLICATION

Amendment to Future Land Use Map, Unified Development Ordinance or Official Zoning Map

Planning and Economic Development Division
101 E. Orange St., PO Box 429, Hillsborough, NC 27278
919-296-9477 | Fax: 919-644-2390
www.hillsboroughnc.gov

This application is for amendments to the Comprehensive Sustainability Plan, Unified Development Ordinance, and/or Official Zoning Map. Incomplete applications will not be accepted or processed.

OFFICIAL USE ONLY		
Case Number:	Fee: \$	Receipt No.:
FLUM Designation:	Zoning District:	Overlay Zone:

Amendment Type: Future Land Use Map Unified Development Ordinance Text
 Zoning Map – General Use or Overlay District Zoning Map – Planned Development District

PROPERTY LOCATION AND DESCRIPTION	
Property Address or Location: <i>300 Route 70, Hillsborough, NC</i>	
PIN(s): <i>9875104533</i>	Size of Property (Acres/Sq. Ft.): <i>76 acres</i>
Current Use of Property: <i>Commercial / Restaurant</i>	
Current Zoning Classification(s): <i>General Commercial Use</i>	
Proposed Zoning Classification(s): <i>General Commercial Use</i>	

CERTIFICATION AND SIGNATURES	
Applications will not be accepted without signature of legal property owner or official agent.	
I certify that the information presented by me in this application and all accompanying documents are true and accurate to the best of my knowledge, information, and belief; and I acknowledge that the processing of this application may require additional town, county and/or state permits, approvals, and associated fees.	
Applicant Name: <i>Jennifer Spada</i>	Legal Property Owner Name: <i>Gatwood Properties, LLC</i>
Mailing Address: <i>4017 McKee School Rd</i>	Mailing Address: <i>Properties, LLC</i>
City, State, ZIP Code: <i>Hurdle Mills, NC 27541</i>	City, State, ZIP Code: <i>same</i>
Telephone: [REDACTED]	Telephone: <i>contact info</i>
Email: [REDACTED]	Signature: <i>[Signature]</i>
Signature: <i>J Spada</i>	Signature: <i>[Signature]</i>
Date: <i>6/24/24</i>	Date:



TOWN OF
HILLSBOROUGH

SUPPLEMENTAL FORM

Amendment to Official Zoning Map

Planning and Economic Development Division
101 E. Orange St., PO Box 429, Hillsborough, NC 27278
919-296-9477 | Fax: 919-644-2390
www.hillsboroughnc.gov

To the Hillsborough Board of Commissioners:

I, Jennifer Spada, hereby petition the Board of Commissioners to change the zoning designation of the property described in the attached General Application Form

FROM General Commercial Use ~~General Commercial Use~~ General Commercial Use + SUP for attached dwellings

FACTORS RELEVANT TO DECISION TO AMEND THE OFFICIAL ZONING MAP

The Hillsborough Unified Development Ordinance lists the following 10 general standards/findings of fact that the Board of Commissioners must weigh and consider before deciding to amend the official zoning map. Below or on a separate sheet, indicate the facts you intend to show and the arguments you intend to make to convince the Board of Commissioners that it can properly reach these 10 findings.

1. The extent to which the proposed amendment is consistent with all applicable Town adopted plans.

This proposed amendment would keep the desired Commercial zoning on North End of town, but allow for integrated housing to support Commercial businesses.

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

Feedback from multiple Commercial Developers & potential tenants, like Breweries & Cideries say more roof tops are needed to support investment.

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

The North End of town needs more Commercial development, like House at Gatewood and the town needs more housing.

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. is consistent with the Hillsborough Comprehensive Plan.

Proposed changes are consistent with the Commercial planned use for North End of town / Comprehensive Plan

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.

No deviation from orderly development patterns

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

The overall plan for Commercial Development of our property was started in 2017. There should not be premature development.

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

This would not cause strip or ribbon commercial development.

8. The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts.

This would tie the North End together more.

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

This would increase property values as the House at Gatewood development already has.

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.

There should not be negative environmental impacts and SUPs for attached dwellings will give tower more control.

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

J Spada
Signature of Applicant

6/24/24
Date

Request for Text Change to the Commercial Zoning – Town of Hillsborough, NC

Introduction

We own 16 acres of General Commercial Use land on the north end of Hillsborough, at 300 Route 70 and have a restaurant on the property, House at Gatewood. Our plan for the property is to be a destination for hospitality, adding other commercial businesses to enhance the restaurant and event business we have already established. Based on feedback from several Commercial developers, the limiting factor for Commercial investment and development on the north end is the limited number of roof tops to support new Commercial businesses. Therefore, we are requesting a change to the Hillsborough, NC Unified Development Ordinance to add Special Use Permitting (SUP) for attached dwellings in the permitted use table for the General Commercial (GC) districts. This change will allow residential to be selectively incorporated into commercial development projects, creating increased demand for to allowing residential use in GC districts with an SUP would benefit the town by creating more commercial services, enhancing the quality of life for residents, and creating a more walkable/sustainable environment within the town borders.

Proposed Change to the Permitted Use Table

The current permitted uses for the Commercial Zoning District does not allow any residential use, except for a single family home. We would like to expand on this by allowing SUPs for attached dwellings that can be incorporated into commercial development. This will make commercial development of the north end of town more attractive to developers and potential tenants.

The proposed change to the permitted use table is highlighted in red:

5.1.8 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS														
P = Permitted by Right accessory use					SUP = Permitted with a Special Use Permit * = Refer to 5.2.47					PA = Permitted as				
	L O	NB	OI	CC	GC	HIC	AR U	B P	ED D	L I	GI	ES U	NBS U	SDS U
Adult Day Care			P			P						SUP	SUP	SUP
Adult Use						SUP								
Artisan Studio	P	P	P	P	P	P	P	P	P	P	P	SUP	SUP	SUP
Bank & Financial Institution	P		P	SUP	P	P		P	P			SUP		SUP
Bar				P	P	P	P		P			SUP		SUP

Event Center			P	SU P	P	P	P	P	P			SU P	SUP	SUP
Extended Care Facility			P			P						SU P		SUP
Family Care Home												SU P	SUP	SUP
Family Child Care Home													SUP	
Farm, Bona fide														
Farmer's Market		P	P	P	P	P	P		P	P	P	SU P		SUP

Rationale for Allowing Residential Use with an SUP in GC Districts

The rationale for allowing residential use with an SUP in GC districts is based on the following considerations:

- The GC district is intended to accommodate a wide range of commercial uses that serve the needs of the town and the region. Allowing residential use with an SUP in GC districts would not change the primary purpose of the district, but rather add a complementary use that would support the existing and future commercial activities, bringing new businesses and new investment to the area.
- The GC district is suitable for mixed-use development that integrates residential and commercial uses in a compact and walkable form. Allowing residential use with an SUP in GC districts would create more opportunities for mixed-use development that would enhance the vitality and diversity of the town, provide more housing options and affordability, and reduce the dependence on automobiles and greenhouse gas emissions.
- The GC district is subject to the SUP process, which requires review and approval by the Board of Adjustments, based on specific criteria and conditions. Allowing residential use with an SUP in GC districts would ensure that each proposal is evaluated on its own merits and impacts, and that the town has the authority and discretion to approve, deny, or modify the proposal to protect the public interest.

Benefit to House at Gatewood and 300 Route 70 Property

We believe this change is important to the development of our property at 300 Route 70, where we established the House at Gatewood. The ability to incorporate rooftops into the development plans for our property will increase interests of potential tenants and partners that can bring new commercial businesses, hospitality, and entertainment to residents and visitors.

Allowing residential use with an SUP in GC districts would enable the property owner to pursue this vision, which would have several advantages for the town and the business:

- It would expand the hospitality options in the town, attracting more visitors and generating more tax revenue.
- It would create a built-in customer base for the existing and future businesses on the site, such as the restaurant, the event venue, and the retail shops.
- It would increase the investment and development potential of the property, enhancing its value and appearance.
- It would preserve the historic character and charm of the House at Gatewood, which is a landmark and an asset for the town.

By allowing residential use with an SUP in GC districts, the town would support the growth and success of the House at Gatewood and the 300 Route 70 property, while ensuring that any proposed development meets the standards and goals of the town's comprehensive plan and zoning ordinance.

5.1.8 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS

P = Permitted by Right

SUP = Permitted with a Special Use Permit

PA = Permitted as accessory use

* = Refer to 5.2.47

	LO	NB	OI	CC	GC	HIC	ARU	BP	EDD	LI	GI	ESU	NBSU	SDSU
Adult Day Care			P			P						SUP	SUP	SUP
Adult Use						SUP								
Artisan Studio	P	P	P	P	P	P	P	P	P	P	P	SUP	SUP	SUP
Bank & Financial Institution	P		P	SUP	P	P		P	P			SUP		SUP
Bar				P	P	P	P		P			SUP		SUP
Bed and Breakfast Facility														
Botanical Garden & Arboretum		P	P	P	P	P	P				P	SUP		
Brewery		SUP			P	P	P	P	P	P	P			
Building/Trade Contractor's office		P			P	P		P	P	P	P	SUP		
Cemetery			SUP			SUP								
Child Day Care		P	P		P	P	P	P	P			SUP	SUP	SUP
Church, Place of worship		P	P	P			P		P			SUP	SUP	SUP
Detention Facility			SUP						SUP					
Dwelling: Accessory		P	P	P	P	P		P				SUP	SUP	SUP
Dwelling: Attached (1-4 units)				P			P				SUP	SUP	SUP	SUP
Dwelling: Attached (5-19 units)				P	SUP		P				SUP	SUP		SUP
Dwelling: Attached (20+ units)				SUP	SUP		P				SUP	SUP		SUP
Dwelling: Mobile Home A														
Dwelling: Mobile Home B														
Dwelling: Mobile Home C														
Dwelling: Single-family		P	P	P	P	P						SUP	SUP	SUP
Electronic Gaming Operation		PA		PA	PA/SUP	PA/SUP							SUP	
Event Center			P	SUP	P	P	P	P	P			SUP	SUP	SUP
Extended Care Facility			P			P						SUP		SUP
Family Care Home												SUP	SUP	SUP
Family Child Care Home													SUP	

Farm, Bona fide															
Farmer's Market		P	P	P	P	P	P		P	P	P		SUP		SUP



Section 6, Item B.

Town of Hillsborough Properties Zoned General Commercial (GC)

- Properties Zoned GC
- Parcels
- Town Limits
- Extraterritorial Jurisdiction



4C. Staff draft of text amendment

4.2 BUSINESS BASE ZONING DISTRICTS

4.2.5 GENERAL COMMERCIAL DISTRICT (GC)

4.2.5.1 Intent

The purpose of the GC District is to accommodate a diverse range of retail, service, and office uses that provide goods and services to the residents and businesses in the community at large – e.g., shopping centers, convenience stores, and retail sales establishments. Attached dwelling developments of 5 units or more may be allowed subject to the issuance of a Special Use Permit. Performance standards shall be used to insure the absence of adverse impacts beyond the zoning district boundary.

4.2.5.2 Application Criteria

This district will usually be applied where the following conditions exist:

- 4.2.5.2.a Water and sewer lines exist at the site or are to be made available as part of the development process.
- 4.2.5.2.b All property to be designated for new development under this classification shall have direct access to arterial streets.

5.1.8 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS

	P = Permitted by Right			SUP = Permitted with a Special Use Permit				PA = Permitted as accessory use				* = Refer to 5.2.47			
	LO	NB	OI	CC	GC	HIC	ARU	BP	EDD	LI	GI		ESU	NBSU	SDSU
Adult Day Care			P			P							SUP	SUP	SUP
Adult Use						SUP									
Artisan Studio	P	P	P	P	P	P	P	P	P	P	P		SUP	SUP	SUP
Bank & Financial Institution	P		P	SUP	P	P		P	P				SUP		SUP
Bar				P	P	P	P		P				SUP		SUP
Bed and Breakfast Facility															
Botanical Garden & Arboretum		P	P	P	P	P	P				P		SUP		
Brewery		SUP			P	P	P	P	P	P	P				
Building/Trade Contractor's office		P			P	P		P	P	P	P		SUP		
Cemetery			SUP			SUP									
Child Day Care		P	P		P	P	P	P	P				SUP	SUP	SUP
Church, Place of worship		P	P	P			P		P				SUP	SUP	SUP
Detention Facility			SUP						SUP						
Dwelling: Accessory		P	P	P	P	P		P					SUP	SUP	SUP
Dwelling: Attached (1-4 units)				P			P				SUP		SUP	SUP	SUP
Dwelling: Attached (5-19 units)				P	<u>SUP</u>		P				SUP		SUP		SUP
Dwelling: Attached (20+ units)				SUP	<u>SUP</u>		P				SUP		SUP		SUP
Dwelling: Mobile Home A															
Dwelling: Mobile Home B															
Dwelling: Mobile Home C															
Dwelling: Single-family		P	P	P	P	P							SUP	SUP	SUP
Electronic Gaming Operation		PA		PA	PA/SUP	PA/SUP								SUP	
Event Center			P	SUP	P	P	P	P	P				SUP	SUP	SUP
Extended Care Facility			P			P							SUP		SUP
Family Care Home													SUP	SUP	SUP
Family Child Care Home														SUP	
Farm, Bona fide															
Farmer's Market		P	P	P	P	P	P		P	P	P		SUP		SUP

5.2 USE-SPECIFIC STANDARDS

5.2.9 DWELLING, ATTACHED

5.2.9.1 Categories of Attached Dwellings

This Ordinance hereby establishes the following attached dwelling use types:

- 5.2.9.1.a Attached Dwellings Up to 4 Units;
- 5.2.9.1.b Attached Dwellings 5-19 Units; and
- 5.2.9.1.c Attached Dwellings 20+ Units.

The review and approval process for these uses are specified in tables 5.1.7, *Use Table for Residential Districts*, and 5.1.8, *Use table for Non-Residential districts*, for each zoning district.

5.2.9.2 Standards of Evaluation

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

- 5.2.9.2.a The number of dwelling units per acre proposed is equal to or less than the maximum number of units per acre permitted in the district in which they are proposed, when calculated according to the rounding information provided in Section 9.
- 5.2.9.2.b Site plans show compliance with the dimensional requirements for the applicable Zoning District in which the attached dwelling unit is being developed.
- 5.2.9.2.c For developments consisting of 5 or more dwelling units, vehicular ingress and egress and exits for the development are directly off a public road(s) which is either a collector or arterial street and meet the driveway standards in Section 6.9, *Driveway Connections*. Up to 4 dwelling units are permissible on any public street.
- 5.2.9.2.d The interior roads and parking areas shall meet the required specifications included in Section 6.21, *Streets*.
- 5.2.9.2.e The project is served or is proposed to be served by public water and sewer systems. The proposed distribution systems have been sized to meet the demands of the project, including fire protection.
- 5.2.9.2.f The Fire Marshal has reviewed and approved in writing the fire protection plan, including the location of fire hydrants.
- 5.2.9.2.g The utility plan has been reviewed and approved by the Utilities Director and the State has approved the extension of the Town's systems. All utilities, including electrical, telephone, and cable television, are to be installed underground.
- 5.2.9.2.h The lighting plan meets or exceeds the specification of this Ordinance.
- 5.2.9.2.i The grading, storm drainage, and soil erosion and sedimentation control plans have been reviewed and approved by the Orange County Soil Erosion and Sedimentation Control Officer or consulting Engineer, as applicable.
- 5.2.9.2.j The pedestrian circulation minimizes the conflicts between pedestrians and

motor vehicles, and it provides convenient access to all common areas and facilities and to public streets.

- 5.2.9.2.k** The proposed trash container and recycling system meets the requirements of this Ordinance and the Orange County Solid Waste Management Ordinance.
- 5.2.9.2.l** The site plan shows the phasing, if any, of the development, including any phases to be developed later. If a development is to be built in phases, and complete plans for the succeeding phases are not available, then the requirements in this section shall apply to each phase as if it were a separate and discrete development. Further, when a development is built in phases and includes improvements that are designed to relate to, benefit, or be used by the entire development, (such as swimming pools or tennis courts), the developer shall submit a schedule for completion of these improvements. All common implements necessary to comply with the requirements of this Ordinance for each phase must be completed before occupancy of a subsequent phase may commence.
- 5.2.9.2.m** An improvement must be scheduled and completed before the final phase of the development is begun. The permit-issuing authority may, in special cases (exclusive of financial hardship) authorize the applicant to commence the intended use of the property or to occupy any building before these improvements are installed provided that a performance bond or other security satisfactory as to amount certified by the applicant's engineer to be 125% of the estimated cost to complete the work, and in a form to the Town Attorney, is furnished.

5.2.9.3 Recreational Standards for attached dwellings

For recreational standards, see Section 6.15, *Recreational Sites*.

5.2.9.4 Open Space Standards for attached dwellings

For open space standards, see Section 6.12, *Open Space*.

5.2.9.5 Zoning District Specific Standards for attached dwellings

5.2.9.5.a Central Commercial (CC) District

- (a) It is the intent of these provisions to allow attached dwelling developments on lots zoned Central Commercial in an effort to mix land uses within the Central Commercial zone to the extent that it does not detract from the function of the zone as a commercial center. It is not the intent of this section to impede the location of retail establishments in the CC district.
- (b) Any lot within the CC zone may contain a single dwelling unit along with a non-residential enterprise or as an individual use.
- (c) An existing building in the CC zone may renovate existing gross floor area into attached dwellings when:
 - i. The ground floor area is used for non-residential uses and access to the dwelling(s).
 - ii. The conversion does not require an addition of enclosed building

- area other than creating access from the ground level, if necessary.
- iii. Applicant provides construction drawings verifying there is adequate water, sewer, and solid waste collection service to the property to comply with paragraphs e, f, g, h, and k in Section 5.2.109.2 above and all other applicable town and building codes. The requirements in Section 5.2.109.2_a, b, c, d, i, j, l, and m, Section 5.2.109.3, and Section 5.2.109.4 do not apply to these units.
- (d) New buildings in the CC zone may be constructed for attached dwellings when:
 - i. The ground floor area of all buildings(s) is used for non-residential uses and access to the dwelling(s).
 - ii. Off-street parking is provided at a rate of 1.2 spaces per dwelling unit.
 - iii. Applicant provides a site plan and construction drawings verifying compliance with the relevant requirements of Section 5.2.109.2 and all other applicable town and building codes.
 - iv. The requirements in Section 5.2.109.3 and Section 5.2.109.4 apply to any site containing twenty or more dwelling units
 - v. The requirements of Section 6.10, Landscaping (Parking Lot), apply to parking and vehicle accommodation areas proposed to be constructed or modified as part of the project.

5.2.9.5.b General Commercial (GC) District

- (a) It is the intent of these provisions to allow attached dwelling developments on lots zoned General Commercial in an effort to mix land uses within the General Commercial district to the extent that it does not detract from the function of the district as predominantly commercial. It is not the intent of this section to impede the location of commercial establishments in the General Commercial district.
- (b) Any lot within the General Commercial district may contain a single-family dwelling unit along with a non-residential enterprise or as an individual use.
- (c) An applicant may seek approval of a Special Use Permit to convert existing buildings or construct new buildings for attached dwellings of five (5) units or more. In addition to all other requirements for Special Use Permits set forth in Section 3.8, Special Use Permits, an applicant seeking a Special Use Permit under this subparagraph must submit the following information with their application:
 - i. Documentation from a licensed commercial real estate appraiser indicating that the property is not suitable for sole commercial use due to reasons other than market trends, such as location, access, lot size, topography, and environmental features; and
 - ii. A written statement from the Town of Hillsborough Utilities Department that the town has capacity to serve the proposed development with water and sewer.

(d) Attached dwellings shall be permissible on property zoned General Commercial only when commercial development is also present or proposed on the property.

5.2.9.5.c *General Industrial (GI) District*

An applicant may seek approval of a Special Use Permit to convert an existing or former industrial building to an attached dwelling development if the building façade is maintained or designed to maintain sufficient detailing and characteristics as to retain its industrial character.

In addition to all other required submittals for Special Use Permits set forth in Section 3.8, *Special Use Permits*, applicants seeking a Special Use Permit under this subparagraph must include with their application:

- (a) Elevations showing the existing building facade and the proposed building façade.
- (b) Application materials shall indicate compliance with the relevant requirements for accessory dwelling developments in this Ordinance.
- (c) An applicant may include retail, service, and/or office uses in the permit request which encompass up to thirty (30) percent of the floor area of the project.
- (d) The Board of ~~Commissioners-Adjustment~~ shall carefully consider the potential impacts on proposed residences of any existing industrial uses in the immediate vicinity and may deny an SUP for attached dwelling uses under this section if they deem the development incompatible with the existing industrial use. In addition, the Board of ~~Commissioners-Adjustment~~ must consider the potential impact of any other use permitted as of right in the district on the proposed residential use before it may find the proposed use to be compatible with the district. The Board of ~~Commissioners-Adjustment~~ may deny the SUP for attached dwelling use if the Board determines that such use, if developed as proposed at the proposed location, would not be compatible with any other use(s) permitted in the district.

6.3.2 TABLE: DIMENSIONAL REQUIREMENTS –NON-RESIDENTIAL

	ARU	OI	NB & NBSU	CC & CCSU	GC	HIC	LI	GI	LO	ESU	EDD	BP	SDSU
Minimum Lot Area (sf or acre)	3 acres	10,000	10,000	None	10,000	10,000	40,000	40,000	1 acre	2 acres	40,000	40,000	TBD
Attached dwelling minimum lot size (min sf per unit)	3,630 sf 12 DU/ac	NA	NA TBD (SUP)	NA TBD (SUP)	NA <u>2,900 sf</u> <u>15 DU/ac</u>	NA	NA	NA TBD (SUP)	NA	TBD	NA	NA	TBD
Minimum Lot Width	100	75	75	0	75	75	100	200	75	100	75	75	TBD
Minimum Side Yard Width	20*	20*	15*	0	15* [^]	15* [^]	50*	50*	20	20	25	25	TBD
Minimum Rear Yard Width	20*	20*	20*	0	20* [^]	20* [^]	50*	50*	20	20	25	25	TBD
Minimum Front Setback	20	20	20	0	20 ⁺	20 ⁺	35	35	20	50	25	25	TBD
Maximum Building Height	65	40	35	40	40	65	65	65	60	60	45	60	60

* Refer to Table 6.3.3 for Side and Rear Setbacks for Zoning Lots Abutting a Different Zoning District.
[^] For parcels abutting South Churton Street between Interstate-40 and the Eno River, parking must observe at 10' landscaped setback from a side or rear property line. Please refer to Section 6.10.3
⁺ For parcels abutting South Churton Street between Interstate-40 and the Eno River, the minimum front yard setback is 30 feet and the maximum front yard setback is 100 feet, measured from the Churton Street right of way boundary.
TBD – *This standard will be determined during the SPECIAL Use Permit review process*

6.3.3 TABLE: SIDE AND REAR SETBACKS FOR LOTS ABUTTING A DIFFERENT ZONING DISTRICT

Adjacent -> Proposed	R-40	R-20	R-15	R-10	MF	AR	ARU	OI	NB	CC	GC	HIC	GI	LI	EDD	NB-SU	CC-SU	PW	PWCA
ARU	50	50	50	50	50	50	0	20	20	0	0	0	20	20	20	20	0	50	50
OI	20	20	20	20	20	20	0	0	0	0	0	15	20	20	20	0	0	20	20
NB	15	15	15	15	15	15	0	0	0	0	0	15	15	15	15	0	0	15	15
GC	30	30	20	20	20	30	0	0	0	0	0	0	20	20	20	0	0	30	30
HIC	30	30	20	20	20	30	0	15	15	15	0	0	20	20	20	0	0	30	30
LI	50	50	50	50	50	50	0	50	50	50	50	30	0	0	20	0	0	50	50
GI	50	50	50	50	50	50	0	50	50	50	50	30	0	0	20	0	0	50	50
EDD	25	25	25	25	25	25	25	20	25	25	25	25	25	20	25	25	25	25	25

**HILLSBOROUGH BOARD OF COMMISSIONERS
Consistency Statement per Section 160D-605(a)**

**Applicant-Initiated Request to Amend
UDO Table 5.1.8, *Use Table for Non-Residential Districts***

October 14, 2024

The Town of Hillsborough Board of Commissioners has received and reviewed an application from property owner Jen Spada to amend the Unified Development Ordinance as follows:

Amend UDO §5.1.8 (Use Table for Non-residential Districts) to allow attached dwellings with 5 units or more in the General Commercial district with the issuance of a Special Use Permit.

After deliberation on the applicant's proposal, the Hillsborough Board of Commissioners has determined that the proposed text amendment **is/is not** consistent with the Town of Hillsborough's Comprehensive Sustainability Plan (CSP) because it **supports/does not support** the following goals:

- Land Use and 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.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 14th day of October in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Town of Hillsborough Unified Development Ordinance Table 5.1.8, *Use Table for Non-Residential Districts*

The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to Unified Development Ordinance Table 5.1.8, *Use Table for Non-Residential Districts*, 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 14th day of October in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

5.1.8 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS

P = Permitted by Right SUP = Permitted with a Special Use Permit PA = Permitted as accessory use * = Refer to 5.2.47

	LO	NB	OI	CC	GC	HIC	ARU	BP	EDD	LI	GI		ESU	NBSU	SDSU
Adult Day Care			P			P							SUP	SUP	SUP
Adult Use						SUP									
Artisan Studio	P	P	P	P	P	P	P	P	P	P	P		SUP	SUP	SUP
Bank & Financial Institution	P		P	SUP	P	P		P	P				SUP		SUP
Bar				P	P	P	P		P				SUP		SUP
Bed and Breakfast Facility															
Botanical Garden & Arboretum		P	P	P	P	P	P				P		SUP		
Brewery		SUP			P	P	P	P	P	P	P				
Building/Trade Contractor's office		P			P	P		P	P	P	P		SUP		
Cemetery			SUP			SUP									
Child Day Care		P	P		P	P	P	P	P				SUP	SUP	SUP
Church, Place of worship		P	P	P			P		P				SUP	SUP	SUP
Detention Facility			SUP						SUP						
Dwelling: Accessory		P	P	P	P	P		P					SUP	SUP	SUP
Dwelling: Attached (1-4 units)				P			P				SUP		SUP	SUP	SUP
Dwelling: Attached (5-19 units)				P	SUP		P				SUP		SUP		SUP
Dwelling: Attached (20+ units)				SUP	SUP		P				SUP		SUP		SUP
Dwelling: Mobile Home A															
Dwelling: Mobile Home B															
Dwelling: Mobile Home C															
Dwelling: Single-family		P	P	P	P	P							SUP	SUP	SUP
Electronic Gaming Operation		PA		PA	PA/SUP	PA/SUP								SUP	
Event Center			P	SUP	P	P	P	P	P				SUP	SUP	SUP
Extended Care Facility			P			P							SUP		SUP
Family Care Home													SUP	SUP	SUP
Family Child Care Home														SUP	
Farm, Bona fide															
Farmer's Market		P	P	P	P	P	P		P	P	P		SUP		SUP



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date:	Oct. 14, 2024
Department:	Administrative Services
Agenda Section:	Regular
Public hearing:	No
Date of public hearing:	N/A

PRESENTER/INFORMATION CONTACT

Administrative Services Director Jen Della Valle
Human Resources Manager Haley Thore

ITEM TO BE CONSIDERED

Subject: Equity Update

Attachments:

1. Facilitation and Development of Equity Plan proposal from Central Pines Regional Council
2. PowerPoint Presentation

Summary:

The Town of Hillsborough became a member of the Government Alliance on Race and Equity (GARE) in 2020. Since then, the town has joined and participated in the OneOrange countywide racial equity efforts, which has included the development and approval of the *One Orange Racial Equity Framework: A Catalyst for Moving Forward*. The OneOrange team has continued to collaborate to develop a countywide data dashboard and are currently working together to develop a countywide racial history project. In alignment with these efforts and per the town's strategic plan, staff seeks to develop a townwide equity plan.

The town's internal Diversity, Equity and Inclusion (DEI) Core Team has reviewed several existing racial equity plans that are available through GARE's member network portal. A few members of the DEI Team were able to have discussions with other municipalities that have developed a plan to learn from their experiences and to help shape our next steps. Based on current staff's internal capacity, the DEI Core Team determined it was best to work with a consultant to help guide us in this effort. As we were in the process of developing a request for proposals, we had a discussion with Central Pines Regional Council to see what level of support they could provide, and they expressed excitement and willingness to help us in the development of a townwide equity plan. Details regarding the scope of work and timeline for plan completion is outlined in the attached proposal.

The DEI Core Team and the Operations Team continue to test the equity lens to continue to make improvements and determine when and how to best use this tool.

Financial impacts:

The board budgeted \$20,000 for a consultant for the equity plan and \$20,000 for countywide racial equity efforts. Moving forward with the equity plan proposal will leave limited funds for the countywide history project. We are not sure how much the racialized history project will cost but staff is requesting an additional \$5,000 to provide flexibility for that project.

Staff recommendation and comments:

Please review the attached proposal from Central Pines Regional Council.

Action requested:

Provide feedback and/or approve approach outlined for the facilitation and development of an equity plan and approve budget amendment.

Facilitation and Development of an Equity Plan for the Town of Hillsborough

Proposal by Central Pines Regional Council

About Us

Central Pines Regional Council, formally Triangle J Council of Governments, is a resource and support hub for local governments, community members, and partners across Chatham, Durham, Johnston, Lee, Moore, Orange, and Wake counties. Our work is rooted in the belief that our region thrives when we come together with a common vision and plan for the future. We advance this goal through the support of regional policy, collaboration, and technical assistance.

On any given day, CPRC works with our partners to provide support in the following areas:

- Aging & Human Services
- Community & Economic Development
- Environment & Resilience
- Housing
- Member Support & Strategy
- Mobility & Transportation

Our Approach to Facilitation and Planning Processes

Effective collaboration is the cornerstone of success for leaders and teams. CPRC's facilitation services are designed to empower boards and staff to overcome challenges, enhance problem-solving, and set clear goals. With a focus on transparency, curiosity, and compassion, we work alongside your team to design and tailor purposeful and engaged meetings that produce results. Our approach prioritizes team and trust-building, developing a shared understanding of the current state of the community, defining collective short-and long-term success, and prioritizing action items. Our team has assisted large, small, urban, and rural communities with the facilitation of critical conversations, annual retreats, and longer-term visioning processes.

Recent, relevant projects include:

- Town of Pittsboro Strategic Plan
- City of Durham Council Budget Retreat
- City of Raleigh Council Budget Retreat
- Holly Springs Town Council's Affordable Housing Retreat
- City of Sanford Board Retreat & Strategic Framework
- Town of Wilson's Mills Strategic Framework
- North Carolina State Climate Office's Strategic Framework
- Climate Pollution Reduction Grant Climate Action Plan

Scope of Work

Developing an equity plan involves a series of key steps that ensure the plan is comprehensive, actionable, and effective. CPRC will work with Town staff, Board Members, and the broader Hillsborough community to assess the current state of inequities, identify priority areas, and design a realistic plan to improve outcomes.

Objectives

- **Identify systemic barriers:** Assess existing policies, practices, and procedures to identify areas where racial inequities exist.
- **Engage organization and community stakeholders:** Involve diverse departmental representation and community voices, including underrepresented groups, to ensure the plan reflects the community's needs
- **Develop actionable strategies:** Create specific, measurable, attainable, relevant, and time-bound (SMART) goals and strategies to address identified inequities.
- **Monitor and evaluate progress:** Establish mechanisms to track the implementation and effectiveness of the Equity Plan.

Phase One (5-6 Months)

1. Assess the Current State:

- **Data Collection:** Gather initial demographic data, employment statistics, housing, education, and health outcomes to identify disparities. *** We strongly recommend this step and have included some options for reducing other costs in the cost proposal section if there is a need to reduce overall price.*
- **Launch Internal Equity Action Team:** Establish and hold initial action team meeting with representation from Town departments to guide the plan's development and strategies. Ideally, this will include a broad representation of department types (internally such as human resources **and** external such as parks and recreation or public works). Intended to meet monthly throughout process.
- **Stakeholder Mapping:** Identify key stakeholders, including community leaders, employees, advisory boards, advocacy groups, and residents from marginalized communities, not an exhaustive list.
- **External Community Advisory Committee:** Establish an advisory committee of community leaders/local organizations and key public partners (e.g. Orange County) that will have a role or responsibility in implementing feedback from the community. Hold initial meeting and discuss the opportunity for the committee to serve as critical feedback step along the process, reviewing internal results and identifying communication/engagement gaps. Intended to meet monthly through end of process.

- **Internal Assessment:** Conduct an assessment of existing organizational policies and practices, including the Town’s Strategic Plan and Comprehensive Sustainability Plan. Use the town’s draft equity lens that was developed based on GARE’s Racial Equity Toolkit, and local data to identify select policies or practices and conduct further evaluation of the impact on different racial groups. CPRC will provide guidance on which policies and procedures to pull and/or focus on to ensure a wide range of analysis and information.
- **Community Engagement:** Assist with the development of a Request for Proposals and selection of a local community partner or organization within the Hillsborough and/or Orange County’s community for facilitation support. CPRC will work with the selected party and the Town’s communication team to develop parameters for engagement that are aligned with the Town’s areas of work and opportunities for impact, as well as communication to help participants understand the different topic areas that are of focus (e.g. the Town does not work on education).

We recommend the request include some version of the following community engagement scope that will take place over 3-4 months.

- Lead focus groups and listening sessions to gather input from diverse community members on equity concerns and priorities. Engagement methods will be designed based on the needs of the community and should be developed to address items outlined in Appendix A. Seek to understand the following:
 1. What conditions of well-being do we want for our community?
 2. Why do these conditions exist differently for people of color?
 3. What would these conditions look like if we achieved them?
 4. Who are the partners with a role to play?
- CPRC will also develop a community survey, provide (Spanish) written translation services to the Town’s communication staff on engagement materials, and share a list of potential vendors for on-site translation assistance.

At the completion of phase 1, the following outcomes will have been accomplished:

- Identification of internal leads and key community stakeholders to serve on internal action team and external community advisory committee.
- Completion of robust community engagement process to capture needs from the community across several avenues.
- Summary of findings from data analysis and policy review, and community conditions/indicators that the plan should aim to impact.

Phase 2 (3 Months)

2. Set Vision:

- **Vision Setting:** Hold session with Town Council to build a shared understanding and vision for the plan based on the results of Phase 1. Develop a vision statement that articulates Hillsborough’s commitment to equity and aligns with existing vision and mission from the Strategic Plan.

3. Develop Goals and Strategies

- **Planning Retreat(s) to Identify Goals and Strategies:** Facilitate a planning retreat(s) with staff to formulate strategies for achieving goals, including policy changes, new programs, and resource allocation. The structure and participation in the retreat(s) will depend on the results of Phase 1. Potential options could include a Department Head retreat only, or several retreats for departments that impact key community needs identified.

4. Initial Plan Outline

- Draft a plan that outlines strategies, outcomes, and action steps for review and feedback by Internal Equity Action Team and staff leads.
- Present refined draft to Town Council.

At the completion of phase 2, the following outcomes will have been accomplished:

- An understanding of how your organization’s broader mission relates to your vision for equity, including what the elected body views as success.
- Department-level buy-in and engagement on outcomes and actions that they feel can be achieved or improved in the organization.
- Draft plan outlining goals, strategies, and action steps to address community indicators and desired outcomes, that has received feedback from internal stakeholders and Town Council.

Phase 3 (2 Months)

5. **Community Re-Engagement:** Work with Community Advisory Committee to plan and hold community feedback opportunities (1-2) on the draft plan to identify gaps and reaffirm priorities.

6. Resource Allocation Planning:

- Establish metrics, performance indicators, and desired timeline to monitor progress towards the goals, aligning with existing strategic plan metrics and processes when possible. CPRC will provide recommendations of capacity needs and best practices that have been used in other communities locally/nationally with similar sizes and budgets.
- Work with Human Resource staff to develop an additional training plan for organization and/or key plan leaders to address knowledge/skills gaps that have emerged in the process.
-

7. Review and Finalize Plan:

- o Town Council Review and Approval

At the completion of phase 3, the following outcomes will have been accomplished:

- Community and board-affirmed plan that outlines vision, goals, strategies, action steps, metrics, and recommended resource needs for implementation.

Proposed Timeline

	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct
Phase 1												
Community Data Collection												
Launch Internal Equity Action Team												
Stakeholder Mapping & Internal Assessment												
Request for Proposal												
Community Engagement												
Phase 2												
Town Council Vision Session												
Community Advisory Council Kick-off												
Department Goal-Setting Retreat												
Draft Plan Development												
Phase 3												
Community Engagement on Draft Plan												
Town Council Adoption												
Resource Allocation Planning												

Project Team

Alana Keegan, Local Government Services Director

Alana Keegan is the Local Government Services Director at Central Pines Regional Council. With a strong commitment to regional collaboration, Alana plays a pivotal role in supporting local governments across the region. Her work focuses on fostering effective governance, enhancing public services, and driving strategic initiatives that benefit the communities served by the council. Alana’s leadership is characterized by her dedication to innovation, efficiency, and building strong partnerships among local government entities. She brings experience in facilitation, strategic planning, and policy development. She holds a master’s degree in

Communication from North Carolina State University and a Bachelor's degree in Economics and International Studies from Muhlenberg College.

Shuchi Gupta, Principal Planner

Shuchi Gupta is a Principal Planner in the Transportation focus area at Central Pines Regional Council. She has a background in Sustainability, and over the last few years has found herself deeply committed to equity and inclusivity work. She also works with the Environment and Resilience focus area at CPRC. Shuchi believes in a systems approach wherein for a local government to serve its communities the best involves all the departments and focus areas to collaborate with one another as well as the communities they serve. Shuchi is never hesitant in pushing the envelope to come up with innovative solutions. Shuchi has a master's in Liberal Arts in Sustainability and Environmental Management from Harvard Extension School, and another Masters in Chemistry from her home country- India.

Jenny Halsey, Assistant Executive Director

Jenny Halsey serves as the Assistant Executive Director of Central Pines Regional Council, overseeing all internal operations and long-term planning and providing strategic and facilitation services to local governments. She brings over 13 years of local and regional government experience in North Carolain. Jenny has extensive facilitation experience in the public and community space, leading strategic planning processes for nonprofit and public organizations in the Triangle, and partnering with CPRC's housing, resilience, and community planning teams to facilitate dialogue around complex or controversial topics. Jenny holds a master's degree in Public Administration from UNC Pembroke and a Bachelor's degree from UNC Greensboro.

Beth Davis, Member Engagement Coordinator

Beth Davis serves as the Member Engagement Coordinator at Central Pines Regional Council. In her role, she coordinates internal and external communications and helps to market CPRC services. Beth has over 16 years of experience with local government, with 4 years working at a regional council. With a passion for creativity and community engagement, Beth excels in fostering strong connections internally and externally. She holds a master's degree from NC State University in Youth & Family Development, and a Bachelor of Arts in Psychology.

Karyl Fuller, Principal Planner

With over two decades of experience in planning and GIS, Karyl currently serves as the Principal Planner and RPO Director at Central Pines Regional Council. Since June 2022, she has been leading the RPO, working closely with local partners to develop impactful projects, and providing training and technical guidance on data analysis and GIS. Prior to their current role, Karyl spent 14 years at the Foothills Regional Commission as Community and Economic Development Director and as a GIS Planner at Lamoille County Planning Commission. She holds a master's degree in Geographic Information Systems from Northwest Missouri State University.

Proposed Fee & Scoping Options

Based on the scope and timeline, the Council proposes to assist with this project for a fee of \$34,000. This cost includes mileage and supplies. It does not include the following recommended costs: sub-contract with local facilitator for community engagement facilitation or stipends for community advisory committee members.

The Council highlights the following opportunities to reduce costs outlined below, based on Hillsborough's internal capacity and skillsets.

- *Facilitation Support for Department Retreat (day-of support only) - \$3,000*
- *Sub-Consultant Support (internal management of RFP and selection) -\$1,600*
- *Data Collection and Analysis -\$3,500*

If the town would like to proceed with any of these additional services during the contract period, the Council will amend the contract at that time to include the service add on.

A maximum of three revisions to the draft plan is permissible.

Acceptance

The Council's staff will begin work as soon as we are notified of your acceptance. This confirms your intention to accept the scope of work as indicated in the proposal presented by the Council and otherwise meet the responsibilities outlined, and you are confirming the encumbrance of funds sufficient to pay the fees for services rendered.

Questions and acceptance of proposal can be sent to:

Jenny Halsey
Assistant Executive Director
jhalsey@centralpinesnc.gov

If the Town of Hillsborough would like to proceed with this proposal, please accept the proposal by signing below.

IN WITNESS WHEREOF, the parties hereto cause this agreement to be executed in their respective names.

_____ *ATTEST*

Signature

_____ *Title*

_____ *Date*

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(Signature of Finance Director)

Appendix A. Community Engagement Guide

Barriers to Effective and Equitable Community Engagement	Best Practices	Steps taken by Hillsborough to Overcome Barriers
Lack of trust or relationships with the community	<ul style="list-style-type: none"> • Partner with a local organization, CBO, nonprofit, faith institution or local leader to develop trust. • Invest prior time with the community partner listening to them about the community and their needs. Be genuine. 	
Perception of being welcome at an event/meeting	<ul style="list-style-type: none"> • Don't be flashy or high handed • Make eye contact, smile and greet people as they arrive • Make people comfortable in settling down • Have your community partners present with you at the event • Have a kind attitude in how you carry yourself. • Be respectful 	
Cultural context	<ul style="list-style-type: none"> • Talk about this with the community partner and learn about cultural norma and sensitivities. • Make adjustments as necessary in order to be respectful of these. 	
Lack of public transportation	<ul style="list-style-type: none"> • Choose a location within the community • Choose a location which is near a transit line or in a short walkable distance from community • Give a stipend to cover transportation costs • Arrange private transportation such as vanpool/shuttle 	
Lack of childcare	<ul style="list-style-type: none"> • Provide free onsite childcare • Hire someone at fare wages from within the community to provide onsite childcare • Give a stipend to cover childcare costs hired by any attendee on their own 	
Limited English language skills	<ul style="list-style-type: none"> • Use plain, everyday language. • Hire an interpreter/translator preferably from within the community • Use the translator if the event speaker or facilitator cannot speak the language (e.g. Spanish) of the community. 	

	<ul style="list-style-type: none"> • All event materials must be translated in community language 	
Varying work schedules	<ul style="list-style-type: none"> • Discuss prior with the community partner what might be good days and times • Have multiple options – weekday/ weekend /morning/afternoon/evening 	
Multiple jobs	<ul style="list-style-type: none"> • Have multiple options – weekday/ weekend /morning/afternoon/evening. • Provide food so that people can join directly after work without worrying to eat. 	
Loss of income due to participation	<ul style="list-style-type: none"> • A fair and respectable amount as stipend to cover costs for loss of income, travel time, as well as for the inputs provided by the community as experts. Keep in mind the high consultancy costs you are able to avoid by getting direct input from the community. • The stipend must be in a form (cash/gift card to a retail store very close to the community such as Walmart, target or a grocery store) that is most attractive and easy to use for the community. • The stipend must be given right after the time of event and must not be sent later. 	
Access to technology	<ul style="list-style-type: none"> • If the engagement effort involves use of technology (online survey/online training etc.), free access to appropriate technology (computers + internet connection) within the community itself must be ensured at times most suited to community needs. 	

Technology savviness	<ul style="list-style-type: none"> • Use simple language, visuals, and icons to guide users through technology. Consider multilingual options. • Choose platforms and tools with intuitive, easy-to-navigate interfaces. Avoid overly complex systems that require extensive training. • Engage tech-savvy community members to act as trainers or "digital ambassadors" who can provide ongoing support. • Start with platforms or devices the community is already somewhat familiar with. For example, if many community members use smartphones, focus on mobile-friendly applications. • Use real-life scenarios that are relevant to the community when demonstrating how to use technology. This makes the learning process more relatable and meaningful. • Involve local leaders or trusted figures to encourage participation and help build trust in the technology. 	
Close the loop	<ul style="list-style-type: none"> • Ensure to get back to the community with changes made in program based on engagement. 	

Equity Update

Board of Commissioners Meeting

Oct. 14, 2024



HILLSBOROUGH
NORTH CAROLINA

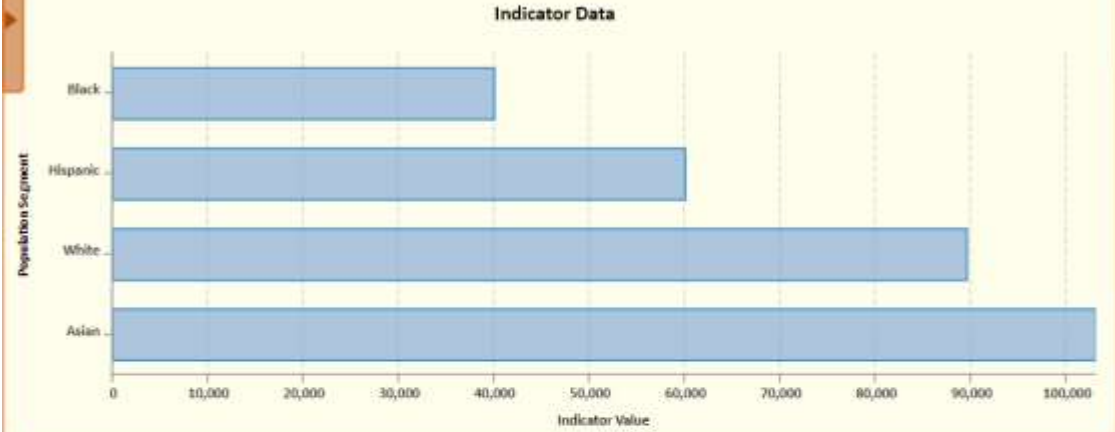
OneOrange Efforts

- Racial Equity Dashboard
- Racialized History Project

- Use the "Theme is..." menu to select the racial equity indicators' theme to view in the list.
- Click an item in the list to filter the racial disparity indicator data in the bar charts.

Theme is

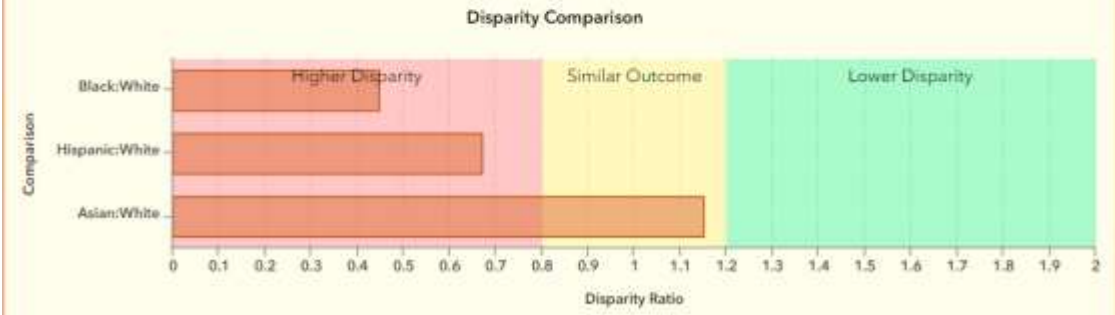
Keyword Search



Economic Opportunity: Median Household Income

Median annual household income
 Median full-time income and median hourly wages are measures for individuals. Household income reflects all income available to a family—including children and those members who are not in the labor force—and is used to determine if a household is in poverty or not.

Data Source: U.S. Census Bureau, American Community Survey Public Use Microdata Sample



Equity Lens

- Pilot phase

Equity Lens

When using, consider groups based on race, earnings, education, geography, occupation, age, gender identity, sexual identity, religion, immigration status, etc. An initiative may be a project, policy, procedure, program, or proposal.

Top Three Questions If You Have Limited Time

1. What are the positive and negative impacts of the initiative?
2. Who will benefit, and who will be burdened?
3. What are the strategies to reduce unintended or negative consequences?

Step 1 	Identify equity impacts. <ul style="list-style-type: none"> • What are the desired results you want in the community and organization? • What is the policy or practice being considered to get those results? • What could this initiative impact? • How do racial and social inequities impact these areas?
Step 2 	Analyze data. <ul style="list-style-type: none"> • How could this initiative impact geographic areas, neighborhoods, or demographics? • Based on data we have on the area or populations that may be most affected, what disparities exist? • If there are gaps in our data, how can we obtain better or updated data? • What data is available on best practices or that supports this initiative?
Step 3 	Engage populations most affected. <ul style="list-style-type: none"> • How have different populations been engaged? How can we expand that? • How have we engaged and addressed concerns raised by those who will be most affected? • What did we learn from that engagement?
Step 4 	Consider positive and negative consequences. <ul style="list-style-type: none"> • Who benefits and who is burdened by the initiative? • What are the potential unintended negative consequences of this initiative? • What are the strategies to eliminate or decrease those negative consequences? • How could we engage community partners for more positive impact?
Step 5 	Plan the implementation and identify accountability measures. <ul style="list-style-type: none"> • What is a realistic plan for implementation? • How will the implementation be properly resourced with funding and staffing? • What success indicators or benchmarks are incorporated? • How will the initiative's impact be measured? • What will happen if metrics are met and not met? • How will results be shared with the community, organization, and other stakeholders?
Step 6 	Document and evaluate. <ul style="list-style-type: none"> • Document: "How much did we do? How well did we do it? Are people better off? Are we achieving the anticipated outcomes?" • What do we need to do differently to get expected outcomes? • How can we build relationships and partnerships to ensure the work is sustainable?

Brief Description:

Step 1 – Identify equity impacts.

- What are the desired results you want in the community and organization?
- What is the policy or practice being considered to get those results?
- What could this initiative impact?
- How do racial and social inequities impact these areas?

Step 2 – Analyze data.

- How could this initiative impact geographic areas, neighborhoods, or demographics?
- Based on data we have on the area or populations that may be most affected, what disparities exist?
- If there are gaps in our data, how can we obtain better or updated data?
What data is available on best practices or that supports this initiative?

Step 3 – Engage populations most affected.

- How have different populations been engaged? How can we expand that?
- How have we engaged and addressed concerns raised by those who will be most affected?
- What did we learn from that engagement?

Step 4 – Consider positive and negative consequences.

- Who benefits and who is burdened by the initiative?
- What are the potential unintended negative consequences of this initiative?
- What are the strategies to eliminate or decrease those negative consequences?
How could we engage community partners for more positive impact?

Step 5 – Plan the implementation and identify accountability measures.

- What is a realistic plan for implementation?
- How will the implementation be properly resourced with funding and staffing?
- What success indicators or benchmarks are incorporated?
- How will the initiative's impact be measured?
- What will happen if metrics are met and not met?
How will results be shared with the community, organization, and other stakeholders?

Step 6 – Document and evaluate.

- Document: "How much did we do? How well did we do it? Are people better off? Are we achieving the anticipated outcomes?"
- What do we need to do differently to get expected outcomes?
- How can we build relationships and partnerships to ensure the work is sustainable?

Equity Plan

Background

- Discussion with Diversity, Equity and Inclusion committee
- Review of existing racial equity plans
- Discussion with other municipalities
- Evaluated options for external assistance
- Plan cost

Scope

- Internal (town organization) and external (community) focus
- Focus – Equity generally, while leading with race

Timeline

	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct
Phase 1												
Community Data Collection												
Launch Internal Equity Action Team												
Stakeholder Mapping & Internal Assessment												
Request for Proposal												
Community Engagement												
Phase 2												
Town Council Vision Session												
Community Advisory Council Kick-off												
Department Goal-Setting Retreat												
Draft Plan Development												
Phase 3												
Community Engagement on Draft Plan												
Town Council Adoption												
Resource Allocation Planning												

Action Requested

- Provide feedback and/or approve approach outlined for equity plan



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2024
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 Oct. 28, 2024

Attachments:

None

Summary:

Possible discussion topics for the Oct. 28 work session include:

- Government 101 graduation
- Hwy 70 bike/ped safety options

Financial impacts:

None

Staff recommendation and comments:

None

Action requested:

None



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Oct. 14, 2024
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

September 2024

Budget

- Began discussions with Raftelis on evaluating the town’s current minimum usage rate structure vs a base rate approach.
- Prepared for FY26 Budget Kickoff on October 1st.

Communications

- Website — Created pages for lead and copper rule information. Added fair housing links and information to service finder. Wrote meta descriptions for high traffic pages to increase search engine optimization.
- Utilities Outreach — Developed and edited materials for lead and copper rule outreach.
- Other — Started Government 101 with sessions Sept. 12, 19 and 26. Worked with county on updates to OC Alerts site pages. Contracted with photographers for photos of water/sewer facility and treatment plants and of skate spot opening, art and graffiti park and Cates Creek Park.

Fleet Maintenance

- No updates.

Human Resources/Town Clerk

- Bi-weekly payrolls
- Public records request

RECRUITMENT AND SELECTION	
Position	Status
Administrative Support Specialist- Utilities	Start date: 11/18.
Customer Service Representative – part-time	Interviews held – offer pending
Police Officer	Continuous recruitment.
Utilities Intern	Started 9/18.
Utilities Inspector	Closes 10/27.
Utility Maintenance Technician I	Start date: 10/7.

Diversity, Equity and Inclusion:

- Finalized proposal with Central Pines Regional Council to develop an Equity Plan.
- Continued testing of equity lens.
- Continued collaboration with the OneOrange team including continuous improvements to the data dashboard and working to develop a countywide racialized history project.

Information Technology

- Brightly Asset Essentials has been selected as the town’s asset management solution. Project kick-off meeting for Public Works has been scheduled for October 9th.
- Completed phase one on the NIST (National Institute of Standards and Technology) quantitative security baseline assessment. Security assessment process will last approximately 6 – 8 weeks.
- Completed requirements gathering phase for the HR records retention Laserfiche project.

- Completed electrical work for the Wastewater Treatment Plant security camera replacement and front gate access control upgrade. All equipment has been ordered and will be scheduled for installation upon arrival.

Safety and Risk Management

- Audit was completed on the town's fleet vehicles to update inventory for accurate insurance coverage.
- Quarterly NCDOT and Random employee drug and alcohol testing was completed.
- Monthly town-wide Safety Committee meetings have been held.
- Safety Committee is inspecting one town facility monthly for health and safety issues.
- Inventory of personal safety equipment was conducted to ensure PPE is available for employees when needed.



Public Works Report: September 2024

Work Orders

5 completed within two days.

Public Spaces

123 staff hours

Stormwater Maintenance

256 Storm drains were cleaned, and 80 staff hours

Inspections

23 Utility inspections, and 3 Driveway inspections

Special Events

Last Friday's – 4 staff hours, Hurricane Helene – 48 staff hours, Hog Day – 16 staff hours

Training

3 staff completed the required NIMS training

Cemetery

Marked 3 graves

Asphalt Repairs

2 utility cuts repaired



TOWN OF
HILLSBOROUGH

Utilities Department Status Report for Oct. 2024 (covering Sep. 2024)

PROJECT/ CATEGORY	STATUS
WTP	<ul style="list-style-type: none"> ○ The new raw water pump is running well. There is no update from the vendor about when the other one will be reinstalled. ○ The Hasell St booster pump is running on one pump due to the other pump's shaft breaking. A standby system has been placed in case of issues with the remaining pump. This station is responsible for pushing water to our north pressure zone and storage tank. The rebuilt pump is not due back until late November. ○ WTP paving project is complete.
WWTP	<ul style="list-style-type: none"> ○ On September 25th, the secondary SCADA computer went down. After CITI picked it up and examined the computer, they found that the motherboard had cracked. ○ The Helene storm event did result in some significant influent flows, but not as bad a TS Debbie. On 9/17/24, 4.104 million gallons was treated. With TS Debbie, it was over 6 million gallons and there were sanitary sewer overflows along the incoming interceptors. ○ Our customer care subscription for the WIN-911 alarming software increased dramatically. It went from \$800 per year to \$1,450 per year. In 2014 it was only \$395. The software does have more features and capabilities, but we are not using them. ○ Every 5-years we replace the batteries in the uninterrupted power supplies/surge protectors that are in all the PLC panels. It takes 26 batteries at \$25.15 for a total of \$653.90. The project was completed in one day. ○ The first public tour was a success! There were four participants. They asked great questions, and all enjoyed the time together.
West Fork of the Eno Reservoir	<ul style="list-style-type: none"> ○ The reservoir is full and spilling.
Developments/ Other	<ul style="list-style-type: none"> ○ Invoicing of fees for Persimmon at Cates Creek have been sent. Developer has paid one of the many thus far. ○ Waterstone South was approved by the BOC. The Comet rezoning to multifamily from hotel and retail is still going through planning. Comments from our department will be in the packet when presented to the board. ○ McAdams Rd Water Main replacement is complete. ○ Collins Ridge James J. Freeland water main work has been constructed but an easement issue is holding up acceptance. Phase 1B permit documents are issued. They will need to blast and are awaiting materials. Phase 2 and POD D (apartments) is also in the pipeline and will result in several more homes in the coming year. ○ Work on our lead service line inventory is underway. There will be a public facing effort in the next month. The BOC received a presentation at its Sep. workshop. ○ The Adron F. Thompson facility will need to go to the Board of Adjustment for a setback variance. ○ Field work is beginning for both River and Starfield pumping stations. Negotiations with the property owner for Starfield booster station has been started. ○ Reports are in house for Hasell St. water tank and US70 water main awaiting review and comment. ○ Due to SB 166 passing, DEQ has restored the former Appendix B listing high hazards requiring backflow prevention. Staff will evaluate whether further changes to its cross-connection code are recommended. ○ A recent ruling on fluoride will have EPA reassessing acceptable recommended levels. The town will review any new recommendations and present to the board, if necessary, at that time, any suggested changes to its protocol. Currently, we are compliant with the limits and recommendations for

	<p>fluoridation from the NC DHHS and dental industry and have included fluoride in our treatment process for decades as well as report annually on levels as required.</p> <ul style="list-style-type: none"> ○ Open Broadband, with whom we had an antenna space rental agreement with on our North Tank, has terminated the agreement as of Sept. 30, being outdriven by new fiber installations.
Staffing	<ul style="list-style-type: none"> ○ A recommendation has been made to fill the administrative position. An offer is being prepared. ○ Utilities is fully staffed as of 10/7 when Rommel Pritchard starts with Lacy's team. ○ Intern Ben Powell had his last day with us on September 27. There is another intern starting soon and he goes by "Pickles." ○ Joey Smith obtained his biological operator 3 certification. He will be reclassified to the Operator 2 position. ○ Tyler Freeman moved to Illinois in August. He is working under a remote work schedule until the end of the year. ○ Justin Parker of our collection and distribution team was in a serious accident in his personal vehicle and is at home recovering. He will be out 6 to 8 weeks. But he is doing very well. ○ The Utilities Director is on intermittent FMLA to assist her husband with a new cancer diagnosis. During times of extended absence, she will designate key contacts in her stead, but generally will be on E-mail, regardless. ○ At least two utilities staff members would like to head to western NC to assist in restoration efforts. ○ A utility inspector position will be posted, and one position reclassified to a Construction Manager position. ○ Staff assisted with a private pumping station force main situation over the weekend near the Sheetz/Aldi/dealership parcel. An invoice will be sent for the cost of assistance in controlling continued sewage spillage.
Water and Sewer Advisory Committee (WSAC) Activities	<p>Two out of town vacancies are open and there have been no applicants in the past several months. WSAC is scheduled for 10/3 and generally will receive general updates. WSAC's routine work has generally been accomplished and there are discussions underway whether to transition to an ad hoc committee.</p>