

# Agenda

## Board of Commissioners Regular Meeting

7:00 PM October 10, 2022

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. Appointments

[A.](#) Appoint Mark Bell as the town representative to the Community Home Trust Board of Directors committee for local governments

[B.](#) Board of Adjustment – Appointment of Portia Made-Jamison to fill vacancy for a term ending Sept. 30, 2023

### 5. Items for decision – consent agenda

[A.](#) Minutes

- Regular meeting Sept. 12, 2022

- Work session Sept. 26, 2022

[B.](#) Miscellaneous budget amendments and transfers

[C.](#) 2023 Board of Commissioners Meeting Calendar

[D.](#) Classification and Pay Amendments

[E.](#) Approval of a Water and Sewer Extension Contract for Aldi's (GEMCAP Development)

[F.](#) Community Development Block Grant-Coronavirus Quarterly Report

### 6. Items for decision - regular agenda

[A.](#) UDO Text Amendments to Sections 3-6 and Section 9 to create a Planned Development conditional zoning district

[B.](#) Electric Vehicle (EV) Charging Infrastructure Suitability Analysis GIS Model

### 7. Updates

A. Board members

B. Town manager

[C.](#) Staff (written reports in agenda packet)

### 8. Closed session

101 E. Orange St., PO Box 429, Hillsborough NC 27278  
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- A. Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(5) regarding proposed property acquisition (Berry Brick House)
- B. Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(5) regarding proposed property acquisition (Ridgewalk Greenway)

**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. 10, 2022  
Department: Community Services  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing:

#### PRESENTER/INFORMATION CONTACT

Margaret Hauth, Assistant Town Manager

#### ITEM TO BE CONSIDERED

**Subject:** Appoint Mark Bell as the town representative to the Community Home Trust Board of Directors committee for local governments

**Attachments:**

None.

**Summary:**

In response to N.C.G.S. 14-234, the law preventing local elected officials from voting on funding for a non-profit where they serve on the board, the Community Home Trust dissolved membership on their board of directors for local governments. They have created a committee to facilitate communication between the funding partners and the board of directors. The committee will contain both staff and elected officials. The town is being asked to designate their representatives.

This will also trigger a rewrite of the interlocal agreement that determines the local funding provided to Community Home Trust by the governments. That document is not yet ready for action.

**Financial impacts:**

None.

**Staff recommendation and comments:**

This response to the new state law paired with the requests for other interlocal agreements with service providers creates an opportunity to rethink how services are provided in the county. Staff recommends a facilitated conversation, perhaps at an Assembly of Governments meeting, to rethink how important human services are provided and funded in the county.

**Action requested:**

Appoint Commissioner Bell to the Board of Directors' committee. Appoint Margaret Hauth as the staff representative through February 2023.



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: Oct. 10, 2022  
Department: Community Services  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing: NA

#### PRESENTER/INFORMATION CONTACT

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

#### ITEM TO BE CONSIDERED

**Subject:** Board of Adjustment – Appointment of Portia Made-Jamison to fill vacancy for a term ending Sept. 30, 2023

##### Attachments:

Volunteer application for Portia Made-Jamison

##### Summary:

On Sept. 14, 2020, Joe Becker was appointed as a Board of Adjustment in-town regular member with a term expiring Sept. 30, 2023. Becker resigned on June 3, 2022, after serving one year and eight months of a three-year term.

Two citizens submitted applications to serve on the BOA. Both have attended a BOA meeting and have interviewed with the BOA chair and secretary, as required by the town board's current appointed board member recruitment policy. Applicant interviews were conducted on Sept. 29, 2022; the chair and secretary discussed the candidates' merits by phone on Oct. 3, 2022. The chair and secretary believe that, while both applicants are qualified for the position and would serve the BOA and town admirably, Made-Jamison's background and experience make her the best candidate for the position.

##### Financial impacts:

None beyond necessary occasional training opportunities.

##### Staff recommendation and comments:

Appoint Portia Made-Jamison as an in-town regular Board of Adjustment member effective Nov. 1, 2022, with a term ending Sept. 30, 2023.

##### Action requested:

Consider appointing Made-Jamison as an in-town regular BOA member filling Joe Becker's unexpired term, with a term beginning date of Nov. 1, 2022, and ending date of Sept. 30, 2023.





# TOWN OF HILLSBOROUGH

## Advisory Board Application

If you are a Town of Hillsborough resident and willing to volunteer your time and expertise to your community, please complete this form. Volunteers for the Parks and Recreation Board must be at least 13 years old, and volunteers for all other boards must be at least 18 years old.

**Name:**

Portia Made-Jamison

**Home address:**

615 WILDARO CT

**Home phone number:**

9192659144

**Email address:**

bvt3made@gmail.com

**Birth date:**

Feb. 26, 1967

**Gender:**

Female

**Ethnic origin:**

Black

**Boards you would be willing to serve on:**

First choice — Board of Adjustment

Second choice — Planning Board

Third choice — Tourism Board

**Reasons for wanting to serve:**

I have lived in this community for over 25 years. In that time there have been physical and mindset changes in the community. The town is also growing exponentially and attracting diversity. I think it is my civic duty to actively participate in the decisions for change and development in my community.

**Have you served or are you currently serving on a town board? If so, which ones and when?**

No

**Relevant work, volunteer or educational experience:**

I have never been a board member, but I have a few years of experience as an administrator for several boards.

**How are you connected to Hillsborough (live, work, play, shop, own property)?**

I live and own property in Hillsborough.

**Have you reviewed the Vision 2030 plan, and what are your thoughts about it?**

Yes, I think the plan is very comprehensive and forward facing while being careful to preserve the town's historic characteristics. I also like the plan's progressive tone.

**Have you reviewed other town documents (budget, strategy map, small area plans), and what are your thoughts about them?**

Yes, I'm encouraged by the initiatives in the plan. The 3FY-year forecasting strategy the town uses which allows time enough to pivot is inspired. I'm excited about the addition of a rail-station, the expansion of part of Churton St to ease the traffic has become an issue in the last few years and other diversity initiatives. I especially appreciate the focus on affordable housing in light of the rising cost of living and the high price of properties for potential home buyers.

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

I have looked at upcoming approved projects which will especially address the fast growing population of the town, but the pace of business growth does not seem in line with the demands of the projected population growth. Strategies to attract more industry and diverse businesses is much needed. More businesses will result in an increase in local employment and added tax revenue. The town should aim to build more opportunities for money to circulate more often in our community than without.

**How you heard about this opportunity:**

Other

**Agreement:**

✓ I have been advised that I am committing to attend the volunteer board's regular meetings. Attendance at the regular meetings shall be considered a prerequisite for maintaining membership on the board. The Board of Commissioners may declare a vacancy on the board because of non-attendance.



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: Oct. 10, 2022  
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. 12, 2022
2. Work session Sept. 26, 2022

**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. 12, 2022 and work session Sept. 26, 2022.



# Minutes

## Board of Commissioners Regular Meeting

7 p.m. Sept. 12, 2022

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

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

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

### Opening of the meeting

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

#### 1. Public charge

Weaver did not read the public charge.

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

There was none.

#### 3. Agenda changes and approval

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

A motion was made to approve the amended agenda.

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

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

#### 4. Presentations

Leading the Way Award

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

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

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

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

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

A motion was made to approve the amended consent agenda.

Motion made by Commissioner Hughes, seconded by Ferguson.

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

#### **6. Items for decision - regular agenda**

##### **A. Compensation and Classification Study**

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

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

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

Motion made by Commissioner Bell, seconded by Commissioner Ferguson.

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

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

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

A motion was made to approve the annexation ordinance.

Motion made by Commissioner Hughes, seconded by Commissioner Ferguson.

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

A motion was made to approve the consistency statement.

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

A motion was made to approve the development agreement.

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

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

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

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

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

A motion was made to approve ordinance as amended.

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

D. Strategic Plan Update

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

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

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

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

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

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

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

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

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

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

**7. Updates**

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

**8. Adjournment**

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

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FY 2022-2023

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

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

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Page 1 of 2



FY 2022-2023

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

| <u>REFERENCE</u>                    | <u>CHANGE<br/>NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL<br/>BUDGET</u> | <u>BUDGET<br/>CHANGE</u> | <u>AMENDED<br/>BUDGET</u> |
|-------------------------------------|--------------------------|-------------|-------------|----------------------------|--------------------------|---------------------------|
| To cover alum order invoice at WTP. | 27809                    | 09/12/2022  | JFernandez  | 400,000.00                 | -13,600.00               | 297,160.00                |
| To cover building maintenance       | 27834                    | 09/12/2022  | EBRADFORI   | 400,000.00                 | -750.00                  | 296,410.00                |
|                                     |                          |             |             |                            | <u>0.00</u>              |                           |

APPROVED: 5/0

DATE: 9/12/22

VERIFIED: Sharon E. Kimrey

DRAFT



## ORDINANCE

### Capital Project Amendment

### Greenway South System

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

**Section 1.** Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

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

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


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

**Section 3.** Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

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

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk

FY 2022-2023

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

| <u>REFERENCE</u>   | <u>CHANGE<br/>NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL<br/>BUDGET</u> | <u>BUDGET<br/>CHANGE</u> | <u>AMENDED<br/>BUDGET</u> |
|--|--------------------------|-------------|-------------|----------------------------|--------------------------|---------------------------|
| Greenway 60-28-3870-3870-408 TRANSFER FROM GF - GREENWAY SOUTH<br>South System Move feasibility study to operating budge | 27841                    | 09/12/2022  | EBRADFORI   | 0.00                       | -30,000.00               | 0.00                      |
| Greenway 60-28-6300-5700-782 GREENWAY SOUTH SYSTEM<br>South System Move feasibility study to operating budge             | 27842                    | 09/12/2022  | EBRADFORI   | 0.00                       | -30,000.00               | 0.00                      |
|  |                          |             |             |                            | <u>-60,000.00</u>        |                           |

APPROVED: 5/0

DATE: 9/12/22

VERIFIED:           *Sam E Kimrey*          

DRAFT



## PROCLAMATION

### International Day of Peace

Sept. 21, 2022

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

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

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

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

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

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

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

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



Jenn Weaver, Mayor  
Town of Hillsborough



## PROCLAMATION

### 2022 Diaper Need Awareness Week

Sept. 24 through Oct. 2

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

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

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

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

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

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

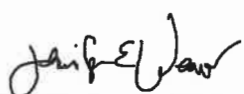
**WHEREAS**, Hillsborough is proud to be home to trusted community-based organizations including Diaper Bank of North Carolina that recognize the importance of diapers in ensuring health and providing economic stability for families and thus distribute diapers to families through various channels; and

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

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

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



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



## RESOLUTION

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

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

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

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

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

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

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

Section 2. This resolution shall be effective upon adoption.

Approved this 12<sup>th</sup> day of September 2022.



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

Jenn Weaver, Mayor  
Town of Hillsborough

ATTEST:

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

Sarah E. Kimrey, Town Clerk





## RESOLUTION

### Naming Future Greenway as "Ridgewalk"

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

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

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

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

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

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

Approved this 12<sup>th</sup> day of September 2022.



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

Jenn Weaver, Mayor  
Town of Hillsborough

Attestation:

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

Sarah Kimrey, Town Clerk

**Ordinance No. 20220912-6B**

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

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

**AN ORDINANCE ANNEXING  
CERTAIN CONTIGUOUS PROPERTY**

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

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

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

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

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

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



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

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

**Tract 1 (A)**

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

**Tract 2 (B)**

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

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

Tract 3 (C)

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

Tract 4 (D)

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

Section 3. This Ordinance shall become effective on adoption.

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


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

Ayes: 5

Noes: 0

Absent or Excused: 0



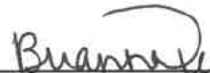
  
\_\_\_\_\_  
Town of Hillsborough  
Sarah E. Kimrey, Town Clerk

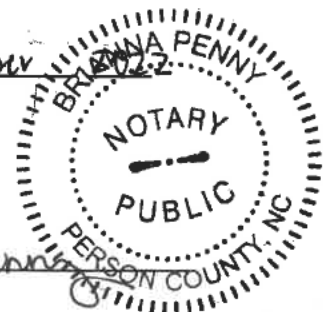
STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

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

Witness my hand and official seal, this the 13 day of September, 2022.

(Official Seal)

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



My commission expires. June 23, 2024

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

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

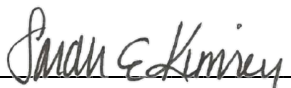
Rezone 2.43 acres of PIN 9873153366 from EDD (Economic Development District) to MF (Multi-Family) and zone the remaining area of 44.31 acres to MF (Multi-Family). Retain existing EDD zoning on the remaining 15.84 acres.

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

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

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



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



## ORDINANCE

### Amending the Zoning Map of the Town of Hillsborough

The Hillsborough Board of Commissioners ordains:

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

Tract 3 (C)

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

Tract 4 (D)

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

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

**Section 7.** This ordinance shall become effective upon adoption.

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

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



## ORDINANCE

### Amending the Unified Development Ordinance of the Town of Hillsborough

The Hillsborough Board of Commissioners ordains the following amendments:

#### 5.2.1 EVENT CENTER

##### 5.2.1.1 Standards for Evaluation

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

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

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

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

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

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

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

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

## **3.2 APPLICABLE TO ALL REVIEW PROCESSES**

### **3.2.1 COMPLETE APPLICATIONS**

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

### **3.2.2 EXPEDITIOUS REVIEW**

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

### **3.2.3 FEES**

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

### **3.2.4 AUTHORITY TO FILE**

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

### **3.2.5 PERMIT ISSUANCE**


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

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

Ayes: 5

Noes: 0

Absent or excused: 0

  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk





# Minutes

## Board of Commissioners Work Session

7:00 PM September 26, 2022

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

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

**Staff:** Assistant Town Manager and Community Services Director Margaret Hauth, Town Clerk and Human Resources Technician Sarah Kimrey, Town Manager Eric Peterson and Communications Specialist Cheryl Sadgrove

### 1. Opening of the work session

Mayor Jenn Weaver opened the work session at 7 p.m.

### 2. Agenda changes and approval

A motion was made to approve the agenda as presented.

Motion made by Commissioner Kathleen Ferguson, seconded by Commissioner Mark Bell.

Voting Yea: Commissioners Bell, Robb English, Ferguson and Matt Hughes. Absent: Commissioner Evelyn Lloyd.

### 3. Items for decision - consent agenda

- A. Miscellaneous budget amendments and transfers
- B. Proclamation – Central Sterile Week
- C. Proclamation – Supply Chain Week
- D. Proclamation – 77th Anniversary of National Disability Employment Awareness Month

A motion was made to approve the consent agenda.

Motion made by Commissioner Hughes, seconded by Commissioner Ferguson.

Voting Yea: Commissioners Bell, English, Ferguson and Hughes. Absent: Commissioner Lloyd.

### 4. In-depth discussion and topics

Update and next steps on making volunteer board processes more consistent

Community Services Director Margaret Hauth noted a report was included in the agenda packet that summarizes research findings and next steps recommended by staff.

During discussion, commissioners expressed a desire to have more input on the Historic District Commission.

There was general discussion and agreement that new volunteers on all appointed boards need to have an onboarding process.

Lloyd joined the meeting at 7:11 p.m.

Bell expressed concern that some people are serving on multiple boards. Regarding that topic, Hauth said clarification is needed on whether to follow a policy created in 2017 or the town code. Also, the town clerk can notice if people are suggested for appointment to a board and are already serving on other boards.

It was noted that Tourism Development Authority can enlarge its membership.

Hughes expressed concern that staff screening applicants for appointed boards is not democratic. He added that it needs to be codified how to remove someone from a board, especially for absences.

Hauth explained that before the 2017 policy, applicants were interviewed by the appointed board and then by the Board of Commissioners. Many applicants found it daunting to be interviewed by the town board and a few withdrew. Also, appointed board members are uncomfortable voting on who to recommend for appointment to their board when there are two or three candidates sitting in the audience. She added that appointed board members not showing up for meetings was increasingly a problem and was affecting the ability to have quorum.

Weaver said she wants the boards to be high functioning, easy to serve on and flexible, and she feels the recommendations in the packet continue in that direction.

Ferguson expressed interest in compensation for serving on boards, acknowledging that it would be difficult to pay for. She would like a broader context included in the orientation for new appointed board members.

Hughes said it has been unclear whether the Board of Commissioners representative on appointed boards is a participant or is just attending.

Bell suggested a 15- to 20-minute review of a board's bylaws and informational documents at the first meeting of the year would be helpful.

Hauth noted the quasi-judicial board members would be receiving training through the UNC School of Government this year.

The board then shifted the conversation to deciding that attending hybrid meetings virtually when the Town of Hillsborough is not the host would be OK.

Bell then noted, and Hauth confirmed, that the Alliance for Historic Hillsborough can select who they want to serve on the Tourism Board.

## **5. Committee updates and reports**

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

## **6. Adjournment**

A motion was made to adjourn the meeting at 8:31 p.m.

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

FY 2022-2023

TOWN OF HILLSBOROUGH  
BUDGET CHANGES REPORT  
DATES: 09/26/2022 TO 09/26/2022

|          | <u>REFERENCE</u>   | <u>CHANGE<br/>NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL<br/>BUDGET</u> | <u>BUDGET<br/>CHANGE</u> | <u>AMENDED<br/>BUDGET</u> |
|----------|--|--------------------------|-------------|-------------|----------------------------|--------------------------|---------------------------|
| Admin.   | 10-10-4200-5300-080 TRAINING/CONF./CONV.<br>To cover REI Groundwater Training        | 27848                    | 09/26/2022  | JFernandez  | 19,240.00                  | 388.80                   | 19,628.80                 |
| Admin.   | 10-10-4200-5300-577 WELLNESS PROGRAM ACTIVITIES<br>To cover REI Groundwater Training | 27849                    | 09/26/2022  | JFernandez  | 6,000.00                   | -388.80                  | 5,611.20                  |
| Planning | 10-10-4900-5300-320 SUPPLIES - OFFICE<br>To est budget for office supplies           | 27843                    | 09/26/2022  | EBRADFORI   | 0.00                       | 300.00                   | 300.00                    |
| Planning | 10-10-4900-5300-330 SUPPLIES - DEPARTMENTAL<br>To est budget for office supplies     | 27844                    | 09/26/2022  | EBRADFORI   | 1,800.00                   | -300.00                  | 1,100.00                  |
|          |  |                          |             |             |                            | <u>0.00</u>              |                           |

APPROVED: 4/0

DATE: 9/26/22

VERIFIED: *Shan & Kimmy*

DRAFT



## PROCLAMATION

### Central Sterile Week

Oct. 9-15, 2022

**WHEREAS**, serving in settings ranging from hospitals to ambulatory surgery centers, central service technicians are responsible for processing surgical instruments, supplies and equipment and providing essential support to patient care services; and

**WHEREAS**, Central Sterile Department tasks include decontaminating, cleaning, processing, assembling, sterilizing, storing, and distributing the medical devices and supplies needed for patient care; and

**WHEREAS**, the Central Sterile Department of a healthcare facility is the heart of all activity surrounding instruments, supplies, and equipment required for operating rooms, endoscopy suites, intensive care units, birth centers, clinics, emergency departments, and other patient care areas; and

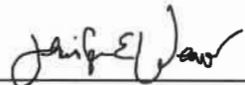
**WHEREAS**, central sterile technicians play an important role in patient care arenas and are responsible for first-line processes to prevent patient infections; and

**WHEREAS**, Central Sterile Week provides an opportunity to recognize the contributions central service technicians make to patient safety and the opportunities and challenges faced by those in the profession;

**NOW, THEREFORE**, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim Oct. 9-15, 2022, as **Central Sterile Week** in the Town of Hillsborough.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 26<sup>th</sup> day of September in the year 2022.



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



## PROCLAMATION

### National Health Care Supply Chain Week

Oct. 1-8, 2022

**WHEREAS**, serving in settings ranging from hospitals to ambulatory surgery centers, supply chain personnel are responsible for processing supplies and equipment and providing essential support to patient care services; and

**WHEREAS**, supply chain personnel tasks include ordering, handling, and the organization of all supplies needed for patient care; and

**WHEREAS**, supply chain personnel of a healthcare facility are essential for all activity surrounding supplies, and case preparing for operating rooms, anesthesia support, PreOp and PACU areas; and

**WHEREAS**, supply chain personnel play an important role in patient care arenas and are responsible for insuring that everything is in compliance with Joint Commission guidelines; and

**WHEREAS**, Supply Chain Week provides an opportunity to recognize the contributions supply chain personnel make to patient safety and the opportunities and challenges faced by those in the profession;

**NOW, THEREFORE**, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim Oct. 1-8, 2022, as Supply Chain Week in the Town of Hillsborough.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 26<sup>th</sup> day of September in the year 2022.



Jenn Weaver, Mayor  
Town of Hillsborough



## PROCLAMATION

### Recognizing the 77<sup>th</sup> Anniversary of National Disability Employment Awareness Month

**WHEREAS**, October 2022 marks the 77th anniversary of National Disability Employment Awareness Month; and

**WHEREAS**, the purpose of National Disability Employment Awareness Month is to educate about disability employment issues and celebrate the many and varied contributions of America's workers with disabilities; and

**WHEREAS**, the history of National Disability Employment Awareness Month traces back to 1945 when Congress enacted a law declaring the first week in October each year as "National Employ the Physically Handicapped Week;" and

**WHEREAS**, in 1962, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities; and

**WHEREAS**, in 1988, Congress expanded the week to a month and changed the name to National Disability Employment Awareness Month; and

**WHEREAS**, workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy; and

**WHEREAS**, activities during this month will reinforce the value and talent that people with disabilities add to our workplaces and communities and will affirm the Town of Hillsborough's commitment to an inclusive community that increases access and opportunities to all, including individuals with disabilities;

**NOW, THEREFORE**, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim October as **Disability Employment Awareness Month** in the Town of Hillsborough and call upon employers, schools, and other community organizations in the community to observe October with appropriate programs and activities to promote its important message that people with disabilities add value and talent to our workplaces and communities.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 26<sup>th</sup> day of September in the year 2022.



A handwritten signature in black ink, reading "Jenn Weaver".

Jenn Weaver, Mayor  
Town of Hillsborough



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: Oct. 10, 2022  
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 budgeted revenues and expenditures, where needed, due to changes that have occurred since budget adoption.

**Financial impacts:**

As indicated by each amendment.

**Staff recommendation and comments:**

To approve the attached list of budget amendments and transfers.

**Action requested:**

Consider approving budget amendments and transfers.



FY 2022-2023

TOWN OF HILLSBOROUGH  
BUDGET CHANGES REPORT

DATES: 10/10/2022 TO 10/10/2022

|     | <u>REFERENCE</u>                            | <u>CHANGE<br/>NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL<br/>BUDGET</u> | <u>BUDGET<br/>CHANGE</u> | <u>AMENDED<br/>BUDGET</u> |
|-----|---|--------------------------|-------------|-------------|----------------------------|--------------------------|---------------------------|
| WTP | 30-80-8120-5300-145 MAINTENANCE - BUILDINGS |                          |             |             |                            |                          |                           |
|     | To establish office supply budget           | 27852                    | 10/10/2022  | EBRADFORI   | 10,000.00                  | -1,300.00                | 8,700.00                  |
| WTP | 30-80-8120-5300-320 SUPPLIES - OFFICE       |                          |             |             |                            |                          |                           |
|     | To establish office supply budget           | 27851                    | 10/10/2022  | EBRADFORI   | 0.00                       | 1,300.00                 | 1,300.00                  |
|     |   |                          |             |             |                            | <u>0.00</u>              |                           |





## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: Oct. 10, 2022  
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:** 2023 Board of Commissioners meeting calendar

**Attachments:**

Draft 2023 Board of Commissioners meeting calendar

**Summary:**

The 2023 Board of Commissioners meeting calendar 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).

The Water and Sewer Advisory Committee voted to reduce the number of joint meetings with the Board of Commissioners to two meetings per year with reservation to request additional or cancel as needed. In 2023, the WSAC request that the Board of Commissioners attend the WSAC in February 2023 and the WSAC attend the Board of Commissioners workshop in August 2023.

**Financial impacts:**

None.

**Staff recommendation and comments:**

None.

**Action requested:**

To adopt the 2023 Board of Commissioners meeting calendar.

# Meeting Schedule: 2023

## BOARD OF COMMISSIONERS



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

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

### Regular meetings

Regular meetings typically occur the second Monday of the month.

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

### Work sessions

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

|          |                                 |          |                            |
|----------|---------------------------------|----------|----------------------------|
| Jan. 23  |                                 | June 26  | Budget adoption, if needed |
| Feb. 27  |                                 | Aug. 28  | With joint WSAC meeting    |
| March 27 |                                 | Sept. 25 |                            |
| April 24 | With State of the Town Address  | Oct. 23  |                            |
| May 22   | Budget workshop, public hearing | Nov. 27  |                            |
| May 30   | Budget workshop, if needed      |          |                            |

### Joint public hearings

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

|          |         |
|----------|---------|
| Jan. 19  | July 20 |
| April 20 | Oct. 19 |

### Joint meetings

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

|         |  |        |                                    |
|---------|--|--------|------------------------------------|
| Jan. 24 | Assembly of Governments<br>Whitted Human Services Center<br>300 W. Tryon St. | Feb. 2 | Water and Sewer Advisory Committee |
|---------|--|--------|------------------------------------|

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

Adopted: Oct. 10, 2022



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: Oct. 10, 2022  
Department: Administrative Services  
Agenda Section: Consent  
Public hearing: No

#### PRESENTER/INFORMATION CONTACT

Human Resources Manager Haley Bizzell  
Administrative Services Director Jen Della Valle

#### ITEM TO BE CONSIDERED

**Subject:** Classification and Pay Amendments

**Attachments:**

FY23 Salary Schedule

**Summary:**

At the September Board of Commissioners regular meeting, the town board approved implementing the recommended pay and classification adjustments that were based on the pay study conducted by Piedmont Triad Regional Council (PTRC). Some adjustments are being proposed after reviewing certain positions over the past month, to ensure the classification for the positions fit the organization and accurately reflect the job duties and responsibilities. Below outlines the recommended updates from PTRC:

- Move the accounts payable technician from grade 3 to grade 6.
- Move the accounting technician position from grade 5 to grade 7.
- Move the deputy utilities director from grade 18 to grade 20.
- Remove wastewater superintendent classification. Position was reclassified to deputy utilities director.
- Remove plant mechanic classification - it is the same as the plant maintenance mechanic I.

The attached FY23 salary schedule reflects these updates in red.

**Financial impacts:**

Minimal financial impact.

**Staff recommendation and comments:**

Approve the FY23 Salary Schedule as amended.

**Action requested:**

Approve the FY23 Salary Schedule as amended.

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

| Salary<br>Grade | Minimum           | Midpoint          | Maximum           | FLSA<br>Status | Class Code     | Classification                                 |
|-----------------|-------------------|-------------------|-------------------|----------------|----------------|--|
| 1               | 34,205            | 44,467            | 54,728            |                |                |  |
| 2               | 35,915            | 46,690            | 57,465            | N              | 201            | ADMINISTRATIVE SUPPORT SPECIALIST              |
| 2               | 35,915            | 46,690            | 57,465            | N              | 202            | METER SERVICES TECHNICIAN                      |
| <del>3</del>    | <del>37,711</del> | <del>49,024</del> | <del>60,338</del> | <del>N</del>   | <del>301</del> | <del>ACCOUNTS PAYABLE TECHNICIAN</del>         |
| 3               | 37,711            | 49,024            | 60,338            | N              | 302            | EQUIPMENT OPERATOR I                           |
| 3               | 37,711            | 49,024            | 60,338            | N              | 303            | UTILITY MAINTENANCE TECHNICIAN I               |
| 4               | 39,597            | 51,476            | 63,355            | N              | 401            | CUSTOMER SERVICE REPRESENTATIVE                |
| 4               | 39,597            | 51,476            | 63,355            | N              | 402            | UTILITY MAINTENANCE TECHNICIAN II              |
| 4               | 39,597            | 51,476            | 63,355            | N              | 403            | WASTEWATER PLANT OPERATOR I                    |
| 4               | 39,597            | 51,476            | 63,355            | N              | 404            | WATER PLANT OPERATOR I                         |
| <del>5</del>    | <del>41,576</del> | <del>54,049</del> | <del>66,522</del> | <del>N</del>   | <del>501</del> | <del>ACCOUNTING TECHNICIAN</del>               |
| 5               | 41,576            | 54,049            | 66,522            | N              | 502            | EQUIPMENT OPERATOR II                          |
| 5               | 41,576            | 54,049            | 66,522            | N              | 503            | SENIOR ADMINISTRATIVE SUPPORT SPECIALIST       |
| 5               | 41,576            | 54,049            | 66,522            | N              | 504            | UTILITY MAINTENANCE TECHNICIAN III             |
| 5               | 41,576            | 54,049            | 66,522            | N              | 505            | WASTEWATER PLANT OPERATOR II                   |
| 5               | 41,576            | 54,049            | 66,522            | N              | 506            | WATER PLANT OPERATOR II                        |
| <del>6</del>    | <del>43,655</del> | <del>56,752</del> | <del>69,848</del> | <del>N</del>   | <del>605</del> | <del>ACCOUNTS PAYABLE TECHNICIAN</del>         |
| 6               | 43,655            | 56,752            | 69,848            | N              | 601            | PLANNING TECHNICIAN                            |
| 6               | 43,655            | 56,752            | 69,848            | N              | 602            | PLANT MAINTENANCE MECHANIC I                   |
| <del>6</del>    | <del>43,655</del> | <del>56,752</del> | <del>69,848</del> | <del>N</del>   | <del>603</del> | <del>PLANT MECHANIC</del>                      |
| 6               | 43,655            | 56,752            | 69,848            | N              | 604            | UTILITY SYSTEMS MECHANIC I                     |
| <del>7</del>    | <del>45,838</del> | <del>59,589</del> | <del>73,341</del> | <del>N</del>   | <del>706</del> | <del>ACCOUNTING TECHNICIAN</del>               |
| 7               | 45,838            | 59,589            | 73,341            | N              | 701            | CREW LEADER/EQUIPMENT OPERATOR III             |
| 7               | 45,838            | 59,589            | 73,341            | N              | 702            | PLANT MAINTENANCE MECHANIC II                  |
| 7               | 45,838            | 59,589            | 73,341            | N              | 703            | UTILITY SYSTEMS MECHANIC II                    |
| 7               | 45,838            | 59,589            | 73,341            | N              | 704            | WASTEWATER PLANT OPERATOR III                  |
| 7               | 45,838            | 59,589            | 73,341            | N              | 705            | WATER PLANT OPERATOR III                       |
| 8               | 48,130            | 62,569            | 77,008            | N              | 801            | FLEET MECHANIC                                 |
| 8               | 48,130            | 62,569            | 77,008            | N              | 802            | PLANT MAINTENANCE MECHANIC III                 |
| 8               | 48,130            | 62,569            | 77,008            | N              | 803            | UTILITY SYSTEMS MECHANIC III                   |
| 9               | 50,536            | 65,697            | 80,858            | E              | 901            | BILLING & CUSTOMER SERVICE SUPERVISOR          |
| 9               | 50,536            | 65,697            | 80,858            | N              | 902            | METER SERVICES SUPERVISOR                      |
| 9               | 50,536            | 65,697            | 80,858            | N              | 903            | UTILITIES INSPECTOR                            |
| 10              | 53,063            | 68,982            | 84,901            | N              | 1001           | BACKFLOW/FOG SPECIALIST                        |
| 10              | 53,063            | 68,982            | 84,901            | N              | 1002           | CHIEF WASTEWATER PLANT OPERATOR                |
| 10              | 53,063            | 68,982            | 84,901            | N              | 1003           | COMMUNICATIONS SPECIALIST                      |
| 10              | 53,063            | 68,982            | 84,901            | N              | 1004           | FACILITIES COORDINATOR                         |
| 10              | 53,063            | 68,982            | 84,901            | N              | 1005           | OPERATOR IN RESPONSIBLE CHARGE                 |
| 11              | 55,716            | 72,431            | 89,146            | E              | 1101           | PLANNER  |
| 11              | 55,716            | 72,431            | 89,146            | E              | 1102           | WEB DEVELOPER/ASSISTANT COMMUNICATIONS MANAGER |
| 12              | 58,502            | 76,053            | 93,604            | E              | 1201           | BUDGET & MANAGEMENT ANALYST                    |
| 12              | 58,502            | 76,053            | 93,604            | E              | 1202           | FINANCIAL ANALYST                              |
| 12              | 58,502            | 76,053            | 93,604            | E              | 1203           | FLEET MAINTENANCE SUPERVISOR                   |
| 12              | 58,502            | 76,053            | 93,604            | E              | 1204           | HUMAN RESOURCES ANALYST                        |
| 12              | 58,502            | 76,053            | 93,604            | E              | 1205           | MANAGEMENT ANALYST                             |
| 12              | 58,502            | 76,053            | 93,604            | N              | 1206           | STORMWATER PROGRAM COORDINATOR                 |

|               |                   |                    |                    |              |                 |  |
|---------------|-------------------|--------------------|--------------------|--------------|-----------------|--|
| 12            | 58,502            | 76,053             | 93,604             | N            | 1207            | WASTEWATER LABORATORY SUPERVISOR                   |
| 13            | 61,427            | 79,856             | 98,284             | E            | 1301            | CIVIL ENGINEERING TECHNICAN                        |
| 13            | 61,427            | 79,856             | 98,284             | E            | 1302            | SENIOR PLANNER                                     |
| 13            | 61,427            | 79,856             | 98,284             | E            | 1303            | UTILITY MAINTENANCE SUPERVISOR                     |
| 13            | 61,427            | 79,856             | 98,284             | E            | 1304            | UTILITY SYSTEM SUPERVISOR                          |
| 14            | 64,499            | 83,848             | 103,198            | E            | 1401            | TOWN CLERK/HUMAN RESOURCES TECHNICIAN              |
| 15            | 67,724            | 88,041             | 108,358            | E            | 1501            | SAFETY & RISK MANAGER                              |
| 16            | 71,110            | 92,443             | 113,776            | E            | 1601            | WATER PLANT SUPERINTENDENT                         |
| <del>16</del> | <del>71,110</del> | <del>92,443</del>  | <del>113,776</del> | <del>E</del> | <del>1602</del> | <del>WASTEWATER PLANT SUPERINTENDENT</del>         |
| 17            | 74,665            | 97,065             | 119,465            | E            | 1701            | PUBLIC WORKS MANAGER                               |
| 17            | 74,665            | 97,065             | 119,465            | E            | 1702            | STORMWATER & ENVIRONMENTAL SERVICES MANAGER        |
| 17            | 74,665            | 97,065             | 119,465            | E            | 1703            | UTILITY SYSTEM SUPERINTENDENT                      |
| 18            | 78,399            | 101,918            | 125,438            | E            | 1801            | ASSISTANT FINANCE DIRECTOR                         |
| 18            | 78,399            | 101,918            | 125,438            | E            | 1802            | COMMUNICATIONS MANAGER                             |
| <del>18</del> | <del>78,399</del> | <del>101,918</del> | <del>125,438</del> | <del>E</del> | <del>1803</del> | <del>DEPUTY UTILITIES DIRECTOR</del>               |
| 19            | 82,319            | 107,014            | 131,710            | E            | 1901            | INFORMATION TECHNOLOGY MANAGER                     |
| 20            | 86,434            | 112,365            | 138,295            | E            | 2001            | BUDGET DIRECTOR                                    |
| 20            | 86,434            | 112,365            | 138,295            | E            | 2002            | ENVIRONMENTAL ENGINEERING SUPERVISOR               |
| 20            | 86,434            | 112,365            | 138,295            | E            | 2003            | HUMAN RESOURCES MANAGER                            |
| 20            | 86,434            | 112,365            | 138,295            | E            | 2004            | PLANNING & ECONOMIC DEVELOPMENT MANAGER            |
| 20            | 86,434            | 112,365            | 138,295            | E            | 2005            | PUBLIC SPACE & SUSTAINABILITY MANAGER              |
| <del>20</del> | <del>86,434</del> | <del>112,365</del> | <del>138,295</del> | <del>E</del> | <del>2006</del> | <del>DEPUTY UTILITIES DIRECTOR</del>               |
| 21            | 90,756            | 117,983            | 145,210            |              |                 |  |
| 22            | 95,294            | 123,882            | 152,470            |              |                 |  |
| 23            | 100,059           | 130,076            | 160,094            |              |                 |  |
| 24            | 105,062           | 136,580            | 168,099            | E            | 2401            | ADMINISTRATIVE SERVICES DIRECTOR                   |
| 24            | 105,062           | 136,580            | 168,099            | E            | 2402            | ASSISTANT TOWN MANAGER/COMMUNITY SERVICES DIRECTOR |
| 24            | 105,062           | 136,580            | 168,099            | E            | 2403            | FINANCE DIRECTOR                                   |
| 25            | 110,315           | 143,409            | 176,504            | E            | 2501            | UTILITIES DIRECTOR                                 |

#### Sworn Law Enforcement Officer Positions

| Salary | FLSA    |          |         |        |            |   |
|--------|---------|----------|---------|--------|------------|---|
| Grade  | Minimum | Midpoint | Maximum | Status | Class Code | Classification                            |
| 100    | 45,138  | 58,679   | 72,220  | N      | 100        | POLICE OFFICER TRAINEE                    |
| 102    | 51,912  | 67,485   | 83,059  | N      | 102        | POLICE OFFICER/POLICE OFFICER FIRST CLASS |
| 201    | 54,508  | 70,860   | 87,212  | N      | 203        | SENIOR POLICE OFFICER                     |
| 202    | 57,233  | 74,403   | 91,573  | N      | 204        | POLICE CORPORAL                           |
| 303    | 59,619  | 77,505   | 95,390  | N      | 304        | MASTER POLICE OFFICER                     |
| 402    | 65,730  | 85,449   | 105,168 | N      | 405        | POLICE SERGEANT                           |
| 502    | 72,467  | 94,207   | 115,947 | E      | 507        | POLICE LIEUTENANT                         |
| 601    | 83,700  | 108,809  | 133,919 | E      | 606        | POLICE MAJOR                              |
| 701    | 105,062 | 136,580  | 168,099 | E      | 706        | CHIEF OF POLICE                           |



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: Oct. 10, 2022  
Department: Utilities  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing: N/A

#### PRESENTER/INFORMATION CONTACT

Utilities Director K. Marie Strandwitz, PE

#### ITEM TO BE CONSIDERED

**Subject:** Approval of a Water and Sewer Extension Contract for Aldi's (GEMCAP Development)

**Attachments:**

Draft Water and Sewer Extension Contract for Aldi's

**Summary:**

Aldi's is building across from Hampton Pointe and the project consists of extending a water main approximately 180 linear feet. Once completed, the town will assume ownership per the terms of the Water and Sewer Extension Contract. The sewer system will remain private. The contract will authorize the planned acceptance of the water main and the terms of construction and acceptance.

**Financial impacts:**

Continued operation and maintenance of this water main will be covered under rate setting activities.

**Staff recommendation and comments:**

**Action requested:**

Authorize the town manager to execute the contract.

**ORANGE COUNTY  
NORTH CAROLINA**

**TOWN OF HILLSBOROUGH  
WATER/SEWER EXTENSION CONTRACT**

THIS WATER/SEWER EXTENSION CONTRACT (WSEC) is entered into this \_\_ day of \_\_\_, 2022 by and between GEMCAP DEVELOPMENT (hereinafter the “DEVELOPER”) and the Town of Hillsborough, a North Carolina municipal corporation (hereinafter the “Town”):

WHEREAS, the DEVELOPER proposes to extend the Town’s water and sewer system (hereinafter the “Work, or Improvements”) to serve its **HILLSBOROUGH ALDI** project (hereinafter the “Project”); and

WHEREAS, the Work for the Project is more specifically identified in the appendices of this Contract; and

WHEREAS, DEVELOPER has agreed to pay certain costs associated with the proposed Work; and

WHEREAS, at its meeting held October 10, 2022, the Town Board of Commissioners authorized the proposed water and sewer main extension subject to execution of this WSEC and compliance with its terms.

NOW, THEREFORE, the DEVELOPER and the Town, and the successors, and assigns of each of them agree:

(1) Subject to DEVELOPER’s compliance with the terms and conditions set forth herein, and subject to DEVELOPER obtaining all necessary approvals from the State of North Carolina or any other agency or authority with jurisdiction over the Work, the Town will permit the connection of Improvements constructed for the above-referenced Project to the Town’s water and sewer systems.

- a) The Town reserves the right to refuse to allow connection to or use of the Town water and/or sewer system (i) when such connection would cause the Town’s system or the operation thereof to be in violation of any applicable state or federal requirement; or (ii) for reasons not known or foreseen by the Town at the time this contract was executed that would create a clear and present danger to the public health or safety. Reasons for refusal to allow connection shall include, but not be limited to, lack of water supply or lack of capacity of one or more components of the water or sewer system.
- b) The Town's authorization to connect to the Town's water and sewer system, including any capacity reservations noted, under this Contract shall expire if (i) substantial (i.e. more than token) construction of the project has not begun within one year of town board approval; (ii) after construction begins, construction ceases for a continuous period of more than one year (unless a result of an action by the Town); or (iii) the extension to be constructed pursuant to this contract has not been connected to the Town's system in accordance with the requirements set forth herein within two years from town board approval, unless extended by writing before the expiration.

(2) Nothing in this Contract shall be construed as constituting express or implied approval of the Project by the Town under any applicable Town zoning, subdivision, or other land use ordinance.

(3) The DEVELOPER agrees to comply with or satisfy the following terms and conditions as well as those set forth in Appendix A and acknowledges that the Town's authorization to connect the proposed extension to the Town's system is specifically contingent upon compliance with and satisfaction of the same. If these conditions are not met, this Contract will be rendered null and void and the DEVELOPER will need to re-negotiate a new Contract for extension of service from the Town.

A. General Conditions:

1. Unless otherwise explicitly and specifically stated, DEVELOPER shall bear the costs and expenses of all obligations and duties created by this Contract, including without limitation, engineering and legal fees incurred by the Town in connection with the proposed extension. The Town will invoice the Developer for such costs incurred, and payment is due within 30 days.
2. The Town will permit the use of the extension to the Town's water or sewer system only after the Improvements have been successfully tested, all the conditions set forth in Sections B, C, and D and any costs billed per A(1) and Section E, and any additional conditions appended hereto, have been satisfied.
3. The Town shall own and maintain the Improvements constructed under this contract after they are accepted by the Town Board of Commissioners and until such time as the Improvements have been accepted by the Town Board, the DEVELOPER remains responsible for all maintenance and repairs to the Improvements.
4. The DEVELOPER shall warrant all materials and workmanship of the Improvements pursuant to the Post-Construction Conditions of this Contract. Should defects in workmanship or materials be discovered in work done pursuant to this contract by or for the DEVELOPER during the warranty period, the DEVELOPER shall be responsible to see that all such defects are promptly corrected at the DEVELOPER's expense and written evidence of such, such as a stamped/sealed certification by the DEVELOPER'S engineer per paragraph A.12 above, is provided to the Town.
5. The Town may make or authorize extensions or connections to or from any of the Improvements constructed pursuant to this Contract without permission of the DEVELOPER.
6. Water and sewer service shall meet all minimum State and Town standards. The Town makes no warranty as to any water quality, quantity, or pressure to be provided.
7. This Contract may be assigned by the DEVELOPER, but such successor or assignee shall obtain no rights hereunder until after it has provided the Town with a written acknowledgment of the assignee's assumption of all DEVELOPER's obligations and responsibilities under this Contract.



8. This Contract is specific to the Project named above and described in Appendix A as approved by the Town Utilities Department and the Board of Commissioners. Any change or alteration in the approved intended use, i.e., residential, and commercial development, or configuration of the approved Improvements of such Project by the DEVELOPER or successor or assignee shall, absent the written consent of the Town, void this Contract.
9. DEVELOPER shall employ a licensed North Carolina engineering firm and engineer to prepare the design and to provide construction administration services throughout the entire Project. DEVELOPER shall provide for third-party construction observation services for the duration of the construction through the Town's acceptance of the Project.
10. The words "line" or "lines" shall include "main or "mains" unless the contract otherwise requires. "Sewer" means "sanitary sewer."
11. This Contract shall be deemed made in and shall be construed in accordance with the law of North Carolina.

B. Pre-Construction Conditions

1. The DEVELOPER and its engineer shall discuss the capacity needs of the Project with the Town early in the Project's conceptual phases. Water and sewer capacity allocated to the Project will be noted in Appendix A and any changes in Project scope requiring more or less than the allocated amount will require an amendment to this Contract. For large Projects, the Town may require the DEVELOPER to conduct its own capacity analysis using a licensed North Carolina Professional Engineer utilizing information provided by the Town.
  - a) If results of the capacity analysis determine off-site improvements to the Town's existing system (conveyance or treatment) are needed to accommodate the Project and the DEVELOPER decides to proceed with the Project, the Town will negotiate any cost-share of such off-site improvements with the DEVELOPER, and the terms reached as a result of the negotiations will be included in Appendix A.
2. The DEVELOPER shall engage a licensed North Carolina Professional Engineer to prepare plans and specifications for the construction of water improvements and/or sanitary sewer improvements to serve the Project. The Project shall not rely solely on the Town's Standard Utility Specifications, which may not cover all methods of construction or administrative matters (e.g., shoring, trenching, backfill, pipe laying, handling rock or hazardous wastes, bypass pumping, temporary water service, general and special conditions, site security, payment and change processes, geotechnical or other investigations, etc.).
3. The DEVELOPER shall secure formal approval of the water and sewer construction plans and specifications by the following agencies or authorities (and any other government agencies which may have jurisdiction over one or more elements of the Project), and provide approvals of such to the Town:

- Town Utilities Department
  - North Carolina Department of Environmental Quality (if the Project entails any site infrastructure that is considered private, the plans and permit applications shall clearly delineate such and two applications may be required)
  - North Carolina Department of Transportation
4. The DEVELOPER shall secure and record all required easements for the Work. The Town will provide a boilerplate easement document for utilization.
  5. The DEVELOPER shall schedule a pre-construction meeting to include the Town Utilities Department, the Town Planning Department, the Contractor, major Subcontractors, and other pertinent stakeholders prior to commencement of the Work and at this time will provide the Town a list of contacts for the Project.
  6. The DEVELOPER shall instruct its contractor to submit to its engineer all material and shop drawing submittals and for its engineer to share all approved submittals with the Town.
  7. The DEVELOPER shall pay all fees for the Improvements due to the Town prior to construction of the Improvements.
  8. The Town will not accept new pumping stations except under extraordinary circumstances. If the Town accepts a pumping station in the Project design, the DEVELOPER shall pay the Town's Perpetual Maintenance Fees for such Improvements as required by the Town Code.
  9. The DEVELOPER shall ensure that its engineer, surveyor, and contractor receive a copy of the final approved permits, plans and specifications for the Project and is aware of the Town's Utility Specifications, Standard Details and As-Built Digital Submittal Requirements prior to construction commencement, as applicable to each.

C. Construction Conditions:

1. Unless otherwise provided in this Contract, all construction shall be in accordance with Town and State policy, standards, and specifications at the time of construction commencement.
  - a) The Town shall approve the size and type of material for all water and sewer lines.
  - b) The DEVELOPER shall provide, at its sole cost and expense, for construction observation of the water and sewer Improvements by an independent, competent, and experienced inspector (Inspector) to be approved by the Town. Such Inspector shall have at least five years' experience in observing water and sewer main construction. Inspection by the Town does not consist of or imply supervision. The role of the Town's inspection staff is not to oversee construction of the Project, but only to (i) witness the installation of critical items of importance to the Town and (ii) periodically check on the Project's progress.

- c) All work on the extension of water or sewer lines shall be subject to inspection by the Town, and no Work may be covered up until such inspection has occurred or the Town is confident an Inspector observed the Work. If any Work is covered up prior to inspection, the town may require such Work to be uncovered or exposed for inspection at the DEVELOPER'S expense. If, in the judgment of the Town, there is a demonstrated lack of competent supervision by a Contractor, the Town may halt work until approved supervision is obtained and the work done in accordance with town specifications and requirements; or provide constant inspection by Town personnel **at the expense of the Developer**.
- d) The Town will require acceptance testing to determine whether the Work complies with State and Town standards and specifications. All such testing shall be at the DEVELOPER's expense, and a Town representative must be present when testing occurs unless declined or delegated in writing. The DEVELOPER or its Contractor must provide the Town at least 48 hours advance notice of any testing. The Contractor or third-party Inspector shall document the testing of each segment in detail (type of test, date, test conditions and results, pass/fail) on legible forms. Contractor or third-party construction observer's failure to document a test will require retesting and a retesting fee for each instance thereafter.
- e) The Inspector hired by the DEVELOPER shall be onsite each day that meaningful work is performed and shall prepare daily logs to be submitted weekly to the Town. Daily logs shall include a general description of the work performed that day, weather conditions, equipment used, number of crew, any installation observations, or concerns, and who they were communicated to, and associated photos with a photo log. The Inspector shall routinely communicate with the Town on progress and issues that arise.
  - i. Meaningful work means the installation of water or sewer infrastructure and appurtenances that will become part of the public system of the town, installation of water or sewer services, making taps to existing Town water or sewer mains, testing (including flushing and chlorinating of water mains) of water or sewer systems for acceptance, testing of soils for compaction around water and sewer systems, pouring thrust blocking, constructing pumping stations, tanks or other water and sewer features.
- f) The Inspector shall consult with the Town and the DEVELOPER's engineer on any significant field changes. The DEVELOPER's engineer shall gain approval in writing from the Town's Utilities Director or delegated staff prior to making such changes. Changes shall be reflected on the record drawings.
  - i. Significant change may include but not be limited to adding or deleting or changing the alignment or grade of infrastructure; moving hydrants, manholes, valves or backflow prevention device locations; adding additional services; changing pipe sizes or materials; adding couplings; or making other changes that will affect the layout or operation of the system as designed and approved.

- g) All Work on the Improvements shall be performed by a contractor licensed to perform this type of Work in North Carolina.
- h) DEVELOPER shall have their construction contractor coordinate with the Town on tie-in plans and water shutdowns at least one week in advance. Contractor shall be responsible to notification to customers of water disruptions.
- i) Town shall operate any existing system features (i.e., valves, hydrants) to accommodate Work by contractor, unless permission for others to operate such features is granted by the town in writing. Unauthorized operation of hydrants or valves or other system components by DEVELOPER or its contractor (or subcontractor) without prior approval of town constitutes tampering and theft and will result in the Town assessing fees and civil penalties as outlined in town code Section 14-16. Should DEVELOPER fail to pay an assessment imposed pursuant to this paragraph or if tampering occurs repeatedly on the Project, the Town may stop work on the Project until the assessment is paid, or some other arrangement is made to satisfy the Town that no further tampering will occur. Repeat instances of tampering may result in the Town nullifying this Contract.
- j) DEVELOPER shall report any instances of sewer bypass or overflow, or any instance of water system issues, caused by the Work.
- k) DEVELOPER shall ensure contractor checks and confirms line and grade throughout installation of future public gravity sewers to ensure proper slope and alignment per plan. Failure to comply with minimum slope shall result in the removal and replacement of such sewers mains at proper grade, at DEVELOPER's cost.
- l) DEVELOPER shall provide proof of approved product submittals to the Town prior to construction commencement.
- m) DEVELOPER shall provide a copy of this WSEC to its water and sewer contractor and submit proof to the Town of same.
- n) DEVELOPER shall require its contractor to provide 48-hours' notice to the Town in advance for any taps and acceptance testing.
- o) DEVELOPER shall require that its water and sewer contractor have its field superintendent onsite during all construction of the Improvements. The field superintendent and a secondary field contact shall be identified at the preconstruction meeting.
- p) The DEVELOPER shall ensure that the water and sewer contractor maintain field records of the Work as it progresses and shall have a registered land surveyor collect and seal as accurate, the location and survey attributes for all water and sewer features as required by the Town according to its As-Built Digital Submittal Requirements. Any missing information to meet the requirements shall be collected at the DEVELOPER expense and

prior to Town acceptance of the system.

- q) The DEVELOPER shall prepare and submit final as-built drawings of the Work which are sealed by a North Carolina registered Professional Engineer.
  - r) Off-road vehicles or metal tracked equipment is prohibited to be driven over installed utilities. The evidence or observation of off-road vehicles or metal tracked equipment driving over installed utilities after inspection may require reinspection and retesting at the costs listed in Appendix E at the discretion of the Town.
2. The DEVELOPER shall bear the total cost of all water and/or sewer construction within the Project and the total cost of all water and/or sewer construction required to extend service to the Project, unless negotiated otherwise and stated in this Contract.

D. Post-Construction Conditions:

The following stages shall be completed after construction of the Project:

1. Prior to use of the Project for any reason the Town shall have performed a pre-acceptance inspection and received from the DEVELOPER and approved:
  - a) sewer smoke testing and televising reports as required by the Town specifications,
  - b) copies of all acceptance testing performed on the Improvements, including any testing of backflow prevention devices; fats, oils and grease interceptors or separators; fire flow or apparatus testing (as it relates to affecting the public water system); sewer manhole vacuum testing; sewer and water main pressure and leakage testing; mandrel testing; geotechnical compaction testing if utilized; and bacteriological testing of any water mains,
  - c) two printed copies (1 full D-size and 1 half-size) and one electronic PDF copy of the sealed as-built drawings (full as-built drawings should be presented unless the Town agrees to accept a series of partial as-built drawings),
  - d) a full CAD version of the final as-built drawings including all necessary X-references and font files to make a complete view of the data in Autodesk's AutoCad 2020 or other Autodesk CAD viewer software,
  - e) a contractor's notarized affidavit that the drawings accurately represent the as-built improvements,
  - f) the completed Engineering Certifications executed by the Professional Engineer of record indicating that work has been performed in substantial compliance with the approved plans and specifications and that the state has received such certifications and approved them (final certification should be provided unless the Town agrees to accept a series of partial

certifications and then a final certification), and,

- g) evidence the noted deficiencies, including any noted from the sewer televising and smoke testing, have been corrected by the DEVELOPER'S contractor and approved by the town, unless the Town has provided written permission for specific minor deficiencies not affecting the operation of the system to be corrected before acceptance of the system per Item D(2)(g).

2. Prior to the Town accepting the system for ownership, the Developer shall:

- a) provide a Contractor's Affidavit and Release of Liens from all subcontractors and materialmen,
- b) provide digital data as required by the Town's As-Built Digital Submittal Requirements,
  - i. the digital data will be quality checked by the Town's surveying firm (typically 10% of the system). Additional time shall be accounted for this effort in DEVELOPER's schedule,
  - ii. the data shall be corrected at the DEVELOPER's expense if significant discrepancies exist between the survey data exist from the quality check,
  - iii. The charges for the Town to perform the quality check and input the data into the town GIS system will be billed to the DEVELOPER.
- c) convey to the Town and record or cause to have recorded in the Orange County Registry all deeds of easement and plats showing all water and/or sewer easements required to serve the Project,
- d) provide an engineer-certified Statement of Value per bid line item of the final cost of the water and sewer Improvements,
- e) have submitted all daily field reports and other pertinent Project records as requested such as approved submittals, Requests for Information, Field Work Orders and Change Orders,
- f) ensure all Engineering Certifications are final,
- g) All Town punch list items are completed and signed off upon,
- h) provide developer completed state Change of Ownership forms to transfer the state-permitted water and sewer Improvements that are to become public to the Town (the Town will execute its portion and submit to the state upon Town Board of Commissioners acceptance),
- i) formally dedicate to the Town by letter all physical Improvements constructed to serve the project that is the subject of this contract, which Improvements shall become part of the Town

water and sewer system upon acceptance by the Town Board of Commissioners and will thereafter be owned and maintained by the Town, with exception of the warranty conditions, and

- j) present a warranty in the name of the Town of Hillsborough for a minimum period of two years from the date of Town Board of Commissioner acceptance of the construction for the Project or phase of Project. The method of securing the warranty shall be by Maintenance Bond or Letter of Credit from a viable surety with a rating of AA or above, or other form of security in a form acceptable to the Town. The security amount will be 25% of the total cost of the Improvements as certified in the Statement of Value prepared by a North Carolina licensed engineer.
3. It shall be the DEVELOPER's responsibility to request release of the warranty at a point not earlier than two years from the date of acceptance of the system by the Town. The warranty shall remain in effect until such time as all four of the following conditions are satisfied:
- a) Town staff have evaluated the system for the end-of-warranty release and provided documented comments of defects to be corrected,
  - b) DEVELOPER has performed end-of-warranty sewer smoke testing and televising (CCTV) and provided such to the Town for review in accordance with the Town's specifications,
  - c) DEVELOPER has corrected any defects noted by the Town staff in its evaluation of the system and the Town has verified this, and
  - d) The Town has returned or noted cancellation of the warranty security instrument.

E. Fees:

- 1. All fees and charges to be paid pursuant to this Contract shall be calculated in accordance with the Town's fee schedule in effect when the fees and charges are paid, or if not in the fee schedule, as outlined in this section. Fees typically are adopted as part of the Town's budget process each year with an effective date of July 1 and are subject to change.
- 2. DEVELOPER's construction of Improvements pursuant to this Contract shall not relieve DEVELOPER of the obligation to pay applicable fees under the Town's water and sewer ordinances and policies in effect at the time the fees are paid, and this Section E, except as amended by Appendix A.
- 3. DEVELOPER's construction of Improvements pursuant to this Contract does not affect the Town's policy with respect to the fees to be paid to the Town by property owners other than DEVELOPER for connection to the improvements constructed by DEVELOPER pursuant to this Contract. Nor shall DEVELOPER have any right to collect fees from persons connecting onto or extending the improvements constructed under this Contract.

4. The following fees will be applicable to the Project:

- a) Water and sewer system development, engineering review, inspection and meter fees as applicable and published in the fee schedule referenced in Section A(1) and herein.
- b) Perpetual Maintenance Fees for any approved pumping station per town code calculations.
- c) Tampering fees as outlined in Item C(1)(i).
- d) DEVELOPER shall ensure its water and sewer contractor is prepared for acceptance testing by pre-testing items in advance. Reinspection fee for each recurring trip for previously failed tests, a call for testing that requires the Inspector to wait more than 30 minutes or observation by the Inspector that the items are not ready to be tested, or no timely notification of cancellation (4 hours in advance) of testing will be charged to DEVELOPER at the fees established in the adopted town fee schedule.
- e) DEVELOPER shall ensure the construction is conducted in an orderly and organized fashion and that the Town's resources are efficiently utilized. Repeated and duplicative effort by the Town on a project will require reimbursement from the Developer for staff time and travel in accordance with Section 14-68 of the Town Code of Ordinances.
- f) Construction water for the Project will not be obtained from the Town's water system unless through rental of a hydrant meter, installation of a construction meter (for home building), or through bulk water purchase from the Town's Water Treatment Plant in accordance with policies and rates in place at the time of rental.
- g) DEVELOPER shall reimburse the Town for review of sewer CCTV tapes at the rate established in the town adopted fee schedule. CCTV that is submitted not in accordance with the Town CCTV specifications will be immediately rejected with a one-time charge as presented in the town adopted fee schedule.

[SIGNATURE PAGE FOLLOWS]



IN TESTIMONY WHEREOF, the parties hereto have executed this Contract in duplicate originals, as of the day and year first above written.

**GEMCAP DEVELOPMENT**

**TOWN OF HILLSBOROUGH**

By: \_\_\_\_\_  
Paul Williams  
COO & Executive VP

By: \_\_\_\_\_  
Eric J. Peterson  
Town Manager

ATTEST:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Town Clerk  
Sarah Kimrey

This Contract is approved to as form:

\_\_\_\_\_  
Town Attorney

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Melissa Bishop, Interim Finance Director

List of Appendices:  
Appendix A

## **HILLSBOROUGH ALDI**

### **TOWN OF HILLSBOROUGH WATER/SEWER EXTENSION CONTRACT APPENDIX A**

DEVELOPER agrees to satisfy the following conditions in addition to those set forth in the WATER/SEWER EXTENSION CONTRACT before the Town will permit the connection of Improvements constructed for the above referenced Project to the Town water and sewer system:

1. The Project has reserved 1,921 gpd of water and wastewater capacity, which is valid in accordance with the terms of this Contract. Additional reservations of capacity to project or external lots shall be requested and approved separately with supporting documentation.
2. All water meters for the project shall be purchased at once from the Town at the prevailing rate at the time meters are purchased.
3. Public water facilities for the project consists of 8-inch water main (182 LF) including necessary fire hydrants, valves and other appurtenances as designed by McAdams. The sanitary sewer to be constructed is private. There will be a 1" irrigation meter, 2" domestic meter and 6" fire line connection each with backflow devices and a detect meter on the fire line backflow device.
4. Developer shall have Contractor coordinate with the Town on tie-in plans and water shutdowns at least one week in advance. Contractor shall be responsible to notification to customers of water disruptions in a manner approved by the Town.
5. Developer's CONTRACTOR shall report any instances of sewer bypass or overflow, or any instance of water system issues, caused by the Work.
6. Developer shall ensure CONTRACTOR checks and confirms line so that the water main is centered within the easement.
7. Sign off for the Project cannot occur until the neighboring dealership infrastructure is constructed, tested, certified, and accepted as well as what is constructed in this Project.



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: Oct. 10, 2022  
Department: Community Services  
Agenda Section: Consent  
Public hearing: No  
Date of public hearing:

#### PRESENTER/INFORMATION CONTACT

Margaret Hauth, Assistant Town Manager

#### ITEM TO BE CONSIDERED

**Subject:** Community Development Block Grant-Coronavirus Quarterly Report

**Attachments:**

2022 Quarter 1 report (January – March)

**Summary:**

Sharing these reports with the elected board is required on a quarterly basis. There is still strong demand for housing assistance in the county. The county has struggled to maintain staffing. They have prioritized providing aid to residents over reporting and seeking reimbursement from the towns, so the information I can provide is dated.

By the end of October, I hope to have the June assistance fully reviewed and able to be reimbursed, so the second quarter report will hopefully be available in November. The town will have to provide an annual report to the state this year, so I am stepping up the urgency of reimbursement and reporting to the town with Orange County.

**Financial impacts:**

**Staff recommendation and comments:**

Through the end of June, more than \$230,000 of assistance has been paid to Hillsborough residents. I will be reviewing case files with Orange County to make sure all cases eligible for reimbursement under Hillsborough's program are identified to ensure we fully expend our funding within the program period.

**Action requested:**

Receive report.



# Quarterly Report

Community Development Block Grant-Coronavirus

No. 20-V-3528

Emergency Housing Assistance

|   |  |                                  |  |
|---|--|----------------------------------|--|
| Quarter:                                    |  | 1 (Jan. 1, 2022 - Mar. 31, 2022) |  |
| Total Amount of Funds Disbursed:            |  | \$94,476.49                      |  |
| Payments for Hillsborough Residents:        |  | \$85,887.72                      |  |
| Administration Costs:                       |  | \$8,588.77                       |  |
| Number of Households Assisted:              |  | 25                               |  |
| Average Amount of Assistance Per Household: |  | \$3,435.51                       |  |

## DEMOGRAPHICS

| Applicant Race         | Count | % of Total | Applicant Ethnicity        | Count | % of Total |
|------------------------|-------|------------|----------------------------|-------|------------|
| Asian                  | 0     | 0.0%       | Hispanic and/or Latinx     | 6     | 9.1%       |
| Black/African American | 49    | 74.2%      | Not Hispanic and/or Latinx | 58    | 87.9%      |
| Multiracial/Other      | 6     | 9.1%       | Unknown                    | 2     | 3.0%       |
| White/Caucasian        | 11    | 16.7%      |                            | 66    | 100.0%     |
| Unknown                | 0     | 0.0%       |                            |       |            |
|                        | 66    | 100.0%     |                            |       |            |
|                        |       |            |                            |       |            |
| Household Income       | Count | % of Total |                            |       |            |
| 30% AMI                | 20    | 80.0%      |                            |       |            |
| 50% AMI                | 5     | 20.0%      |                            |       |            |
| 60% AMI                | 0     | 0.0%       |                            |       |            |
|                        | 25    | 100.0%     |                            |       |            |
|                        |       |            |                            |       |            |

## ASSISTANCE PROVIDED

| Expense Type                          | Amount      | % of Total Funds Disbursed |  |  |
|---------------------------------------|-------------|----------------------------|--|--|
| Rent Payments (Current and/or Future) | \$50,401.98 | 58.7%                      |  |  |
| Rent Payments (Arrears)               | \$22,265.05 | 25.9%                      |  |  |
| Rent Deposits/Fees/Bond               | \$200.00    | 0.2%                       |  |  |
| Utility/Internet Payments             | \$6,474.69  | 7.5%                       |  |  |
| Mortgage Payments (Current / Future)  | \$2,448.00  | 2.9%                       |  |  |
| Mortgage Payments (Arrears)           | \$4,098.00  | 4.8%                       |  |  |
|                                       | \$85,887.72 | 100.0%                     |  |  |

This quarterly report was received and reviewed by the Hillsborough Board of Commissioners on the 10th day of October, 2022.

|  |  |  |  |  |
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|  |  |  |  |  |

Mayor



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: Oct. 10, 2022  
Department: Planning and Economic Development  
Agenda Section: Regular  
Public hearing: Yes  
Date of public hearing: July 21, 2022

#### PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

#### ITEM TO BE CONSIDERED

**Subject:** UDO Text Amendments to Sections 3-6 and Section 9 to create a Planned Development conditional zoning district

##### Attachments:

1. Ordinance amending the UDO with text amendment revised language
2. Consistency Statement

##### Summary:

Due to changes made at the state level with regard to municipal planning and zoning, the town lost the ability to continue to implement 'special use' zoning districts used previously. This left general use zoning as the only option, however towns are still permitted to do conditional use zoning districts. Conditional zoning districts can allow a developer to master plan a large tract of land or provide infill development on a small tract, as the flexibility with conditional zoning districts allows for negotiation between the town and the developer on conditions and uses on development-by-development basis. Having an available zoning district where a development plan and/or development agreement are part of the rezoning process is a helpful tool because it informs the future development of a parcel or tract better than a general use rezoning does.

##### August Planning Board Recommendation Minutes:

Text amendment to the Unified Development Ordinance: Creating a Conditional Zoning Process and Planned Development District

Polly arrived at 6:36 p.m.

Campbell summarized the staff report, noting she heard no definitive changes to the proposed text amendment requested at the July 21, 2022, public hearing.

The board members discussed the seven bullet points that were discussed at the July 21, 2022, public hearing, outlined on Page 14 of the agenda packet.

Regarding the neighborhood meeting requirements, Campbell confirmed the consensus from the public hearing seemed to be to notify neighbors within 500 feet of a proposed Planned Development District project rather than within 1000 feet. She confirmed notifications then would be sent to the entire town for the required public hearings for such projects. Salvi advocated for such hearings to be highlighted on the town's website, and Campbell agreed to ask the town Communications Division to do so.

Regarding the high-, medium- and low-density designations, Campbell confirmed she decreased the densities for each designation to after the June 16, 2022, Planning Board meeting based on feedback from the board members. She outlined the densities for each designation. She said the modified language designates low density at 5 units per acre, medium density at 15 units per acre and high density at 25 units per acre.

Campbell noted review staff had raised concerns about calculating densities using people per acre rather than units per acre. She said making those calculations could be complicated, and the calculations probably would not yield useful information. Campbell recommended calculating the density designations based on dwelling units per acre instead of people per acre. She explained calculating the number of people per acre would be an estimate.

The board members discussed the two options for calculating density. When asked, Campbell confirmed the data would be used only by the Planning and Economic Development Division. Campbell and Town Attorney Bob Hornik outlined how area schools, emergency services and water and sewer needs are calculated. Members Frank Casadonte, Scott Taylor, Polly and Schultz agreed calculating an estimate of people per acre would be superfluous. Chandler advocated for calculating people per acre as a way to improve planning. Salvi and Chandler agreed the Planning Board and Planning and Economic Development Division should work with local services to better plan for the community's needs. Campbell outlined the systems currently in place for sharing such information. Campbell confirmed developers applying for the Planned Development District would calculate the density. Hornik said he found calculating people per acre confusing and recommended continuing to calculate density based on dwelling units per acre. Campbell noted all other town zoning districts calculate density based on the number of dwelling units. Chandler agreed all zoning districts' densities should be calculated the same way. Johnston recommended returning to the density calculation discussion after discussing the other bullet points on Page 14 of the agenda packet.

Johnston summarized the board members seemed comfortable with the high-density designation set at 25 units per acre, the medium-density designation at 15 units per acre and the low-density designation at 5 units per acre.

Regarding whether to offer a density bonus for affordable housing, Salvi said she felt a density bonus of 40 units per acre would be too high. Schultz said offering 40 units per acre would be a greater incentive for developers. Schultz noted he is in favor of dense building and believes larger planned developments look better and are better for the town's growth. Hornik said the density allowed in the Planned Development District would not change the densities allowed in the entire town. Hornik pointed out there are not many sites in town large enough for such a planned development.

The board members generally agreed building affordable housing units dispersed throughout a development is preferable to building all affordable units together. Salvi suggested offering a higher density bonus for dispersed affordable housing and a lower density bonus for grouped affordable housing.

Schultz and Hornik pointed out the Planning Board and town board do not have to approve proposed Planned Development District plans. Hornik said the conditional zoning process would allow the town board to negotiate for things such as dispersed affordable housing.

Campbell said the town has heard from developers that building affordable housing is not economically feasible unless the units are grouped together. Salvi said the town should be firm with developers, noting developers want to build in Hillsborough and should have to make some concessions.

Campbell suggested adding a line to the proposed amendment stating the town prefers affordable housing dispersed throughout a development, noting the wording could help set developers' expectations. Johnston and Polly agreed.

Regarding the open space requirements on Page 127 of the agenda packet, Campbell confirmed she adjusted the required open space percentages so conservation subdivisions would have the most required open space. Salvi advocated for requiring 40% open space for conservation subdivisions rather than the current 35%. Chandler asked if developers might cut down trees to provide open space. Schultz read part of the current language in Section 6.9.3.3 of the ordinance, allaying Chandler's concerns.

Regarding whether golf courses should be counted toward open space requirements, Schultz emphasized he did not think golf courses should count as open space. He said he would like that provision removed from the ordinance. Chandler and Salvi agreed. Campbell and Hornik confirmed Section 6.4.12.8 of the ordinance on Page 129 of the agenda packet, which currently allows golf courses to count toward open space, could be deleted.

Johnston summarized the board members seemed in agreement about the bullet point items on Page 14 of the agenda packet, excepting how to calculate densities. Chandler recalled the point that densities should be calculated the same way for all zoning districts. Schultz agreed and noted densities are calculated using the number of dwelling units per acre in every existing zoning district.

The board members summarized several changes they would like to see to the proposed text amendment, including that golf courses not count toward open space; that density be calculated using dwelling units per acre instead of persons per acre; and that the town's preference is for affordable housing to be dispersed throughout developments. Johnston recalled Salvi's request that the town Communications Division highlight upcoming public hearings on the town's website.

Motion: Schultz moved to recommend the town board approve the text amendment with the discussed changes. Salvi seconded.

Vote: 7-0.

### **July Joint Public Hearing Minutes:**

#### **Creating a Conditional Zoning Process — Planned Development District**

King summarized the staff report. He said the state legislature no longer allows towns to use special use zoning, and the proposed conditional zoning process for a new "Planned Development" (PD) district would give the town a way to approve large, mixed-use projects. He said the process would be like special use zoning in that the Planning Board and town board would receive information such as master plans and development agreements, but the process would not involve quasi-judicial procedures. He said the proposed process also would allow the boards to grant applicants some flexibility to some land use regulations.

King said the Planning Board members had reviewed the draft language and suggested several key points to discuss tonight, outlined on Page 12 of the agenda packet. King emphasized the proposed language is a working draft. He outlined the steps an applicant would take in the proposed process and said after approval town staff would oversee site plans to ensure compliance. King said staff recommends one Planned Development district rather than multiple districts, as previously discussed, to provide flexibility for several types of planned development based on the acreage involved. He described the different levels of detail that would accompany different sized development applications, noting more detail would be required for smaller developments and less detail required for larger developments.

When asked, King outlined the board members' options moving forward with the proposed language. Weaver summarized that staff would clean up the proposed language based on tonight's discussion, the Planning

Board would discuss the language again and make a recommendation and the town board then would make a decision.

When asked, King described town staff's sources in drafting the proposed language, including professional planning sources and town staff from Apex, N.C., which has a similar conditional zoning process.

Ferguson said in her research she had seen planned developments fall into two broad categories, one aimed toward higher-wealth communities focusing on reducing density and another aimed toward lower-wealth communities focusing on increasing density. She noted she does not want Hillsborough to be an exclusive gated community without affordability and asked King which approach staff took regarding best practices when drafting the proposed language. King said he had learned about ways to deal with affordability but needed more guidance from the board members before drafting such language.

Weaver agreed the board members would have to decide how to approach density and affordability in the Planned Development district. She noted Hillsborough has expensive land and lowering or raising density allowances would have a powerful impact on affordability.

When asked, Ferguson agreed to discuss affordability best practices later with King and Campbell.

The board members agreed to discuss the Planning Board members' questions from Page 12 of the agenda packet.

Salvi summarized the Planning Board members' discussion regarding neighborhood meetings and whether neighbors should be notified within 500 feet or 1000 feet of proposed development. She said some members advocated the entire town be notified of the neighborhood meeting, and she described the points in favor of and against such an arrangement. King confirmed neighbors currently are notified within 500 feet of rezoning requests and special use permit applications.

Town attorney Bob Hornik explained the purpose of a neighborhood meeting is to give those most likely to be affected early notice of any development. He said later in the process the entire town would be notified about a project's public hearing via legal ad and property posting. Hornik said the two meetings are different and there are different reasons for each. He confirmed anyone in town could speak at a public hearing. King added the neighborhood meeting also would give neighbors a chance to negotiate with a developer before the public hearing stage of a project.

King, Hornik and the board members discussed ways the town currently notifies the public about meetings and public hearings.

The board members discussed the proposed high-, medium- and low-density designations and what maximum densities might be appropriate for Hillsborough. Johnston described the Planning Board members' previous conversation. He noted there were concerns about increasing the Planned Development district's density beyond the maximum density allowed in the Multi-Family zoning district. He noted Campbell had changed the proposed density numbers since the Planning Board's last meeting to be more in line with the Planning Board members' discussion. Salvi noted the proposed numbers still did not match the numbers for the Multi-Family zoning district.

Hornik noted the Multi-Family zoning district is different from the proposed Planned Development district. He said the allowed densities for each zoning district do not necessarily have to match, noting the two districts address different types of development.



The board members discussed the proposed open space requirements and whether golf courses should be counted as open space. Ferguson noted there is nowhere in town limits to put a golf course and said the issue is self-resolving. Lloyd recalled only one development that had proposed a golf course in her memory, which she said was turned down due to lack of water capacity. The board members discussed whether to allow golf courses to count toward open space in the Planned Development District. Hornik said any developer wanting to include a golf course in a Planned Development district first would need the town board's approval, noting the matter already is under their control.

Johnston asked for any public comment regarding this item.

Resident Bob Hall recalled the development Lloyd had mentioned. Hall said he had been on a citizen committee related to the project and said the project had been very controversial. Hall noted golf courses have runoff, and he said having a golf course as open space is only good for golfers, not the community.

There was no further discussion about this item.

**Financial impacts:**

N/A

**Staff recommendation and comments:**

Staff recommends approval of the conditional zoning district.

**Action requested:**

Approve or deny the request.



## ORDINANCE

### Amending the Unified Development Ordinance

The Hillsborough Board of Commissioners ordains the following amendments:

#### SECTION 3

##### 3.7.3 AUTHORITY TO APPLY

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

- 3.7.3.1** The Town Board on its own motion.
- 3.7.3.2** The Planning Board.
- 3.7.3.3** The Board of Adjustment.
- 3.7.3.4** Any person or agency. *Rezoning requests to establish the PD (Planned Development) zoning designation must be made by all the owners of the property(ies) to be subject to the PD district.*

##### 3.7.4 PRE-APPLICATION

Applicants seeking to amend the Official Zoning Map shall, before submitting an application for a Zoning Map Amendment, participate in a pre-application meeting with the Planning Director to ensure the application does not require additional, parallel reviews for Land Use Plan amendments.

##### 3.7.5 APPLICATION REQUIREMENTS

Applicants shall refer to the Administrative Manual for the requirements for a complete application to amend this Ordinance or the Official Zoning Map.

##### 3.7.6 NEIGHBORHOOD MEETING REQUIRED – PLANNED DEVELOPMENT MAP AMENDMENTS

*Applicants requesting rezoning to the PD district designation must conduct at least one neighborhood meeting prior to an initial application submittal. The meeting may occur prior to the required pre-application meeting. The meeting shall comply with the following requirements:*

- 1. The meeting must be held by the applicant or their agent and take place within six months of application submittal. A second meeting must be held if more than six months have passed at the time of application submittal.*
- 2. The meeting shall be held at a place generally accessible to neighbors residing close to the subject property, virtually with both internet and dial-in options, or a combination of both methods. Applicant shall confirm that member of the Town of Hillsborough Planning staff can be present to observe the meeting.*
- 3. The applicant shall mail written notice of the meeting to the Town of Hillsborough Planning Department and all landowners located within 500 feet of the subject property's boundaries. The property owner listing shall be obtained from the Orange County Land Records/GIS*

*Division. The notice shall be mailed no later than 14 calendar days prior to the meeting date. The applicant will retain a copy of the list of those that received notice and provide it as part of the after meeting report.*

4. *At the meeting, the applicant shall explain the development proposal and application, answer any questions, respond to concerns neighboring property owners have about the application and propose resolutions to these concerns. Applicant shall take detailed notes of this meeting to include in the below Neighborhood Meeting report.*
5. *After the meeting is held, the applicant shall prepare a Neighborhood Meeting report including all the following:*
  - (a) a listing of all persons contacted about the meeting,*
  - (b) the manner and date of contact,*
  - (c) the date, time and location of the meeting,*
  - (d) a roster form identifying the persons in attendance at the meeting,*
  - (e) a summary of issues discussed, and*
  - (f) a description of any changes made by the petitioner as a result of the meeting.*

### **3.7.6 STAFF REVIEW**

Upon receipt of an application to amend this Ordinance or the Official Zoning Map, the Planning Director shall first determine if the application is complete (including the submission of the required application fee).

Applications which are not complete, or which otherwise do not comply with the provisions of this Ordinance, shall not be accepted by the Planning Director, but shall be returned to the applicant with a notation by the Planning Director of the deficiencies in the application.

Once the application is deemed complete, it will be placed on the next available public legislative hearing agenda.

### **3.7.7 PUBLIC HEARING**

The Town Board and the Planning Board generally shall hear applications for amendments to these documents at a quarterly, joint legislative hearing. The Town Board may, in its discretion, schedule legislative hearings on applications at times other than the quarterly legislative hearing. The Administrative Manual includes the schedule of quarterly legislative hearing dates and filing deadlines.

#### **3.7.7.1 Notice of Legislative Hearing**

All notices required under this Ordinance shall comply with the North Carolina General Statutes. In addition, all notices shall, unless otherwise specified in this Ordinance, comply with the following.

#### **3.7.7.2 Published Notice**

Notice of each legislative hearing shall be given by publishing said notice at least twice in a newspaper of general circulation in the Town, stating the time and place of such hearing and the substance of the proposed amendment, in accordance with the provisions of North Carolina General Statutes, Section 160D-601. This notice shall appear in said newspaper for

two (2) successive weeks prior to the public hearing, the first publication not less than ten (10) days nor more than twenty-five (25) days prior to the hearing.

### **3.7.7.3 Mailed Notice**

In the case of a proposed Zoning Map amendment, in addition to the public notice requirement established in Section 3.7.7.2 above, the Planning Director shall give notice by first class mail to owner of the subject property and to the owners of all parcels any part of which lies within five hundred (500) feet of the property boundaries of the subject property. Mailed notice shall be deemed sufficient if mailed to the property owner as shown on the current Orange County tax roll on the date of the notice. The Planning Director shall certify to the Town Board that such notice was given.

### **3.7.7.4 Posted Notice**

In the case of a proposed Zoning Map amendment, the Planning Director shall post notice on the subject property(ies) notice of the time, date, and location of the legislative hearing, and a summary of the requested amendment in a form established by the Planning Director, at least ten (10) days before the date fixed for legislative hearing. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted. The posted notice shall remain in place until after a final decision is rendered on the application. The posted notice shall be placed in a manner to provide visibility from the public right-of-way. The applicant shall ensure that the posted notice is maintained on the land until completion of the legislative hearing on the application.

## **3.7.8 POST-HEARING PROCESS**

The legislative hearing on an amendment to this Ordinance, or to the Zoning Map, is formally closed by a motion and vote of the Board members present at the hearing.

## **3.7.9 PLANNING BOARD RECOMMENDATION**

The Planning Board shall within thirty (30) days after the legislative hearing is closed, prepare and submit for the Town Board a written recommendation concerning the application.

## **3.7.10 TOWN BOARD ACTION**

The Town Board shall not take action on the proposed amendment until thirty (30) days after the date of the legislative hearing or until the Planning Board makes its recommendation, whichever comes first.

## **3.7.11 CONDITIONS OF APPROVAL – PLANNED DEVELOPMENT MAP AMENDMENTS**

*The petitioner and/or the Town or its agencies, may propose specific conditions applicable to PD districts. Only those conditions mutually approved by the Town and the petitioner may be incorporated into the PD approval ordinance. Conditions and site-specific standards imposed on a PD district are limited to those addressing conformance of the project's development and use to Town ordinances, Comprehensive Plan or other applicable officially adopted plans, and those addressing reasonably expected impacts generated by the development project. Conditions shall be recorded and outlined in a formal development agreement presented at the time of rezoning submittal.*

## **3.7.12 FORMALIZING THE OUTCOME**

The Town Board's action on a proposed amendment shall be in the form of an ordinance amending

the applicable document. An amendment is effective immediately, unless some other effective date is specified in the amending ordinance.

The applicant shall receive written notice of the Town Board's decision on the application, including a copy of the Ordinance adopted by the Town Board if the application is approved, within 30 days of the effective date of the ordinance.

### **3.7.13 APPEAL**

Text and map amendments are legislative actions of the Town Board. Any person seeking to challenge the validity of any amendment to this Ordinance may challenge such amendment by filing an appropriate action in the Orange County Superior Court within the time established by North Carolina General Statutes, Section 160D-1405.

### **3.7.14 EFFECT OF DENIAL OR WITHDRAWAL**

An applicant may withdraw his or her application for an amendment at any time by written notice to the Planning Director.

When the Town Board shall have acted upon an application or the application shall have been withdrawn after the first notice of the public legislative hearing thereon, the Town shall not accept another application for the same or similar text or Official Zoning Map amendment, affecting the same property or a portion of it, until the expiration of a one (1) year period, extending from the date of action or withdrawal. The Town Board may on its own motion, however, initiate an amendment of this nature prior to the expiration of the one (1) year period.

### **3.7.15 VESTING**

**3.17.14.1** Amendments to this Ordinance and the Zoning Map do not qualify as site-specific development plans and do not establish statutory vested rights.

**3.17.4.2** *The Town Board may approve a rezoning to a PD district conditioned on a development schedule for all or each phase of the PD. If at any time the PD or any phase of the PD has not been developed according to the schedule, the Town Board shall give notice by certified mail to the property owner(s) and applicant for the rezoning request and schedule a public hearing where any of the following actions may be taken:*

- 1. administrative action to extend, remove or determine compliance with the development schedule; or*
- 2. legislative action to cause the property to revert to its former zoning classification or an appropriate general use district; or*
- 3. legislative action to amend the master development plan.*

### **3.7.16 DEVIATIONS, MODIFICATIONS, REVOCATION, EXPIRATION**

Text and map amendments (*except Planned Development district map amendments*) enacted by the Town Board are legislative actions and are not subject to deviations, modifications, revocation, or expiration except through specific Town Board action to further amend these documents.

### **3.13.1 APPLICABILITY**

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

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

- 3.13.2.1** The disturbance of 10,000 square feet or more of land and/or:
  - 3.13.2.1.a** the construction of new structures consisting of more than 5,000 square feet of gross floor area, or
  - 3.13.2.1.b** additions to existing structures consisting of more than 2,500 square feet of gross floor area
 in any general purpose residential or non-residential zoning district.
- 3.13.2.2** The construction of attached dwelling units in any general-purpose zoning district that does not otherwise exceed a threshold established by subparagraphs a or b above.
- 3.13.2.3** *All development located within the PD (Planned Development) zoning district.*

## SECTION 4

### 4.6.1 PLANNED DEVELOPMENT (PD)

#### 4.6.1.1 Intent

*In return for greater flexibility in site design requirements, PDs (Planned Developments) are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide above-average open space and recreational amenities; incorporate creative design in building, open space and circulation layout; assure compatibility with surrounding land use and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure. This will be accomplished through application of performance standards ensuring:*

- 1. integration and mixing, rather than separation of uses, so that retail, office, recreational and educational facilities are conveniently located in relation to housing;*
- 2. interconnectivity between uses and adjoining developments;*
- 3. design of development occurs at a scale that is consistent with Hillsborough's character;*
- 4. establishment of land use patterns that promote and expand opportunities for public transportation and efficient, compact networks of streets and utilities that lower development and maintenance costs and conserve energy;*
- 5. preservation of natural features and the natural environment;*

6. *public facilities are available to serve the proposed development.*

#### **4.6.1.2 Application Criteria**

*This district will usually be applied where the following conditions exist:*

**4.6.1.2.a** *The property is classified as Attached Residential, Employment, Mixed Residential, Mixed Use, Neighborhood mixed Use or Suburban Office on the Town’s adopted Future Land Use Map. However, application of the PD district may be allowed within other land use categories at the discretion of the Town Board.*

**4.6.1.2.b** *The property is six acres or greater in area. Application of the PD designation to properties less than six acres may be considered where the Town Board, upon recommendation of the Planning Board, finds:*

*(a) the project qualifies as “infill development”; or*

*(b) unusual physical or topographic features of importance to the area as a whole or the Town in general exist on-site or within the surrounding neighborhood that will contribute to and be protected by the PD; or*

*(c) the property or surrounding area has an historic character of community importance that the PD will protect; or*

*(d) the proposed PD is adjacent to an approved, completed PD and will contribute to the amenities and values of the neighboring PD.*

**4.6.1.2.c** *The property has direct access to streets classified by the North Carolina Department of Transportation or the Town as arterial or collector.*

**4.6.1.2.d** *Public water and sewer service are available or capable of being extended to the property.*

## **SECTION 5**

### **5.2.39 PLANNED DEVELOPMENT**

#### **5.2.39.1 Standards of Evaluation**

*The following specific standards shall be used in evaluating applications for PDs (Planned Developments):*

**5.2.39.1.a Master Development Plan:** *The plan shall divide the PD into land-use categories and/or pods, and indicate density and specific uses permitted in each area for projects 6 acre and larger. For projects 1-5 acres in size a site development plan may be submitted with uses assigned more specifically to buildings or areas of the site.*

**5.2.39.1.b Compliance with Ordinance Requirements:** *Unless specified otherwise in this subparagraph, PDs shall comply with all applicable standards of Section 6, Development Standards.*

**5.2.39.1.c Permitted Uses:** *PDs may include residential and nonresidential uses; cluster housing; common areas; unusual arrangements of structures on site; or other combinations of structures and uses that depart from standard development layouts. Uses permitted in a PD are those designated in the approved master development plan. Density limits will be used to determine the maximum number of permitted dwelling units.*

**5.2.39.1.d Mix and Arrangement of Uses Required:**

- (1) Required Mix of Uses: *PDs shall contain a mix of at least two or more residential uses (e.g., single-family dwellings and attached dwellings) or residential and nonresidential uses (e.g., attached dwellings and offices).*
- (2) Use Arrangement: *Uses may be arranged horizontally or vertically within the PD as follows:*
  - (a) *Residential uses must be separated from major vehicular traffic flows and other disquieting influences, and*
  - (b) *Non-residential uses must be concentrated at areas within the PD for maximum pedestrian convenience and accessibility.*

**5.2.39.1.e Density Allowances:**

- (1) *Overall maximum residential density is 13 persons per acre of gross residential and associated commercial areas.*
- (2) *The following factors will be used in computing density: A factor of 3.0 persons per single-family detached dwelling; 2.5 persons per single-family attached dwelling or stacked townhouse; and 2 persons per multiple-family dwelling.*
- (3) *Residential densities in a PD must be designated as low, medium, or high on the approved master development plan. "Density area" as used herein means a development unit within an area designated on the approved development plan for low-, medium- or high-density.*
  - (a) ~~Low: Maximum overall density within the entire area of a PD is 3.8 persons per acre of gross residential area.~~ *The maximum density in any one low-density area is 5 dwelling units per acre.*
  - (b) ~~Medium: Maximum overall density within the entire area of a PD is 14 persons per acre of gross residential area.~~ *The maximum density*



Hillsborough Unified Development Ordinance  
in any one medium-density area is 15 dwelling units per acre.

(c) ~~High: Maximum overall density within the entire area of a PD is 55 persons per acre of gross residential area.~~ The maximum density in any one high-density area is 25 dwelling units per acre. An application that proposes housing that is affordable to households making 80% AMI or less at the time of construction may propose up to 40 units per acre as a maximum density (subject to rounding as defined in Section 9.1.4). Where affordable housing is proposed the preference is that this housing type be dispersed throughout the planned development instead of clustered together in one area.

(3) In computing average density on any development plan, subsequent PD plan or final plat of a part of a PD, the density may include any excess in land area over that required to support an average density of 13 persons per acre in any previously recorded final plat. As each plan and subsequent final plat is submitted, the overall density of all areas shown on recorded final plats within the PD is recomputed so that average density within the recorded plats of sections of the PD will never exceed a density of 13 persons (see sub-paragraph 5.2.39.1.j(2), Density Variation Between Phases, below).

**5.2.39.1.f Development at Perimeter of PD:** Where a PD district is 25 acres or more and adjoins a residential district without an intervening street or permanent open space:

- (a) Densities and intensities within 200 feet of the perimeter of the development shall be stepped down 20% from the average density and intensity of the PD; or
- (b) An area of 200 feet in width shall be planned and developed only for uses compatible with the adjoining residential district and in accordance with the lot area, width, setbacks/yards, and height requirements of that district; or
- (c) Open space with a depth of at least 50 feet shall be provided, and no intensive recreational use or off-street parking permitted within 100 feet of the district boundary.

**5.2.39.1.g Dimensional Requirements:** Dimensional requirements for interior lots and buildings shall be governed by the approved development plan, subject to the following exceptions:

- (1) Compliance with State Building Code: There are no setbacks or yards for interior lots provided requirements of the State building code are met.
- (2) Garage/Carport Access: If access to a garage or carport is provided from the front or side of a lot, then the garage/carport shall maintain a 15 foot setback from the back of the sidewalk, or curb if there is no sidewalk, as measured along the centerline of the driveway.

**5.2.39.1.h Infill Projects:** *PDs designed on smaller tracts located within developed neighborhoods are permitted. Applicants are encouraged to design projects with architecture and building materials consistent with adjacent neighborhoods and to locate such developments close to existing schools, retail, entertainment and employment centers.*

**5.2.39.1.i Nonresidential Component Completion:** *Nonresidential portions of PDs may not be occupied until all residential portions of the development are completed, or their completion assured by any of the mechanisms provided in paragraph 3.14.12, Authorizing Occupancy Before Completion of Development, guaranteeing their completion.*

**5.2.39.1.j Phasing, Density Variation and Abandonment:**

- (1) Phasing: *Generally, all PDs shall be phased so the density/intensity of any phase, when combined with previously constructed phases, does not exceed overall project density/intensity.*
- (2) Density Variation Between Phases: *A greater concentration of density/intensity of land uses within a phase, whether it is earlier or later in the development than other phases, may be allowed provided it is offset by:*
  - (a) *a smaller concentration in any completed prior phase, or*
  - (b) *a dedication or reservation of open space on the remaining land by grant of an easement or covenant in favor of the Town, County, State, or land trust. The precise location of the dedication or reservation shall be deferred until an application for final approval is filed so flexibility of development can be maintained.*
- (3) Abandonment Before Project Completion: *Applicants for PDs shall provide agreements, contracts, covenants, deed restrictions and sureties acceptable to the Town Attorney for:*
  - (a) *completion of the development according to the approved development plan and other documents of record, and*
  - (b) *maintenance of such areas, functions, and facilities as are not to be provided, operated, or maintained at public expense.*

*Covenants shall be placed on the property binding any successors in title to any commitments made as part of the project approval.*

## SECTION 6

### 6.12 OPEN SPACE

#### 6.12.1 PURPOSE AND INTENT

~~It is the intent of this subsection to protect and promote the public health, safety, and general~~

~~welfare by requiring the dedication or reservation of a portion of conserve open land, for the purpose of preserving open space and the protection of significant including those containing unique and sensitive natural features and/or cultural resources-, by setting them aside from development.~~

6.12.2 APPLICABILITY

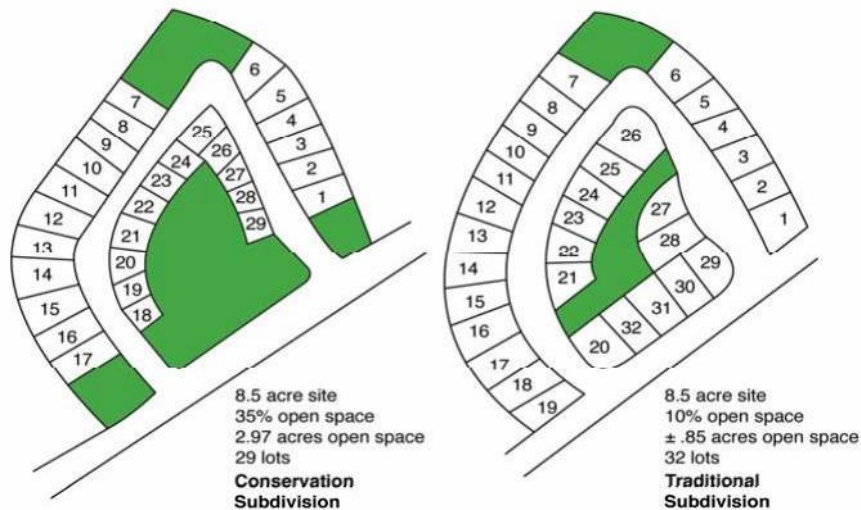
~~Every applicant for a Special Use Permit for residential and/or non-residential purposes involving the creation of multiple lots from a parent parcel shall be required to dedicate a portion of the parcel for the purpose of preserving open space, and to preserve significant natural features and/or cultural resources This subsection’s requirements shall apply to any development subject to the following approvals:~~

- ~~(a) Conservation Subdivision,~~
- ~~(b) Major Subdivision,~~
- ~~(c) Special Subdivision subject to a Special Use Permit, and~~
- ~~(d) Planned Development.~~

6.12.3 DEDICATION/RESERVATION REQUIREMENTS

Minimum Amount: ~~The applicant shall provide land for open space within the proposed development equal to 10% of the gross parcel (development tract) area unless the development is a conservation subdivision, in which case the requirement is 35% of the gross parcel (development tract). Open space dedication/reservation shall be required in the following amounts:~~

| 6.12.3.1.a Table: REQUIRED OPEN SPACE DEDICATION/RESERVATION |  |
|--|--|
| Development Type   | Required Open Space<br>(Gross Parcel Area) |
| Conservation Subdivision                                     | 35%  |
| Major and Special Subdivision                                | 10%  |
| Planned Development  | 15%  |

**Figure 6-7: Open Space Illustrations**

- 6.12.3.1** ~~Open space shall be accessible to all lots in the development through a combination of direct access to the street and sidewalks, walkways or connecting paths.~~

**Contiguity:** Sixty percent (60%) of required open space shall be in a contiguous tract with a minimum width of 30 feet. "Contiguous" includes any common open space bisected by any residential street.

- 6.12.3.2** **Buffer Adjacent to Public Parks and Greenways:** A 30-foot-wide/deep natural buffer shall be provided along a development's common boundary with a public park or greenway. No new structures shall be constructed, and no clearing of trees or understory growth shall be permitted except as necessary for street or trail construction. Where this buffer is unwooded, the applicant shall either:

- (a) install vegetation meeting Type B buffer standards as provide in Section 6.5, Buffers, or
- (b) arrange for buffer management to encourage natural forest succession through "no-mow" policies and periodic removal of invasive plant and tree species.

- 6.12.3.3** **Ownership:** Open Space shall generally remain undivided and shall be owned and maintained by a homeowners' association, public or private land trust, or other conservation organization recognized by the Town, County, or State. These ownership options may be combined so different parts of the open space may be owned by different entities.

#### **6.12.4 PERMITTED USES WITHIN OPEN SPACE**

All open space shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for those

*uses listed as follows. Uses not listed are prohibited.*

- 6.12.4.1** *Buffers required in by Ssubsection 6.5, Buffers, and riparian buffers required by paragraph 6.20.16, Riparian Buffers.*
- 6.12.4.2** ~~Riparian buffers required in Section 6.20.16, Riparian Buffers~~ *Undeveloped, open land without a designated purpose held by a property owners association or non-profit conservation entity in its natural state (e.g., woodland, fallow field or managed meadow).*
- 6.4.12.3** *Agricultural and horticultural uses, including raising crops or livestock, and associated structures specifically needed to support the use. Residential structures, wholesale and commercial nurseries, and commercial livestock operations involving swine, poultry, mink and other animals likely to produce highly offensive odors are prohibited.*
- 6.4.12.4** *Pastureland for horses used solely for recreational purposes. Equestrian facilities are permitted but may not consume more than one-half of the minimum required open space land.*
- 6.4.12.5** *Forestry, in keeping with established best management practices for selective harvesting and sustained-yield forestry.*
- 6.4.12.6** *Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails and similar low-impact, passive recreational uses. Motorized off-road vehicles, rifle and shooting ranges, and other uses similar in character and potential impact are prohibited.*
- 6.4.12.7** *Active non-commercial recreation areas, such as playing fields, playgrounds, courts and bikeways, provided such areas do not consume more than one-half the minimum required open space or five acres, whichever is less. Playing fields, playgrounds and courts shall not be located within 100 feet of abutting properties.*
- 6.4.12.8** ~~*Golf courses, including their parking areas and associated structures, may comprise up to one-half the minimum required open space land. Driving ranges or miniature golf facilities are prohibited.*~~
- 6.4.12.9** *Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the open space.*
- 6.4.12.10** *Easements for drainage, access, sewer or water lines, or other public purposes.*
- 6.4.12.11** *Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse open space areas but shall not count toward the minimum required open space.*
- 6.12.5 PROHIBITED USES WITHIN OPEN SPACE: DESIGN REQUIREMENTS**
- 6.12.5.1** ~~*Stormwater management ponds, swales, conveyances, and treatment areas*~~

#### ***Prioritized List of Resources to be Conserved***

*Open space shall be laid out to ensure an interconnected network of open space is provided. Open space design shall, to the fullest extent possible, incorporate all the following resources if they occur on the tract (listed in order of significance):*

- 1. Stream channels, riparian buffers, 100-year floodplains, wet soils/wetlands, swales, springs and other lowland areas, including adjacent buffer areas required to insure their protection.*
- 2. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed with the North Carolina Wildlife Resources Commission.*
- 3. Slopes above 25% in a contiguous area of at least 25,000 square feet.*
- 4. Slopes between 15% and 25%, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.*
- 5. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.*
- 6. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.*
- 7. Hedgerows, groups of trees, individual canopy trees and trees of botanic significance.*
- 8. Historic structures and sites.*
- 9. Visually prominent topographic features such as knolls, hill tops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).*
- 10. Existing trails connecting the development parcel with other locations in the Town, County or State.*

#### **6.12.5.2 Recreation space**

##### ***Open Space Design Standards***

*Open space land shall comply with the following design standards:*

- 1. No portion of any non-open space lot or street may be used in meeting the minimum open space requirement.*
- 2. It shall be free of all structures except historic buildings, stone walls and structures related to uses permitted within open space. The permit-issuing authority may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply provided such facilities will not be detrimental to the open space. The acreage of lands required for such uses shall not be credited towards*

*minimum open space acreage requirements for the development parcel unless the land they occupy is appropriate for passive recreational use.*

3. *Open space parcels must be at least three acres in area and have a length-to-width ratio of at least 4:1 or be at least 75 feet in width. Lands specifically designed as neighborhood greens, playing fields or trail links are not subject to this requirement.*
4. *It shall be directly accessible to the largest practicable number of lots within the development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to open space land.*
5. *It shall be suitable for active recreational uses to the extent deemed necessary by the permit-issuing authority, without interfering with adjacent dwelling units, parking, driveways and streets.*
6. *It shall be interconnected wherever possible to provide a continuous network of open space within and adjoining the development.*
7. *It shall provide buffers to adjoining parks, preserves or other protected lands.*
8. *It shall contain pedestrian pathways for use by the residents of the development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the Town, County or State. Provisions must also be made for access to the open space for land management and emergency purposes.*
9. *It shall be undivided by public or private streets, except where necessary for proper traffic circulation.*
10. *It shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources.*
11. *It shall be subject to conservation easements duly recorded in the Orange County Register of Deeds office, if required by the permit-issuing authority, for the purpose of preserving the open space for such uses.*
12. *It shall be consistent with the Comprehensive Plan.*

#### **6.12.5.3 ~~Reserved rights of way~~**

##### **Access to Open Space**

*Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes in accordance with paragraph 6.12.4, Permitted Uses Within Open Space, shall be provided to open space land subject to the following requirements:*

- (a) *Each development shall provide one centrally located access point of 35 feet in width for every 15 lots or dwelling units.*

*(b) Access to open space used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.*

**6.12.5.4** ~~Utility, drainage, or access easements~~

**6.12.5.5** ~~Any land held in private ownership rather than commonly held by a property owners association or non-profit conservation entity~~

**6.12.6 ~~ADDITIONAL PERMITTED USES WITHIN OPEN SPACE AREAS~~ OPEN SPACE OWNERSHIP**

**6.12.6.1** ~~Open space has no purpose that requires the construction of structures or modification of the existing landscape or grade. An applicant may propose fences, community gardens, and passive uses including walking trails, available to the public or restricted to occupants of the development, at the time of development review. The applicant shall construct any trails proposed, which may count toward a recreational requirement in Section 6.15, Recreation Sites.~~

*Open space shall be protected in perpetuity by one of the following methods:*

*(a) A deed of conveyance of title to the Town, County, State or land trust that states the restrictions governing its use, improvement, maintenance and preservation as conditions to the deed of conveyance.*

*(b) A deed of conveyance to a homeowners'/property owners' association.*

*(c) A permanent conservation or development easement in favor of the Town, County, State or land trust; a permanent restrictive covenant for conservation purposes; or prohibiting development in favor of the Town, County, State or land trust.*

**6.12.6.2** ~~Utility easements may cross common open space if necessary to connect to the area network. To the maximum extent practicable, utility easement intersections with open space shall be perpendicular to minimize land disturbance. In no case shall a utility easement run coincident with an area of common open space for a length of more than 50 feet without specific authorization by the permit issuing authority and a plan for mitigating the impact of the disturbance on the intent of the open space.~~

*If open space is deeded to a homeowners'/property owners' association, a declaration of covenants, conditions and restrictions shall be recorded with the Orange County Register of Deeds office before any property is sold. The recorded document shall include, but not be limited to, all the following:*

*(a) The homeowners'/property owners' association shall own, manage, maintain, preserve and govern the open space and restrict its uses to those specified in this ordinance and in the approved development plans;*

*(b) The association shall be self-perpetuating and adequately funded by regular assessments, special assessments, or both, to accomplish its purposes, and the association shall be authorized to adjust assessments to meet changing needs;*



- (c) *The association shall not be dissolved, and shall not dispose of any open space or associated facilities, by sale or otherwise, except to an organization conceived and established to own and maintain the open space and facilities, and the conditions of a transfer shall conform to the approved development plans and be subject to the dedicatory or reservation instrument(s);*
- (d) *Association membership shall be mandatory for each property owner and successive owner;*
- (e) *The association shall be responsible for liability insurance and local taxes for the open space and facilities;*
- (f) *Property owners shall pay their pro rata share of the cost of managing and maintaining the open space, and assessments levied by the association shall be a lien on their property;*
- (g) *A lien on the open space to secure collections of assessments levied by the homeowners association;*
- (h) *They shall grant the Town the authority to maintain open, assess the cost of maintenance against the owners of the property jointly and severally, and enforce the recorded covenants, conditions and restrictions;*
- (i) *Control shall be transferred to the property owners when the development project is 75% complete;*
- (j) *They shall run with the land in perpetuity; and*
- (k) *They shall be filed with the approved development plan.*

#### **6.12.6.3 Design Requirements**

~~All residential developments shall provide walkways connecting residences and open or common areas. This may be accomplished with sidewalks along street frontages or walkways through recorded access or utility easements.~~

#### **6.12.7 LAND CHARACTERISTICS**

**6.12.7.1** ~~To prevent open space from becoming a nuisance, all open space within a development shall be accessible from a public right of way.~~

**6.12.7.2** ~~Open space shall be arranged to have both contiguity and connectivity within the development dedicating the open space and to any surrounding dedicated open space. For the purposes of this paragraph, contiguity shall mean that the parcel being offered as open space is of sufficient area to be meaningful in achieving the intent of open space and connectivity shall mean that the parcel being offered as open space shall be located so that a~~

~~person or wildlife can move between open space parcels without traveling across private property or along a public road or sidewalk.~~

## SECTION 9

### 9.2 DEFINITIONS

#### Master *Development Plan*

A plan for the development of ~~20 or more acres of~~ land approved as part of a rezoning request to a ~~SPECIAL use~~ *Planned Development district*, that defines basic development uses, intensities, and a transportation network for the sites.

#### Open Space

~~That area within a development that is not covered with a structure or impervious surfaces, which has been set aside for resource protection, amenity, and/or buffers (including water quality buffers on streams and required land use buffers), legal title to which may be held by the developer, property owners' association, unit of government, or non profit entity. Buffers and building setbacks that are privately held on individual lots are not included in the definition of open space. Stormwater control devices, including swales and ponds, recreation areas, reserved rights of way, and easements for above ground activities or utilities are not considered open space. Open space shall be designated as such on the preliminary and final plans.~~

*That portion of a lot, parcel or tract of land that is set aside for the protection of sensitive natural features, farmland, scenic views and other unique features. Open space may be accessible to the residents of the development and/or the Town.*

#### Phased Development Plan

Plan for development of property to be completed in distinct sections or phases, the distinction between phases usually involving different uses of land. ~~A phased development plan is typically subject to a SPECIAL use permit process.~~

Planned Development

*One or more lots, tracts or parcels of land to be developed as a single entity. Plans for such developments may propose, among other things, density or intensity transfers, density or intensity increases, mixing of land uses or any combination of the above. Plans for such developments may and often will deviate from the lot size, bulk, type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space or other standards otherwise applicable to the area in which it is to be located.*

Site-specific Development Plan

A plan of land development which has been submitted to the town with an application for a ~~CONDITIONAL use permit or SPECIAL~~ *special use permit*, describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of land.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 10<sup>th</sup> day of October in 2022.

Ayes:

Noes:

Absent or excused:

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Sarah E. Kimrey, Town Clerk

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

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

Amend UDO Sections 3, 4, 5, 6, and 9 to include provisions for the creation of a new conditional zoning district entitled 'Planned Development District' that allows for the creative master planning and design of large-scale projects and infill development sites through the incorporation of conditions and a development agreement between developer and the town board.

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

These amendments are consistent with Vision 2030 goal of encouraging land development patterns that maximize the diversity of land uses across town.

Adopted by the Town of Hillsborough Board of Commissioners this 10<sup>th</sup> day of October 2022.

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Sarah E. Kimrey, Town Clerk



## Agenda Abstract

### BOARD OF COMMISSIONERS

|                         |                                 |
|-------------------------|---------------------------------|
| Meeting Date:           | Oct. 10, 2022                   |
| Department:             | Public Space and Sustainability |
| Agenda Section:         | Regular                         |
| Public hearing:         | No                              |
| Date of public hearing: | N/A                             |

#### PRESENTER/INFORMATION CONTACT

Stephanie Trueblood, Public Space and Sustainability Manager

#### ITEM TO BE CONSIDERED

**Subject:** Electric Vehicle (EV) Charging Infrastructure Suitability Analysis GIS Model

**Attachments:**

None

**Summary:**

With carbon emissions from the power sector trending downward, transportation activities now generate the most emissions in North Carolina. Electric vehicles (EV) are becoming more affordable and available but “range anxiety” continues to slow growth of the EV markets.

In response, Orange County, UNC, and the towns of Carrboro, Hillsborough, and Chapel Hill are coordinating on a staff level to identify areas within the county that are well suited for new public EV charging stations.

Using a GIS suitability model and local data inputs, staff developed a screening tool (map) to highlight the key areas within each community where new publicly accessible, level 2, EV charging stations are recommended. The map is intended to inform future discussions with private property owners about where to install EV charging infrastructure. The map will also help coordinate countywide deployment efforts and may aid in grant applications. However, each jurisdiction will develop their own local EV deployment plans.

Model inputs included information such as points of interest, zoning, future land use, daily vehicle miles travelled, population density, and others.

Equity was also a key consideration in the model design. The model includes six datasets to represent equity, and together these inputs were weighted at 35%. This included data for Historically Underutilized Businesses (5%), Black Owned Businesses (3%), Subsidized Housing (8%) and Naturally Occurring Affordable Housing (9%), Air Quality (5%), Multifamily Units (5%).

The suitability surface is the result of a weighted overlay suitability analysis. Suitability is expressed as proximity to favorable feature types and/or values in the representative datasets. The values in the processed criterion datasets were reclassified to a 1 (Least Suitable)- 10 (Most Suitable) suitability scale using continuous functions and unique value classification.

The reclassified datasets were each assigned a total weight expressed as a percentage. The map displays results as a “heat map” or gradient of suitability. Examples of highly suitable areas for EV equipment include destinations like downtowns, public parks, and shopping centers.

This initiative may help to inform how new federal and state funding can be utilized to build more public EV infrastructure in Orange County. The datasets and model can be updated over time.

Link to Public Level 2 Electric Vehicle Suitability Analysis:

<https://gis-portal.townofchapelhill.org/portal/apps/instant/minimalist/index.html?appid=42abf059c43f4f6692f42d8657b46090>

Link to GIS Story Map of Public Level 2 Electric Vehicle Suitability Analysis:

<https://gis-portal.townofchapelhill.org/portal/apps/storymaps/stories/d78ca56832124921b3e713176082b90e>

Staff will display the online analysis and story map at the meeting.

**Staff recommendation and comments:**

None

**Action requested:**

Endorse the use of the Public Level 2 Electric Vehicle Suitability Analysis to aid in the development of local EV charging infrastructure deployment plans and as reference in the Comprehensive Sustainability Plan.



## Agenda Abstract

### BOARD OF COMMISSIONERS

Meeting Date: Oct. 10, 2022  
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.



# TOWN OF HILLSBOROUGH

## Administrative Services Report September 2022

### Budget

- No updates.

### Communications

- Branding — Completed work with graphics artist on remaining logos for divisions and offices and Government 101; updated documents; created or assisted with new templates; reviewed proofs.
- Town materials — Completed October print newsletter and social media policy update; reviewed recruitment materials; revised organization chart to add appointed boards.
- Website — Updated Social Media Policies and Disclaimers page and added links to department and division pages with social media; added updated social media policy documents to the employee side of the town website; moved Code Enforcement page under Regulations in the Government menu, with work on updates to the page continuing; moved Water and Sewer Services into the Services menu, with work on updates to the page continuing; updated all third-party software.
- Utilities outreach — Finalized FY2022 Wastewater Quality Report and translation; included flyer and message on only flushing the 3 P's in October bill; reviewed draft coloring pages for event table and provided feedback on use.
- Other — Prepared several sets of minutes; prepared materials for Government 101 and conducted first two sessions on Sept. 22 and 28; edited text for dog park sign and drafted sign design; participated in weekly Orange County fiber project meetings to help with communications (manager and web developer); investigated website platform options; handled media queries; attended racial equity training (all) and debrief (manager and specialist).

### Fleet Maintenance

- No updates.

### Human Resources/Town Clerk

- Biweekly Payrolls

| RECRUITMENT AND SELECTION                          |                          |
|--|--------------------------|
| Position   | Status                   |
| Assistant Town Manager/Community Services Director | Recruitment closed 9/30. |
| Environmental Engineering Supervisor               | Start date 10/24.        |
| Meter Services Technician                          | Recruitment closed 9/7.  |
| Planner  | Recruitment closed 9/25. |
| Police Officer                                     | Continuous recruitment.  |
| Utility Systems Mechanic trainee, I, II, or III    | Open until filled.       |
| Wastewater Plant Operator I, II, or III            | Recruitment closed 9/22. |
| Water Plant Operator I, II, or III (night shift)   | Open until filled.       |



**TOWN OF HILLSBOROUGH**  
**DETAIL ENCUMBRANCE INQUIRY BY ACCOUNT NUMBER**

07/01/2022 TO 06/30/2023

FY 2022-2023

|  |                   |                   |                 | <u>BUDGET</u>                          | <u>YTD AMT</u> | <u>ENC AMT</u> | <u>REM BAL</u>          |
|--|-------------------|-------------------|-----------------|--|----------------|----------------|-------------------------|
| 10-10-4100-5300-080 TRAINING/CONF./CONV. |                   |                   |                 |  |                |                |                         |
|  |                   |                   |                 | 20,980.00                              | 2,095.00       | 11,965.00      | 6,920.00                |
| <u>DATE</u>                              | <u>PO REQ/REQ</u> | <u>PO/INVOICE</u> | <u>CHECK NO</u> | <u>VENDOR NAME/BILL TO</u>             |                |                | <u>AMOUNT</u>           |
| 07/01/2022                               | 221591            | 230006            |                 | CHAPEL HILL-CARRBORO CHAMBER OF COMMER |                |                | 11,070.00               |
| 07/01/2022                               | 221591            | 230006            |                 | CHAPEL HILL-CARRBORO CHAMBER OF COMMER |                |                | -645.00                 |
| 08/08/2022                               | 230238            | 230394            |                 | BANK OF AMERICA NA                     |                |                | 225.00                  |
| 08/23/2022                               | 230317            | 230469            |                 | BANK OF AMERICA NA                     |                |                | 915.00                  |
| 08/24/2022                               | 230323            | 230477            |                 | BANK OF AMERICA NA                     |                |                | 50.00                   |
| 09/12/2022                               | 230406            | 230556            |                 | BANK OF AMERICA NA                     |                |                | 350.00                  |
|  |                   |                   |                 |  |                |                | <u>11,965.00</u>        |
| 10-10-4100-5300-530 DUES & SUBSCRIPTIONS |                   |                   |                 |  |                |                |                         |
|  |                   |                   |                 | 21,437.00                              | 12,566.00      | 8,848.00       | 23.00                   |
| <u>DATE</u>                              | <u>PO REQ/REQ</u> | <u>PO/INVOICE</u> | <u>CHECK NO</u> | <u>VENDOR NAME/BILL TO</u>             |                |                | <u>AMOUNT</u>           |
| 07/01/2022                               | 221549            | 230151            |                 | N C LEAGUE OF MUNICIPALITIES           |                |                | 8,548.00                |
| 07/01/2022                               | 221553            | 230154            |                 | BANK OF AMERICA NA                     |                |                | 300.00                  |
|  |                   |                   |                 |  |                |                | <u>8,848.00</u>         |
| TOTAL ENCUMBRANCES:                      |                   |                   |                 |  |                |                | <u><u>20,813.00</u></u> |

## DETAIL ACCOUNT INQUIRY BY ACCOUNT

PERIOD: 07/01/2022 TO 06/30/2023

FY 2022-2023

|   |            |  |                         |                       |                 |                |                |
|---|------------|--|-------------------------|-----------------------|-----------------|----------------|----------------|
| 10-10-4100-5300-080 TRAINING/CONF./CONV.    |            |  | <u>BUDGET</u>           | <u>PERIOD TO DATE</u> | <u>ENC AMT</u>  | <u>REM BAL</u> |                |
|   |            |  | 20,980.00               | 2,095.00              | 11,965.00       | 6,920.00       |                |
| <u>DATE</u>                                 | <u>MOD</u> | <u>REFERENCE</u>   | <u>JE # or VOUCHER#</u> | <u>CHECK#</u>         | <u>DEBIT</u>    | <u>CREDIT</u>  | <u>BALANCE</u> |
|   |            | BALANCE FORWARD  |                         |                       |                 |                | 0.00           |
| 09/16/2022                                  | AP         | PARTNERSHIP FOR A 119433   | 53043                   | 70910                 | 2,245.00        |                | 2,245.00       |
|   |            | 2022 INTER-CITY VISIT & LEADERSHIP CONFERENCE - S CAMPBELL - 10/24-26/2022 |                         |                       |                 |                |                |
| 09/16/2022                                  | AP         | PARTNERSHIP FOR A 119433   | 53043                   | 70910                 |                 | 150.00         | 2,095.00       |
|   |            | EARLY BIRD DISCOUNT  |                         |                       |                 |                |                |
| SUBTOTALS FOR ACCOUNT 10-10-4100-5300-080 : |            |  |                         |                       | <u>2,245.00</u> | <u>150.00</u>  |                |

|  |  |  |           |           |          |       |
|--|--|--|-----------|-----------|----------|-------|
| 10-10-4100-5300-530 DUES & SUBSCRIPTIONS |  |  | 21,437.00 | 12,566.00 | 8,848.00 | 23.00 |
|--|--|--|-----------|-----------|----------|-------|

| <u>DATE</u> | <u>MOD</u> | <u>REFERENCE</u>                         | <u>JE # or VOUCHER#</u> | <u>CHECK#</u> | <u>DEBIT</u> | <u>CREDIT</u> | <u>BALANCE</u> |
|-------------|------------|--|-------------------------|---------------|--------------|---------------|----------------|
|             |            | BALANCE FORWARD                          |                         |               |              |               | 0.00           |
| 07/15/2022  | AP         | HILLSBOROUGH/OC CHAMBER OF COMM          | 52042                   | 3549          | 6,000.00     |               | 6,000.00       |
|             |            | MEMBERSHIP RENEWAL - 07/01/22 - 06/30/23 |                         |               |              |               |                |
|             |            | FY22-23 ANNUAL MEMBER ASSESSMENT         |                         |               |              |               |                |
| 08/12/2022  | AP         | SCHOOL OF GOVERNMENT 5653                | 52506                   | 70814         | 1,100.00     |               | 10,876.00      |
|             |            | 2022-23 SOG MEMBERSHIP DUES              |                         |               |              |               |                |
|             |            | 2022-23 SOG MEMBERSHIP DUES              |                         |               |              |               |                |
| 09/09/2022  | AP         | CHAPEL HILL-CARRBORO CHAMBER OF C        | 52582                   | 70897         | 1,375.00     |               | 12,501.00      |
|             |            | BUSINESS BUILDER MEMBERSHIP              |                         |               |              |               |                |
|             |            | 2022/2023 MEMBERSHIP DUES - M HUGHES     |                         |               |              |               |                |
|             |            |  |                         |               | 14,811.00    | 150.00        |                |

## Information Technology

- No updates.

## Safety and Risk Management

- Inspections — Completed inspections at Gold Park, Turnip Patch Park, Murray Street Park x2, Hillsborough Heights Park, and Cates Creek Park and forwarded recommendations (work orders). Forwarded safety inspection results to departments.
- Meetings — Racial Equity Training, NCDOL Meeting, HR Team Meeting, Division Meetings.
- Random drug screens — Completed 2nd quarter drug screens random FMCA drug screens and completed pre-hire drug screens 1- breath alcohol test performed.
- Safety Committee — All available safety committee members completed/updated safety audits for water plant and public works departments. Working on completion of incident reviews and working on inspection requirements with Safety Committee members.
- Safety equipment — Stocked/distributed/ordered safety gear, distributed updated safety wear,

- Other — Worked employee training schedule, workers compensation claims, and general duties concerning Highway 86 building renovation and collected fire extinguisher monthly check sheets.



## Public Works Report: September 2022

### Work Orders

14 completed within two days

### Public Spaces

55 staff hours

### Cemetery

6 graves marked

### Stormwater Maintenance

26 staff hours, 300 linear feet

### Training

2 staff attended Snow & Ice Control through ITRE, 1 staff attended Concepts of Supervision through ITRE, and 2 staff attended Erosion Control training through ITRE

### Special Events:

Marathon – 3 hours, Hurricane Ian emergency response – 34 staff hours

### Asphalt Repairs:

5 utility cuts were repaired, and 1 road failure repaired



### Utilities Department Status Report for October 2022 (covering September)

| PROJECT/CATEGORY                                     | STATUS   |
|--|--|
| WTP/Distribution System                              | The WTP was on generator power the weekend of 10/1 due to remnants of Hurricane Ian. No customer impacts were evident. The town is seeking consultants to perform holistic water system master planning. Proposals are due towards the end of the month.   |
| WWTP/Collection System                               | The annual wastewater quality report has been released. Please take a moment to read and share it with the public. The town received a Notice of Violation for a sanitary sewer overflow on Churton Street between West Orange Street and West Union Street on August 24 after 5 p.m. These violations are automated by the state system and while there is an appeal process, it is not worthwhile to pursue as rarely is the violation reversed and, in this case, there is no monetary penalty. |
| West Fork of the Eno Reservoir                       | The reservoir is at 41.8 feet. The new Phase 2 normal pool elevation is 53 feet. The releases met or exceeded the minimum required release. The flow transducer replacement is complete. The rainfall from Ian, while 3.5", did not make much difference in the reservoir level. The ground was too dry and absorbed much of the rainfall.   |
| Water Restrictions                                   | We continue Stage 1 withdraw restrictions until flow remains above 10 cfs for 7 consecutive days. Even after Ian, the flow has already subsided to below 10 cfs. Our reservoir releases are increased to make up the difference between our limit and what is needed. The county is assisting with problems at the USGS gauge with low flow readings. Beavers are the likely culprit.  |
| Funding Opportunities                                | The town has resubmitted some of the spring round applications to the fall round for state and federal grants or loans. These projects include River Pumping Station, OWASA Booster Pumping Station, Lawndale Rehabilitation, Eno River Interceptors, and US70 and Hassel Street Tank.   |
| Staffing   | We have a verbal agreement from an excellent candidate for our Environmental Engineering Supervisor! Tentative start date is October 24. We are still looking for one Utility Maintenance Mechanic, a wastewater operator, and a night operator for the water plant. We had three new staff start September 26 in the collection and distribution group: Stephen King, Jorge Lopez and James Pryor.  |
| Water and Sewer Advisory Committee (WSAC) Activities | Outreach information and table setup is ready. However, the Last Friday's event was cancelled. The next joint meeting with the board will be in November at the workshop. Agenda to be developed in October. Two out of town members will complete their terms in December and not return.   |