



Minutes

Board of Commissioners Regular Meeting

7 p.m. Jan. 9, 2023

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

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

Staff: Planning and Economic Development Manager Shannan Campbell, Administrative Services Director Jen Della Valle, Assistant Town Manager and Community Services Director Matt Efird, Stormwater and Environmental Services Manager Terry Hackett, 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 7:01 p.m.

1. Public charge

Mayor Weaver did not read the public charge.

2. Audience comments not related to the printed agenda

There was none.

3. Agenda changes and approval

The following changes were requested:

- Add item 4.A – National Mentoring Month proclamation
- Add item 9.A – Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with the town attorney in order to preserve the attorney-client privilege (current litigation – RIMA, LLC)
- Add item 9.B – Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with the town attorney in order to preserve the attorney-client privilege (potential litigation – Radius Pizzeria)

A motion was made to approve the agenda as amended.

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

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

4. Presentations

A. Mentoring month proclamation (added)

The mayor read a proclamation declaring January as National Mentoring Month. Attrayus Goode of MENTOR North Carolina received the proclamation and thanked the board for support of mentors.

Lloyd joined the meeting at 7:13 p.m.

B. Employee Service Milestone Awards

The town manager gave a presentation on the service milestone award recipients for 2022. Employees are recognized for every five years of service with a coin and \$75.

- 5 years of service — Plant Maintenance Mechanic I Dennis Apple, Police Sgt. Heather Blackwell, Stormwater Program Coordinator Heather Fisher, Senior Communications Specialist Cheryl Sadgrove and Utility Systems Mechanic II Thomas Smith
- 10 years of service — Stormwater and Environmental Services Manager Terry Hackett and Water Plant Operator I Curtis Watkins
- 15 years of service — Budget Director Emily Bradford, Wastewater Plant Operator II Jeff Davis and Senior Planner Tom King
- 20 years of service — Water Plant Superintendent Nathan Cates, Police Sgt. Tim Corbett, Billing and Customer Service Supervisor Linda Daye and Utility Maintenance Supervisor Al Robertson
- 25 years of service — Fleet Mechanic Darren Koch and Town Manager Eric Peterson

C. Stormwater Program Update

Stormwater and Environmental Services Manager Terry Hackett gave a brief update on the town's stormwater program. He noted:

- The state will conduct a routine audit of the town's stormwater permitting program this year.
- The Upper Neuse River Basin Association is expected to make recommendations for updating the Falls Lake Rules later this year. Data from monitoring indicates that Falls Lake is in better shape than was thought. Also, the data shows that Hillsborough only accounts for 1 to 2 percent of the nutrient load reaching Falls Lake.
- The Stormwater and Environmental Services division will request an increase in the stormwater fee this year to cover the rising cost of materials and the need to create a new stormwater position.

5. **Appointments**

- A. Planning Board – Re-appointment of Frank Casadonte with term ending Jan. 31, 2026
- B. Planning Board – Appointment of John Giglia with term ending April 30, 2025
- C. Water and Sewer Advisory Committee – Appointment of Grace Beeler as an In-Town Member
- D. Water and Sewer Advisory Committee – Appointment of Eric Raznick as an Out-of-Town Member

A motion was made to approve appointments as presented.

Motion made by Commissioner Ferguson, seconded by Commissioner Hughes.

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

6. **Items for decision – consent agenda**

- A. Minutes
 - Joint public hearing Oct. 20, 2022
 - Regular meeting Dec. 12, 2022
 - Regular meeting closed session Dec. 12, 2022
 - Regular meeting June 14, 2021 (amended)
- B. Miscellaneous budget amendments and transfers
- C. 2023 Board of Commissioners meeting schedule amendment
- D. Classification and pay amendments

A motion was made to approve the consent agenda as presented.

Motion made by Commissioner Ferguson, seconded by Commissioner Bell.

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

7. Items for decision - regular agenda

A. Town code amendments related to appointed board procedures – adoption and discussion

Assistant Town Manager and Community Services Director Margaret Hauth reviewed the changes that the board had requested to the Code of Ordinances regarding the appointed boards. The board voted to approve the recommended changes, which included:

- Adding language that appointees serve at the pleasure of the board with the exception of one board for which a state statute dictates a member can only be removed for cause.
- Specifying that members of the Parks and Recreation Board should live within a park district.
- Removing language about ex officio positions. It was noted that only the Tourism Board designates a seat to a commissioner in the code. The board included in their motion the conversion of existing liaison commissioner positions to voting members on the Parks and Recreation Board and the Water and Sewer Advisory Committee.
- Reviewing defining language on boards to determine what should be included in the code.

Hauth plans to meet with support staff and each appointed board to review needed updates to rules of procedures for the appointed boards and to streamline stated responsibilities in the code.

A motion was made to adopt town code amendments as presented.

Motion made by Commissioner Hughes, seconded by Commissioner Ferguson.

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

B. NC League of Municipalities legislative policy goals for the 2023-2024 biennium

The board selected 10 of the 16 proposed policy goals to serve as the North Carolina League of Municipalities' agenda for the 2023-2024 legislative biennium. The goals are described in more depth in the agenda packet and included:

- Expand federal and state resources for affordable housing.
- Create an adequate and permanent funding stream for local infrastructure.
- Allow municipalities to use local resources and capabilities to expand broadband access in their communities through innovative partnerships.
- Expand state transportation funding streams for construction and maintenance for municipal and state-owned secondary roads.
- Support integrated and multi-modal transportation solutions.
- Increase state funding for public transportation operations.
- Provide state assistance for yearly financial audits, ensuring that an adequate number of auditors is available.
- Update annexation petition thresholds to make voluntary annexations easier to initiate.
- Provide authority to municipal water systems to recoup costs of clean-up from polluters.
- Provide local revenue options beyond property tax.

A motion was made to appoint Commissioner Ferguson as Hillsborough's North Carolina League of Municipalities voting delegate.

Motion made by Commissioner Hughes, seconded by Commissioner Bell.

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

C. Hot topics for work session Jan. 23, 2023

The board expects to receive an annual transportation planning report from the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, an update on the future train station project and information about alternative transportation funding.

8. Updates

- A. Board members
Board members gave updates on the committees and boards on which they serve.
- B. Town manager
There was none.
- C. Staff (written reports in agenda packet)
There was none.

A motion was made to move to closed session at 8:19 p.m.

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

9. Closed Session

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

A motion was made to return to open session at 9:49 p.m.

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

10. Adjournment

Mayor Weaver adjourned the meeting at 9:49 p.m.

Respectfully submitted,

Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners



PROCLAMATION

Declaring January as National Mentoring Month

WHEREAS, National Mentoring Month brings awareness to the importance of quality mentoring that promotes healthy relationships and communication, positive self-esteem, emotional well-being, and growth of a young person and their relationships with other adults; and

WHEREAS, the Town of Hillsborough honors volunteer mentors who support young people by showing up for them every day and demonstrating their commitment to helping them thrive; and

WHEREAS, mentoring programs like Fathers on the Move, Beyond Expectations; and capacity-building agencies like Youth Mentoring Collaborative make our communities and our state stronger by driving impactful relationships that increase social capital for young people and provide invaluable support networks; and

WHEREAS, during the COVID-19 pandemic, mentoring programs across the state stepped up to fill gaps for young people and families, connecting them with resources despite physical distancing; and

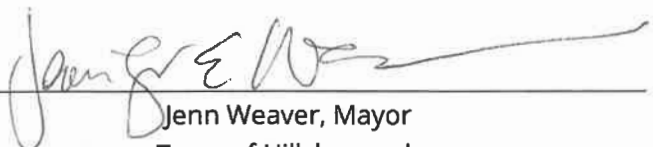
WHEREAS, Healing-Centered Mentoring™ provides a pathway to promote mental wellness, increase access to evidence-based mental wellness skills training, and reduce structural barriers to mental health services; and

WHEREAS, mentoring plays a pivotal role in career exploration and supports workforce development by helping young people set career goals, equipping mentors with the skills needed to support the professional growth of young people, and driving positive outcomes for communities across the state;

NOW, THEREFORE, I, Jenn Weaver, mayor of the Town of Hillsborough, do hereby proclaim January as National Mentoring Month 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 9th day of January in the year 2023.





Jenn Weaver, Mayor
Town of Hillsborough

FY 2022-2023

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT
DATES: 01/09/2023 TO 01/09/2023

	<u>REFERENCE</u>	<u>CHANGE NUMBER</u>	<u>DATE</u>	<u>USER</u>	<u>ORIGINAL BUDGET</u>	<u>BUDGET CHANGE</u>	<u>AMENDED BUDGET</u>
GF	10-00-9990-5300-000 CONTINGENCY						
Contingency	To cover public hearing signs	28098	01/09/2023	EBRADFORI	300,000.00	-2,200.00	40,762.00
Admin.	10-10-4200-5100-020 SALARIES						
Services	To cover contract website maintenance	28019	01/09/2023	EBRADFORI	902,888.00	-2,100.00	900,788.00
Admin.	10-10-4200-5300-140 TRAVEL/VEHICLE ALLOTMENT						
Services	To cover monthly vehicle allowance adjus	28096	01/09/2023	JFernandez	4,200.00	1,800.00	6,000.00
Admin.	10-10-4200-5300-458 DATA PROCESSING SERVICES						
Services	To cover contract website maintenance	28020	01/09/2023	EBRADFORI	36,673.00	2,100.00	45,887.38
Admin.	10-10-4200-5300-540 INSURANCE						
Services	To cover invoices of property & liabilities	34123	01/09/2023	JFernandez	341,400.00	6,500.00	351,222.00
Admin.	10-10-4200-5300-570 MISCELLANEOUS						
Services	To cover monthly vehicle allowance adjus	28095	01/09/2023	JFernandez	31,253.00	-1,800.00	24,953.62
	To cover invoices of property & liabilities	34124	01/09/2023	JFernandez	31,253.00	-6,500.00	18,453.62
Financial	10-10-4400-5100-020 SALARIES						
Services	To cover audit prep fees and future charge	28099	01/09/2023	JFernandez	338,398.00	-75,000.00	263,398.00
Financial	10-10-4400-5300-459 C.S./ACCOUNTING ASSISTANCE						
Services	To cover audit prep fees and future charge	28100	01/09/2023	JFernandez	25,200.00	75,000.00	245,324.16
Planning	10-10-4900-5300-330 SUPPLIES - DEPARTMENTAL						
	To cover public hearing signs	28097	01/09/2023	EBRADFORI	1,800.00	2,200.00	2,300.00
Facility	10-10-5000-5300-145 MAINTENANCE - BUILDINGS						
Mgmt.	To cover generator maintenance	28017	01/09/2023	EBRADFORI	201,896.00	-1,674.00	200,222.00
	To cover generator repair	28082	01/09/2023	EBRADFORI	201,896.00	-869.00	199,353.00
Facility	10-10-5000-5300-158 MAINTENANCE - EQUIPMENT						
Mgmt.	To cover generator maintenance	28018	01/09/2023	EBRADFORI	0.00	1,674.00	1,674.00
	To cover generator repair	28081	01/09/2023	EBRADFORI	0.00	869.00	2,543.00
Police	10-20-5100-5300-470 HIRING SELECTION PROCESS						
	To cover hiring selection for BLET books	28080	01/09/2023	JFernandez	3,400.00	700.00	7,950.00
	To cover current and anticipated hiring ex	34126	01/09/2023	JFernandez	3,400.00	2,500.00	10,450.00
Police	10-20-5100-5300-570 MISCELLANEOUS						
	To cover hiring selection for BLET books	28079	01/09/2023	JFernandez	3,500.00	-700.00	2,680.00
Police	10-20-5100-5300-730 DRUG ENFORCEMENT OPERATIONS						
	To cover current and anticipated hiring ex	34125	01/09/2023	JFernandez	5,000.00	-2,500.00	2,250.00
WWTP	30-80-8220-5300-165 MAINTENANCE - INFRASTRUCTURE						
	For replacement of safety rails at WWTP.	28094	01/09/2023	JFernandez	4,000.00	2,000.00	6,000.00
WWTP	30-80-8220-5300-323 SUPPLIES - CHEMICALS						
	For replacement of safety rails at WWTP.	28093	01/09/2023	JFernandez	92,500.00	-2,000.00	90,250.00
						<u>0.00</u>	

APPROVED: 5/0

DATE: 1/9/23

VERIFIED: *Sarah E. Kimrey*

Meeting Schedule: 2023 BOARD OF COMMISSIONERS

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



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

Regular meetings

Regular meetings typically occur the second Monday of the month.

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

Work sessions

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

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

Joint public hearings

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

Jan. 19	July 20
April 20	Oct. 19

Joint meetings

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

Jan. 24	Assembly of Governments Whitted Human Services Center 300 W. Tryon St. — CANCELED	Feb. 2	Water and Sewer Advisory Committee
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Regular (Non-Law Enforcement) Positions						
Salary				FLSA		
Grade	Minimum	Midpoint	Maximum	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
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
5	41,576	54,049	66,522	N	502	EQUIPMENT OPERATOR II
5	41,576	54,049	66,522	N	503	SENIOR ADMINISTRATIVE SUPPORT SPECIALIST
5	41,576	54,049	66,522	N	504	UTILITY MAINTENANCE TECHNICIAN III
5	41,576	54,049	66,522	N	505	WASTEWATER PLANT OPERATOR II
5	41,576	54,049	66,522	N	506	WATER PLANT OPERATOR II
6	43,655	56,752	69,848	N	605	ACCOUNTS PAYABLE TECHNICIAN
6	43,655	56,752	69,848	N	601	PLANNING TECHNICIAN
6	43,655	56,752	69,848	N	602	PLANT MAINTENANCE MECHANIC I
6	43,655	56,752	69,848	N	604	UTILITY SYSTEMS MECHANIC I
7	45,838	59,589	73,341	N	706	ACCOUNTING TECHNICIAN
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
9	50,536	65,697	80,858	E	904	PUBLIC WORKS SUPERVISOR
10	53,063	68,982	84,901	N	1001	BACKFLOW/FOG SPECIALIST
10	53,063	68,982	84,901	N	1002	CHIEF WASTEWATER PLANT OPERATOR
10	53,063	68,982	84,901	N	1003	COMMUNICATIONS SPECIALIST
10	53,063	68,982	84,901	N	1004	FACILITIES COORDINATOR
10	53,063	68,982	84,901	N	1005	OPERATOR IN RESPONSIBLE CHARGE
11	55,716	72,431	89,146	E	1101	PLANNER
12	58,502	76,053	93,604	E	1201	BUDGET & MANAGEMENT ANALYST
12	58,502	76,053	93,604	E	1202	FINANCIAL ANALYST
12	58,502	76,053	93,604	E	1203	FLEET MAINTENANCE SUPERVISOR
12	58,502	76,053	93,604	E	1204	HUMAN RESOURCES ANALYST
12	58,502	76,053	93,604	E	1205	MANAGEMENT ANALYST
12	58,502	76,053	93,604	N	1206	STORMWATER PROGRAM COORDINATOR
12	58,502	76,053	93,604	N	1207	WASTEWATER LABORATORY SUPERVISOR
12	58,502	76,053	93,604	N	1208	SENIOR COMMUNICATIONS SPECIALIST

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

Sworn Law Enforcement Officer Positions

Salary				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	707	CHIEF OF POLICE



ORDINANCE

Amending Town Code Chapters 2, 3, 6, and 8A

To Consolidate and Organize Appointed Board Information

The Hillsborough Board of Commissioners ordains:

- Section 1.** Section 2-32 of the Town Code is renamed "Filling unexpired terms on the Board of Commissioners" and the existing language is replaced to read as follows:
- (1) When a vacancy occurs on the Board of Commissioners, the members shall discuss the process to recruit and fill the term at the board meeting as soon after the vacancy is announced or occurs as possible.
 - (2) The process must be approved by a majority vote of the board members.
- Section 2.** Relocate Section 3-29, Park Naming Procedure, to Section 3-52 in Article VII, Recreation. Designate sections 3-53 through 3-59 as reserved.
- Section 3.** Create Chapter 3, Article VIII, Appointed Boards, Task Forces, and Authorities, covering Sections 3-60 through 3-79, attached for clarity.
- Section 4.** Renumber Section 3-21, Planning Board; Section 3-22, Board of Adjustment, and Section 3-23, Historic District Commission as 3-64, 65, and 66, respectively.
- Section 5.** Renumber Section 3-24, Tree Board, as 3-67. Delete cross reference to Section 7-36(c) and relocate that language, with amendments, to Section 3-67 as shown in the attached Article VIII.
- Section 6.** Delete current sections 3-25, Cable Television Committee; 3-26, Occoneechee Mountain Park Committee; and 3-27, Hillsborough Cemetery Committee.
- Section 7.** Renumber Section 3-28, Parks and Recreation Board to Section 3-68, with amendments reflected in the attached Article VIII. Designate Sections 3-21 through 3-40 as reserved.
- Section 8.** Add Section 3-69, Water and Sewer Advisory Committee, as detailed in the attached Article VIII.
- Section 9.** Add Section 3-70, Tourism Board, as detailed in the attached Article VIII. The language reformats and replaces existing section 3-60 through Section 3-62.
- Section 10.** Add Section 3-71, Tourism Development Authority, as detailed in the attached Article VIII. The language reformats and moves existing Sections 8A-5, 8A-6, and 8A-7 into Chapter 3, Article VIII;

- Section 11.** Rename Chapter 3, Article IX, Tourism Board to Article IX, Miscellaneous. Relocate Section 3-52 through 3-57 to this article and number appropriately. Designate Section 3-86 and 3-99 as reserved.
- Section 12.** The amended language of Article VIII, Appointed Boards, Task Forces, and Authorities, and Article IX, Miscellaneous are attached for clarity
- Section 13.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 14.** This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9th day of January in 2023.

Ayes: 5

Noes: 0

Absent or excused: 0



Sarah E. Kimrey

Sarah E. Kimrey, Town Clerk

ARTICLE VIII. APPOINTED BOARDS, TASK FORCES, AND AUTHORITIES

Sec. 3-60 General

The Board of Commissioners may appoint volunteer boards to conduct portions of public business or to advise the board on items within their authority. An appointed board is expected to continue as described in this section unless eliminated by a majority vote of the Board of Commissioners. Appointed boards shall have a town staff support person who shall help organize the meeting schedule, maintain member lists, update public information regarding the board, prepare agendas and minutes, assist with advertising open positions and other duties to ensure proper function and that board actions are carried forth.

The Tourism Board and the Tourism Development Authority were created through local bills approved by the state legislature concurrent to enacting the prepared food and beverage tax and occupancy tax, respectively. If language or requirements in this section differ from the specific language in the local law, the local law will control.

The Board of Commissioners may also appoint task forces or study commissions to address short term or topic specific research. Such groups shall be established by resolution with a specific charge and an anticipated sunset date. The sunset date for any short-term committee may be extended by the board. The board may establish new appointed boards to continue the work of short-term committees upon a majority vote. This code must be amended to reflect any new committee without a sunset date.

Sec. 3-61 Recruitment and appointment

The designated staff support person for any town appointed board will be responsible for overseeing recruitment, appointment, and orientation of the members of the board they support.

Recruitment may be done through website advertising and notices, public advertising, membership committees or active boards and commissions, and other sources.

Appointment and reappointment items will appear on Board of Commissioners agendas for formal action. New appointees and reappointed members will take an oath of office before the town clerk or a notary public.

Sec. 3-62 Routine orientation for appointees.

The following orientation materials will be provided to each volunteer: board roster, town organizational chart including the advisory boards, the rules of procedure for their board, the current strategic and comprehensive plans for the town, and other support documents or maps relevant to that board. Staff will arrange for the administration of the new member's oath of office, go over the orientation materials, and answer procedure and policy questions as needed, prior to the new member's first meeting as a board member.

New appointees are encouraged to attend a Board of Commissioners meeting within six months of appointment to any appointed board.

Sec. 3-63 Regular attendance a pre-requisite for continuing service.

Attendance at regularly scheduled board meetings is critical to continued membership on a board.

Staff shall notify any board member who misses one-third of regular meetings within any twelve-month period that regular attendance is required, and future absences may impact continued participation.

Any board member who misses half of regular meetings within any twelve-month period will be notified by staff that their term has been automatically ended.

Board members are eligible for re-appointment consistent with term limits for their board. Attendance records shall be provided with any re-appointment request to the board of commissioners.

Sec. 3-64. Members serve at the pleasure of the Town Board.

Members serve at the pleasure of the Town Board and may be removed upon a vote of the Town Board in open session. However, members of the Tourism Board may only be removed for cause, also requiring a vote of the Town Board in open session. Similarly, the two volunteers the Planning Board makes from among its members to other boards, serve at the pleasure of the Planning Board and could be removed from the other boards upon a vote of the Planning Board.

Sec. 3-65. Compensation.

Board members serve without compensation. Members of the Tourism Development Authority may be compensated, at the discretion of the Town Board and consistent with the local bill creating the Authority. The town may pay for training deemed necessary or advisable for volunteer service. The town may reimburse members for travel to training events required for their membership.

Sec. 3-66 Planning Board.

There shall be a Planning Board, the establishment, powers, and duties of which are provided for in the Hillsborough Unified Development Ordinance.

Sec. 3-67. Board of Adjustment.

There shall be a Board of Adjustment, the establishment, powers, and duties of which are provided for in the Hillsborough Unified Development Ordinance.

Sec. 3-68. Historic District Commission.

There shall be a Historic District Commission, the establishment, powers, and duties of which are provided for in the Hillsborough Unified Development Ordinance.

Sec. 3-69. Tree Board.

There shall be a Tree Board, the establishment, powers, and duties of which are provided for as follows.

- (a) Powers and duties. The Tree Board shall serve as an advisory board to the Board of Commissioners with the following duties and responsibilities:
 - (1) To hear all requests by Hillsborough residents and/or owners of property within the town for planting, maintenance, and removal of town trees. The Board of Commissioners maintains the

right to review any such requests and the trees in question in determining whether to grant such requests.

- (2) To facilitate the planting, growth, protection, and recommended removal of trees within the town.
 - (3) To foster education and communication among the citizens of Hillsborough that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the town.
 - (4) To conduct, every two years, a periodic safety audit of existing town trees for the purpose of determining needed pruning and tree removal. Between audits, members should report such needs as they detect them.
 - (5) To investigate available grants, loans, or contributions from other governmental agencies, public or private corporations, or individuals and to recommend the expenditure of any proceeds toward the accomplishment of the tree board's purposes.
 - (6) To establish guidelines for the selection and placement of trees on town property, which guidelines should be maintained as a separate document.
 - (7) To coordinate, insofar as appropriate, its purposes with those of the town Parks and Recreation Board, the Historic District Commission, and other town and county agencies.
 - (8) To submit an annual report to the Board of Commissioners.
 - (9) To create and promote an active urban forestry education program for all citizens of the town.
 - 10) To offer advice, when possible, to owners and developers of private property within town limits on the preservation of existing trees.
 - (11) To advise the town on the planting, pruning, maintenance, and removing of trees on town property.
 - (12) Residents of Hillsborough and/or property owners desiring to have a tree planted on town property shall obtain approval of the Tree Board.
- (b) Membership. The Tree Board shall consist of seven regular members. ~~The Tree Board may determine the need for ex officio members to provide expertise. No more than three ex officio members may be appointed at any time.~~
- (c) Appointment. Members shall be appointed by the Board of Commissioners. ~~Ex officio members may be appointed as necessary by a majority of Tree Board members.~~
- (d) Term of office. The terms of the regular members shall be staggered so that no more than three members' terms expire during the same year. In the event that a vacancy occurs during the term of any member, a successor shall be appointed by the town board for the unexpired portion of the term. Members shall serve a maximum of two consecutive three-year terms.
- (e) Staff. The Public Space and Sustainability division shall provide staff support to the Tree Board.
- (f) Meetings. All meeting shall be open to the public. The board shall adopt and publish a regular meeting schedule of not less than four meeting per calendar year.

- (g) Quorum. Four regular members shall constitute a quorum of the Tree Board. This number may be adjusted for vacancies. Staff ~~and ex officio members~~ are not qualified to vote.
- (h) Rules of Procedure. The board shall adopt rules of procedure for the conduct of its meetings. Rules of procedure shall be consistent with the procedural requirements of state law.

Sec. 3-70. Parks and Recreation Board.

There shall be a Parks and Recreation Board, the establishment, powers, and duties of which are provided for as follows.

- (a) Powers and duties. The board shall be responsible for implementing the Parks and Recreation Master Plan adopted by the Board of Commissioners and master plans for specific facilities adopted by the Parks and Recreation Board. This general charge includes, but is not limited to, the following duties:
 - (1) Cooperate with Orange County to facilitate shared use and responsibility for publicly owned land.
 - (2) Concentrate on developing parks and recreation facilities that can be programmed for use by others.
 - (3) Coordinate with other town committees on items of mutual interest.
 - (4) Recommend funding priorities for parks and recreation projects to the town board.
- (b) Membership. The Parks and Recreation Board shall consist of no more than 12 members.
- (c) Appointment. The town board shall ~~select members~~ **appoint 11 residents** of the ~~Parks and Recreation Board from as many~~ different park districts as shown in the master park and recreation plan ~~as is practicable~~. One seat on the Parks and Recreation board shall be reserved for a member who is 13 to 19 years old on the date of their appointment and one seat shall be reserved for a member who is over 55 years old on the date of their appointment. One ~~seat member~~ shall be a representative from the Hillsborough Planning Board, selected by that board. ~~A member of the Orange County Parks and Recreation Council may serve as an ex officio member.~~
- (d) Terms. Board members shall serve for three-year staggered terms, with the opportunity for reappointment for a second full term. After serving two complete terms and any partial term, a member shall be ineligible for reappointment until one calendar year has expired. Four members shall initially be appointed for three-year terms, four with two-year terms, and four with one-year terms.
- (e) Staff. The Public Space and Sustainability division shall provide staff support to the Parks and Recreation Board.
- (f) Meetings. All meeting shall be open to the public. The board shall adopt and publish a regular meeting schedule of not less than four meeting per calendar year.
- (g) Quorum. A majority of appointed seats shall constitute a quorum. This number may be adjusted for vacancies. Staff ~~and ex officio members~~ are not qualified to vote.
- (h) Rules of Procedure. The board shall adopt rules of procedure for the conduct of its meetings. Rules of procedure shall be consistent with the procedural requirements of state law.

Sec. 3-71. Water and Sewer Advisory Committee

There shall be a water and sewer advisory committee, the establishment, powers and duties of which are provided for as follows.

- (a) Powers and duties. The general charge includes, but is not limited to, the following duties:
- (1) Receive updates regarding key operational, policy, and financial issues facing the Water & Sewer Enterprise Fund.
 - (2) Request information from staff to stay informed and knowledgeable regarding key issues, concerns, and opportunities facing the Water & Sewer Fund.
 - (3) Offer recommendations to the town board regarding general operational, financial, public information, and other management issues affecting the of the Water & Sewer Fund.
 - (4) The committee will not make recommendations regarding individual personnel matters (e.g., hiring, firing, and disciplinary issues) within the Water & Sewer Fund.
 - (5) The committee will not make recommendations on how to perform projects, their priority, or which consultant or contractor is hired within the Water & Sewer Fund.
- (b) Membership. The committee will consist of between 6-8 members. The town will strive to maintain an even balance between in-town and out-of-town water/sewer customers, or as close as is reasonable possible.
- (c) Terms. Committee Members will serve staggered four-year terms, with the opportunity for reappointment for a second full term. After serving two complete terms and any partial term, a member shall be ineligible for reappointment until one calendar year has expired.
- (e) Staff. The Utilities Administrative division shall provide staff support to the water and sewer advisory committee.
- (f) Meetings. All meeting shall be open to the public. The board shall adopt and publish a regular meeting schedule of not less than four meeting per calendar year.
- (g) Quorum. A majority of appointed seats shall constitute a quorum. This number may be adjusted for vacancies. Staff ~~and ex-officio members~~ are not qualified to vote.
- (h) Rules of Procedure. The board shall adopt rules of procedure for the conduct of its meetings. Rules of procedure shall be consistent with the procedural requirements of state law.

Sec. 3-72. Tourism Board.

- (a) Powers and Duties. The Tourism Board shall promote tourism within the Town of Hillsborough, subject to the provisions of chapter 449 of the 1993 Session Laws and the provision of this article.
- (b) Membership. There is hereby established a Hillsborough Tourism Board composed of nine members appointed by the Board of Commissioners. One individual may be selected to represent more than one of the four groups or organizations listed in this section:
- (1) One member shall be a member of the Board of Commissioners.

- (2) One member shall be a member of the Hillsborough Area Chamber of Commerce and shall be chosen by the Board of Commissioners from nominees submitted by the board of directors of the Hillsborough Area Chamber of Commerce.
 - (3) One member shall be chosen by the town board from nominees submitted by the Alliance for Historic Hillsborough, Inc.
 - (4) Four members shall be owners or operators of restaurants in Hillsborough that are affected by the prepared food and beverage tax. (i.e., if a restaurant owner were nominated by the Chamber of Commerce, his selection would satisfy the representation criteria for two of the groups listed in this section).
 - (5) At-large members to bring the total to nine. The at-large members shall either reside within the town, own property within the town, or have a principal place of employment within the town.
- (c) Terms. Members of the Tourism Board shall serve two-year staggered terms. Initially, five members shall be appointed for two-year terms, beginning January 1, 1994. Members may continue to serve until their successors are appointed and qualified, even if this extends their terms. A vacancy shall be filled for the unexpired term of the member whose seat has become vacant. Members who are selected to represent one of the four groups specified in subsection (b) of this section may continue to serve their full terms regardless of whether they continue to be affiliated with the organization or group they originally represented. Members may be appointed to three successive two-year terms. Following service for three successive two-year terms, a member may not be reappointed until an interval of at least two years has passed.
- (d) Meetings. The board shall meet at least quarterly on call of the chair or of any three members. All meetings shall be administered in accordance with the Open Meetings Law.
- (e) Quorum. A quorum for the board shall consist of five members if there are no vacant seats, four members if there are one or two vacant seats, and three members if there are three or more vacant seats. All actions of the board shall be taken by majority vote, a quorum being present.
- (f) Rules of Procedure. The board shall adopt rules and regulations governing its procedures not inconsistent with the provisions of this article.
- (g) The board shall receive from the town the net proceeds of the prepared food and beverage tax and, after deducting the cost of its annual audit, shall allocate the remaining proceeds to be used for the purposes listed below. The board shall allocate proceeds each year for purposes stated in both subsections (1) and (2) below. The purposes are:
- (1) To provide visitor services, including any of the following:
 - a. Operation of a center where visitors can be provided with information about the community, about facilities and businesses in it, and points of historical or cultural interests.
 - b. Production and distribution of a free directory of restaurants to include the name, address, and phone number of each restaurant in the town.
 - c. Production and distribution of pamphlets, film clips, and other informational materials on the community.
 - d. Advertising the town and publicizing special events in it.

- e. Doing market research pertaining to tourism.
- f. Responding to mail and telephone inquiries submitted by visitors or potential visitors.
- g. Providing other services to visitors designed to make their stay pleasant and instructive.

(2) To provide facilities, programs, and services designed to attract tourists to the town.

- (h) The town board retains its authority to establish minimum or maximum allocations of proceeds for specific purpose, provided, however, that the town board may not authorize the use of the tax proceeds for any purpose other than those provided in subsections (g)(1) and (g)(2) of this section.
- (k) The board may expend funds only for a public purpose, and all funds derived from the prepared food and beverage tax shall be received, held, appropriated, disbursed, and accounted for in accordance with the provisions of the Local Government Budget and Fiscal Control Act. Provided, however, that the Tourism Board shall not purchase any real property, nor shall it spend more than \$5,000 for any purpose stated in subsection (g)(2) above except with the town board's prior approval.
- (l) The board shall report quarterly and at the close of the fiscal year to the Board of Commissioners on its receipts and expenditures for the preceding quarter and fiscal year in such detail as the town board may require.

Sec. 3-73. Tourism Development Authority: Appointment and membership.

- (a) The Tourism Development Authority is hereby created, which shall be a public authority under the Local Government Budget and Fiscal Control Act.
- (b) Membership. The Tourism Development Authority shall consist of three members appointed by the Board of Commissioners, ~~two of whom shall also be members of the Tourism Board~~. Members need not reside within the town, but at least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least ~~three-fourths~~ **one-half** of the members must be individuals who are currently active in the promotion of travel and tourism in the town.
- (c) Terms. Members shall be appointed for terms of one year. The initial terms of all appointees shall expire on January 31 of the year that follows the initial appointments. Subsequent terms shall run from February 1 of one year to January 31 of the following year. Vacancies shall be filled for the remainder of the unexpired term. Members may be appointed to up to six consecutive one-year terms.

Sec. 3-74. Meetings of Tourism Development Authority.

- (a) The Tourism Development Authority shall meet as necessary to carry out its powers and duties as specified below. All meetings shall be held in conformity with the Open Meetings Law.
- (b) A quorum for the Tourism Development Authority shall consist of three members, except that if one seat is vacant, a quorum shall consist of two members. All actions of the Tourism Development Authority shall be taken by majority vote, a quorum being present.
- (c) Upon the initial appointment of members to the Tourism Development Authority and upon the commencement of each new term, the Board of Commissioners shall appoint one member to serve as chair of the Tourism Development Authority during that term. If a vacancy occurs during a term, the

board shall designate another member to serve as chair for the remainder of that term. The chair may take part in all deliberations and vote on all issues.

Sec. 3-75. Powers and duties of the Tourism Development Authority.

- (a) The Tourism Development Authority shall expend the net proceeds of the tax levied under Chapter 8A for the purposes provided in section 8A-4. The authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town. The town's finance officer shall serve ex officio as the finance officer for the Tourism Development Authority.
- (b) The Tourism Development Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.
- (c) The Tourism Development Authority may not, without the prior approval of the town board, purchase any real estate, nor may it spend more than \$5,000 for any item covered by section 8A-4 without the prior approval of the town board.

Secs. 3-76 – 3.79. Reserved.

ARTICLE IX. MISCELLANEOUS

Sec. 3-80. Oaths and bonds of officers and employees.

Sec. 3-81. Absences or disabilities.

Sec. 3-82. Automatic resignation when appointees no longer qualify.

Sec. 3-83. Disposal of surplus personal property of the town.

Sec. 3-84. Manager's authority to purchase apparatus, supplies, materials or equipment.

Sec. 3-85. Malt beverages, unfortified wine, fortified wine and mixed beverages on Sunday mornings.

Secs. 3-86—3-99. Reserved.

[This is just a rearrangement – no change to the text of Article IX](#)