



Minutes

Board of Commissioners Regular Meeting

7 p.m. Oct. 14, 2024

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

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

Absent: Commissioner Matt Hughes

Staff: Planner II Molly Boyle, Administrative Services Director Jen Della Valle, Assistant Town Manager and Community Services Director Matt Efird, Police Chief Duane Hampton, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Communications Specialist JC Leser-McMinn, Town Manager Eric Peterson and Human Resources Manager Haley Thore

Opening of the meeting

Mayor Mark Bell called the meeting to order at 7:02 p.m.

1. Public charge

Bell did not read the public charge.

2. Audience comments not related to the printed agenda

There were none.

3. Agenda changes and approval

Add Item 6A-1 – Information from Commissioner Matt Hughes.

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

Vote: 3-0.

4. Presentations

A. Introduction of recently hired and promoted Sgt. Jay Henderson and public reaffirmation of his oath of office

Police Chief Duane Hampton introduced Sgt. Jay Henderson to the board to reaffirm his oath of office. The mayor administered the oath. Henderson's wife affixed his badge.

B. Recognition of recently promoted Lt. Will Felts and public reaffirmation of his oath of office

Hampton introduced Lt. Will Felts to the board to reaffirm his oath of office. The mayor administered the oath. Felts' wife affixed his badge.

Commissioner Robb English joined the meeting at 7:08 p.m.

5. Items for decision – consent agenda

A. Minutes

– Regular meeting Sept. 9, 2024

- Work session Sept. 23, 2024
- Work session closed session Sept. 23, 2024

- B. Miscellaneous budget amendments and transfers
- C. 2025 Board of Commissioners Meeting Schedule
- D. Special Event Permit – 2024 Hillsborough Holiday Parade
- E. Special Event Permit – 2024 Hillsborough Holiday Tree Lighting Ceremony
- F. Resolution prohibiting viewing of pornography on town networks and devices
- G. Unified Development Ordinance text amendment – Section 3: Administrative Procedures, Subsection 3.13: Site Plan Review (staff initiated)
- H. Ordinance amending Chapter 3, Section 3-50 of the Code of Ordinances – Reservation of facilities within town parks
- I. Classification and pay amendment – Add construction project coordinator classification

Motion: Darab moved to approve all items on the consent agenda with an amendment to the language of the motion for Item 6A in the Sept. 9 minutes, adding “and insulation” to “the market-rate units shall include similar HVAC and insulation installations.” Ferguson seconded.

Vote: 4-0. Nays: None.

6. Items for decision - regular agenda

A-1. Information from Commissioner Matt Hughes

The item was tabled in the absence of Commissioner Matt Hughes.

A-2. Unified Development Ordinance text amendment – Section 5.2.8: Dwelling, Accessory (applicant-initiated)

The item was tabled to a later meeting when the applicant is present.

Motion: Ferguson moved to table the item to the Oct. 28 work session. English seconded.

Vote: 4-0.

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

Planner II Molly Boyle shared that the applicant would like multi-family housing allowed in general commercial districts. She said the Planning Board voted 6-0 against the amendment, with and without staff changes.

Boyle said Planning and Economic Development Division staff believe the best time to address mixed-use development will be during the upcoming Unified Development Ordinance rewrite and Future Land Use Map update.

The board discussed having come to a consensus on the issue previously and, thus, not needing the applicant to be present to vote on the issue.

Motion: Darab moved to deny the request to amend the ordinance. Ferguson seconded.

Vote: 4-0.

C. Equity update

Human Resources Manager Haley Thore presented an update on equity work. She highlighted progress that the OneOrange multi-jurisdictional group has made in Orange County, updating a racial equity dashboard based on feedback and starting work toward a racialized history project.

Shifting to internal equity projects, Thore said the town's equity lens to be used by departments is in its pilot phase. The lens was developed from an assessment tool in the Countywide Racial Equity Framework that was created using a tool of the Government Alliance on Race and Equity.

Thore also shared a plan for the Central Pines Council of Government to assist the town in developing an equity plan. The plan's timeline includes community engagement, a board vision session and planning for allocating resources.

Board members expressed concerns about the potential need for additional funds for equity projects. Thore said equity projects are appropriately budgeted for now, but the Human Resources Division may need additional funds later if a project with the county arises.

Motion: Ferguson moved to authorize staff to move forward with the facilitation and development of an equity plan. English seconded.

Vote: 4-0.

D. Hot topics for work session Oct. 28, 2024

Hot topics for the next meeting include:

- Update from Commissioner Matt Hughes
- Unified Development Ordinance text amendment — Section 5.2.8: Dwelling, Accessory (applicant initiated)
- Government 101 presentation
- U.S. 70 bike and pedestrian safety options

7. Updates

A. Board members

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

B. Town manager

No update.

C. Staff (written reports in agenda packet)

No additional updates.

Motion: Ferguson moved to enter closed session. Darab seconded.

Vote: 4-0.

8. Closed session

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

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

Vote: 4-0.

9. Adjournment

The mayor adjourned the meeting at 8:23 p.m.

Respectfully submitted,

Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners

DRAFT

FY 2024-2025

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

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

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



RESOLUTION

Prohibiting Viewing of Pornography on Town Networks and Devices

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

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

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

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

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



Mark Bell

Mark Bell, Mayor
Town of Hillsborough

Attestation:

Sarah Kimrey

Sarah Kimrey, Town Clerk

DRAFT

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

Text Amendment Request from:
Staff – Planning and Economic Development Division
October 14, 2024

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

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

The Hillsborough Board of Commissioners has determined the proposed action **is** consistent with the Town of Hillsborough’s Comprehensive Sustainability Plan (CSP) because it **supports** the following goals:

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

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

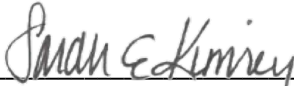
The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 14th day of October in the year 2024.

Ayes: 3

Noes: 0

Absent or excused: 2





Sarah E. Kimrey, Town Clerk



ORDINANCE

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

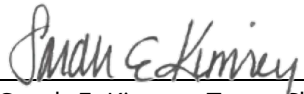
The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to Unified Development Ordinance Section 3.13, *Administrative Procedures – Site Plan Review*, as attached hereto.
- Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3.** This ordinance shall become effective upon adoption.

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

Ayes: 3
Noes: 0
Absent or excused: 2





Sarah E. Kimrey, Town Clerk

3.13 SITE PLAN REVIEW

3.13.1 INTENT

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

3.13.2 APPLICABILITY

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

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

3.13.3 PROCEDURE

3.13.3.1 Authority to Apply

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

3.13.3.2 Pre-application Conference

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

3.13.4 APPLICATION REQUIREMENTS

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

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

3.13.5 REVIEW PROCESS

3.13.5.1 General

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

3.13.5.2 Completeness Review

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

3.13.5.3 Technical Review Committee

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

3.13.6 DECISIONS ON SITE PLAN APPLICATIONS

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

3.13.7 APPEAL

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

3.13.8 VESTING

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

3.13.9 MODIFICATIONS

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

3.13.10 REVOCATION

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

3.13.11 EXPIRATION

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

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

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

DRAFT



ORDINANCE

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

The Hillsborough Board of Commissioners ordains:

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

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

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

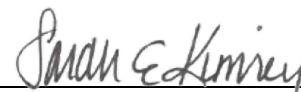
- (1) Archery;
 - (2) Sound amplifying equipment including but not limited to PA systems and stereos;
 - (3) Temporary chalk markings associated with sports and games on playing fields.
- g) Events that meet a threshold specified in section 7-18 shall seek a special event permit rather than a park reservation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

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

Section 3. This ordinance shall become effective upon adoption.

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

Ayes: 3
Noes: 0
Absent or excused: 2



Sarah E. Kimrey, Town Clerk