



Minutes

Board of Commissioners Regular Meeting

7 p.m. March 11, 2024

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

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

Staff: Planner II Molly Boyle, Assistant Town Manager and Community Services Director Matt Efird, Budget and Management Analyst Josh Fernandez, Lead for NC Fellow Marshall Grayson, Environmental Engineering Supervisor Bryant Green, Police Chief Duane Hampton, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Town Manager Eric Peterson and Utilities Director Marie Strandwitz

Opening of the meeting

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

1. Public charge

Bell did not read the public charge.

2. Audience comments not related to the printed agenda

There were none.

3. Agenda changes and approval

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

Vote: 5-0.

4. Presentations

- A. Introduction of recently hired Police Officers Megan Carter and Haiden Jannetta and public reaffirmation of oaths of office

Police Chief Duane Hampton introduced Police Officer Haiden Jannetta to the board to reaffirm his oath of office, with the mayor administering the oath. Jannetta's father affixed his badge.

Police Officer Megan Carter was absent.

5. Appointments

- A. Tree Board – Reappointment of Greg Yavelak for a term expiring March 30, 2027

Motion: Ferguson moved to approve the appointment. Commissioner Meaghun Darab seconded.

Vote: 5-0.

6. Items for decision – consent agenda

- A. Minutes
 - Regular meeting Feb. 12, 2024
 - Regular meeting closed session Feb. 12, 2024
 - Budget retreat Feb. 17, 2024
 - Work session Feb. 26, 2024
 - Work session closed session Feb. 26, 2024
- B. Miscellaneous budget amendments and transfers
- C. Tourism Development Authority Budget Amendments
- D. Special Event Permit – Hillsborough Art Council’s Last Fridays and Art Walk
- E. Acceptance of Remaining Phases of Forest Ridge Water and Sanitary Sewer
- F. Acceptance of Water and Sewer Utilities at UNC Hospital in Waterstone

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

7. Items for decision - regular agenda

- A. Unified Development Ordinance text amendment to Section 6.21.3 Design Standards – Public Streets (applicant-initiated)

Planner II Molly Boyle discussed an applicant-initiated text amendment asking for right of way reductions for local streets when on-street parking is removed.

The applicant initially requested a minimum of 48 feet for commercial projects. Following concerns noted during the joint public hearing, the proposed development amendment allows for right of way reductions only when:

- The proposed street is a commercial/industrial local or collector street.
- On-street parking is omitted in the design.
- The right of way is reduced to no more than the width of omitted on-street parking.
- The right of way reduction does not impact other design elements required in the town’s street manual.

Boyle provided additional information on travel lane definitions and requirements according to Central Pines Regional Council. She said street widening would be limited and additional space needed for utilities still would be required when constructing new roads.

Motion: Darab moved to approve the text amendment. Ferguson seconded.
Vote: 4-1.

- B. Potential Urban Archery Program

Assistant Town Manager and Community Services Director Matt Efird provided an update on the potential for an urban archery program to address deer overpopulation.

Efird explained that over 50 deer per square mile are within town limits. He said this can lead to a variety of safety concerns, including residents overfeeding deer and an increase in disease-spreading ticks. He clarified that the rise in deer-related vehicle accidents mostly occur outside town limits.

Efird said a resident research team met with a North Carolina Wildlife district biologist, who explained that urban archery programs have not been effective in mitigating deer populations. The biologist said the program often has a limited geographic scope, typically only addresses a small percentage of deer and adds a significant management burden to staff.

Efird presented a mock urban archery program for the town modeled from Chapel Hill. In the proposal, individuals in Hillsborough would be allowed to hunt on their own property with bow and arrow during designated hunting seasons. Town-owned property and open recreation spaces would be omitted from the program, and participants would be required to be at least 150 feet away from any structure. Participants could not use firearms, hire professional hunters or track wounded animals to adjacent private property. Efird showed a map of all locations in town that would be approved for urban archery under the program.

The mayor asked if commercial properties were included in the proposed plan. Efird clarified that commercial sites are eligible if the owners grant permission and have no current development.

Efird identified multiple concerns with the proposed program, including:

- The town's irregular geographic borders result in small and disjointed designated hunting locations.
- The parcels identified are not typically where most deer-related issues occur.
- Other municipalities have seen low effectiveness with urban archery.
- The proposed plan has almost no community feedback.

Efird offered other potential solutions to address deer overpopulation, including:

- Working with North Carolina Wildlife Commission and/or a consultant on comprehensive wildlife management.
- Providing additional education and outreach on the dangers of feeding deer and wildlife.
- Promoting deer-resistant landscaping.

The board decided against implementing the program given its limited impact but supported other proposed actions, including enhanced education and working with the North Carolina Wildlife Commission on a wildlife management plan.

C. Revisit backflow assembly reimbursement vote of Dec. 12 – Saru Salvi

Water customer Saru Salvi asked the town to reimburse the removal of a backflow assembly device she had installed following a town requirement for swimming pool owners.

Utilities Director Marie Strandwitz explained that after the board allowed a no-cost air gap cross connection alternative and stopped requiring annual assembly inspections, around \$16,000 in installation reimbursements were given to seven residents who had already installed assembly devices. This decision did not include reimbursements for removal and restoration as the town did not require assembly removal.

Salvi said she had not been informed of the decision to no longer require annual inspections for backflow assembly devices. Strandwitz clarified that the reimbursement notice issued to the seven affected residents clearly indicated that removal and restoration were not included and that the decision to no longer require annual inspections was made during a regular public board meeting on Feb. 12. Additionally, Strandwitz explained that Salvi was the only impacted resident who chose to remove her assembly.

The board did not issue a reimbursement.

D. Petition from Corbinton residents regarding acceptance of alleys

The board received a petition from the Corbinton Commons Homeowners Association asking the town to accept the neighborhood's alleys for public maintenance.

Efird provided a brief history of the development, explaining the town previously required that the alleys meet town standards before it accepts responsibility from the developer, KEPSC Hillsborough et al. There

have been ongoing challenges associated with the developer completing public infrastructure in the neighborhood.

Efird, alongside Corbinton Commons homeowner Eric Schneidewind and Homeowners Association Vice President Dorie Bargmann, explained that the developer recently deeded the alleys to the association, thereby transitioning maintenance requirements to the homeowners. Schneidewind and Bargmann expressed the association's inability to support the infrastructure without town assistance.

Efird discussed current issues with the alleys, such as a lack of proper curbs and gutters. He said costs would range between \$100,000 and \$150,000 to bring the alleys to town standards. Efird presented four strategies for the board to consider, including:

- The town accepts the current alleys and updates the infrastructure.
- The town accepts the alleys after the association brings the infrastructure into compliance.
- The association maintains ownership of the alleys and the town continues to provide services via a hold harmless agreement.
- The town and/or the association continue to pursue the developer bringing the alleys to compliance standards.

Schneidewind presented a fifth alternative of the town requiring the developer to perform work on the alleys as specified and the town accepting the alleys for public use following the updates.

The board asked questions concerning drainage on the current alleys, bond requirements and the possibility for future development issues. Efird clarified that private streets in developments are no longer allowed, thus a similar situation should not occur.

In addition to the alleys, Town Attorney Bob Hornik discussed various punch list items, explaining that the developer has yet to finalize a number of promised improvements to other infrastructure and maintenance items within the neighborhood, such as utility and stormwater additions.

The board expressed a desire to hold the developer accountable. Ferguson asked for clarification on the possibility of taking legal action against the developer. Hornik clarified that litigation may take a substantial amount of time. Schneidewind and Bargmann said the Corbinton Commons residents would be willing to wait.

The board decided to continue strategizing options for improving the alleys to meet town standards. The mayor asked staff to prepare additional information on outstanding punch list items, budget capacity, maintenance and legal strategies.

E. Hot topics for work session March 25, 2024

Town Manager Eric Peterson noted the following topics:

- U.S. 70 project updates.
- Updated cemetery regulations.
- Remote participation policy for Board of Commissioners meetings.
- Update on legislative priorities.

8. Updates

A. Board members

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

B. Town manager

No additional updates were provided.

- C. Staff (written reports in agenda packet)
Strandwitz shared that the town's reservoir had reached desired water levels.

9. Adjournment

Bell adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners

DRAFT

FY 2023-2024

**TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT**

DATES: 03/11/2024 TO 03/11/2024

| | <u>REFERENCE</u> | <u>CHANGE NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL BUDGET</u> | <u>BUDGET CHANGE</u> | <u>AMENDED BUDGET</u> |
|-----------------------|--|----------------------|-------------|-------------|------------------------|----------------------|-----------------------|
| GF Contingency | 10-00-9990-5300-000 CONTINGENCY To cover property clean up | 41684 | 03/11/2024 | EBRADFORI | 450,000.00 | -2,450.00 | 10,578.00 |
| Planning | 10-10-4900-5300-501 C.S./NUISANCE ABATEMENT To cover property clean up | 41683 | 03/11/2024 | EBRADFORI | 0.00 | 2,450.00 | 2,450.00 |
| Public Space | 10-10-6300-5300-113 LICENSE FEES Use sustainability funds for energy mgmt | 41685 | 03/11/2024 | EBRADFORI | 0.00 | 20,000.00 | 20,000.00 |
| Police | 10-20-5100-5300-161 MAINTENANCE - VEHICLES To cover cost of trailer graphics. | 41712 | 03/11/2024 | JFernandez | 1,000.00 | 3,800.00 | 45,772.00 |
| Police | 10-20-5100-5700-740 CAPITAL - VEHICLES To cover cost of trailer graphics. | 41711 | 03/11/2024 | JFernandez | 190,000.00 | -3,800.00 | 260,228.00 |
| GF Transfers | 10-71-3870-3870-150 TRANSFER FROM GENERAL CRF Use sustainability funds for energy mgmt | 41686 | 03/11/2024 | EBRADFORI | 150,000.00 | 20,000.00 | 170,000.00 |
| Billing & Collections | 30-80-7240-5300-411 C.S./SOUTH DATA To cover temporary personnel costs. | 41679 | 03/11/2024 | JFernandez | 43,100.00 | -7,089.89 | 36,010.11 |
| Billing & Collections | 30-80-7240-5300-503 C.S./TEMPORARY PERSONNEL To cover temporary personnel costs. | 41680 | 03/11/2024 | JFernandez | 0.00 | 7,089.89 | 22,089.89 |
| WFER | 30-80-8130-5300-152 AQUATIC WEED CONTROL To cover beaver control costs. | 41701 | 03/11/2024 | JFernandez | 8,600.00 | -3,000.00 | 5,600.00 |
| WFER | 30-80-8130-5300-154 MAINTENANCE - GROUNDS To cover beaver control costs. | 41702 | 03/11/2024 | JFernandez | 15,000.00 | 3,000.00 | 26,686.22 |
| WFER | 30-80-8130-5300-158 MAINTENANCE - EQUIPMENT To cover WFER transducer adjustment. | 41694 | 03/11/2024 | JFernandez | 500.00 | 1,200.00 | 1,700.00 |
| WFER | 30-80-8130-5300-570 MISCELLANOUS To cover WFER transducer adjustment. | 41693 | 03/11/2024 | JFernandez | 2,600.00 | -1,200.00 | 1,400.00 |
| Water Dist. | 30-80-8140-5300-330 SUPPLIES - DEPARTMENTAL To cover rainsuits for distribution & colle | 41697 | 03/11/2024 | JFernandez | 131,440.00 | -665.00 | 130,079.64 |
| | To cover rainsuits for distribution & colle | 41703 | 03/11/2024 | JFernandez | 131,440.00 | -500.00 | 129,579.64 |
| Water Dist. | 30-80-8140-5300-350 UNIFORMS To cover rainsuits for distribution & colle | 41698 | 03/11/2024 | JFernandez | 5,800.00 | 665.00 | 6,465.00 |
| | To cover rainsuits for distribution & colle | 41704 | 03/11/2024 | JFernandez | 5,800.00 | 500.00 | 6,965.00 |
| WW Collect. | 30-80-8200-5300-330 SUPPLIES - DEPARTMENTAL To cover rainsuits for distribution & colle | 41699 | 03/11/2024 | JFernandez | 80,500.00 | -655.00 | 80,650.06 |
| WW Collect. | 30-80-8200-5300-350 UNIFORMS To cover rainsuits for distribution & colle | 41700 | 03/11/2024 | JFernandez | 6,300.00 | 655.00 | 6,955.00 |
| WWTP | 30-80-8220-5300-165 MAINTENANCE - INFRASTRUCTURE To cover lab services. | 41707 | 03/11/2024 | JFernandez | 9,200.00 | -3,800.00 | 16,840.00 |
| WWTP | 30-80-8220-5300-340 OUTSIDE LAB SERVICES To cover lab services. | 41708 | 03/11/2024 | JFernandez | 26,540.00 | 3,800.00 | 30,340.00 |
| Special Revenue | 72-00-5100-3301-055 RESTRICTED REVENUE - STRAW FOR DOGS Adjust to actuals. | 41681 | 03/11/2024 | JFernandez | 775.00 | 20.00 | 795.00 |
| | To match actual donations. | 41695 | 03/11/2024 | JFernandez | 775.00 | 300.00 | 1,095.00 |
| | Allocate & consolidate with Emergency A | 41709 | 03/11/2024 | JFernandez | 775.00 | 100.00 | 1,195.00 |
| Special Revenue | 72-20-5100-5300-365 STRAW FOR DOGS | | | | | | |

FY 2023-2024

TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT
 DATES: 03/11/2024 TO 03/11/2024

| | <u>REFERENCE</u> | <u>CHANGE NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL BUDGET</u> | <u>BUDGET CHANGE</u> | <u>AMENDED BUDGET</u> |
|-----|---|----------------------|-------------|-------------|------------------------|----------------------|-----------------------|
| | To balance actual revenues received. | 41682 | 03/11/2024 | JFernandez | 775.00 | 20.00 | 795.00 |
| | To match actual donations. | 41696 | 03/11/2024 | JFernandez | 775.00 | 300.00 | 1,095.00 |
| | Allocate & consolidate with Emergency A | 41710 | 03/11/2024 | JFernandez | 775.00 | 100.00 | 1,195.00 |
| TDA | 73-00-3900-3900-000 FUND BALANCE APPROPRIATED | | | | | | |
| | Flushfest 2024 | 41687 | 03/11/2024 | EBRADFORI | 0.00 | 10,000.00 | 25,500.00 |
| | River Park Concert Sponsorship | 41689 | 03/11/2024 | EBRADFORI | 0.00 | 5,000.00 | 30,500.00 |
| TDA | 73-51-6250-5300-731 SPECIAL PROJ/PARTNERSHIPS | | | | | | |
| | Flushfest 2024 | 41688 | 03/11/2024 | EBRADFORI | 42,000.00 | 10,000.00 | 64,000.00 |
| | River Park Concert Sponsorship | 41690 | 03/11/2024 | EBRADFORI | 42,000.00 | 5,000.00 | 69,000.00 |
| | | | | | | <u>70,840.00</u> | |

APPROVED: 5/0

DATE: 3/11/24

VERIFIED: _____ *Sam E Kimrey*

DRAFT

FY 2023-2024

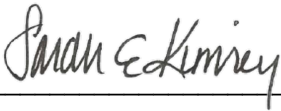
TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT
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| <u>REFERENCE</u> | <u>CHANGE NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL BUDGET</u> | <u>BUDGET CHANGE</u> | <u>AMENDED BUDGET</u> |
|---|----------------------|-------------|-------------|------------------------|----------------------|-----------------------|
| 73-00-3900-3900-000 FUND BALANCE APPROPRIATED | | | | | | |
| Flushfest 2024 | 41687 | 03/11/2024 | EBRADFORI | 0.00 | 10,000.00 | 25,500.00 |
| River Park Concert Sponsorship | 41689 | 03/11/2024 | EBRADFORI | 0.00 | 5,000.00 | 30,500.00 |
| 73-51-6250-5300-731 SPECIAL PROJ/PARTNERSHIPS | | | | | | |
| Flushfest 2024 | 41688 | 03/11/2024 | EBRADFORI | 42,000.00 | 10,000.00 | 64,000.00 |
| River Park Concert Sponsorship | 41690 | 03/11/2024 | EBRADFORI | 42,000.00 | 5,000.00 | 69,000.00 |
| | | | | | <u>30,000.00</u> | |

APPROVED: 5/0

DATE: 3/11/24

VERIFIED: _____



DRAFT

**HILLSBOROUGH BOARD OF COMMISSIONERS
Consistency Statement per Section 160D-604(d)**

**Text Amendment Request from: Oliver Kaija (Bohler Engineering)
March 11, 2024**

The Town of Hillsborough Board of Commissioners has received and reviewed the application from Oliver Kaija with Bohler Engineering to amend the Town of Hillsborough Unified Development Ordinance as follows:

Amend UDO §6.21.3 (Design Standards – Public Streets) to allow requests for reductions in rights-of-way for commercial/industrial local and collector streets when on-street parking is omitted; such a request shall be considered and granted only when the proposed right-of-way reduction a) is no more than the width of the omitted on-street parking, and b) does not impact any other design elements required in the town’s Street Manual (e.g., travel lanes, sidewalks).

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

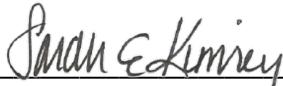
1. The amendment **is** with the *Transportation and Connectivity* chapter goal to “Develop and maintain a safe, efficient, and sustainable multimodal transportation system (including bicycle, pedestrian, and transit options) that offers alternatives to single-occupancy vehicle trips and promotes health and access to area jobs, destinations, and services.”

Strategy: Adopt regulations that contribute to meeting identified transportation and connectivity needs in town.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 11th day of March in the year 2024.

Ayes: 4
Noes: 1
Absent or excused: 0





Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Hillsborough Unified Development Ordinance

Section 6.21.3 *Design Standards – Public Streets*

The Hillsborough Board of Commissioners ordains:

- Section 1.** The amendment to Section 6.21.3 *Design Standards – Public Streets* as attached hereto.
- Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 11th day of March in the year 2024.

Ayes: 4
Noes: 1
Absent or excused: 0



A handwritten signature in black ink that reads "Sarah E. Kimrey".

Sarah E. Kimrey, Town Clerk

6.21 STREETS

6.21.3 DESIGN STANDARDS – PUBLIC STREETS

6.21.3.3 Minimum right-of-way widths for public streets are as follows:

| Minimum Right-of-Way (ROW) Widths by Public Street Type | | |
|---|---|---|
| Public Street Type | Minimum ROW Width (ft.) | ROW Reduction Allowed |
| Arterial Street | 100' (standard) or 150' (multi-lane boulevard) | No |
| Collector Street | 70' (standard) or 120' (multi-lane boulevard) | New commercial/industrial streets only |
| Local Street | 60' | New commercial/industrial streets only |
| Cul-de-sac | 50' | No |

6.21.3.4 In some cases, minimum right-of-way widths for new commercial/industrial streets may be reduced. Proposed cross-sections and dimensional standards must be submitted to the town for review and approval. A right-of-way reduction shall be granted only under the following conditions:

- 6.21.3.4.a The proposed street is either a commercial/industrial local street or a commercial/industrial collector street as defined in the town's Street Manual;
- 6.21.3.4.b On-street parking is omitted from the proposed street design;
- 6.21.3.4.c The right-of-way is reduced by no more than the width of the omitted on-street parking; and
- 6.21.3.4.d The right-of-way reduction does not impact any other design elements required in the Street Manual, including but not limited to minimum width requirements for travel lanes, planting strips, and/or sidewalks.