

MINUTES
HILLSBOROUGH TOWN BOARD
December 11, 2006
7:30 PM, Town Barn

PRESENT: Mayor Tom Stevens, Commissioners Mike Gering, L. Eric Hallman, Frances Dancy, Evelyn Lloyd, and Brian Lowen.

STAFF PRESENT: Town Manager Eric Peterson, Town Clerk/Personnel Officer Donna Armbrister, Planning Director Margaret Hauth, Town Engineer/Utilities Director Kenny Keel, Police Chief Clarence Birkhead, Code Enforcement Officer Thomas Cummings, Assistant Town Manager/Public Works Director Demetric Potts, Finance Director Greg Siler, and Town Attorney Bob Hornik.

7:33:35 PM Mayor Tom Stevens called the meeting to order at 7:33 p.m.

1. PUBLIC CHARGE

7:33:51 PM Mayor Stevens did not read the public charge, but indicated it would be followed.

2. AUDIENCE COMMENTS REGARDING MATTERS NOT ON THE PRINTED AGENDA

7:34:01 PM There were no audience comments.

3. AGENDA CHANGES & AGENDA APPROVAL

7:34:18 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Hallman, the Board moved to approve the agenda by a vote of 5-0. The motion was declared passed.

4. REPORTS/PRESENTATIONS

A. Holiday Greetings from Eno River Association's President Holly Reid and Executive Director Robin Jacobs

7:34:45 PM Holly Reid offered holiday greetings to the Board, and noted that they were celebrating their 40th anniversary this year. She also stated that they were the oldest land trust in North Carolina. She thanked the Board for their work to protect the natural, cultural, and historical resources of the Eno River Basin. Ms. Reid presented the Board with calendars that depicted the protected places along the Eno River.

7:36:24 PM Mayor Stevens thanked Ms. Reid for the work of the Eno River Association.

A. Introduction of Sabrina Covington-Farrar, Town's Orange County Human Rights and Relations Representative

7:37:15 PM Sabrina Covington-Farrar remarked that the Human Rights and Relations Commission continued to offer advisory assistance to the Board of County Commissioners regarding bias and discriminatory and social justice issues in Orange County. She said in her role as the Town's representative she planned to bring them quarterly reports regarding their work.

7:38:22 PM Commissioner Lloyd commended Ms. Reid for her service.

7:39:40 PM Mayor Stevens not every County had this particular function. Ms. Covington-Farrar said that was correct. Mayor Stevens Orange County was one of the few.

Public Comment:

7:39:55 PM Mayor Stevens said as a point of order, a member of the public had entered late but wanted to make a comment. He asked if the Board was willing to allow that. There was no objection from the Board.

7:40:25 PM Miriam McDevitt, a resident of the trailer park behind the Daniel Boone complex, said she was concerned about what would happen to the residents when the property was redeveloped.

7:40:48 PM David Pollard, also a resident there, said he was also concerned about what would happen to the people who lived there. He said his concern had grown into a development issue. Mr. Pollard said he believed that with our limited water resources, that development should be slowed until we dealt with the growth.

7:41:42 PM Mayor Stevens said a neighborhood meeting was planned for early January, and encouraged all residents to attend.

5. APPOINTMENTS

A. Appointment to fill vacancy on the Planning Board

7:42:13 PM Planning Director Margaret Hauth explained that Kathleen Faherty would be arriving shorting. Mayor Stevens tabled this item until later in the evening

B. Reappoint Al Hartkopf to full term on the Board of Adjustment

7:42:48 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Lowen, the Board moved to reappoint Al Hartkopf to a full term on the Board of Adjustment by a vote of 5-0. The motion was declared passed.

6. COMMITTEE REPORTS

7:43:31 PM Commissioner Lloyd noted she had attend the recent Water and Sewer Advisory Committee meeting, but had nothing to report.

7:44:03 PM Commissioner Lowen noted that the Hwy 70/Cornelius Street Open House was scheduled for this Thursday in the Town Barn at 7 PM. He said the results of the work of the Task Force would be presented.

7:44:38 PM Commissioner Dancy said she had toured the new Franklin Hotel on West Franklin Street in Chapel Hill. She said it was an example of what we should consider when hotels were proposed in Hillsborough.

7:45:24 PM Mayor Stevens said he had received a letter from the Executive Director of the United Way congratulating the Town on its campaign. He said that Police Chief Birkhead had headed up that campaign, with Town employees contributing \$8,211.

7. REPORT FROM THE TOWN MANAGER

7:46:24 PM Town Manager Eric Peterson noted that the International Institute of Municipal Clerks had certified Town Clerk Donna Armbrister at its highest level of certification, that of Master Municipal Clerk. He congratulated Ms. Armbrister on her achievement, noting it had taken a lot of hard work and dedication over a number of years.

7:47:17 PM Mr. Peterson updated the Board on its paving program. He said they had completed all projects scheduled plus a couple of extra requested by the Town Board. Because of the excessive repairs required on a few streets, they had gone slightly over the budgeted amount of \$120,000. Mr. Peterson said he would soon bring forward a small budget amendment to cover the additional expense.

8. REPORT FROM THE TOWN ENGINEER

7:48:25 PM Town Engineer/Utilities Director Kenny Keel stated that they had received a small fine of \$300 for violating the cyanide weekly limit in August, and the fine had been paid. He said the Waste Water Treatment Plant/Durham study was proceeding, but may be delayed due to the wait on information from the Division of Water Quality. Mr. Keel said they were scheduled to complete the draft report by the end of 2006, but some delay may occur if the information from the Division of Water Quality was not received on time.

Mr. Keel said the Town had three reportable sewage spills since October, during a 3-inch rain event. He said the spills were relatively small, for a total of 1,100 gallons total.

7:52:39 PM Commissioner Gering asked if a crew had spent the night at the Lakeshore site pumping. Mr. Keel said that was correct, noting they had lost 500 gallons out of the Lakeshore pump station and it had taken a lot of work to keep it at that level.

Mr. Keel noted that the West Fork reservoir was full, as well as Lake Orange. He said regarding their TTHM compliance, their fourth quarter test results were the lowest they had had since the first quarter of 2005. Mr. Keel said their overall annual average was the lowest they had had in over three years, so they were making good progress. He noted the average of now 0.64, with the limit being 0.80.

7:54:24 PM Commissioner Hallman asked if reducing the TTHM involved reducing the amount of water we hold in storage for treatment. Mr. Keel said it was the amount of water held in storage after treatment before going into the system. Commissioner Gering asked what would happen when we start to utilize more of our capacity with increased development. Mr. Keel said they intended to add an additional chemical feed point in the plant that would enable them to put the new storage tank back on line without impacting the TTHM.

7:54:12 PM Commissioner Hallman said he understood that the TTHM counts were seasonal, and asked if they should expect them to creep back up. Mr. Keel said typically the highest levels were recorded in the third and fourth quarter, but our levels had improved significantly.

Mr. Keel said they had repainted the Hassel Street tank, noting the lighter color would help to keep the tank cool. He said there had recently been comments on the Town's grease ordinance and how it was enforced. Mr. Keel said the vast majority of existing restaurants were now in compliance, and they were working with those that were not. He said all new restaurants would have to comply before receiving permits to open for business.

7:57:55 PM Mr. Keel said they had a major outage two weeks ago with the south tank. He said when they had a major tank like that off line, the only way to supply pressure to that area of the system was through constant pumping. Mr. Keel said they had a two-inch meter and a four-inch water line coming off of it that blew out, noting they believed the pumping they were doing had over-pressurized the system in that area. He said they had been able to valve it off and stop the water from leaving the system, but it had been difficult to recover with just the pumps.

Mr. Keel said they were still having trouble keeping the water pressurized in the system, and had switched off some of the south zone to take some of the load off that area. He said areas in the south zone recovered at that point and had sufficient pressure. Mr. Keel said some smaller issues remained but were all manageable.

8:00:56 PM Mr. Keel said another leak was detected on Sunday behind Wal-Mart and was valved off. He said when there was no pressure in the system there was more chance of contaminants entering, so a boil water notice had been issued. Mr. Keel said a test had been run and it had indicated that no contaminants had entered the system, so the boil water notice had been lifted.

Mr. Keel said because of feedback received during this time, he and his staff were discussing ways to improve their response to such incidents as well as communication with the public. He said he would be developing a written policy on how to respond to this sort of incident. Mr. Keel said they were considering using a "reserve 911" alarm to notify residents.

8:03:37 PM Commissioner Gering asked about the timing of the pressure loss event and when notices went out, and what the delay was. Mr. Keel said the loss of pressure happened during the middle of the night, and he was notified at about 8:00 AM. He said he immediately began writing a press release, and it was around 9:30 to 10:00 AM when the first notices went out. Commissioner Gering said that sounded reasonable.

8:04:38 PM Commissioner Hallman asked if one of the possibilities would be alarms with cell phone notifications, similar to what they had on the pump stations to alert them of pressure loss. Mr. Keel said he was certain there were pressure indicators that could be placed at particular locations, but these types of circumstances did not happen frequently.

8:05:50 PM Mayor Stevens commented that with all good intentions the Town had been responsive, and believed the incident was well-managed. He said one of the things we needed to be careful of was that it was easy to underestimate how much contact was necessary with the public. Mayor Stevens said even though we had made a good effort, we needed to do more, such as getting more signs out and developing a comprehensive plan to cover all types of possible emergencies. He said we were making progress, and looked forward to see the plan to be developed.

8:07:31 PM Mr. Peterson said the staff had compiled lots of feedback and this had been an excellent learning opportunity. He said doing a good job isn't good enough, and they would work to fill in any gaps in their response to such incidents. Mr. Peterson said they would soon come back to the Board with an implementation plan for its review.

5a. Interview of Kathleen Faherty, Applicant for a seat on the Planning Board

8:09:21 PM Ms. Faherty said she was aware of the great deal of work and responsibility involved in serving on the Planning Board.

8:10:26 PM Mayor Stevens asked what she knew about quasi-judicial processes. Ms. Faherty responded that she had been involved with the Margaret Lane Cemetery Committee, and was aware of how disappointing it was when members did not attend and a quorum was not achieved. She said she was willing to do the homework and reading necessary to learn what was needed, and was fully prepared to do that.

8:11:25 PM Mayor Stevens remarked that the Planning Board had a huge responsibility, and had to carry out its work in a way that was friendly and responsive to citizens. He said the Town Board wanted to work with all of the advisory boards so that they were all working in sync, and asked for her help in achieving that. Ms. Faherty said she loved Hillsborough and wanted to contribute, and would do her best.

8:12:37 PM Upon a motion by Commissioner Gering, seconded by Commissioner Lloyd, the Board moved to appoint Kathleen Faherty to a full term on the Planning Board by a vote of 5-0. The motion was declared passed.

9. REPORT FROM THE PLANNING DIRECTOR

8:13:01 PM Ms. Hauth made the Board aware that the grading taking place at Waterstone for the road had strayed out of the right-of-way and into the tree protection areas, and had resulted in trees being removed that Durham Tech had fully intended to keep. She said she had written a letter that offered suggestions on how they could correct the violation to the Durham Tech property and some suggestions of changes on how they move forward and how the Town moved forward to prevent that from happening again. Ms. Hauth said she expected to get that resolved without any difficulty.

Ms. Hauth said regarding Riverwalk, their acquisition agent was making positive progress, and believed that the one property owner in question would not want to come to a resolution until a specific deadline was handed down. She said setting a deadline may be necessary.

Regarding Gold Park, Ms. Hauth said some layout changes to improve flow and keep structures out of the new floodplain had been incorporated into the design drawings. She said the changes would allow parents better supervision over their children and help to keep everyone safe within the park.

8:15:52 PM Commissioner Hallman asked had DOT signed off on the entranceway. Ms. Hauth said no, that they had not yet made the formal submittal. Commissioner Hallman asked if she anticipated problems. Ms. Hauth said in the final analysis, that entrance was the only possible access.

8:16:03 PM Ms. Hauth said in January she would bring forward a discussion item to the Board for a possible grant application to the State Historic Preservation Office for preservation projects. She said the Historic District Commission was considering projects that might be included in such a grant. Ms. Hauth reminded the Board that such projects required a 40% local match of the project total from the Town.

Ms. Hauth said she had compiled the comments from the Town Board's workshop to American Asset Corporation and she would send those out this week. She said she was also working up some population and job projections for the transportation model that was used by the region and would bring those numbers to the Board at its January meeting. Ms. Hauth said the new projections would be based on our actual water constraints.

8:18:12 PM Commissioner Gering said the Demolition by Neglect ordinance appeared to be delayed again. Ms. Hauth said it was ready to go to public hearing in January.

8:18:46 PM Mayor Stevens remarked that as we were doing enforcement of the trees that had been taken down in the Waterstone area, he understood that there were also some historic areas in the landscape and on the path, and he wanted to make sure that that was protected. He said we could plant a tree, but if we bulldozed a site we could not get that back. Mayor Stevens emphasized that we needed to make sure that there were no more errors. Ms. Hauth said she would be communicating with Durham tech about doing a better job on its own site to make sure that the path was marked clearly.

8:19:41 PM Commissioner Hallman asked about the status of hiring a new planner. Ms. Hauth said recruiting had not gone well, so she had researched an improved job description that more closely matched what they were seeking. She said she hoped to move forward from there.

8:20:31 PM Commissioner Hallman said he would like an update on the organizational efforts for the Planning Department. Ms. Hauth said no specific action had been taken over the last few months. Commissioner Hallman said he would like an update soon. Ms. Hauth agreed to bring forward an update in January.

10. ITEMS FOR DECISION – CONSENT AGENDA

- A. Consider approval of the Minutes of the September 25, 2006 Joint Training Session of the Board of Commissioners, Planning Board, and Historic District Commission; and the October 24, 2006 Joint Public Hearing with the Planning Board
- B. Consider approval of various Budget Amendments
- C. Confirm Appointment of Commissioner Frances Dancy as the TJCOG Board Delegate; and Mayor Tom Stevens as the TJCOG Alternate Delegate
- D. Consider approval of endorsement of the implementation of the Public, Education, Government (PEG) Capital Fee
- E. Consider authorization of letter supporting countywide addressing Ordinance and County EMS authority on name duplications
- F. Consider approval of Amendment to Chapter 14 of the Town Code to establish limits of responsibility for fire protection water services and backflow preventer location
- G. Consider approval of Amendment to Chapter 14 of the Town Code to establish penalty for new meter installation return trips due to insufficient construction by contractor
- H. Consider approval of Amendment to Interlocal Agreement for Operating and Sharing Costs for the Fairview Community Policing Station

8:21:32 PM Upon a motion by Commissioner Lowen, seconded by Commissioner Dancy, the Board moved to approve the Consent Agenda by a vote of 5-0. The motion was declared passed.

11. ITEMS FOR DECISION – REGULAR AGENDA

A. Discussion of calendar options for changing public hearing dates and Approval of Town Board 2007 Meeting Schedule Option 1 or Option 2

8:21:58 PM Mayor Stevens said the specific difference between the two options was the public hearing schedules for July and August. He said some interest had been expressed to change the August meeting to July.

8:22:51 PM Commissioner Gering said he did not have a preference, but suggested taking a straw poll.

8:22:52 PM Commissioner Hallman said he had no preference, as well.

8:22:58 PM Commissioner Lloyd commented that she had to visit her doctor yearly, and that her schedule called for that to happen in August. She said for that reason she would prefer to stay with having August off, since her appointments were hard to schedule.

8:23:50 PM Commissioner Dancy said she preferred having August off, as well.

8:24:03 PM Commissioner Lowen said he had originally suggested moving it to July because of public school schedules.

8:24:11 PM Commissioner Hallman said another option might be to have the last two weeks of July and the first two weeks of August off, which would not interfere with school schedules.

8:24:57 PM Commissioner Lowen said his family normally goes away the last two weeks of July, but he could return for a meeting if necessary.

8:24:59 PM Ms. Hauth said if the Board chose to go to July as the month off, then staff would need direction about what to do with the February public hearing. She remarked that the January joint public hearing would remain on the fourth Tuesday, which would be January 23, but in April they would move to the third Thursday.

8:25:32 PM Upon a motion by Commissioner Gering, seconded by Commissioner Dancy, the board moved to approve Option 2 by a vote of 5-0. The motion was declared passed.

B. Discuss possible dates and format for the State of the Town Address

8:27:12 PM Mayor Stevens stated that the Board had discussed its desire to sponsor a State of the Town Address to be delivered by the Mayor, along with possible participation from the Commission.. He said the next step would be to choose a date and a location. Mayor Stevens suggested January 29th at 7:00 PM at the Courthouse.

8:28:42 PM Commissioner Lowen said if the Courthouse was not available, then one of the schools would be appropriate. A brief discussion took place among the Board members regarding possible locations. Mayor Stevens asked if there was an alternative date, and January 30th was suggested.

8:30:43 PM Mayor Stevens suggested aiming for January 29th, and polling the Board via email to confirm their availability. He said the Board needed further discussion regarding format and content.

8:30:53 PM Commissioner Dancy suggested the content include what was currently happening in Hillsborough, along with a presentation on how the Town was planning for those events. She said since major focus was on planning, an overview of what was happening and any underlying issues would be key.

8:31:58 PM Mayor Stevens said he wanted the Board members to have an opportunity to make a presentation if they chose to.

8:32:42 PM Commissioner Dancy said the Board would provide support, but she believed the Mayor should make the presentation. She said people would know who the Mayor was, but not necessarily who the Board members were.

8:32:55 PM Commissioner Lowen said he believed the Mayor should give the initial address, and then provide attendees the opportunity to ask questions to which any of the Board members could respond. He said it would be similar to a Town Hall meeting, where people were given the opportunity to dialogue back and forth.

8:33:39 PM Commissioner Hallman said he wanted to see some structure, so that the meeting was not dominated by one person.

8:33:53 PM Commissioner Lowen suggested setting a time limit as to how long one person could speak, and perhaps controlling the types of questions beforehand.

8:34:27 PM Mayor Stevens said perhaps we should provide “open house” type materials, such as the Strategic Growth Plan, that could be available just prior to the start of the meeting.

8:34:48 PM Commissioner Gering said the Churton Street plan could be provided, as well as the Cornelius Street plan. He said he like the idea of soliciting questions and concerns beforehand.

8:36:34 PM Commissioner Lloyd suggested setting an alternate date in case of inclement weather. She also suggested that if a school was used, that it be a school close to the interior of the Town for the same reason. Commissioner Lloyd also suggested infrastructure as a topic.

8:36:55 PM Mayor Stevens said we should cover where we were now, but implicit in that was where we were going. He also noted that the Board’s retreat was on January 27th, two days before.

8:37:44 PM Commissioner Dancy reiterated that a time limit should be set, such as 7 to 9 PM.

8:38:32 PM Commissioner Lowen asked from a staff standpoint, were the topics suggested doable as far as putting materials together. Ms. Hauth responded yes.

8:38:55 PM Commissioner Dancy said she would prefer pictures, not maps.

8:39:30 PM Mayor Stevens said he would have the Mayor pro tem assist him in drafting a tentative agenda.

C. Receive update on Riverbend 2 Sewer Easement

8:40:18 PM Mr. Keel provided a brief update on the Riverbend 2 sewer easement. He stated that the developer had taken the preliminary design to property owners from whom they were seeking easements. He said they now had a route that everyone seemed to agree on as being the

least destructive. Mr. Keel the entities who would donate the easements had an interest in trying to that done by the end of this month for tax purposes, and that would require getting some additional drawings. He said on aspect that affected the Town was that the route chosen was not the shortest route to existing sewer, but it had some good long-term benefits should the area be annexed in the future. Mr. Keel said by taking this route and planning on long-term service to adjacent areas, the sewer lines had to be installed deeper than if it were only serving the 12 lots of Riverbend 2. He said because of that, he expected the developer to request that the Town contribute some of the funds towards the construction for that project. Mr. Keel said there would be approximately 400 feet of sewer approximately 20 feet deep, whereas it normally would have been only 8 to 10 feet deep. He said that was a reasonable cost for the Town to consider paying. Mr. Keel said he did not have a good estimate of how much that contribution might be, but he believed it would be in the \$8,000 - \$20,000 range.

8:44:54 PM Mayor Stevens said that this was ultimately a short-term expense that in the long run would save the Town significant pieces of money and effort, particularly in terms of future annexation. He said this was a strategic move. Mr. Keel agreed.

8:45:54 PM Commissioner Hallman said he had some discomfort with the developer's engineer coming up with the numbers regarding how much the Town would pay. Mr. Keel said they would review the numbers to make sure they were reasonable. He said the developer's engineer was getting the estimate from the contractor, but he had enough contact with other contractors to get second opinions on those numbers.

D. Receive Request to share costs on sidewalk installation at Hillsborough Business Center related to the Nash Street Sidewalk Plan

8:46:55 PM Ms. Hauth said she had expected Alex Gold to be present tonight to discuss this, but he had not attended. She said Mr. Gold was the owner of the Hillsborough Business Center, and there was a site plan before the Board of Adjustment for construction of a small addition that would trigger a sidewalk requirement under the ordinance. Ms. Hauth said Mr. Gold wanted to approach the Town regarding options for cost-sharing the required sidewalk. She said she did not know if the Board wanted to discuss this issue without Mr. Gold's presence.

8:48:21 PM Commissioner Lowen said Mr. Gold had initiated the discussion, so it would be difficult to talk about options without Mr. Gold being present. He suggested that this issue be tabled until Mr. Gold could attend.

8:48:53 PM Mayor Stevens confirmed that delaying discussion would not affect the timing of the sidewalk project. Ms. Hauth said that Mr. Potts may have some concerns.

8:49:09 PM Assistant Town Manager/Public Works Director Demetric Potts said he had a minimal concern, in that Mike Neal and Associates had already begun the design of the sidewalk and would be moving forward with the engineering portion. He said if Mr. Gold had an interest in that he needed to come before the Board. Mr. Potts said as now designed, the estimated cost of the sidewalk would be \$60,000.

8:50:07 PM Commissioner Lloyd agreed that they needed to have Mr. Gold present.

8:50:08 PM Commissioner Hallman said he had a safety concern about having the sidewalk and crosswalk on the east side of Alison Street, as had Mr. Gold.

8:51:05 PM Mayor Stevens said Mr. Gold was suggesting that because of safety concerns on the east side of Alison Street, he was willing to participate in the construction on the west side. He said that a portion of the sidewalk on Dimmocks Mill Road could possibly be substituted for the Town's planned improvement, as suggested by Mr. Gold. Mayor Stevens said Mr. Gold was interested in proceeding with such a conversation. He said he was comfortable of continuing the conversation.

8:51:39 PM Ms. Hauth said there was a real reason why the Nash Street sidewalk plan called for the sidewalk to be on the west side of Alison Street, to align it with the sidewalk on the bridge. She said that was where we could make the connection to Riverwalk. Ms. Hauth suggested that staff meet with the Mr. Gold and formulate a more specific proposal.

8:52:27 PM Mr. Peterson said conceptually, if they were able to come to agreement on the sidewalk project and Mr. Gold could make a contribution, that payment could go into the Capital Reserve Fund to be used towards debt service which would be substantial on the sidewalk project.

8:52:47 PM Mayor Stevens said it really could be a win-win in that it would reduce the Town's cost.

8:52:58 PM Commissioner Hallman asked about the three-way stop on Alison and Dimmocks Mill Road, and if the crosswalk would be located there. Ms. Hauth said Dimmocks Mill was a State road, and we would have to get permission from NCDOT for the stop signs.

E. Consider endorsing the Fairview Campus Master Plan

8:53:25 PM Mr. Potts distributed an updated site plan. He explained that Orange County was requesting that the Board formally approve and endorse the Fairview Public Campus Master Plan with the agreed upon solution to the Public Works land swap as conveyed in the November 6 letter from Mr. Peterson to Interim County Manager Rod Visser.

Mr. Potts said staff was recommending that the Board endorse and approve the Plan, and we would then move forward with the land swap. He said that the Orange County Commissioners would be considering approval of the Plan with the text amendments tomorrow evening. He said the text amendment language was included in the materials.

8:55:31 PM Mr. Peterson remarked said there was one caveat from the Manager's standpoint. He said even though they were recommending approval, he would like to note that the Plan called for tennis courts to be placed on the campus, and he did not believe that was reasonable based on the expense and the uses of the property. Mr. Peterson said other possible uses that were ranked higher, such as basketball courts, a baseball field, a walking track and a playground.

8:56:38 PM Commissioner Hallman said that was true, especially there were Orange County courts located less than a mile away from this campus, at the high school. Mr. Peterson added that was \$180,000 that could be spent elsewhere.

8:56:52 PM Commissioner Lowen said there were members for the Committee who agreed that tennis courts were probably not the best expenditure.

8:57:21 PM Mayor Stevens said the Board could adopt the plan, with a request to the County that they review the possible use of tennis courts before they look at construction plans with the possibility of omitting the courts.

8:58:19 PM Town Attorney Bob Hornik suggested that should be part of whatever motion the Board adopted tonight, and said it made no difference if that was communicated from the Mayor or the Manager.

8:58:53 PM Mr. Potts commented that the long-term maintenance of the park had not yet been finalized. He said there was an interest on behalf of Orange County that there be some type of partnerships between the Town and the County for that maintenance.

8:59:31 PM Upon a motion by Commissioner Hallman, seconded by Commissioner Gering, the Board moved to endorse the Fairview Public Campus Master Plan by a vote of 5-0, with a proviso that the Mayor communicate the Board's concern about the commitment to tennis courts as a priority, when there might be better uses. The motion was declared passed.

F. Consideration of adoption of the Strategic Growth Plan

9:00:29 PM Ms. Hauth said the Planning Board had not yet completed their review of the Plan and had not prepared a recommendation for the Board's consideration, but they did have reservations about the document, particularly some of the maps and lines on the maps. She said the Planning Board was not willing to commit to those lines.

Ms. Hauth said the Orange County Commissioners were set to consider the Plan tomorrow night. She said tonight was an opportunity for the Town Board to discuss the draft Plan and provide staff with additional comments, questions, or suggestions, as well as to consider the contract amendment to proceed with the next phase which was amendment of the Land Use Plan.

9:02:36 PM Commissioner Hallman asked about Orange County's consideration and whether or not they had received a recommendation from their Planning Board. Ms. Hauth said the County Planning Board had agreed to accept the Plan in concept, but with a reservation about the maps and some of the lines. She said the Plan was scheduled for potential adoption by the County Commissioners tomorrow night.

Ms. Hauth said the Town's Planning Board was supportive of the Plan, but wanted to a chance to consider it in more detail with the consultant. Commissioner Hallman agreed that was important.

Ms. Hauth said the most interesting comment on the Plan that would need action by the Board was the discussion about some of the areas on Old 86 that would be surrounding by the Town's jurisdiction, and whether they should fall in the ETJ or whether they should be joint or whether they should be designated as Orange County on the map. She said those areas would end up being surrounding by the Town's jurisdiction but were shown for joint development. Ms. Hauth said that was tied into the Transfer of Development rights program.

9:06:19 PM Commissioner Lloyd said she had received a call from a citizen who asked if the Town would be extending the water lines on North Hills Road, and if the Town would be entering the rural buffer with water. She said she had explained that the Town would not be going that way with water and no further south. Commissioner Lloyd said the citizen lived in the Campus Chestnut Ridge area, and had said the sewer was horrible and asked why the Town didn't extend water lines in that area. She said she had explained that they would not be extending water lines into the County

Commissioner Lloyd said this was an example of how people did not understand the plans, and how much confusion still remained.

9:08:30 PM Brian Dobyms, a member of the Orange County Planning Board, said his comments tonight were his personal views and that those of the County Planning Board. He said he had gone over the document carefully this past week and found what he believed to be serious inconsistencies. Mr. Dobyms said there were two different boundaries being presented in the Plan, with multiple terms for the same boundaries being presented in the Plan, and the timing of some of the information came up very late in the process. For instance, he said, the term "rural buffers" was not used anywhere in the Plan on any map that was prepared before November 9, 2006. Mr. Dobyms said the maps prepared after that date showed a different buffer. He said he believed that had resulted in some of the confusion.

9:10:11 PM Mr. Dobyms said on page 12 of the Plan, there appeared to be a consistent boundary with the map displayed this evening, with the original water/sewer area planned by Hillsborough along with the Strategic Growth Plan. He said all of the maps up until November 8 referred to that boundary, but maps on page 16, 17, and 18 refer to a new boundary that was larger and included his property on **Mount Willing Road as well as land west of Mount Willing Road(?)**. He said obviously this Plan, which did not hit the Eno River, could not possible include land south of Efland. Mr. Dobyms said that was inconsistent, and did not fairly or sufficiently inform the public prior to the public hearings that occurred.

Mr. Dobyms said there were more inconsistencies after that. He said on the Plan, showing the central Orange County rural buffer on November 14, that five days after that the Plan showed a different central Orange County rural buffer of a different size. Yet at the public hearing, he said the planning area depicted on the map was the November 14 version.

Mr. Dobyms said the Interlocal Agreements Map contained an agenda compliment map on page 35, made on November 8. He said it showed the same area, as an Orange County courtesy review area, but on November 14, it became the central Orange County rural buffer. Mr. Dobyms said that was a change in terminology that he found alarming.

Mr. Dobyms said to give citizens a period of 11 to 18 days after changing the boundaries of what appeared to be the Town's Plan, was a great concern. He said he would be taking his concerns to the Orange County Planning Staff as well as the Orange County Board of Commissioners. Mr. Dobyms said when it came time to consider the Plan, please consider what had been seen, when it was created, and who was able to see it.

9:15:22 PM Allen Rosen, an Orange County resident, said he was a Board member with The Village Project, a non-profit affordable housing enterprise and for the last 18 months they had been following Orange County's planning process with what had been termed a land use element update. He said as part of that, they had concerns about exactly what the size of the rural buffer was that was being considered. Mr. Rosen said he would be attending the Commissioner's meeting tomorrow and would be asking that within the context of the Hillsborough/Orange County joint planning area, to keep the joint planning areas as narrowly constrained to the Hillsborough water and sewer area as possible. He provided the Board with a copy of the comments planned to be made to the County Commissioners.

9:18:24 PM Robert Nichols said in 1968 five farmers donated 205 acres of land to the County for the purpose of creating Lake Orange. He said he had heard a lot about water tonight, and noted that there was plenty of water in northern Orange County. Mr. Nichols said the problem was we had a water storage shortage, and we should not be a scapegoat with the rural buffer. He said we provided the land for water to run off of into Lake Orange, and this rural buffer had no water or sewer running across it. Mr. Nichols said when we furnished water for the entire County and then get cut off, then we would have to have wells and septic tanks which required 3 acres as required by the County.

Mr. Nichols soon than later, there were many people in northern Orange County that would need water and sewer, and if it was cut off it would be many years before it could be provided. He wanted the Board not to be a scapegoat for the County Commissioners.

9:22:24 PM Ben Lloyd said he had attended the Public hearing on November 24 and came away thoroughly confused. He said the buffer area that the Town was being asked to adopt included thousands of acres of land outside of Hillsborough's Town limits and its ETJ. Mr. Lloyd said there was no public water or public sewage, there was a required 3-acre lot size proposed for the buffer area, and extended about four and one-half miles on the west end within a quarter mile of the Gravely Hills School.

Mr. Lloyd said this buffer area was being proposed and no one he knew of in the entire buffer area was aware of this proposal. He said there was a public hearing advertised, but most people never saw the notice. Mr. Lloyd said Orange County was committed to providing in the next 3 to 5 years 5,000 commercial jobs and adding \$125 million in the commercial tax base. He said the County was taking a large chunk of what was available for that out of the picture by having a buffer such as this. Mr. Lloyd said in addition, the County was playing havoc with affordable housing because many young people and others could not afford to purchase three acres.

Mr. Lloyd said this Plan was scheduled for adoption in two weeks, but it needed much more study and public comment. He said this Plan was not in the best interest of many people in Orange County.

9:26:31 PM Commissioner Lloyd commented that there was a sewer line near Richmond Hills that was being used under its capacity. Mr. Lloyd said that was correct, that it would carry 380,000 gallons per day and was only carrying 100,000 gallons per day. Commissioner Lloyd said perhaps it would be to our advantage to talk to the County about that, since that sewage was coming to Hillsborough. Commissioner Lloyd said it was near McGowan Creek, and that was why it was important that the line was there. He said it was possible for Mr. Lloyd to tap on to that Line.

9:29:01 PM Mayor Stevens said he did not believe the Town was ready to approve the Plan at this time.

9:29:36 PM Commissioner Hallman said the Plan indicated there was much to work out in terms of boundaries, but it was the concept that we wanted people to embrace.

9:29:51 PM Commissioner Gering commented it was not a land use plan. Ms. Hauth agreed, noting the Land Use map was only an example and not the final product.

9:30:03 PM Commissioner Hallman said our concern was the boundaries and what was inside those boundaries. He said where the meeting had ended with the County was we had talked about the boundary issues, and the County recognized they did not need to be present when we talked about internal issues just as we have no say about what the County did. Commissioner Hallman said now that we had a boundary we could discuss, we needed to move forward and look at land use issues within the Town. He said that would require a lot of citizen input. Commissioner Hallman said it was important not to give the impression we could provide water and sewer to certain areas when that was not possible.

9:32:15 PM Ms. Hauth said regarding the extension of the contract, we had realized that there were some serious internal issues that needed to be addressed. She said they were proposing a contract amendment to take a hard look at those issues, and asked for some flexibility of the scope of the proposal to prepare a land use map, and who would be involved in that. Ms. Hauth said that would be brought back to the Board, to decide who would sit on the team to work out the recommendations. She said the recommendation called for that team to be the Planning Board, but was not sure that was what the Board wanted to work on that. Ms. Hauth asked for some flexibility to provide a broader based team.

Ms. Hauth said the cost estimate was very close to what funds were available, and the remainder could be made up from the existing Planning budget. Or, the Board may choose to reduce the work to trim the cost, she said.

9:34:06 PM Commissioner Hallman said he would like to set aside some budget line for education of the public.

9:34:50 PM Upon a motion by Commissioner Gering, seconded by Commissioner Hallman, the Board moved to contract with Clarion Associates to prepare a Land Use Map for Hillsborough's jurisdictions by a vote of 5-0. The motion was declared passed.

9:35:00 PM Commissioner Gering said he believed this was critical to complete the goals that the Town Board had established 5 years ago with the Strategic Growth Plan. He said this would add "more meat to the bones" and the cost was reasonable. Commissioner Gering said we should not hesitate to move forward with this.

Commissioner Gering said Ms. Hauth's concerns regarding the composition of the team were valid and should be considered. He said he believed it was appropriate to approve the contract as proposed.

9:35:55 PM Upon a Motion by Commissioner Gering, seconded by Commissioner Lowen, the Board moved to approve the contract with Clarion Associates not to exceed \$13,000, with remaining funds coming from existing Planning line items by a vote of 5-0. The motion was declared passed.

9:36:24 PM Ms. Hauth said for clarify, this would not appear again on the Board's schedule until February.

G. Presentation Regarding Nuisance and Crime Abatement Efforts in Hillsborough

9:37:19 PM Mr. Peterson explained that the Nuisance and Crime Abatement Team (NCAT) was an effort used by staff to improve interdepartmental communication when dealing with nuisances and crime. He said key personnel from Planning, Code Enforcement, Police, and Public Works were on the team, and they were becoming more aware of what everyone else was dealing with. Mr. Peterson said this team could not solve all problems, but they were making an effort to make small victories as they moved from lot to lot.

Mr. Peterson commented that Chief Birkhead and Town Attorney Bob Hornik would share some information and give the Board an opportunity to ask questions. He said he believed many people would say one of the most important issues in the Town was nuisances and crime, and hoped that this discussion would lead to more time spent on those issues.

9:40:24 PM Police Chief Clarence Birkhead provided an overview of NCAT and the major projects they were currently addressing, which were quality of life issues. He said they had spent a lot of time researching what were the major problem issues and the major crime and nuisance areas. Chief Birkhead said they had identified the top 10 worst properties regarding code enforcement.

Chief Birkhead said as a team they had worked on communication, both internal and external, and how to solicit comments from the community as to what they believed the major issues were. He said they were trying to engage the community, not only through their Community Watch program but also one-on-one, and trying to come up with creative ways to do that. Chief Birkhead said they had modeled this program after the Northside Initiative in Chapel Hill, which

had provided them with a firm model of how to collection and process information and use it to their advantage.

9:43:05 PM Commissioner Gering said he recalled some budget items discussed 2 or 3 years ago involving some software for the Police Department to use to gather these kinds of statistics. Chief Birkhead said much of this information had come from the new software. He said they had converted to a records management system, and with that software they were able to pull out some unique data as it related to call volumes, calls for service both criminal and non-criminal, and track where the problem areas were. Chief Birkhead said that software enabled them to create maps and charts which were very useful. He distributed a handout that was an example of what the software was able to do and provided an explanation of the data.

9:47:41 PM Mayor Stevens said he found the information to be informative, and provided a picture of the reality of responses by Police to certain areas of Town.

9:48:35 PM Mr. Hornik said regarding how Alcohol Law Enforcement (ALE) defined nuisance and nuisance abatement, he had made copies of the pertinent statutes for the Board's benefit, to show how the State legislature had looked at the term nuisance in this context. He said in worst case scenarios, one question was how to go about evicting people from buildings, or get owners to forfeit property. Mr. Hornik said this Board had discussed in the past how difficult a task that was.

Mr. Hornik explained the handout of pertinent statutes. He said in order for a property to be considered a nuisance property, there had to be repeated acts at the specific property that led to more than one conviction. Mr. Hornik said he had researched case law, and in the last ten years there were maybe three reported cases where this type of statute was used for the forfeiture of property. He said it was a purposely difficult process because of the multitude of constitutional issues. Mr. Hornik said it was a difficult standard to meet, with no good precedent that could be used as a model.

9:55:28 PM Commissioner Gering said he found it incomprehensible that we could go after people who let their grass grow too tall, but could not go after them for selling drugs on their property. Mr. Hornik said the difference was when the grass grew too tall we would not take the property, but would hand out a fine.

9:55:45 PM Mr. Hornik said he had spoken to the Chapel Hill Town Attorney, and he had indicated they had never had the opportunity to apply this statute to a property. He said Chapel Hill had adopted a landlord licensing program but had since abandoned it, and Carrboro had considered a similar program. Mr. Hornik said his research indicated that Greensboro had a similar program, and had nine full-time staff to administer it. He said Monroe County had three people working to administer their program. Mr. Hornik said all of those municipalities had problems trying to keep such a program afloat. He said we had not talked about such a program for Hillsborough, but he did not believe it was worthy of real consideration.

Mr. Hornik said we had talked about enacted a local nuisance ordinance that stopped short of taking property when there were repeated offenses, one that would impose some sort of fine. He

said he had searched for similar ordinances to use as a model, and had found none in North Carolina. Mr. Hornik said he believed there were none because most municipalities believed that the State had taken control of such legislation. He said he had contacted attorneys at the School of Government to get their opinion of whether or not the Town should enact such ordinances, and hoped to hear from them within the next few days. Mr. Hornik said no matter what was done, he believed we would need to consider that if we go the civil penalty route, then who would we pursue, the occupant of a resident or the owner or both, or did it depend on the circumstance. He said then we would have to decide if we used convictions, arrests, or reports.

Mr. Hornik said this was different that the false alarm ordinance, because we knew where a false alarm originated from. But with reports of nuisances, he said, it could come from next door or far removed from the property in question.

10:03:52 PM Mr. Hornik said he had developed a model crime-free lease addendum for drug-free and crime-free housing, which this Board had previously discussed. He said the NCAT had discussed it being a voluntary program to start with. Mr. Hornik said we could encourage our landlords, particularly those with multiple properties, to use this crime-free lease addendum. He said in many jurisdictions it was very similar to what we were doing with our NCAT, where such a team would create a program that involved landlords and owners and managers of property, perhaps EDC members, to participate by included an addendum such as this one as part of leases. Mr. Hornik said the addendum clarified that if there was any drug or crime activity associated with a particular tenancy, then that activity was grounds for automatic termination of the lease. He said that provided a good tool for landlords to reduce crime and drug activity in their units.

10:06:50 PM Commissioner Lowen said he was on the Board for Lake Forest, and they had instituted such a rule and when people moved in they were notified up front of this stipulation. He said the rule had made a big difference in the quality of life there.

10:06:53 PM Commissioner Hallman said such a rule was a selling point for people wanting to move in, because they knew it would be a safer place to live.

10:06:58 PM Mr. Hornik suggested that if this because part of our community policing program, we could go to our landlords and inform them about the addendum and explain that it would help them and help the Town.

10:07:31 PM Chief Birkhead said they had recently done just that with Gateway, noting they had a similar clause in their lease. He said the good thing was that Gateway's attorney had signed off on it, adding that Gateway was about 90% Section 8 and they had to follow HUD guidelines. Chief Birkhead said HUD guidelines included similar language, but Gateway had taken it one step further in that if there was suspicion of such activity, then eviction could occur. He said currently there were three residents in the civil process for eviction from Gateway, and two had already been evicted in the last two months.

10:08:22 PM Commissioner Gering asked if that was a relatively new addition to the Gateway leases. Chief Birkhead said it had not been used the way we were currently using it, but believed

it had been in the leases in the past. He said management in the past had been hesitant to enforce it.

10:08:37 PM Commissioner Lowen said the management at Gateway had recently changed again. Chief Birkhead said he believed they had changed management about five times over the last few years, which was part of the problem.

10:09:08 PM Commissioner Gering said that gave him some optimism that the numbers of calls would improve. Chief Birkhead said yes, noting there were other options to address drugs, noise, traffic, and other issues. He remarked they were dealing with a lot of street-level activity, which was not associated with a particular residence, and they were being addressed on an individual basis. Chief Birkhead said they were achieving success on a number of fronts, noting that noise complaints had decreased, blocked traffic complaints had decreased, and we had locked up a fair number of our known drug dealers in the past 12 months.

10:10:32 PM Commissioner Gering said regarding the legislative tools at our disposal, was that something that the League of Municipalities had on their radar. Mr. Hornik said the League literature that he received did not have a lot of discussion about this. Commissioner Gering said he was still perplexed why we were being prohibited at the State level from having some legislation to deal with these issues. Mr. Hornik said he believed that when the State adopted the Nuisance Abatement Program they thought they were doing the municipalities a favor by bringing the program together. He said it was one of those things that to use those statutes effectively, the situation had to be so bad that it only captured only a small percentage of the problem. Mr. Hornik said he hoped to find out from the School of government whether there was something available that we could be using.

10:13:18 PM Commissioner Lowen said if there were no other tools, then perhaps we should bring this to the attention of the League of Municipalities and ask for their help, or perhaps take it straight to the State legislature. Mr. Hornik said we could ask the State to amend the State law, or we could request a local bill option that was tailored for Hillsborough. He said that May was the deadline to submit local legislation requests, so we would have to begin thinking about that now.

10:14:50 PM Commissioner Dancy said here and in other communities there was a drain on mental health programs, so perhaps this could dovetail on to that since it affected Police officers. She said whatever we asked the State legislature to do should include a dovetail to strengthen mental health issues, because it drained the Police and Sheriff's Departments. Commissioner Dancy said before this Board met again she would research what the State was doing about that.

10:16:28 PM Commissioner Hallman asked if we could use suspicion or repeated calls to gain access to look for minimum housing code violations and put pressure on landlords. Mr. Hornik remarked that if we had a police call at a property and the Police noticed [potential housing code violations, then we could strictly enforce that.

10:17:13 PM Mr. Peterson said when Police officers were out in the field, one of the things communicated to them were the "hot spots" in Town. He said the officers were told that the

Town had received complaints about certain issues and to pay attention when responding to certain areas in Town. Mr. Peterson said that would allow the Code Enforcement Officer or others to then follow up on potential violations. He said the NCAT had been creative and had continued to contact certain landlords to alert them to problems, and many times the landlords would evict people or not renew their leases.

10:19:48 PM Mr. Hornik said he knew from attending several NCAT meetings that it was obvious that Chief Birkhead and Code Enforcement Officer Thomas Cummings were communicating things that each other's department had heard about, and then at the next meeting one or the other would have been able to address the situation and report progress. He said it was clear to him as an outsider that much of what the Police find out was shared with Mr. Cummings and vice versa.

10:20:51 PM Chief Birkhead said that a few months ago Commissioner Gering had asked about other projects occurring in other jurisdictions. He said projects like Project Safe Neighborhoods was a national initiative, aimed at reducing gun violence and drug trafficking. Chief Birkhead said that was a program that came from the national initiative that Durham started, and page 2 of his handout the results of that program were noted. He said we were fortunate that we did not have the level of crime that nearby jurisdictions had, and even compared to communities of similar size the Hillsborough, our crime rate was low. However, Chief Birkhead said, we could take this type of program and have a positive impact on the community. He said on page 3 was a description of Project Strike, a spin-off program to deal with street-level drug trafficking. Chief Birkhead said these were examples of programs that we could modify for our own use.

Chief Birkhead said he had been asked how they work with the District Attorney's office and how we could better prosecute certain crimes. He said they had conversations ongoing with the DA and judges on these issues, and frequently brainstormed on how to better address street-level crime and quality of life issues, and how we could possibly take it to the next level and involve the US DA's office through some sort of task force. Chief Birkhead said no one here was manufacturing drugs, so they were coming from somewhere and we needed to figure out how to cut that supply. He said that was what a task force would work on.

10:25:01 PM Commissioner Hallman said cost-effectively if we could give people another option, we should look at that. Chief Birkhead said they had taken a micro approach to that, noting this past summer they had identified six at-risk youth and began teaching them how to be a brick mason. He said one officer conducts outreach with young women, teaching them skills to prepare them for the job market.

10:26:03 PM Commissioner Lowen asked what we could do as an elected body to assist the Police Department, such as discouraging loitering. He said when responding to such calls, did the Police deal only with the loiterers or did they contact the property owners as well. Chief Birkhead said it was necessary to get the merchant or property owner involved. He said in some cases loitering was encouraged because it produced revenue. Chief Birkhead said from the Board's perspective, they could certainly talk with merchants and encourage them to discourage loiterers.

10:28:06 PM Commissioner Lowen asked if Mr. Hornik would be reporting back to the Board. Mr. Hornik responded that he would come back at the next meeting with the information gained from the School of government.

10:28:21 PM Mr. Peterson said once the Board had an opportunity to look through the Crime-Free Lead Addendum, perhaps it could be placed on the Board's agenda for action, and then place it on the Town's website and encourage citizens to use it to contact property owners.

H. Discuss preparations for the FY08-10 Budgetary Goal Setting Retreat on January 27, 2007

10:29:00 PM Mr. Peterson said he had talked with the Mayor and facilitator Donna Warner regarding the possibility of using a Strategy Map and Balance Scorecard approach as a way to more clearly articulate the Town Board's vision for Hillsborough and improving direction given to the staff. He said a draft agenda might be ready by this Friday, and it would be forwarded to the Town Board as soon as it was available.

Mr. Peterson referred the Board to the attachment to the agenda materials regarding the City of Charlotte's Strategy Map, and provided a brief explanation. He said he constantly struggled with how to maintain our focus after a planning retreat, and believed that the Balanced Scorecard was the way to do that.

10:32:28 PM Commissioner Dancy said she believed the Balanced Scorecard was a great idea, particularly when reading page 35 and thinking about our Strategic Growth Plan. Mr. Peterson said the Board had already done some work towards this by taking some sophisticated planning steps. He said he believed the Board was ready to implement this process.

10:33:27 PM Mayor Stevens said last year he believed the Board had last year really established its values, and if we could translate them into this format it would give us a tool to build that into our communications.

10:34:02 PM Mr. Peterson commented that if hypothetically we could produce our own Strategy Map, then after the retreat that would change how we do the budget and the budget process, noting it would allow departments to more clearly see specific objectives of the Board. He said it would also challenge staff to really respond to how to achieve those objectives. Mr. Peterson said it was certainly an experiment worth doing.

10:35:09 PM Mayor Stevens encouraged the Board to retain the information provided for future use.

I. Discuss Possible "Hot Topics" for the January Workshop

10:35:33 PM Commissioner Lowen said the agenda materials listed the proposed workshop agenda items, and unless someone had something they wanted to add, he believed it was acceptable.

10:35:50 PM Commissioner Hallman said he wanted his concern about west Hillsborough and the fact that it was becoming an attractive area should stay on the Board's radar. He said possibly during the ordinance rewrite we should prevent speculators from coming in and buying multiple lots for the purpose of tearing down structures and building mansions. Commissioner Hallman said that was probably not appropriate for the workshop, and he wanted it to stay in the Board's minds so that they could take steps to preserve that neighborhood from that type of speculation.

12. CLOSED SESSION

10:37:16 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Lloyd, the Board moved to enter into Closed Session for the purpose of discussing Code Enforcement matters by a vote of 5-0. The motion was declared passed.

Five Minute Recess

Reconvened

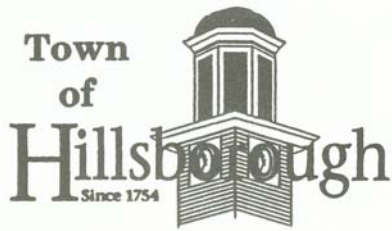
A. Closed Session as authorized by North Carolina General Statute Section 143-318.11 (a)(3) to Discuss Code Enforcement Matters

11:14:30 PM Upon returning from Closed Session, and upon a motion by Commissioner Gering, seconded by Commissioner Lowen, the Board moved to authorize the Town to construct 10 additional parking spaces for Heritage Townhomes by a vote of 5-0. The motion was declared passed.

13. ADJOURN

11:15:00 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Lowen, the board moved to adjourn by a vote of 5-0. The motion was declared passed.

Respectfully submitted,
Donna F. Armbrister, MMC
Town Clerk



BUDGET AMENDMENTS
December, 2006

<u>GENERAL FUND</u>	<u>BEFORE</u>	<u>ADJ.</u>	<u>AFTER</u>
1. Expenditure			
10-5600-743 Street-Capital/Sidewalk Const.-Nash St.	\$ -	\$ 58,500	\$ 58,500
10-9990-000 Contingency	<u>\$ 61,560</u>	<u>\$ (58,500)</u>	<u>\$ 3,060</u>
	<u>\$ 61,560</u>	<u>\$ -</u>	<u>\$ 61,560</u>

To establish and fund the professional services needed to design and survey the Nash Street sidewalk project.
 Approved by the Town Board at the October 9,2006, meeting.

2. Expenditure			
10-5350-451 Fire Protection-Cont. Serv./Building Maint.	\$ 5,000	\$ 3,060	\$ 8,060
10-9990-000 Contingency	<u>\$ 3,060</u>	<u>\$ (3,060)</u>	<u>\$ -</u>
	<u>\$ 8,060</u>	<u>\$ -</u>	<u>\$ 8,060</u>

Revenue			
10-3990-000 Fund Balance Appropriated	<u>\$ 736,282</u>	<u>\$ 2,940</u>	<u>\$ 739,222</u>

Expenditure			
10-5350-451 Fire Protection-Cont. Serv./Building Maint.	<u>\$ 8,060</u>	<u>\$ 2,940</u>	<u>\$ 11,000</u>

To fund the Fire Station alarm system replacement in order to comply with the National Fire Protection Association

3. Expenditure			
10-6400-573 Cemetery-Plot Sale Reimbursement	\$ -	\$ 1,000	\$ 1,000
10-6400-451 Cemetery-Cont.Serv./Grounds Maint.	<u>\$ 35,000</u>	<u>\$ (1,000)</u>	<u>\$ 34,000</u>
	<u>\$ 35,000</u>	<u>\$ -</u>	<u>\$ 35,000</u>

To fund the purchase of two grave sites from Betty Sharpe

4. Expenditure			
10-5600-732 Street-Cap. Improv./Tryon & Churton	\$ 50,000	\$ 7,130	\$ 57,130
10-5700-730 Powell Bill-Capital Improv./Sidewalk Repair	\$ 40,000	\$ (7,130)	\$ 32,870
	<u>\$ 90,000</u>	<u>\$ -</u>	<u>\$ 90,000</u>

To fund the additional cost to correct the erosion and drainage problem at the intersection of Tryon and Churton
 Approved by the Town Board at the October 9, 2006, meeting.

5. Revenue			
10-3350-100 Misc.- Confiscation %age	\$ -	\$ 3,747	\$ 3,747
Expenditure			
10-5100-571 Police Admin/Misc.Drug Money %	\$ 1,665	\$ 3,747	\$ 5,412

To fund receipt of Substance Abuse Taxes and Restitution payment

6. Expenditure			
10-4200-468 Admin.-Cont.Serv./ASCAP & BMI Lic. Fee	\$ -	\$ 1,200	\$ 1,200
10-4200-464 Admin.-Cont.Serv./125 Compliance	\$ 1,200	\$ (1,200)	\$ -
	<u>\$ 1,200</u>	<u>\$ -</u>	<u>\$ 1,200</u>

To correct budget to intended expenditure line

7. Expenditure			
10-4900-310 Planning-Gasoline	\$ -	\$ 200	\$ 200
10-4900-100 Planning-Conventions/Conferences	\$ 1,000	\$ (200)	\$ 800
	<u>\$ 1,000</u>	<u>\$ -</u>	<u>\$ 1,000</u>

To fund fuel expense for Code Enforcement Officer's vehicle

8. Expenditure			
10-4900-742 Planning-Riverwalk Land Acquisition	\$ 31,232	\$ (31,232)	\$ -
10-6200-742 Parks & Rec.-Riverwalk Land Acquisition	\$ 25,000	\$ 31,232	\$ 56,232
	<u>\$ 56,232</u>	<u>\$ -</u>	<u>\$ 56,232</u>

To transfer expenditure line to new department

9. Revenue			
10-3870-250 Lease Proceeds-Dump Truck	\$ -	\$ 70,172	\$ 70,172
10-3990-000 Fund Balance Appropriation	\$ 739,222	\$ (70,172)	\$ 669,050
	<u>\$ 739,222</u>	<u>\$ -</u>	<u>\$ 739,222</u>

To fund dump truck loan proceeds

10. Expenditure			
10-5600-572 Street-Misc/Tax & Tags	\$ -	\$ 1,006	\$ 1,006
10-5600-459 Street-Sidewalk Extension Study	\$ 10,000	\$ (1,006)	\$ 8,994
	<u>\$ 10,000</u>	<u>\$ -</u>	<u>\$ 10,000</u>

To fund taxes and tag for dump truck purchase

WATER FUND

11. Revenue			
30-3750-200 Perpetual Maintenance Fee	\$ 12,000	\$ (12,000)	\$ -
30-3750-300 Perpetual Maint. Fee Interest	\$ -	\$ 12,000	\$ 12,000
	<u>\$ 12,000</u>	<u>\$ -</u>	<u>\$ 12,000</u>

To correct original budget to intended revenue line

CATES CREEK

12. Revenue			
61-3290-000 Interest Earned	\$ 40,051	\$ 662	\$ 40,713
Expenditure			
61-8280-570 Miscellaneous	\$ 165,051	\$ 662	\$ 165,713

To fund interest earned through October 31,2006

WATER PLANT PROJECT

13. Revenue			
63-3290-000 Interest Earned	\$ 19,936	\$ 4,780	\$ 24,716
Expenditure			
63-8120-570 Miscellaneous/Contingency	\$ 323,118	\$ 4,780	\$ 327,898

To fund interest earned through October 31,2006

SEWER OUTFALL PROJECT

14. Revenue			
64-3290-000 Interest Earned	\$ 1,009	\$ 1,377	\$ 2,386
Expenditure			
64-8120-570 Miscellaneous/Contingency	\$ 1,009	\$ 1,377	\$ 2,386

To fund interest earned through October 31,2006

**AN ORDINANCE AMENDING CHAPTER 14, APPENDIX A, DESCRIPTION OF
WATER AND SEWER SERVICE FEES**

**THE BOARD OF COMMISSIONERS OF THE TOWN OF HILLSBOROUGH
ORDAINS:**

Section 1. Chapter 14, Appendix A Description of Water and Sewer Service Fees is hereby amended as follows:

(1) Add the following to Section A-3 as item number 9:

“9. Meter Install Return Trip Fee of \$50 for each successive return trip by the Town’s meter reader to attempt to install the meter due to water service assemblies that are not properly constructed when the meter installation is ordered.”

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 the 11th day of DECEMBER, 2006.

Ayes: 6

Noes: 0

Absent or Excused 0


Donna F. Armbrister
Town Clerk

AN ORDINANCE AMENDING CHAPTER 14, SECTION 77, FIRE PROTECTION SERVICE LINES

**THE BOARD OF COMMISSIONERS OF THE TOWN OF HILLSBOROUGH
ORDAINS:**

Section 1. Chapter 14, Section 77, Fire Protection Service Lines is hereby amended as follows:

(1) Add the following sentence to the end of item d:

“The primary backflow prevention assembly shall be installed on the customer’s property, adjacent to the public right-of-way or utilities easement, unless otherwise approved by the Town Engineer due to specific site conditions.”

(2) Add the following item e:

“(e) The Town of Hillsborough shall own and maintain the fire service line installed within the public right-of-way or utilities easement, up to but not including the fittings necessary for the primary backflow prevention assembly. The customer shall own and maintain the fire service line installed on their property, including the backflow prevention assembly, its necessary fittings, and any under-slab piping at the assembly.

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 the 11th day of December, 2006.

Ayes: 5

Noes: 0

Absent or Excused 0


Donna F. Armbrister
Town Clerk