



MINUTES
Board of Commissioners Monthly Workshop
Monday, January 23, 2006 – 7:30 p.m.
Town Barn

The Town of Hillsborough held its Monthly Workshop on January 23, 2006 at 7:30 p.m. in the Hillsborough Town Barn. Present for the Workshop were Mayor Joe Phelps, and Commissioners Frances Dancy, Brian Lowen, Eric Hallman, and Michael Gering. Commissioner Evelyn Lloyd was absent. Staff present were Town Manager Eric Peterson, Assistant Town Manager/Public Works Director Demetric Potts, Town Clerk Donna Armbrister, Town Engineer Kenny Keel, Planning Director Margaret Hauth, Finance Director Greg Siler, and Town Attorney Bob Hornik.

1. Open the Workshop

[7:32:29 PM](#) Mayor Tom Stevens opened the Workshop and Acknowledged Commissioner Dancy's birthday.

[7:32:45 PM](#) Mayor Stevens reported that Commissioner Lloyd's father, Allen Lloyd, is in the hospital at Durham Regional.

2. Agenda Changes & Agenda Approval

[7:33:02 PM](#) Mayor Stevens added Tom Magnuson to speak to Item 6.

[7:33:38 PM](#) Upon a motion by Commissioner Gering, seconded by Commissioner Hallman, the Board moved to approve the agenda as presented with the aforementioned addition by a vote of 4-0. The motion was declared passed.

3. Committee Updates and Reports

[7:33:52 PM](#) Commissioner Lowen reported that the Fairview Park Committee had held its final meeting. The Park plan will be submitted for Board review at the joint meeting with Orange County.

[7:34:29 PM](#) Commissioner Dancy reported that she is on a Trade Zone Committee with TJCOG and recently attended her first meeting. She stated that she has gotten some very good ideas. She presented a Marketing Features Brochure that Holly Springs has developed.

[7:35:03 PM](#) Commissioner Hallman reported that he had attended the TAC meeting which was uneventful.

[7:35:13 PM](#) Commissioner Hallman reported that the Coalition to End Homelessness is having workshops around the County. We will host one here for the elected officials.

[7:35:29 PM](#) Commissioner Hallman reported that Habitat in cooperation with Empowerment and the Orange County Land Trust and Community Housing had a meeting at the County Food Science Lab and discussed opportunities for housing in the County and in particular in Fairview. There was a very good turnout and a lot of interest.

[7:35:55 PM](#) Commissioner Hallman reported that the Economic Develop Commission met and announced the State of Economy Breakfast which is scheduled for March 14th.

[7:36:09 PM](#) Commissioner Hallman reported that the Parks & Recreation Board met and the Hillsborough Heights Park is well on its way. The trees were delivered and planted.

4. Discussion of Recent Weaver Street Market Site Plan Decision by the Board of Adjustment

[7:36:36 PM](#) Mayor Stevens stated that he asked that this Item be placed on the Agenda. He stated that he believes that one of the overarching issues that we have in our community is growing and keeping the Town's character. One of the ways that we can do this best is by supporting locally owned businesses and particularly those that provide goods and services, and that provide jobs for our community, and that add to the character of the Town. It seemed like Weaver Street fit that description in the opinion of many people. The outcome of the Board of Adjustment meeting, which was driven by a small majority, raised a lot of attention. He stated that he had received over 100 e-mails from citizens regarding this. He stated he wanted to make it clear that it is not about popularity. Just because it is a popular thing does not mean that it is right. He stated that he didn't think it is about whether or not people want Weaver Street. It has raised an issue in a lot of peoples' minds about accountability. People are unhappy with their local government now and would like to see us move forward in terms of economic development to encourage a vibrant downtown.

[7:39:10 PM](#) Attorney Bob Hornik explained that one of the quirks of the Town's Zoning Ordinance is that the Board of Adjustment has the authority to review and approve/deny site plans. In many jurisdictions that authority goes either to staff or the Planning Board or Elected Officials. It is relatively unusual for the Board of Adjustment to have that authority, but it is not unheard of. This is the type of case where if the applicant wants to appeal the decision, within 30 days of when they were notified of the decision, they would file a petition with Superior Court. This procedure happens routinely with local government decisions. What ordinarily happens in that case is that the applicant or property owner would file a petition with the Court. The Court would issue a writ telling the Town to file with the court a certified record of the proceedings before the Board of Adjustment within approximately 30 days. Eventually the case would be sent down for a hearing by the Court. One of the decisions the Town will have to make, when the time comes, is whether or not to defend the case. Both the Board of Adjustment and the Town Board have some input into that decision.

Hornik stated that the matter could be brought up at the next Board of Adjustment meeting for reconsideration of the decision.

[7:57:28 PM](#) Commissioner Hallman disclosed that he and his wife hold a note on the Weaver Street project.

[7:58:06 PM](#) Town Attorney Hornik reported that unless there is a direct financial interest in the outcome of the vote, there is no conflict of interest.

[8:00:47 PM](#) Commissioner Dancy agreed that it would be a good idea to re-examine the process of the Board of Adjustment.

[8:01:17 PM](#) Upon a motion by Commissioner Gering, seconded by Commissioner Hallman, the Board moved to direct staff to prepare options and recommendations for changing the site plan approval process such that 1) a simple majority vote is required; and 2) that the Town Board may consider appeals by a vote of 4-0. The motion was declared passed.

[8:08:00 PM](#) Commissioner Hallman would like for the Planning Board to review the information on this Item at their next meeting and have their Board of Adjustment representative take their feelings back to the Board of Adjustment.

[8:11:21 PM](#) Commissioner Gering agreed.

5. Update & Consider Approval of PARTF Grant Application for the Riverwalk Project

[8:16:31 PM](#) Planning Director Margaret Hauth presented updates on cost estimates and the acquisition process. She reported that the design consultants have presented cost estimates for the whole of Riverwalk from the Churton Street Bridge west to the Allison Street Bridge. This has increased cost estimates to just over 1.6 million dollars. The whole Gold Park Plan which is the development of the multi-use field, parking, picnic structures, dog park, etc. is just over 1.0 million dollars for a total project cost of 2.7 million dollars. She explained that the Town can apply for as much as \$500,000 from the State each year for the PARTF Grant. If you take the Gold Park Plan and add the portion of Riverwalk that runs on the 1200 feet of river frontage which is Gold Park it brings the project to about 1.6 million dollars.

Planning Director Hauth reported that the PARTF Grant Application does require that a deed and survey for the property or a lease and survey for the property. This is a nonflexible requirement. The Acquisition Agent informs us that we will have none of these in place by the acquisition deadline. The Acquisition Agreement with the Agent was signed in March, the appraisals were completed in early August, and the RFP for the Design and Master Plan for Gold Park were released in August and due at the end of September. She recommended submitting the application for the construction of Gold Park including the portion of Riverwalk that runs through it. While this is not how the project was originally envisioned, it may be to the Town's advantage in the long run for a number of reasons. The two year schedule allows two opportunities at the PARTF Grant which may increase the grant funding to as much as 1 million

dollars for this project. Constructing a portion of the project does get an amenity on the ground and it also gives the possibility of building public support for the remainder of the project. Creation of Gold Park creates a destination along the Riverwalk route and helps with future grant requests. Our consultants say this still provides a very competitive and solid grant project. It provides good ADA access to the trail which would be somewhat questionable if the Gold Park portion was not built. It will construct approximately 25% of the total Riverwalk length. It helps the Town build knowledge in both park construction and park ownership.

[8:28:33 PM](#) Commissioner Hallman suggested that some type of maintenance costs be built in.

Hauth stated that the consultants have experience with that and would be happy to provide that information.

[8:30:57 PM](#) Town Manager Eric Peterson suggested doing Gold Park and part of the River Walk together to help coordination of the financing of the project.

[8:32:10 PM](#) Upon a motion by Commissioner Dancy, seconded by Commissioner Hallman, the Board moved to authorize the PARTF Grant Application for both Gold Park and Riverwalk by a vote of 4-0. The motion was declared passed.

[8:32:36 PM](#) Commissioner Gering suggested scheduling West Hill Avenue's request for connectivity to the park for an upcoming worksession and have Demetric present the sidewalk masterplan at that time.

6. Consider Parks & Recreation Board request to submit grant application to fund archeological investigation of Riverwalk route.

Planning Director Margaret Hauth reported that during the first Riverwalk public forum, members of the public suggested conducting an archeological assessment of the corridor to ensure that resources are not inadvertently damaged during construction. The Parks and Recreation Board endorsed this concept, solicited a proposal from a professional, and prepared a grant request to the State Historic Preservation Office to partial fund the study. The grant application must be endorsed by the Historic District Commission and the Town. The estimated cost of the study is between \$30,000 and \$32,000. The grant requires a 40% local match. Grant funds would not be available until July 1. The grant application deadline is January 31, 2006.

[8:36:38 PM](#) Tom Magnuson addressed the Board in support of an archeological investigation of the Riverwalk route.

[8:42:23 PM](#) Commissioner Hallman stated that this study will only enhance the Riverwalk.

[8:43:19 PM](#) Upon a motion by Commissioner Dancy, seconded by Commissioner Lowen, the Board moved to authorize staff to proceed with the grant application to fund archeological investigation of the Riverwalk route by a vote of 4-0. The motion was declared passed.

7. Discuss the Recent Clear-Cutting of the Oakdale Village Property and Lessons Learned to Mitigate Future Reoccurrences

[8:43:52 PM](#) Planning Director Hauth presented several options for the Board's consideration and suggested that the Town Board and Planning Board have discussions on exactly what their intent is.

8. Update on the Proposed Ashton Hall Development from Jack Smyre of The Design Response

[8:56:09 PM](#) Jack Smyre addressed the Board presented an update on the proposed Ashton Hall development. He stated that they have agreed to a road alignment on highway 70; Opened up a parallel connection to connect to a secondary access point; and agreed to install a 6' opaque fence along the southern edge of the property to buffer the existing neighbors. Smyre reported that they have met with the Town Manager and Engineer regarding water pressure issues of the site.

9. Update from the Town Engineer on the Water System's Pressure Zones (e.g., how the pressure zones work, where they are located, problem areas, current improvement efforts, etc.)

[9:14:37 PM](#) Commissioner Gering said that he requested this Item be on the agenda.

[9:15:43 PM](#) Town Engineer Kenny Keel reported on the existing pressure zones and their operation.

[9:32:02 PM](#) Commissioner Gering stated he would like to have a policy stating what the Town considers to be an adequate consistent water pressure for our customers.

10. Update on Administration of the Town's Water Assistance Program by Orange Congregations in Mission

[9:39:02 PM](#) Greg Siler presented a Memorandum of Understanding with Orange Congregations in Mission to partner in developing and administering a water assistance program to provide assistance to those in need, and to challenge others to contribute to the water assistance program.

[9:42:11 PM](#) Upon a motion by Commissioner Gering, seconded by Commissioner Lowen, the Board moved to approve the Memorandum of Understanding with Orange Congregations in Mission as presented by a vote of 4-0. The motion was declared passed.

11. Discussion of How to Recognize Long-term Advisory Board/Committee Members and other Volunteers

[9:43:16 PM](#) Commissioner Hallman requested this Item be placed on the agenda.

[9:44:27 PM](#) Commissioner Lowen stated that he feels it will set a precedent, and will it make some volunteers feel that they are not valued as much as others.

[9:47:10 PM](#) After some discussion and by consensus, it was agreed that the Town would recognize volunteers at the end of their term.

12. Other

[9:52:08 PM](#)

There was no other business discussed.

13. Adjourn

[9:52:29 PM](#) Upon a motion by Commissioner Dancy, seconded by Commissioner Lowen, the Board moved to adjourn at 9:53 PM by a vote of 4-0. The motion was declared passed.

Respectfully submitted,
Donna F. Armbrister, CMC
Town Clerk