



**MINUTES**  
**HILLSBOROUGH TOWN BOARD**  
**January 8, 2007**  
7:30 PM, Town Barn

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

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

7:31:25 PM Mayor Tom Stevens called the meeting to order.

**1. PUBLIC CHARGE**

7:31:34 PM Mayor Stevens read the Public Charge and indicated it would be followed.

**2. AUDIENCE COMMENTS REGARDING MATTERS NOT ON THE PRINTED AGENDA**

7:32:28 PM No audience comments.

**3. AGENDA CHANGES & AGENDA APPROVAL**

7:32:48 PM Mayor Stevens added a presentation by Veronica Wright from the Orange County Women's Agenda Assembly as Item 4.B.

7:33:37 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Lloyd, the Board moved to approve the proposed agenda with the addition of a new Item 4.B. by a vote of 5-0. The motion was declared passed.

**4. REPORTS/PRESENTATIONS**

**A. Lauren Proctor, Director of Rural Services, to give brief presentation on "A Helping Hand"**

7:34:00 PM Ms. Proctor provided a brief history of the organization and a description of their work, noting they had just opened a new office in Hillsborough. She said they assist the elderly and disabled populations, serving Durham, Wake, Chatham and Orange Counties with various services such as meal preparation, transportation, correspondence, and non-medical home care. Ms. Proctor said all of their volunteers were screened before being matched with a client.

Ms. Proctor said as a non-profit, they serve clients at all income levels, relying on grants, private donations, and volunteers. She said during 2001-2002 they had served 112 clients, but in 2005-2006 they had served 282, and they were still growing. Ms. Proctor said their budget was increasing around 20% each year due to the increased demand for the services. She said 64% of their clients were 76 years of age and older. Ms. Proctor also noted that 89 cents of every dollar went back into client services.

7:39:08 PM Commissioner Hallman commented that he had heard nothing but positive comments about this agency. He asked Ms. Proctor where the majority of their funding came from. Ms. Proctor responded from primarily private donations and grant money. She provided informational brochures to the Board.

### **B. Veronica Wright, Orange County Women's Agenda Assembly**

7:40:37 PM Milan Pham, Director of the Orange County Department of Human Rights and relations, introduced Veronica Wright.

7:41:16 PM Ms. Wright reported on the results of the Orange County Women's Agenda Assembly. She said on October 12 the group had met to discuss and prioritize six topics impacting women. Ms. Wright said the six topics were prioritized as follows:

- Economic self-sufficiency
- Access to health care
- Education
- Child care
- Violence against women
- Civic participation and equality

Ms. Wright stated that these priorities had been submitted to and accepted by the Orange County Commissioners, and had asked for recommendations to implement them at the local level. She said they would be returning with those recommendations, and asked that the Board consider this agenda as they formulated policy throughout the year. Ms. Wright noted that an event called Wealth, Color, and Class would be held on Sunday, February 4, from 2:30 to 5:00 P.M. at the Carrboro Century Center.

7:43:26 PM Ms. Pham provided some details of the Wealth, Color, and Class event, including expected speakers and topics.

## **5. COMMITTEE REPORTS**

7:45:31 PM Commissioner Hallman said tomorrow at 10:00 A.M. the DOT would have a Division 711 meeting with Doug Gallion. He said at that meeting he intended to follow the guidelines of the letter the Board had sent in response to the TIP.

7:46:37 PM Commissioner Hallman said after the last Board meeting, he had spoken at the Board of County Commissioner's meeting on behalf of the Strategic Growth Plan, adding that discussion had been postponed. He stated that the County Commissioners had received from its Planning Board an approval, in concept, of the plan.

7:47:18 PM Commissioner Hallman reminded the Board that the Fairview Park Memorandum of Understanding had been approved regarding the land swap. He said another comment was regarding the tennis courts, and that it had been sent back to the Parks and Recreation Board. Commissioner Hallman said the Parks and Recreation Board had discussed it and wanted to remind this Board that Fairview Park was a community park that served the central Orange area. He said that area had been identified by that Board and others that there was a real need for tennis courts, and they had asked that this Board retract their suggestion to the County Commissioners that the tennis courts be removed from Fairview Park.

7:48:34 PM Commissioner Hallman reported that Sig Hutchinson had spoken at the Parks and recreation Board meeting regarding greenways at the invitation of Mayor Stevens, which they appreciated. He said Mr. Hutchinson had given a very informative presentation, and had convinced him that if there was one thing that the Town could do to improve the quality of life and vitality of neighborhoods was more greenways and connectivity.

7:49:38 PM Commissioner Hallman said that Charlie Burger had been involved in almost every greenway or public parks project that had been considered by the Town in recent memory. He suggested sending a letter to the family to let them know that the Board would consider a naming opportunity for either a riverwalk or one of the planned parks to recognize the contributions of Mr. Burger.

7:50:44 PM Commissioner Hallman noted he would not be in Town on Thursday for the meeting of the Strategic Growth Plan Committee, and asked that an alternate from this Board be present. Mayor Stevens said he could possibly attend. Commissioner Gering said he could attend if the Mayor could not. Ms. Hauth commented that she would verify who the alternate was, and would notify the Board via email.

7:52:07 PM Commissioner Hallman stated he had attended the Economic Development Commission meeting, and they had reviewed its strategic planning process to look at how they really wanted to identify successes and go after those for next year. He said a report would be coming forward on that.

7:52:35 PM Mayor Stevens said members of this Board would be meeting with the residents of the trailer park on Hwy.70A and the Daniel Boone Village. He said it was a low key, organizing meeting. Mayor Stevens said they were seeking at least one other member from the County to join the group. He said they wanted to plan a communication strategy so that these residents had a voice as the Daniel Boone project went forward.

## **6. REPORT FROM THE TOWN MANAGER**

7:53:55 PM There was no Manager's Report.

## **7. REPORT FROM THE TOWN ENGINEER**

7:54:14 PM Mr. Keel said he had distributed a summary of the annual spills, noting there had been one additional sewage spill since the last report in December. He said that had occurred during a large rain event, and had brought the total up to 10 for the year. Mr. Keel said that was the second fewest they had experienced over the last 8 years and the least number of gallons spilled. Mr. Keel said much of that success could be attributed to the investment in equipment.

Mr. Keel said regarding the Habitat/Thalle Outfall, he was close to finalizing work to get the project advertised. He said the first advertisement should be in the newspaper next Sunday, as well as sent to local contractors to start the process to get bids on the project. Mr. Keel said he was anticipating February 8, 2007 as the bid date, just prior to the next Board meeting.

Mr. Keel said there were a few administrative/engineering projects they were working on. He said the Water Emergency Action Plan should be ready next month, they were working on rainwater harvesting regulations and specifications which should be ready by the spring, and evaluation of water pressure in the system and in other systems with an update ready in time for the Board's planning retreat.

Mr. Keel said regarding the Lakeshore Drive Sewer Outfall, he was still waiting on the EPA's categorical exclusion, which was the final environmental approval necessary. He said the State was ready to sign off on the project, but could not until the EPA signed off on it since these were federal funds.

7:58:05 PM Commissioner Gering said, regarding the Durham study, that he understood the completion date was uncertain, but asked if there was a relative timeframe that it could be expected. Mr. Keel said they were still waiting on the perspective limits from the State. He said the State had not yet given them any indication as to when those would be forwarded. Mr. Keel said once those were received from the State, he would expect a draft report to be ready within 30 days.

## **8. REPORT FORM THE PLANNING DIRECTOR**

7:59:08 PM Ms. Hauth said in addition to the report provided with the agenda materials, the Historic District Commission had considered the CLG grant potential, and had decided that it would be better to wait until next year to apply for these funds. She said the HDC wanted more time to submit a well thought out project, so they would not be asking the Board to endorse a project this year.

Ms. Hauth said the implementation of Department changes would be a part of the planning retreat packet. She said they had made good progress even though the third planner had not yet been hired.

Ms. Hauth said she had spoken today with Joe Dodd of American Asset Corporation, and had received just after 5:00 P.M. a fiscal impact statement, but had not yet had time to review it. She said she believed they would be coming back before the Board at its next meeting to ask for a hearing date to be set.

Ms. Hauth said she had been working with the Walkable Communities on the Fit Communities Grant, noting the deadline had been amended to late February. She said they would likely be seeking additional funding for the Nash Street sidewalk.

Ms. Hauth said the ad placed this weekend to solicit people to tow junk cars at no cost had generated more interest than expected. She said the reason tow companies were interested was because after 30 days they could apply for title to the car if no one came forward to claim it. Ms. Hauth said they were hopeful that this would assist in bringing a number of properties into compliance.

8:02:29 PM Commissioner Gering asked for an update on the trees that came down in Waterstone. Ms. Hauth responded that a meeting is scheduled for Thursday of this week to discuss a correction mechanism for that incident. She said they knew roughly the diameter of the trees that were removed and would request that similar diameter trees or similar species be replanted within the area. Ms. Hauth said her main interest was making sure such an incident did not reoccur. She said she did not anticipate any difficulties in resolving this.

8:03:46 PM Commissioner Gering asked if we were on track with Phase 1 of Riverwalk, and were we reaching the panic stage with Phase II. Ms. Hauth replied no, that we were on track. She said there had been some minor delays but nothing significant enough to impact the scope. Ms. Hauth said that she and the Mayor would be meeting with their property acquisition agent to find a way to bring some urgency on the property owner's side to come to the table.

## **9. ITEMS FOR DECISION – CONSENT AGENDA**

- A. Consider Town Board Meeting Minutes of the November 14, 2006 Regular Meeting and Closed Session; and the December 11, 2006 Regular Meeting and Closed Session
- B. Consider acceptance and start of warranty for water and sewer utilities for Thalle Construction Project and Sewer Outfall
- C. Endorsement of population and employment projections for inclusion in the DCHC (Durham, Chapel Hill, & Carrboro) MPO Regional Transportation Model
- D. Consider approving a motion that endorses a Model "Lease Addendum for Drug-Free and Crime-Free Housing" and encourages landlords in Hillsborough to use this or a similar document in their rental agreements

8:04:36 PM Upon a motion by Commissioner Lowen, seconded by Commissioner Gering, the Board moved to adopt the consent agenda by a vote of 5-0. The motion was declared passed.

## **10. ITEMS FOR DECISION – REGULAR AGENDA**

**A. Discuss and consider ordinance amending Chapter 6, Motor Vehicles and Traffic, Appendix A, Section 6A-14 of the Hillsborough Town Code (Creation of “no parking zones” along West Tryon Street due to recent curbing and bank stabilization project adjacent to the Orange County Museum and Hillsborough Presbyterian Church)**

8:05:11 PM Demetric Potts said the Public Works staff was recommending that “No Parking” zones be established on the north and south sides of West Tryon Street to be designated from North Churton Street to 250 west. He said the establishing a “No Parking” zone in this area would assist in addressing a potentially hazardous traffic situation at the intersection of North Churton Street and West Tryon Street. Mr. Potts said that vehicles parking on the north side of the street were obstructing the roadway by 50%, which caused a stopping and a backup of traffic when oncoming traffic came towards the intersection of Churton Street, as well as blocking a resident’s driveway.

8:07:07 PM Tom Brown, representing the Building and Grounds Committee for the Hillsborough Presbyterian Church, said they had no options to establish on-street parking for the Church because they were landlocked. He said in order to maintain their presence and outreach in the community, they opened their doors to community groups and a continuing problem was the lack of off-street parking. Mr. Brown said they depended on the small amount of on-street parking available to facilitate access for the elderly and handicapped, and for special services such as weddings and funerals.

Mr. Brown said they wanted to ensure that the Church could continue to provide convenient access to the Church to the maximum extent possible. He said they were also concerned about hazardous traffic conditions, and believed there may be options that could provide a balance between safety concerns and the Church’s mission of service to the community. Mr. Brown requested that the Board consider alternatives to this proposal by the staff. He said they proposed the following alternative:

- Allow parking on the north side of Tryon Street adjacent to the Church and museum, as it was before the curb and bank stabilization project.
- Designate the south side of Tryon Street as “No Parking” for a distance of 250 feet from North Churton Street.
- Increase the safety factor by reducing the speed limit on West Tryon Street from 35 mph to 15 mph, from North Churton Street to North Wake Street.

8:11:12 PM Commissioner Lowen said he understood that Sunday mornings were a problem, but what other days of times were a problem. Mr. Brown said each morning from 8:30 to 9:30 A.M. was a problem because children were arriving for the Pre-School, as well as the early afternoon when children were picked up. He said the weekends were not that bad because there was less traffic.

8:12:12 PM Commissioner Hallman asked Mr. Potts to respond to the alternative suggestion regarding no parking on the south side. Mr. Potts replied they were recommending no parking

on the south side for the first 250 feet, noting if they allowed parking on the north side they would still have the problem with vehicles obstructing 50% of that side of the street, causing traffic back-ups. He said that alternative would not address the problems with the resident's driveway.

8:12:45 PM Commissioner Gering asked how many parking spaces would be eliminated by this change. Mr. Potts said there were no dedicated parking spaces there before, but approximately 3 to 4 cars were parking there routinely. Commissioner Gering said 250 feet is a long distance, so aside from those 3 or 4 spaces, Mr. Potts was asserting that the rest of the distance was not utilized for parking. Mr. Potts said that was correct. He said that 250 feet would actually get you perhaps one space past the resident's driveway that was experiencing access problems.

8:14:11 PM Mayor Stevens said part of the issue was traffic turning in from Churton Street was using that north lane. Mr. Potts said that was correct. He said that because of the curbing, if a vehicle was parked there and there was oncoming traffic, cars could not pass causing a back-up.

8:14:42 PM Ms. Hauth commented that only 40 feet of that 250 had been available for parking, because there had been a sign posted that read "No Parking Here to Corner."

8:15:30 PM Commissioner Lloyd commented that the driveway serviced more than just one house, noting she believed it served three. She added that she believed 15 mph was too slow for that road, noting that 25 mph might be better. Commissioner Lloyd asked if the plan was to allow parking in front of the doctor's office. Mr. Potts said he was not suggesting any changes beyond those 250 feet, adding the doctor's office was beyond that. Commissioner Lloyd said it would be only fair to go up further to make sure that driveway was not blocked, in case an ambulance had to access the doctor's office. She said that would be true for emergency vehicles that had to respond to anywhere on that street. Commissioner Lloyd said she agreed with Mr. Potts regarding the north side of the street. Mr. Potts said he was recommending no parking on the north and south side of the street from Church Street 250 feet.

8:18:27 PM Mayor Stevens suggested that if there was an area just before that driveway, that was still set back much further from Churton Street than the no parking was originally. He asked if that area could be designated as a loading zone for certain times of the day. Mr. Potts said he would have to take a look at that and take some measurements. He said the line of sight would have to be addressed for anyone exiting that driveway.

8:19:27 PM Commissioner Lowen said he would have to agree with the recommendations, noting he had witnessed the difficulties there first-hand including the traffic back-ups. Mayor Stevens said there was access to social services there which created a lot of traffic.

8:20:09 PM Commissioner Lloyd asked if people accustomed to parking there could use the Town parking lot to visit the church.

Mr. Potts said he believed people were using the annex parking lot for that now, and for drop off and pick up at the child care center.

8:22:06 PM Commissioner Gering said it was unfortunate to have to make this kind of trade-off, but agreed that the concerns for public safety trumped the easy access for parking at those few spaces. He said he was in favor of approving the ordinance.

8:22:32 PM Upon a motion by Commissioner Lowen, seconded by Commissioner Lloyd, the Board moved to adopt the ordinance amending Chapter 6, Motor Vehicles and Traffic, Appendix A, Section 6A-14 of the Hillsborough Town Code, by a vote of 5-0. The motion was declared passed.

**B. Request from Habitat for Humanity to pursue additional opportunities in Northern Fairview**

8:23:15 PM John Sehon, Chair of the Site Planning Committee and Immediate Past President of Habitat for Humanity of Orange County, stated that they were interested in partnership with the Town to acquire additional land to construct additional houses in the Tuliptree and Locust Road areas. He said they were exploring the Town's interest and willingness to annex, provide sewer, or otherwise partner with Habitat in the project.

Mr. Sehon noted that 14 families had thus far been approved for the Fairview area, and two Saturday clean-up days had occurred. He said one home was under construction with 5 more to start this spring. Mr. Sehon reported there were 10 families who had completed enough work hours to compete in a lottery to be held January 16 to select the first 6 families to move into the Fairview area.

Mr. Sehon said the single most important issue facing Habitat affiliates all over the country is the acquisition of land. He said they had identified 10 to 12 additional lots in the Tuliptree and Locust Road areas that were suitable for their needs. Mr. Sehon asked that the Board place this issue on its planning retreat agenda for discussion.

8:26:55 PM Commissioner Gering asked if the staff had determined if there were any particular difficulties in supplying water and sewer services to these additional areas.

Mr. Peterson responded that there was the Thalle sewer outfall that would bring sewer to the area once the outfall was in place. He said the design work for Phase 1 and Phase 2 had been done to serve that entire area, and Mr. Keel was considering asking for construction funds to complete Phase 2 since it was less expensive to do both phases at once. Mr. Peterson said if it turned out to be a cost savings that should not be passed up, then we would have the option to proceed if we wanted to.

Mr. Peterson said the sewer would be located in the street, and since these were State roads easements would have to be obtained. Then, he said, annexation whether voluntary or involuntary would have to be worked out. Mr. Peterson said if we could not afford to do Phase 2

now, then there was the option of addressing this in the budget process where we would package three or four leases into one financing package in order to provide service to this area. Mr. Peterson said they would be eager to explore any grant opportunities to help fund the infrastructure as well.

Mr. Peterson said it was possible that by the February meeting they could have some preliminary cost estimates and more specific recommendations on financing options.

8:30:46 PM Commissioner Lowen said some of these lots already had structures located on them. Mr. Sehon said some of the lots had trailers on them, and since they were not in the business of displacing a family to place a family, they were looking for vacant lots where these trailers could be moved. He said they were also looking to see if any of the trailer residents were interested in Habitat homes. Commissioner Gering said he was concerned that as they looked at redevelopment and placing more homes in the area, that they also look at accessibility, particularly with the large area that would be subdivided into smaller lots. He said there was only one entranceway into that area now, and if that was blocked for any reason then the area would not be accessible for emergency vehicles or residents. Mr. Sehon said they were supportive of additional access.

8:32:48 PM Commissioner Gering asked if this issue could be discussed as a priority during the retreat so that it could be factored into budget preparations. Mr. Peterson said there should be ample time to discuss this at the retreat and making it a priority. He said he would challenge the staff to identify ways to provide more affordable housing.

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

8:34:03 PM Ms. Hauth stated that representatives of the Hillsborough Business Center wanted to discuss options for cost sharing a sidewalk project with the Town. She said the planned addition by Weaver Street Market at the Business Center had triggered a site plan review which required the installation of a sidewalk along the Center's frontage. Ms. Hauth said the plan was to install 490 feet of sidewalk along Allison Street and as much as 930 feet along Dimmocks Mill Road. She said Phase 3 of the sidewalk plan for Nash Street included a sidewalk along Allison Street connecting to the sidewalk on the west side of the bridge and Riverwalk.

Ms. Hauth stated that Mr. Gold had safety concerns about having the sidewalk and crosswalk on the east side of Allison Street and was willing to participate in the construction on the west side. She said a portion of the sidewalk on Dimmocks Mill Road could possibly be substituted for the Town's planned improvement. Ms. Hauth said since the Allison Street project was already planned, they believed that might be a possibility because the west side was highly desirable for the sidewalk location since that was where the sidewalk was located that went across the bridge, and that was where the connection to Riverwalk would be made. She said it had the benefit of having far fewer driveways going into a business center as the east side did.

Ms. Hauth stated that Mr. Gold was present this evening, and noted that the Board of Adjustment would consider this on Wednesday evening.

8:35:56 PM Commissioner Hallman said he understood that the Board of Adjustment had questioned the master plan, how it affected Gold Park, and what were the larger plans. Ms. Hauth said there was not a real plan to introduce a sidewalk on Dimmocks Mill Road, and it was not part of the draft plan that had been considered. She said they had not envisioned pedestrian access into Gold Park. Ms. Hauth said they had envisioned people entering Gold Park by coming from Calvin Street and going under the train trestle along Riverwalk or coming in from Riverwalk via Allison Street or the Eno Mountain Road bridge. She added that the only reason the applicant was considering a sidewalk was because it was required by ordinance.

8:37:37 PM Alex Gold, partner in the Hillsborough Business Center, provided some background regarding the Hillsborough Business Center, noting it was a small business with a small staff. He provided a description of how the Center came to be and the tenants it had attracted, as well as a description of the planned addition to the Center.

Mr. Gold said with the addition of the Weaver Street Market, the Center would have upwards of 150 employees, making it a busy place. He said they had never asked the Town for any exceptions or incentives, and had complied with all Town codes. Mr. Gold said they had been good citizens, donating 24 acres of land for Gold Park, and contributing land for Riverwalk. He said there was an additional piece of land the Town needed for Riverwalk, and he had agreed to donate that as well. Mr. Gold said he was trying to be a good citizen and believed he had done so.

8:43:52 PM Mr. Gold said now his problem was trying to bring in a tenant, Weaver Street market, and get their site plan approved through the appropriate albeit difficult process. He said the 6,000 square foot addition was not new space but rather renovated existing space. Mr. Gold said they had offered a donation to pay for a portion of the Allison Street sidewalk, and they would not withdraw that offer. But, he said, the Dimmocks Mill Road sidewalk was unsafe and would attract people to an industrial site where tractor trailers frequented.

Mr. Gold said he was asking for the Town to work out an alternative plan for the Dimmocks Mill Road sidewalk similar to the Allison Street sidewalk that would work better for the Town.

8:49:03 PM Commissioner Lloyd said she could see his point, but asked if Mr. Gold was going to contribute to the walkway across the bridge to the west side of Allison Street, could that be used in place of the sidewalk on Dimmocks Mill Road. Mr. Hornik said no, that they were already stretching the ordinance by saying we would accept money instead of a sidewalk on Allison Street. He said the only way around it was to make an interpretation that this did not constitute new development. Mr. Hornik said the ordinance did not provide wiggle room or waiver provisions such as special exceptions, although that could be added.

8:52:41 PM Commissioner Hallman said it was not our decision to make; it was the Board of Adjustment's. Mr. Hornik said that was correct. He said the Board could amend the Code, but it

is the Board of Adjustment's decision to decide whether this constituted new development requiring a sidewalk.

8:53:09 PM Commissioner Gering said the Board had good intentions when this ordinance was passed, but believed it was too strict. He said cases like this one called for some flexibility that we did not now have. Commissioner Gering said as a matter of policy this Board could say that this was the kind of exception that they would like to provide, and adopt that amendment to the ordinance as a part of this application.

8:54:05 PM Mayor Stevens said he believed the Board was in agreement that a sidewalk in that area was probably unsafe. Mr. Hornik said he did not believe under State law that this property could meet the standards for a variance with respect to the sidewalk. He said he did agree with Commissioner Gering that perhaps we needed to build in some sort of safety valve in this section of the ordinance that would foreseeably address this kind of situation.

8:56:05 PM Susan Frankenburg said she was a long-term tenant of the Center and could attest to the fact that a sidewalk in this industrial area was unsafe. She stated the space they were talking about developing already existed, and they were going to enclose it for Weaver Street Market for refrigeration equipment and loading docks. Ms. Frankenburg said the leased space in the Center was 266,000 square feet, and they were talking about only 6,000 square feet. She said she believed because now new space was being created, the Board could find that this was a remodel, not a new development.

8:58:36 PM Eric Oliver, a member of the Board of Adjustment, said the BOA had specifically looked for two things. One, he said, was some statement from this Board in agreement with the Allison Street sidewalk, and the second was some interpretation of the ordinance that would allow them to approve this. Mr. Oliver said the BOA was looking for a way out, which they did not now have. He said if this Board were to change the ordinance and get it done in a month, then the BOA would have a way out.

9:01:59 PM Commissioner Gering said it appeared that the ordinance required some level of interpretation. Mr. Hornik said the wiggle room was what we meant in the ordinance by the term "development" which was not a defined term in the ordinance. So, he said, we have to apply some sort of interpretation to that. Mr. Hornik said he believed that was the only way for the BOA to look at this ordinance as written and still do what we were being asked to do, which was to say that the remodeling at the Center did not constitute development the way the ordinance meant as development.

9:03:13 PM Mr. Oliver said in that case, he did not believe this would come before the BOA. Ms. Hauth agreed. She said it would be a case where she had sent an application forward to the BOA that was unnecessary.

9:04:13 PM Mayor Stevens asked if the Board could live with the interpretation that the definition of the word "development" would not apply to this application because it was a

renovation rather than development. He asked if a reasonable person would agree with that. Mr. Hornik said he believed the Board should consider amending the ordinance.

9:05:15 PM Upon a motion by Commissioner Gering, seconded by Commissioner Dancy, the Board moved that it was the Board's opinion that the definition of the term "development" in the subject ordinance should not be applied in this case, in that it was not the Board's intention that the ordinance be applied in this way by vote of 5-0. The motion was declared passed.

9:06:39 PM Upon a motion by Commissioner Gering, seconded by Commissioner Lloyd, the Board moved that if the Board of Adjustment determined that the Town Board's position on the definition of "development" was not withstanding, then the Town Board agreed that the sidewalk construction on the west side of Allison Street was the preferred design by a vote of 5-0. The motion was declared passed.

9:07:48 PM Mayor Stevens said it appeared that we now had what we were looking for. Ms. Hauth replied she would take both of these motions to the BOA on Wednesday night.

9:08:13 PM Commissioner Gering asked what were the next steps the Board needed to take to amend this ordinance before a similar problem arose. Ms. Hauth responded that she could craft some options, one of which was to define the term "development" so that we knew what was and what was not development based on percentage of existing building or other factors. She said they could work up a payment-in-lieu process that would require a substitute sidewalk in close proximity.

9:09:24 PM Commissioner Gering said he would want both options, noting a key feature of this application which was a problem was the fairness and proportionality of the change and what it triggered. He said we did not always need to walk where the ordinance said we needed to, so there needed to be some flexibility in putting a sidewalk somewhere else.

#### **D. Update and Discussion on January 29<sup>th</sup> State of the Town Address**

9:09:57 PM Mayor Stevens remarked he had distributed a suggested overview, and was opened to suggestions from the Board. He said he perceived the entire presentation as being about 1 hour to 90 minutes. Mayor Stevens said as a general topic during the opening remarks was how we choose the future of our community. He said those remarks would contain a quick overview of what our vision was for the Town, and could be amended based on the results of the Board's retreat.

Mayor Stevens said he would remark on the character and small town nature of Hillsborough, the sense of community and support of neighborhoods and connectivity, the celebration and protection of our heritage, prosperity that was affordable for all groups, and the overall vitality of the Town. He said he would then get into the heart of the address, and would describe 10 indicators of what the Town was doing. Mayor Stevens said he would provide some statistics gained from several sources and would possibly use maps or charts. He said he wanted to talk about growth, traffic, water and water capacity. Mayor Stevens said he wanted to follow that

presentation up with an opportunity for each Board member to speak about their most important issue from their perspective, and/or to respond to a question regarding what we believe our community needed the most. Mayor Stevens said that would complete the presentation, ending with how citizens could continue to be heard, including volunteering for committees. He said he would like to place some questions or comment space on the Town's website in advance so that people could respond.

9:15:17 PM Commissioner Hallman added he would like to add policing and safety as a topic. Mayor Stevens suggested public safety and crime prevention. Commissioner Hallman agreed.

9:15:37 PM Commissioner Gering said he believed that deserved to be one of the main vision points. Commissioner Hallman agreed, noting that many times citizens who appeared before the Board mentioned safety as a concern.

9:16:14 PM Mayor Stevens said that was his intention, noting he wanted to build on a presentation the Police Chief had made.

9:16:16 PM Commissioner Dancy said she wanted to bring out some of the positive things that were happening in Town, not just downtown but in areas such as Fairview. She said she wanted people to get to know the Board members, and understand that they were members of the community as well. Commissioner Dancy said that would make us more approachable and that it was okay to call them or email them with concerns. She said she wanted people to feel comfortable with the Board members. Commissioner Dancy said it was important for citizens to understand that decisions made by the Board affected them as well.

9:19:56 PM Mayor Stevens said it would be helpful to hear comments about what should be emphasized and what were key points, then refine them down. He said he would take with each Board member and refine the presentation to make it more engaging. Mayor Stevens said they were scheduled for January 29<sup>th</sup> at the Battle Courtroom at 7:30 p.m. He said the event would be publicized, and wanted to have information present that people could view or take with them.

Mayor Stevens said he would like to have all Board members present that evening, and available to mill around with the public afterwards and be available to take comments from citizens. Mr. Peterson noted that Department Heads would be present, so the Board could refer particular questions to them. Mayor Stevens said he wanted to recognize key staff and perhaps volunteers during the presentation as well.

#### **E. Consider approval of process for choosing and appointing the Town Poet Laureate**

9:23:24 PM Commissioner Hallman proposed a procedure for appointing a Town Laureate. He said he had attempted to keep it simply, proposing that a five person Selection Committee be formed to review nominees. Commissioner Hallman said he had been contacted by volunteers who had offered to sit on the Selection Committee.

9:24:11 PM Upon a motion by Commissioner Lowen, seconded by Commissioner Dancy, the Board moved to approve the proposed procedure as submitted by Commissioner Hallman by a vote of 5-0. The motion was declared passed.

**F. Discuss and consider approval of proposed FY08 Budget Calendar and meeting schedule**

9:24:47 PM Mr. Peterson provided an overview of the proposed process and meeting schedule. He said the big change this year to the process was his suggestion to move the non-profit requests from the March workshop to the April workshop, and use that March workshop for departments, the Manager, and the Board to discuss how to respond to key objectives and priorities established in the retreat. As well, he said, at the March workshop he would bring back performance measures and initiatives and actions to be taken to achieve those objectives.

Mr. Peterson said his intention was to allow the Board to be creative when discussing plans before they get into the fine financial detail. He said in order to do that he planned to have the budget to the Board in mid-May rather than the first of May, with the first budget workshop at the end of May. Mr. Peterson commented that since using a balanced scorecard was a new process, there may be some stumbling along the way. He said in the long run, he believed it would enhance their planning and strategic thinking on things.

9:27:08 PM Commissioner Lloyd asked for an explanation of what Mr. Peterson meant by using a balanced scorecard process. Mr. Peterson said at the retreat he would provide a quick training session on using a balance scorecard. He said in the December meeting he had provided a 9-page document that explained how Charlotte had used such a process, and that provided a brief overview of how such a processed worked.

9:28:05 PM Mayor Stevens said he believed a balanced scorecard and strategic mapping were ways to take things from last year's retreat and tying them together this year so that we could think more strategically, tie them to the budget, and ultimately tie them to performance measures for the Town. He said a balanced scorecard was an established method to do that, and it was used by many different kinds of organizations. Mayor Stevens encouraged the Board members to look at the materials prior to the retreat.

Mayor Stevens complimented the Manager on the extra effort he had taken to learn about this method and then providing what he had learned to the Board. He said he believed all of them would benefit from using such a process.

9:29:41 PM By consensus, the Board approved the proposed FY08 budget calendar and meeting schedule as provided by Mr. Peterson.

**G. Discuss Possible "HOT TOPICS" for January 22<sup>nd</sup> workshop**

9:30:04 PM Commissioner Hallman called attention to items 2 and 3 on the proposed agenda, and said given what was just said about a balanced scorecard should those items remain on the

list. Mr. Peterson said that would be up to the Board. He said regarding item 2, there had been some discussion during the last budget process about providing the Board with a mid-year update to enable us to “take our temperature” financially mid-year. Mr. Peterson said for instance, things had gotten tight in the water fund due to the need for generators.

Mr. Peterson said regarding item 3 dealing with the projected FY08+ financial/budget outlook, he would be happy to do it or not do it at the Board’s pleasure. He said if he saw something that was very out of the ordinary, he could report on that. Mr. Peterson said it was very early to report on that so there may be a wide margin of error.

9:32:33 PM Ms. Hauth said since they did not normally have a lot of citizen participation during Retreats, she wanted to set up some tables in the audience area for seating so that when site plan review was discussed, everyone could participate. She said she did not yet know how many Planning Board and Board of Adjustment members would be attending, but each board had expressed an interest in participating in the discussion.

9:33:15 PM Mayor Stevens thanked Ms. Hauth for bringing that up, noting he was very much in favor of that.

Commissioner Hallman commented it appeared that the Board had agreed to discuss items 1, 2, and 4 on Mr. Peterson’s topics list.

## **11. CLOSED SESSION**

### **A. Closed Session as authorized by North Carolina General Statute Section 143-318.11 (a)(5) to Discuss Personnel Matters**

9:35:30 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Lloyd, the Board moved to enter into Closed Session by a vote of 5-0. The motion was declared passed.

## **12. ADJOURN**

Upon returning to Open Session, and upon a motion by Commissioner Lowen, seconded by Commissioner Gering, the Board moved to adjourn at approximately 10:00 pm by a vote of 5-0. The motion was declared passed.

Respectfully submitted,  
Donna F. Armbrister, MMC  
Town Clerk

**AN ORDINANCE AMENDING CHAPTER 6, MOTOR VEHICLES AND TRAFFIC  
APPENDIX A, SECTION 6-A-14 OF THE HILLSBOROUGH TOWN CODE**

The Board of Commissioners of the Town of Hillsborough ordains:

SECTION 1. All section references below refer to the Town of Hillsborough Code, Chapter 6, Appendix A, Section 6A-14 and 6A-15:

SECTION 2. **Section 6A-14 Parking Prohibited at All Times**

In accordance with Section 6-24, parking at all times along the following streets or portions of streets:

| <u>On Street</u> | <u>Side</u>        | <u>From</u> | <u>To</u> |
|------------------|--------------------|-------------|-----------|
| W. Tryon         | North and<br>South | N. Churton  | 250 Feet  |

SECTION 3. All provisions of any Town Ordinance in conflict with this Ordinance are repealed.

SECTION 4. This ordinance shall be come effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of JANUARY 8.

Ayes: 5  
Noes: 0  
Absent or Excused 0

  
\_\_\_\_\_  
Donna F. Armbrister, Town Clerk