

**MINUTES**  
**HILLSBOROUGH TOWN BOARD**  
**November 14, 2006**  
7:30 PM, Town Barn

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

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

7:31:26 PM Mayor Tom Stevens called the meeting to order at approximately 7:30 p.m.

**1. PUBLIC CHARGE**

7:31:31 PM Mayor Stevens did not read the public charge, but indicated that it would be followed.

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

7:31:42 PM There were no audience comments.

**3. AGENDA CHANGES & AGENDA APPROVAL**

7:31:49 PM Town Manager Eric Peterson added a closed session to discuss personnel matters.

7:32:13 PM Commissioner Hallman added a Hunger and Homelessness Proclamation as the next item.

7:32:38 PM Upon a motion by Commissioner Gering, seconded by Commissioner Lloyd, the Board voted to approve the agenda 5-0 as amended. The motion was declared passed.

**4. PRESENTATION**

7:32:57 PM Mayor Stevens read the Resolution proclaiming November 12-18, 2006 as National Hunger and Homelessness Awareness Week in the Town of Hillsborough. He noted that the original Resolution would be mailed to the appropriate parties. He commended the many persons and entities in the Town that work on solving these issues. A copy of the

Proclamation is hereby incorporated by reference and made a part of these official Minutes as an Attachment.

**A. Lavonne Montague of Dixon Hughes, PLLC will present a Summary of the Financial Audit Findings**

7:35:43 PM Lavonne Montague presented a Summary of the Financial Audit Findings to the Board. She noted that all had run smoothly and they were again issuing a clean report on the Town's financial position and its internal controls. Ms. Montague said there were no findings of misappropriations.

Ms. Montague pointed out some of the highlights of the information provided in the audit. She called the Board's attention to the overviews provided in the document, noting it contained comparative information from the 2004-2005 fiscal year. Ms. Montague noted that Figure 3 provided information on increases in property tax revenues as compared to the prior year, as well as increases in local option sales taxes. Regarding Water and Sewer funds, she said that increases were shown in overall total revenues, mostly related to contribution of utility infrastructure assets from developers. She said the increase in total net assets was \$1.9 million, and of that the developer-dedicated lines were about \$1,037,000.

7:40:56 PM Commissioner Gering asked how much money the State appropriated from the Town several years ago when they were having budgeting problems. Mr. Peterson responded several hundred thousand dollars. He said the deal that had been struck with the General Assembly was approving the ½ cent sales tax for local governments in exchange for giving up all of our local taxes, so basically the State kept all of that and we got the extra sales tax in exchange. Mr. Peterson said we had still lost hundreds of thousands of dollars. He said over the long term, we would probably fair better with the sales tax.

7:41:49 PM Ms. Montague continued providing highlights from the report, calling attention to page 21 which contained the balance sheet for the General Fund. She noted that total Fund Balance had increased about 4% over last year. Ms. Montague said the Unreserved Fund Balance as a percent of adjusted general expenditures was 63.81%, which was in line with the State's average of 62.22% for similar sized municipalities.

Ms. Montague said on pages 62-64 was information on the operations of the Water Sewer Fund, noting that the revenues exceeded expenditures by about \$265,000 for the year. She said the Capital Reserve Fund found on the following three pages continued to be self-sustaining operations that did not require the support of the General Fund.

Ms. Montague said the Governmental Accounting Standards Board required that local governments provide more relevant information to the public by issuing guidelines, and one of those guidelines issued in 2006 significantly changed the statistical section of local governments Comprehensive Annual Financial Report. She said that section in the Town's audit was in the statistical section and presented 10 years of data, but had been revised to include financial trends,

revenue capacity, debt capacity, demographic and economic information as well as economic indicators.

7:47:49 PM Ms. Montague stated that due to the hard work by the Town staff in adhering to the new reporting requirements, she was confident that the Comprehensive Annual Financial Report to be presented to the Governmental Financial Officers Association (GFOA) was worthy of the Certificate for Achievement for Excellence in Financial Reporting for 2006, as had been awarded for the past 12 consecutive years. Ms. Montague then presented Finance Director Greg Siler with the GFOA Certificate for the 2004-2005 report.

7:49:12 PM Greg Siler thanked Ms. Montague and her team for their expertise. He said they were doing more and more on-line reporting, striving to achieve a more paperless system. Mr. Siler pointed out that his staff had years of expertise and it was that kind of longevity, their commitment to the Town and the Town's commitment to them, that had allowed the Town to continue to receive these awards year after year.

Ms. Montague called attention to one small error in the report on page 102. She said they had recategorized how they were reporting employees, and as a result in the Administration category the Town Board had been included, which should not have happened.

7:51:57 PM Ms. Montague said one new issue was that new guidelines were being issued that would affect how the audit was prepared. She said one new guideline dealt with accounting for post-employment benefits other than pensions. Ms. Montague said that guideline would require the Town to accrue post-retirement health care liability for all eligible members of the working lifetimes of the employees. She said that guideline would become effective for the 2009-2010 fiscal year, and there were steps the Board might want to consider before then such as looking at the written policies that offered post-employment benefit plans. Ms. Montague said the Board would have to get an actuarial valuation to put a number on the current employees, if they retire with 20 or more years of service, of how much would the Town owe, and then start to accrue that over those employees' work history. She said those dollars would then be reflected in the financial statements rather than just being paid out when the employees retire.

7:55:19 PM Commissioner Hallman asked if funds would actually have to be encumbered for that, or would it just be on the balance sheet. Ms. Montague said it would not appear on the balance sheet, but would appear on the full accrual statement of activities. She said funds did not have to be encumbered unless the Board chose to partially or fully fund it, noting the part not funded would appear on the balance sheet as a liability.

7:56:02 PM Mayor Stevens said our financial statements would reflect this added liability that normally be offset by revenues, so in future it would look like we had less money. Ms. Montague said that was correct.

7:56:18 PM Commissioner Gering asked if that would affect the Town's bond rating. Ms. Montague responded no, that the bond agencies were aware of the new guidelines and it should have no effect on the ratings.

7:57:40 PM Mayor Stevens thanks Ms. Montague for her good service, as well as Greg Siler and his staff for a job well done.

**INTERVIEW: Volunteers to fill vacancies on the Planning Board and the Historic District Commission**

7:57:57 PM The Board interviewed Mark Rhoades for a position on the Historic District Commission. Mr. Rhoades made a brief statement regarding his background and interests, noting he had been involved with four restorations in the historic district, and believed he could share his expertise with applicants. He said he believed he could be of benefit to the Historic District Commission.

**5. APPOINTMENTS**

**A. Reappoint Matthew Farrelly to second term on the Planning Board.**

7:59:58 PM Upon a motion by Commissioner Gering, seconded by Commissioner Lloyd, the Board moved to reappoint Matthew Farrelly to a second term on the Planning Board to expire November 30, 2009 by a vote of 5-0. The motion was declared passed.

**B. Reappoint Tom Magnuson to second term on the Parks and Recreation Board**

8:00:23 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Hallman, the Board moved to reappoint Tom Magnuson to a second term on the Parks and Recreation Board to expire on November 30, 2009 by a vote of 5-0. The motion was declared passed.

**C. Appoint volunteer to fill vacancy on the Historic District Commission**

8:01:12 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Hallman, the Board moved to appoint Marc Rhoades to a term on the Historic District Commission to expire on December 31, 2009 by a vote of 5-0. The motion was declared passed.

**D. Appoint Joe Phelps as an Out-of-Town member of the Water Sewer Advisory Committee**

8:01:25 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Hallman, the Board moved to appoint Joe Phelps as an Out-of-Town member of the Water Sewer Advisory Commission by a vote of 5-0. The motion was declared passed.

**6. COMMITTEE REPORTS**

8:01:51 PM Commissioner Gering stated that the Tourism Board had allocated funds to increase media advertising over the holiday season, in response to the difficult times some merchants had reported experiencing. He said they were pleased to see that the Visitor's Bureau had gotten together with the Orange County Visitor's center and worked out an additional media plan to assist in that effort.

8:03:17 PM Commissioner Dancy noted she had attended a meeting of the Triangle J Council of Governments (TJCOG), noting she was on their Legislative Agenda Committee and they had completed their work.

8:03:42 PM Commissioner Hallman said regarding the Economic Development Commission (EDC), he had made contact with the medical complex proposed to move into the Old 86 Commons, noting we were still interested in having them locate somewhere in Hillsborough. He said he directed them to Diane Reed, and they would have discussions were her about a possible location.

Commissioner Hallman said the EDC had heard a presentation from a couple of banks involved in the Loan Fund, which would be re-instituted and taken back to the 501(c)(3) that managed that. He said it would start out small, noting available funding was about \$100,000, so just a few seed projects would be considered. Commissioner Hallman said there was some interest in providing incentives for business along the Highway 70 corridor.

Commission Hallman said the County had been looking at a regional food processing facility to assist local farmers, which would be a groundbreaking multi-jurisdictional development project. He said they were looking to get State funding.

8:06:16 PM Commissioner Hallman said regarding the Parks and Recreation Board, they had spent time much time on looking at different areas of Town, what facilities they had and what they would need in the future based on population estimates. He said based on that information they were working on setting goals for the future, noting at the next meeting they would be looking at greenway and bike path projects.

8:06:55 PM Commissioner Hallman noted he had attended the Partnership to End Homelessness meeting, noting they had implementation plans in effect. He said information was contained on their website for those interested. He said it would likely be February or March before that Board came before this Board to present a report.

8:08:01 PM Commissioner Hallman said regarding the Transportation Advisory Committee (TAC) meeting, the draft Transportation Improvement Program (TIP) had been released with only a few changes. He said that some of the projects had been shifted, and the issues they would take forward were the issues addressed in the letter the Town had sent commenting on the 2007-2013 TIP.

8:09:32 PM Commissioner Dancy asked if the project on I-40 or the widening of I-85 had been shifted. Commissioner Hallman said unfortunately for Division 5 which included Durham and Wake Counties, the cost for those repairs was coming out of their DOT allotment, so it did not affect the Town.

8:11:45 PM Mayor Stevens reported that he would be attending the Upper Neuse River Authority meeting tomorrow, noting key agenda items as the Neuse River stormwater and the public process for the Falls Lake nutrient runoff.

8:12:43 PM Commissioner Hallman said he had met with the Director today and expressed the Town's interest in protection for our streams and areas within the Town that may be intermittent at times. He asked that those concerns be expressed at the meeting. Mayor Stevens agreed to do so.

8:13:15 PM Mayor Stevens said tomorrow they would receive the draft report from the Greenhouse Gas Emissions Reduction Project. He said the Town had not been a part of that, although they had contributed some of the study data.

Mayor Stevens said regarding the TJCOG, he was pleased to see that Mental Health was one of the top legislative priorities.

8:14:08 PM Mayor Stevens commented that the full Board had attend last night's open house for the Daniel Boone redevelopment, noting approximately 200 people had attended. He thanked Planning Director Margaret Hauth for pulling that together, and commended the volunteers from the Dispute Settlement Center who had encountered more people that anticipated but doing a good job with the process.

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

8:15:17 PM Mr. Peterson said they had completed an update of the Water Capacity Model, and it had been distributed to the staff for comments. He said once those comments were received, a memo highlighting all the changes would be distributed to the Town Board, the Planning Board, and the Water Sewer Advisory Committee by the beginning of next week.

8:15:47 PM Mr. Peterson said regarding the ongoing study with the City of Durham for the proposed Equity Partnership, where Durham could theoretically provide water and wastewater treatment for Hillsborough, they were continuing to meet with Durham officials. He said hopefully by January they would have some numbers of substance to look at to determine if financially it would be potentially feasible.

Mayor Stevens asked if those numbers would be available for the Board's January retreat. Mr. Peterson quite possibly, but if the numbers indicated it was not financially feasible then the deliberation would be much shorter.

8:16:45 PM Mayor Stevens indicated he and Commissioner Hallman had attended a Driver Safety course conducted by Mr. Peterson, and thanked him for a job well done.

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

8:17:47 PM Town Engineer/Utilities Director Kenny Keel noted that the Cate's Creek Outfall Phase I construction was moving forward, and is about 80% complete. He said regarding the Habitat/Thalle Outfall, easement acquisition for Tuliptree Outfall should be completed by mid-November. He said the project would be bid for construction on December 13<sup>th</sup>, with construction completion anticipated by the end of March 2007.

Mr. Keel said regarding sewer rehabilitation, they had been performing point repairs on old sewer lines along Tryon Street and other downtown areas. He said they had hired a contractor to repair some badly deteriorated manholes in November, and were evaluating pipes in need of replacement and/or slip-lining. Mr. Keel said regarding the Lakeshore Drive Sewer Outfall, final submittals were sent to the State on October 2<sup>nd</sup>. He said that bidding and construction would begin upon receipt of State and EPA approval.

## **9. REPORT FROM THE PLANNING DIRECTOR**

8:19:53 PM Planning Director Margaret Hauth said staff had discussed the improvements to Turnip Patch Park discussed at last month's meeting, noting a fountain had been mentioned. She said that staff was unclear on whether that meant a drinking fountain or a decorative fountain similar to that in the Town cemetery. Ms. Hauth said they would like some direction on how to proceed. The Board agreed by consensus that a drinking fountain was what was intended.

8:29:51 PM Ms. Hauth stated that they were preparing a cost estimate to remove fallen trees from the McAdams Road site in order to resolve minimum housing code complaints. She said they would be bringing the Board a proposal in December to abate that due to the property owner's non-response. Ms. Hauth said they were on schedule for removal of the vehicles from the property. She said because the property owner had been non-responsive to the final notice, they were now at the point where a public hearing before staff would be called.

Ms. Hauth said they were considering a two-step enforcement on the property, that is: get the property secured, clean up the exterior, and if there continued to be an issue with the property then it would be brought back as a nuisance situation so that it did not expose the Town to the full removal cost. She said they had the option to go forward with the full removal if that was the Board's direction.

8:23:05 PM Commissioner Lowen asked what would happen in the event that the property owner did not appear at the hearing. Ms. Hauth said we would conduct the hearing in any case, and then a letter would be sent to the owner on the outcome.

8:23:36 PM Commissioner Gering said he believed that since there was a public health and safety element to this, he did not believe it would serve the public to allow this situation to continue. He said he would prefer to schedule the hearing and move forward. Ms. Hauth asked if that two-step approach was acceptable. Commissioner Gering said he believed it was.

8:24:26 PM Commissioner Lloyd asked Ms. Hauth to make sure that the Code Enforcement Officer hand-deliver a letter to a person in that family to make sure someone received it. Ms. Hauth said they would also take steps to make sure that everyone that should be notified was notified.

8:25:15 PM Commissioner Hallman asked if the letter he had requested had been sent to the TAC. Ms. Hauth indicated she had not been clear that she was to do that, but would do so. Commissioner Hallman said the options for the site plan review had been delayed because of the Planning Board quorum, and asked where that now stood. Ms. Hauth said they had a series of text amendments that should be ready for the January hearing to set up a stage review where projects up to about 5,000 square feet that complied with the ordinance were staff level approval, and for those up to 15,000 square feet we would establish a technical review board consisting of the Planning Director, the Engineer, and Public Works Director to review them again for staff approval. She said anything larger would become a Conditional Use Permit to be reviewed by the Board of Adjustment.

8:26:37 PM Commissioner Gering said his two objectives were that a super majority should not be required for that type of approval, and the Town Board should be in the loop to deal with appeals. Town Attorney Bob Hornik noted that by statute, appeals of the staff determination had to go before the Board of Adjustment.

8:27:00 PM Commissioner Gering asked how would the Town Board stay in the loop. Ms. Hauth said she would talk with him at a later time to see if something could be worked into the proposal.

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

- A. Approval of the Minutes of the September 11, 2006 Regular Meeting; the September 11, 2006 Closed Session; the October 9, 2006 Regular Meeting; the October 9, 2006 Closed Session; and the October 23, 2006 Monthly Work Session
- B. Approval of Ordinance Amendment to Chapter 4 of the Town Code to have the “Workers’ Compensation Leave” section refer to the “Workers’ Compensation Benefit” section
- C. Approval of Ordinance Amendment to Chapter 4 of the Town Code to coordinate the wording of the Ordinance with the wording of the Performance Evaluation Form by changing the rating of “Below Standard” to “Below Expectations”
- D. Authorize NC Recreation and Parks to construct an observation platform on Occoneechee Mountain
- E. Approval of Contract for WFER Current Status Memo

F. Approval of Agreement Extension By and Between Orange County and Town of Hillsborough for Stormwater Management Program

8:27:48 PM Upon a motion by Commissioner Lowen, seconded by Commissioner Dancy, the Board moved to adopt the Consent Agenda as presented by a vote of 5-0. The motion was declared passed. Copies of the Amendments to Chapter 4 of the Town Code relating to Workers' Compensation Benefits and Performance Evaluations, and the Agreement Extension By and Between Orange County and the Town of Hillsborough for Stormwater Management are hereby incorporated by reference and made a part of these official Minutes as Attachments.

8:28:23 PM Commissioner Hallman, commenting on Item D. Authorize NC Recreation and Parks to construct an observation platform on Occoneechee Mountain, asking where the structure would be. Mr. Dave Cook with the State Park System said it would be on the cliff, but about 50 feet further back than the previous structure. He said it would also be higher up.

**11. ITEMS FOR DECISION – REGULAR AGENDA**

**A. Consideration of request to close portion of Webb Street**

8:29:21 PM Ms. Hauth said after the public hearing they had received a letter from Ms. Kenion asking to withdraw her request to have the street closed.

8:29:44 PM Mayor Stevens asked if the Board needed to take action on this. Mr. Hornik said no action was required.

**B. Consider ordinance to annex 40.13 acres on US 70 East (Corbinton Commons) as a satellite annexation (TMBL 4.37.A.3c and 3d)**

8:29:52 PM Ms. Hauth said the public hearing was held on October 23, noting this was a satellite annexation.

8:30:22 PM Upon a motion by Commissioner Lowen, seconded by Commissioner Dancy, the Board moved to enact the ordinance to annex by a vote of 5-0. The motion was declared passed.

**C. Consider request to amend Waterstone Master Plan to change the approved street network**

8:31:27 PM Ms. Hauth said at the October 24 public hearing, there was a two-part Master Plan amendment put forward. The public hearing was held open on both items and continued to the Planning Board meeting, she said, and at that time the hearing was closed on the portion regarding the street network. Ms. Hauth said the Planning Board at its subsequent meeting recommended unanimously to deny that amendment to the Master Plan due to safety concerns and the need to have a more connected street network, and the impact to Beckett's Ridge, Millstone, and Cornwallis Hills.

8:33:25 PM Dave Denison, the applicant with Stratford, said they had been unable to secure the right-of-way to build the road. He said if the Town Board preferred that they continue to pursue the original road they were willing to do so. Mr. Denison said they were now in a time crunch, but were willing to have this tabled until the December 12<sup>th</sup> meeting.

8:35:28 PM Chuck Nichols, the attorney representing the applicant, said they had prepared three documents. He said one was how to implement it, one was an access easement and agreement that provided access for the road itself, and then a deed that swapped that five-acre strip along the northern section of Mr. Morin's land. Mr. Nichols said they had a plat that would have to be cleaned up for recording of the recombination, which had to be signed off on by both Planning Boards of Orange County and the Town.

Mr. Nichols said the permitting process had already begun for Stratford, and they were optimistic that they were on the right track to get those permits. He said one thing that was not currently in the agreement that he believed should be in there was the explicit permission that the parties would cooperate with each other with any ongoing needs as far as permits and approvals and the process to design, implement, and get permitted the road. Mr. Nichols said that was important for a roadway of this magnitude.

Mr. Nichols said Mr. Morin had requested and they had agreed that the strip that was annexed was no longer the alignment of the road, and we have agreed to cooperate with him to get rid of that annexation. He stated they would probably need to realign the annexation to the strip that the road was currently planned for. Mr. Nichols said the documents he had discussed were ready to sign, and suggested sending those to Mr. Hornik and then more forward.

8:38:30 PM Responding to a comment from Commission Gering, Mr. Nichols said the only outstanding issue at this point, which should be easily addressed, was who would be the signatory or authority for Stratford. He said he had a signed resolution showing Mr. Denison as a Vice President of the company and has authority to sign for Stratford.

8:39:17 PM Mr. Hornik said that had been the only remaining issue, and the other issues that seemed to have separated Mr. Marin and Stratford had now been resolved.

8:39:35 PM James Pendergrass said he had given Mr. Hornik a three-page letter yesterday that detailed the history of this issue. He said the Marin's had always been in agreement per the contract and were still in agreement. Mr. Pendergrass said they saw no reason for the road to be realigned.

8:39:55 PM Commissioner Gering said the Planning Board's analysis had made it clear that the alternative plan was far less advantageous than the original plan. Commissioner Gering made a motion to direct staff to examine the original Master Plan to determine if that was indeed the best route or if it was a minor adjustment only, and that the information be brought back at a future meeting.

8:41:03 PM Commissioner Hallman seconded the motion.

8:41:33 PM Commissioner Lowen said if staff came back and said that perhaps another alignment were better than what was proposed, would that throw the process back before the Planning Board. Commissioner Gering said perhaps the motion should be more explicit, noting that perhaps the Town Board needed to consider a third option, which would be one that they take on their own initiative.

8:41:51 PM The Board adopted the motion by a vote of 5-0. The motion was declared passed.

8:41:56 PM Commissioner Gering said it was important to begin laying the legal groundwork in case we needed to exercise that third option, and asked to add an item to the Closed Session dealing with the potential legal requirements for exercising imminent domain.

8:42:19 PM Commissioner Hallman seconded the motion. The Board adopted the motion by a vote of 5-0. The motion was declared passed.

8:42:35 PM Commissioner Lloyd made a motion to table any action to amend the Waterstone Master Plan street network until the December 11<sup>th</sup> Town Board meeting. She stated that this action would give each party time to finalize the land swap. Commissioner Lowen seconded the motion.

8:43:12 PM Commissioner Gering said he agreed with the motion, adding he would not want the Town to venture into an imminent domain action if this could be resolved any other way. But, he added, it was important that it be resolved.

8:43:31 PM The Board adopted the motion by a vote of 5-0. The motion was declared passed.

**D. Consider ordinance to rezone 2.47 acres between NC 86 and Tuliptree Road from R-40 to Light Industrial (TMBL 4.5.A.6a)**

8:44:11 PM Ms. Hauth said this was a request to rezone 2.47 acres between NC 86 and Tuliptree from R-40 to Light Industrial. She said the Planning Board had recommended denial of this request because it did not meet the Land Use Plan and adjacency requirements for Light Industrial. Ms. Hauth noted that Greg Pacchiana was not able to attend the public hearing, but was present tonight and wanted to address the Board.

8:45:37 PM Greg Pacchiana said some concern had been expressed at the public hearing regarding the visual impact to homes being built on Habitat property, noting they would cooperate in any way possible to make the Habitat homes successful. He said the property in question had significant grade changes, noting that in the northwest corner of the property they had cut some of the grade down so that adjoining properties were about 15 higher. Mr.

Pacchiana said a six feet high fence would be installed, adding that there would be minimum visual impacts.

Mr. Pacchiana said if they were allowed to rezone, they would be flattening one small area in that same corner, and would continue that lower grade farther on. He noted that of the 2.47 acres, only a little more than an acre would be developed.

8:47:45 PM Commissioner Gering asked why the grading was advantageous. Mr. Pacchiana said in the back portion of the property it allowed them to berm it off so that it could not be seen. In addition, he said it gave them a small portion of land to use for driveways and also squared off the property.

8:48:18 PM Mr. Hornik asked what the setback was in the Light Industrial district that would apply. Ms. Hauth said 50 feet. Mr. Hornik asked how wide the wide part of the property was. Mr. Pacchiana said 200 feet. He said it would enable them to use more of the existing property.

8:49:48 PM Mr. Hornik said he was trying to determine what the effect would be, given the setbacks and the wetland regulations. Mr. Pacchiana said for our purpose, we preferred to be out of sight.

8:50:13 PM Commissioner Lowen said what concerned him was that he and Commissioners Hallman, Dancy, and Lloyd were at the Planning Board meeting, and his representative was not able to hear the comments that were just made to the Board about the use of the property or the wetlands. He said if the Planning Board had heard that information, their recommendation may have been different. Commissioner Lowen asked if this could be sent back to the Planning Board to hear this information. Mr. Hornik said the Board had a lot of leeway in terms of what it could consider in reaching a decision, noting they were not bound to make a decision solely on what was presented at the public hearing. He said it could be sent back to the Planning Board, or they could make a decision based on what had been presented tonight.

8:51:55 PM Mr. Pacchiana said the Planning Board had such a heavy schedule that this issue had been moved back on the schedule, and he apologized for not attending the public hearing. He said the issue regarding Habitat's concern had never come up before, and he had talked with Habitat representatives and believed their concerns had been addressed. Mr. Pacchiana said he would prefer not to spend the additional time it would take to go back before the Planning Board.

8:52:51 PM Commissioner Lowen said he had spoken to a representative of Habitat and they did not appear to be concerned about this proposal. He said his only concern was that the Planning Board did not hear what the Board had heard tonight.

8:53:12 PM Mayor Stevens said he did not know how strongly the Planning Board had felt about this. Commissioner Lloyd said she did not believe the Planning Board had been strongly concerned that this would be a detrimental project to the Habitat property. She said the concern

was that the people who would live there would not have had the opportunity to provide comment.

8:54:08 PM Mr. Pacchiana said he could only make a commitment that the property would be better than it was now. He said with the setback requirements and the wetland, there was only one potential building envelope on the property, about a quarter of the site. He said they wanted to build the site in a way that would add value for everyone in the area.

8:57:21 PM Ms. Hauth said Town Board's Statement needed to be revised prior to a motion. She said she was hearing that the Board wanted to amend the statement in the third paragraph to change the word "inconsistent" to "consistent." As well, she said, rather than saying it was consistent with the Comprehensive Plan it should say that it was consistent with the draft Strategic Growth Plan. Ms. Hauth said we would want to strike the last paragraph, which supplied a reason for its inconsistency.

8:58:10 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Lowen, the Board moved to revise the Town Board's Statement per N.C. General Statute 160A-383, to amend the statement in the third paragraph to change the word "inconsistent" to "consistent," to delete reference to the Comprehensive Plan and adding that it was consistent with the draft Strategic Growth Plan, and to delete the last paragraph by a vote of 5-0. The motion was declared passed.

8:58:56 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Lloyd, the Board moved to enact the zoning ordinance by a vote of 5-0. The motion was declared passed. A copy of the Town Board's Statement and Ordinance Amending the Zoning Map is hereby incorporated by reference and made a part of these official Minutes as an Attachment.

**E. Consider ordinance to rezone 3.12 acres on the west side of NC 86 S from Limited Office to Light Industrial (TMBL 4.40.A.8K)**

8:59:50 PM Ms. Hauth said this was a request from AMBA Ventures to rezone the property that was currently Hillsborough Storage from Limited Office to Light Industrial. She said the Planning Board had voted 8-1 in favor of the request. Ms. Hauth said one issue raised at the public hearing was concern about the potential to create a nonconformity from the setback standpoint. She said it was nonconforming now since storage was not a permitted use. Ms. Hauth said there was some concern that some of the buildings would be in the setback because it was developed as a high-intensity commercial site at the time it was constructed.

9:01:06 PM Upon a motion by Commissioner Hallman, seconded by Commissioner Dancy, the Board moved to adopt the Town Board's Statement per NC General Statute 160A-383 by a vote of 5-0. The motion was declared passed. A copy of the Town Board's Statement and Ordinance Amending the Zoning Map is hereby incorporated by reference and made a part of these official Minutes as an Attachment.

9:01:25 PM Upon a motion by Commissioner Hallman, seconded by Commissioner Dancy, the Board moved to enact the rezoning ordinance by a vote of 5-0. The motion was declared passed.

**F. Consider ordinance to rezone .75 acres on the south side of W Margaret Lane from R-20 to Central Commercial (TMBL 4.36.E.5)**

9:01:44 PM Ms. Hauth said this was a request from Weaver Communities to rezone .75 acres on West market Lane from R-20 to Central Commercial. She said a portion of the property was already zoned R-20, and they wanted the entire tract to be zoned Central Commercial.

9:02:24 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Gering, the Board moved to adopt the Town Board's Statement per NC General Statute 160A-383 by a vote of 5-0. The motion was declared passed.

9:02:45 PM Upon a motion by Commissioner Dancy, seconded by Commissioner Lloyd, the Board moved to enact the zoning ordinance by a vote of 5-0. The motion was declared passed. A copy of the Town Board's Statement and Ordinance Amending the Zoning Map is hereby incorporated by reference and made a part of these official Minutes as an Attachment.

**G. Receive letter of interest in annexation from CCDC to annex 3.5 acres adjacent to recently annexed site (TMBL 4.5C.C.4)**

9:03:04 PM Ms. Hauth said this was a request for annexation adjacent to property recently annexed owned by Central Carolina Development Corporation. She said the applicant realized that in order to have this property included in the site plan for the recently annexed property, it was necessary to have this portion annexed as well.

Ms. Hauth said this property would not immediately fall into the Town's ETJ, rather it would be an area of delegated authority. She said it would act similar to the ETJ after the recommendations were implemented in the Strategic Growth Plan. Ms. Hauth said it was possible that this property would eventually be under the control of the Town.

9:04:45 PM Kim Callemyn explained the uses of the surrounding properties, noting on the south there was existing commercial. She said there was a 16-foot strip that was part of a residential usage, but everything else to the south was commercial.

9:05:16 PM Commissioner Gering asked what benefit there would be to annex this. Ms. Hauth responded that the parcel and its tax value would be added to the Town's revenue base, as opposed to it not being a portion of the parcel that was taxable. She said from the Town's standpoint, it was a matter of whatever was developed on that entire parcel adding value to the Town.

9:07:45 PM Upon a motion by Commissioner Gering, seconded by Commissioner Lowen, the Board moved to solicit a petition for annexation from the owners for the January public hearing by a vote of 5-0. The motion was declared passed.

#### **H. Discussion of potential process and schedule changes for advisory boards**

9:08:33 PM Ms. Hawth said at the joint meeting with advisory boards, the Tree Board and the Water Sewer Advisory Board expressed an interest in having increased roles in the development review process. As well, she said, the difficulty created by the short gap between public hearing and decision was discussed and referred to staff for suggestions. She said the Planning Board discussed the schedule changes on November 7, and unanimously endorsed changing their meeting date and the hearing schedule to the third Thursday of the month on a trial basis. She said the Planning Board wanted to make sure its meeting minutes were available to the Town Board for its deliberations. Ms. Hawth said if the Board was interested in canceling all July advisory board meetings, the Planning Board recommended shifting hearings to February, May, August, and November. She explained the advantages of the schedule changes for both the Planning Board and the applicants.

9:14:43 PM On a related note, Ms. Hawth said the Planning Board had unanimously requested that no more public hearings be scheduled in the Town Barn as the facility could not accommodate the public wishing to attend the meeting. Responding to a remark regarding the use of a sound system, Mr. Hawth noted she had been researching different systems that were available at a reasonable price.

9:16:13 PM Commissioner Lloyd asked if the Board needed to decide now which month to take off the meeting schedule. She suggested letting the Planning Board go through a trial period before making that decision. Ms. Hawth said the schedule did not have to be adopted tonight, stating she could bring forward a schedule at a later date so that the Town Board members could consider it based on their personal calendars.

9:17:17 PM Mayor Stevens said with enough notice, taking a month off should pose no problems. Ms. Hawth agreed, noting that other boards in the County did not meet in July, so it was not necessarily expected that we would.

#### **I. Set Date for FY 2008-2010 Budgetary Goal-Setting Retreat and Planning Session**

9:18:42 PM Mr. Peterson suggested either Saturday, January 27 or Saturday, February 3 as a date for the Retreat and Planning Session. Commissioner Lloyd asked how long that meeting might last. Mr. Peterson replied about six hours, from 9 AM to about 3 PM, but that was up to the Board. He said the meeting could be as long or as short as the Board wanted.

Mr. Peterson said he had talked today with Donna Warner with the Institute of Government, and he, Ms. Warner, Mayor Stevens, and Mr. Potts could get together and produce a draft agenda for consideration at the December meeting.

9:21:02 PM By consensus, the Board set a date of January 27, 2007 from 9:00 AM – 3:30PM for the FY 08-10 Budgetary Goal-Setting Retreat and Planning Session.

**J. Receive report on FY 2006 Water Audit and re-analysis of FY 2004 and FY 2005 data**

9:22:35 PM Mr. Keel said they had completed the FY 2006 Water Audit, and it showed 22% unaccounted for water, noting the previous years' audits for FY 2005 and FY 2004 were 19% and 21% respectively. Mr. Keel said the software that tracked these figures had been updated, and although the numbers were higher than he liked, our leakage was within an acceptable range.

Mr. Keel said the reduction of unaccounted for water would extend the life of the supply and defer expensive supply increase needs. He said he was dedicated to reducing that 22% leakage.

9:26:35 PM Commissioner Dancy asked if there was a way that houses that were empty were still able to access the water supply. She asked if those water meters were checked to make sure water was not being provided to such structures. Finance Director Greg Siler said they did periodically check vacant properties for usage.

9:27:23 PM Commissioner Hallman asked who or what were the major culprits that accounted for our water loss. Mr. Keel said some of it was line breakages, though certainly some was attributable to theft. He said some could be errors in accounting for what was used during flushing or other uses. Mr. Keel said he believed the largest loss was attributable to small leaks in the system that might go for some time before being detected. He said he did not believe theft was a major problem.

9:29:00 PM Commissioner Gering asked was there a way to estimate with the software or some other method of where the water was lost. Mr. Keel said potentially, noting the meter readings on particular routes might be correlated to different zones to see how much water was going in and out of the tanks. He said he did not know how accurate that might prove to be.

9:30:23 PM Mr. Peterson said they had conducted acoustical testing in the past to track down leaks. Mr. Keel said it might be beneficial to do that again. Mr. Peterson reminded the Board that 20% was about average for a system of our size, so we were about average.

9:31:17 PM Commissioner Gering asked if he thought this leakage was a big problem. Mr. Keel said he believed the number could be reduced, and they would continue to work on it. He said he did not consider it an enormous problem considering the fact that we were in the normal range for leakage, although we needed to get it down to protect our future water supply.

9:32:37 PM Mayor Stevens said we knew how much water was in the system, so this was really a leakage problem as opposed to a measurement problem. Mr. Keel said there were some

measurement issues with older meters, but those were gradually being replaced so that part of the issue was becoming less and less of a problem each year.

9:33:15 PM Responding to a remark by Commissioner Hallman, Mr. Peterson said one issue was how much line replacement did a utility need to do each year to control leakage. Mr. Keel said we needed to continually think about putting new infrastructure in place as well as repairing older infrastructure on a regular basis.

9:35:31 PM Mayor Stevens said if we were in the average range, who was doing the calculating, and what was the rate of return for being at that level. He commented that the cost of water was rising. Mayor Stevens said he believed we should set a target figure.

9:36:56 PM Commissioner Lloyd suggested that at the retreat in January, that each Board member think about and share the one or two issues they receive the most complaints about.

9:37:49 PM Mr. Peterson said he would like to have the Board develop their five major areas of focus so that staff could determine if they were focusing on the right areas.

#### **K. Discuss “Hot Topics” for the November Workshop**

9:38:06 PM Commissioner Lowen said he agreed with the suggestions that Mr. Peterson had emailed to the Board, but wondered how they would squeeze that in, since we were expecting a long meeting. He said he agreed that the Board should have some personal time with American Asset, but wondered how to do that. Mr. Peterson said if the Board had about 15 minutes of time to brainstorm it would make it easier to get started. He said another way would be that if we run out of time, we could take the Board members’ notes and compile a master list to be shared via email. Mr. Peterson said that master list could contain the top ten items the Board was interested in.

9:39:45 PM Mayor Stevens said another option would be to call a special meeting. Mr. Peterson said perhaps that could be added to the regular December meeting agenda.

9:40:53 PM Ms. Hauth said a discussion on the draft Strategic Growth Plan was on that agenda, but she did not believe it would consume more than an hour. She said materials would be available the hour before the meeting to allow the public to get familiar with them.

9:41:23 PM Commissioner Lowen said he was concerned that if we added it to the agenda and the Board had a spirited discussion, would the meeting then become a public hearing on that discussion. In other words, he said, was it the Board’s discussion or was it another opportunity for the public to comment. Commissioner Lowen said he wanted it to be a discussion about our thoughts and ideas, not an open discussion that allowed the public to interject.

9:42:20 PM Commissioner Gering said letting the public comment first and then sending it to the Board was the better way to do it. Commissioner Lowen said then it should be put on the

agenda so that the Board could discuss it, then allow the public to comment afterwards. Ms. Hauth said it was the Board's choice, noting they could open the public hearing for comment, then close the hearing and enter into a deliberation.

9:43:06 PM Mayor Stevens said he was thinking that giving the public the chance to speak first, then having the Board enter into deliberation was the better way to go.

9:43:32 PM Commissioner Dancy said we would be dealing with the list that came out of last night's meeting. Mr. Peterson said it had been his intention to discuss the American Asset, and give the Board an opportunity to talk about the information. He said he believed it was critical that the developer hear from the Board.

9:44:58 PM Mayor Stevens said part of our deliberation should include next steps, noting he believed we had an opportunity to build on what we've already accomplished.

9:45:14 PM Commissioner Hallman said it would be beneficial if the Board members drove through Briar Creek.

9:46:51 PM Mayor Stevens stated he believed the Board was in agreement to hold the public hearing on the Strategic Growth Plan, then close the hearing and move into deliberation that would include next steps.

9:48:10 PM Mayor Stevens called for a brief recess before entering into Closed Session.

9:48:15 PM Upon a motion by Commissioner Gering, seconded by Commissioner Lowen, the Board moved to go into Closed Session by a vote of 5-0. The motion was declared passed.

## **12. ADJOURN**

10:25:00 PM Mayor Stevens reconvened the meeting.

Upon returning to Open Session, and upon a motion by Commissioner Lloyd, seconded by Commissioner Dancy, the Board moved to adjourn at approximately 10:25 PM by a vote of 5-0. The motion was declared passed.

Respectfully submitted,  
Donna F. Armbrister, MMC  
Town Clerk

**AN ORDINANCE AMENDING CHAPTER 4 OF THE TOWN CODE  
OF THE TOWN OF HILLSBOROUGH**

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

Section 1 Chapter 4, Section 4-25 Worker's Compensation Leave of the Hillsborough  
Town Code is hereby amended as follows:

1. Section 4-25 Worker's Compensation Leave Refer to Section 4-58 Worker's  
Compensation Benefit.

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 14 day of NOV., 2006.

Ayes: 5

Noes: 0

Absent or Excused 0

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

**AN ORDINANCE AMENDING CHAPTER 4 OF THE TOWN CODE  
OF THE TOWN OF HILLSBOROUGH**

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

Section 1. Chapter 4 – Personnel, of the Hillsborough Code is hereby amended as follows:

**Section 4-7 Performance Appraisal Policy/Merit Principle and Equal  
Employment Opportunity**

PERFORMANCE APPRAISAL POLICY – SECTION III, Procedures is hereby amended as follows:

**Procedures**

**Appraisal Dates**

Performance Appraisals of all Town employees will be conducted annually during the anniversary month of the date the employee entered his/her current position or on the date of the most recent date of promotion. The appraisal will be conducted by the employee's immediate supervisor and department head and will address the performance of the employee during the most recent twelve months. Supervisors are encouraged to conduct additional performance appraisals as needed during the year to help define expectations and to get employee feedback, especially during periods of transition within the department. (AMENDED 04-09-2001) (AMENDED 12-13-2004)

NOTE: When an employee is affected by a personnel action involving a change in position or a change in supervisor (lateral transfers, etc.), that employee will be appraised on his or her old appraisal date as if nothing had changed.

**Improvement Plan**

If an employee receives a ~~below standard~~ "Below Expectations" rating on the overall appraisal, the department head/supervisor must submit the improvement plan in writing to the Town Clerk/Personnel Officer for filing in the employee's personnel file. The supervisor and the employee will share the responsibility for providing and accepting the necessary training and feedback in order to improve performance. Employees working with an improvement plan must be reviewed informally at four-week intervals to judge the success of the improvement effort. At the end of twelve weeks, the employee will be demoted or terminated if he/she fails to achieve a standard appraisal overall.

**Probationary Appraisals**

Probationary appraisals for new employees will be conducted halfway through the probationary period (at 3 months for general employees and at 6 months for police personnel). Supervisors are encouraged to conduct informal appraisals more often as needed. Probationary employees must receive no "~~Below Standard~~" "Below Expectations" ratings in order to move from probationary to regular status. After the successful completion of the probationary period (6 months for general employees; 12 months for sworn law enforcement officials), the employee will be eligible for a salary increase of 6%. A performance evaluation will be conducted at the end of the probationary period, but the scoring will only be used as a guideline for future


performance and goal setting - not to calculate the monetary increase. The employee would also be eligible for any approved Cost of Living increase for that fiscal year. Upon successful completion of the Probationary Period, the individual would then continue to be eligible for merit increases on the anniversary date the employee entered his/her current position or on the date of most recent date of promotion. **(AMENDED 06-29-99) (AMENDED 09-12-05)**

Section 2. All provisions of any Town Ordinance in conflict with this Ordinance are Repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 14th day of Nov, 2006.

Ayes: 5  
Noes: 0  
Absent or Excused: 0

  
Donna F. Armbrister, Town Clerk

STATE OF NORTH CAROLINA

NPDES PERMIT NCS000466

INTERLOCAL AGREEMENT EXTENSION  
By and between  
COUNTY OF ORANGE and TOWN OF HILLSBOROUGH

This Interlocal Agreement Extension, made and entered into as of the 1st day of October, 2006 by and between Town of Hillsborough (hereinafter referred to as "Town") and Orange County (hereinafter referred to as "County").

W I T N E S S E T H

WHEREAS, the Town and the County entered into an Interlocal Agreement dated as of March 21, 2006, pursuant to G.S. Section 160A-461, pursuant to which the County agreed to provide selected services for the performance of Permit Compliance within the municipal boundaries and/or extraterritorial jurisdiction of the Town; and

WHEREAS the Interlocal Agreement's initial term was to expire at midnight on September 30, 2006 unless renewed by the parties; and

WHEREAS the parties desire to renew and extend the Interlocal Agreement for an additional year as provided in Section 5.1 of the original Interlocal Agreement.

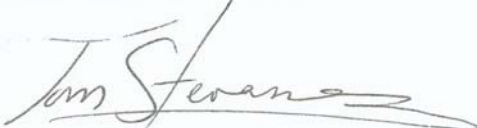
NOW THEREFORE, for and in consideration of the mutual terms and agreements hereinafter set forth, the Town and the County do agree as follows:

1. County will carry out, or cause to be carried out, those responsibilities identified in Article 1 of the original Interlocal Agreement, including the services identified as "County's Ministerial Responsibility" in Schedule A2 of the original Interlocal Agreement.
2. The Town shall compensate the County for services provided pursuant to the original Interlocal Agreement as extended and renewed herein in accordance with the Annual Fees Schedule annexed to the original Interlocal Agreement as Schedule A. The County's fee for "Renewal Term one/Permit Year Two" (the renewal term covered by this Extension Agreement) shall be \$57,800.
3. The Town shall be responsible for carrying out all those responsibilities identified in Schedule A2 of the original Interlocal Agreement as the "Town's Responsibility".
4. Except as set forth herein, all other terms of the original Interlocal Agreement first referred to above shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned do hereby cause this agreement to be executed  
this 14th day of NOVEMBER, 2006.

TOWN OF HILLSBOROUGH

ORANGE COUNTY



BY: MAYOR

BY: CHAIR, BOARD OF  
COMMISSIONERS



ATTEST:

ATTEST:

BY: TOWN CLERK

BY: CLERK TO THE BOARD

**Town Board's Statement per N.C. Gen. Stat. 160A-383**

The Town of Hillsborough Town Board has received and reviewed the application of Queen Street Partners to amend the Town of Hillsborough Zoning Ordinance/Map as follows:

Rezone 2.47 acres between NC 86 and Tuliptree Road from R-40 to Light Industrial (TMBL 4.5.A.6a)

The Hillsborough Town Board has determined that the proposed action is consistent with the Town of Hillsborough's draft Strategic Growth Plan, and the Town Board's proposed action on the amendment is reasonable and in the public interest.

Adopted by the Town of Hillsborough Board of Commissioners this 14 day of Nov, 20006.

  
Town Clerk

AN ORDINANCE AMENDING THE ZONING MAP  
OF THE TOWN OF HILLSBOROUGH

THE BOARD OF COMMISSIONERS OF THE TOWN OF HILLSBOROUGH ORDAINS:

**Whereas an application has been made for the rezoning of the property herein; and**

**Whereas the application has been referred to the Town Planning Board for its recommendation and the Planning Board has provided the Town Board with a written recommendation addressing the consistency of the proposed rezoning with the Town's comprehensive plan and such other matters as the Planning Board deemed appropriate; and**

**Whereas the Town Board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the Town's comprehensive plan and explaining why the action contemplated by the Town Board as reflected herein is reasonable and in the public interest.**

**NOW, THEREFORE, be it ordained as follows:**

- Section 1. The Zoning Map of the Town of Hillsborough is hereby amended to zone 2.47 acres between NC 86 and Tuliptree Road from R-40 to Light Industrial (TMBL 4.5.A.6a)
- 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/DENIED this 14<sup>th</sup> day of November, 2006.

Ayes: 5  
Noes: 0  
Absent or Excused: 0

  
Donna F. Armbrister, Town Clerk

**Town Board's Statement per N.C. Gen. Stat. 160A-383**

The Town of Hillsborough Town Board has received and reviewed the application of AMBA Ventures to amend the Town of Hillsborough Zoning Ordinance/Map as follows:

Rezone 3.12 acres on the west side of NC 86 S from Limited Office to Light Industrial (TMBL 4.40.A.8R)

The Hillsborough Town Board has determined that the proposed action is consistent with the Town of Hillsborough's comprehensive plan, and the Town Board's proposed action on the amendment is reasonable and in the public interest for the following reason(s):

And meets the adjacency requirements for Light Industrial

Adopted by the Town of Hillsborough Board of Commissioners this 14<sup>th</sup> day of November, 2006.

  
Town Clerk

AN ORDINANCE AMENDING THE ZONING MAP  
OF THE TOWN OF HILLSBOROUGH

THE BOARD OF COMMISSIONERS OF THE TOWN OF HILLSBOROUGH ORDAINS:

**Whereas an application has been made for the rezoning of the property herein; and**

**Whereas the application has been referred to the Town Planning Board for its recommendation and the Planning Board has provided the Town Board with a written recommendation addressing the consistency of the proposed rezoning with the Town's comprehensive plan and such other matters as the Planning Board deemed appropriate; and**


**Whereas the Town Board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the Town's comprehensive plan and explaining why the action contemplated by the Town Board as reflected herein is reasonable and in the public interest.**

**NOW, THEREFORE, be it ordained as follows:**

- Section 1. The Zoning Map of the Town of Hillsborough is hereby amended to rezone 3.12 acres on the west side of NC 86 S from Limited Office to Light Industrial (TMBL 4.40.A.8R)
- 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 DENIED this 14<sup>th</sup> day of November, 2006.

Ayes: 5  
Noes: 0  
Absent or Excused: 0

  
Donna F. Armbrister, Town Clerk

**Town Board's Statement per N.C. Gen. Stat. 160A-383**

The Town of Hillsborough Town Board has received and reviewed the application of Weaver Community LLC to amend the Town of Hillsborough Zoning Ordinance/Map as follows:

Rezone .75 acres on the south side of W Margaret Lane from R-20 to Central Commercial (TMBL 4.36.E.5)

The Hillsborough Town Board has determined that the proposed action is consistent with the Town of Hillsborough's comprehensive plan, and the Town Board's proposed action on the amendment is reasonable and in the public interest for the following reason(s):

As the request meeting the criteria in the Zoning Ordinance to qualify for the Central Commercial district and meets the dimensional requirements for the Central Commercial district

Adopted by the Town of Hillsborough Board of Commissioners this 14 day of Nov, 2006.

  
(Town Clerk)

AN ORDINANCE AMENDING THE ZONING MAP  
OF THE TOWN OF HILLSBOROUGH

THE BOARD OF COMMISSIONERS OF THE TOWN OF HILLSBOROUGH ORDAINS:

**Whereas an application has been made for the rezoning of the property herein; and**

**Whereas the application has been referred to the Town Planning Board for its recommendation and the Planning Board has provided the Town Board with a written recommendation addressing the consistency of the proposed rezoning with the Town's comprehensive plan and such other matters as the Planning Board deemed appropriate; and**


**Whereas the Town Board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the Town's comprehensive plan and explaining why the action contemplated by the Town Board as reflected herein is reasonable and in the public interest.**

**NOW, THEREFORE, be it ordained as follows:**

- Section 1. The Zoning Map of the Town of Hillsborough is hereby amended to zone approximately .75 acres on the south side of W Margaret Lane from R-20 to Central Commercial (TMBL 4.36.E.5)
- 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 ~~DENIED~~ this 14<sup>th</sup> day of November, 2006.

Ayes: 5  
Noes: 0  
Absent or Excused: 0

  
Donna F. Armbrister, Town Clerk