

**MINUTES  
HILLSBOROUGH TOWN BOARD  
October 13, 2008  
7:00 PM, Town Barn**

**PRESENT:** Mayor Tom Stevens, Commissioners Frances Dancy, Evelyn Lloyd (arrived at 7:10 p.m.), Brian Lowen, L. Eric Hallman, and Mike Gering.

**STAFF PRESENT:** Town Manager Eric Peterson, Assistant Town Manager/Public Works Director Nicole Ard, Town Clerk/Director of Administration and Human Resources Donna Armbrister, Planning Director Margaret Hauth, Town Engineer/Utilities Director Kenny Keel, Finance Director Greg Siler, Budget Analyst Emily Bradford, Police Chief Clarence Birkhead, and Town Attorney Bob Hornik.

Mayor Tom Stevens called the meeting to order at 7:00 p.m.

**1. PUBLIC CHARGE**

[7:01:17 PM](#) Mayor Stevens did not read the Public Charge but indicated it would be followed.

**2. PUBLIC HEARING**

- A. Annexation request from Habitat for Humanity of Orange County to annex 9 lots on Locust Road. The lots are currently undeveloped and zoned R-10. No zoning change is proposed (TMBL 4.5a.A.7,8,11,14 and 4.5a.C.16,17,18,19,23)**

[7:01:38 PM](#) Mayor Stevens opened the Public Hearing regarding an annexation request from habitat for Humanity to annex nine lots on Locust Road.

[7:01:52 PM](#) Planning Director Margaret Hauth displayed a map of the areas proposed for annexation. She stated the areas in green were already in the Town limits and the nine lots outlined in dark black were the lots requesting annexation. Ms. Hauth stated two of the lots were considered satellite lots because they were not in any way currently attached to the Town limits.

Ms. Hauth stated that Susan Levy with Habitat was present, and added that the lots were now under construction and the Town was currently installing sewer to get the lots ready for sale by the end of the year.

[7:02:43 PM](#) Commissioner Gering said regarding the map, the “donut hole” seemed to be a part of the annexation request. Ms. Hauth stated that was a part of the request.

Town Attorney Bob Hornik asked if Habitat was the owner of that “donut hole.” Ms. Hauth responded they had signed the annexation petition as the owners.

[7:03:20 PM](#) Susan Levy, representing Habitat for Humanity, stated that Habitat was officially the owners of the properties indicated on the map. She pointed out that the triangular piece at the access would remain as open space, and they were currently meeting with residents of the community to see if they could develop that into a community garden space. Ms. Levy stated this request was a part of the effort to work with the Town to develop affordable homeownership in this section of Fairview. She added that seven of the lots were now under construction.

[7:04:04 PM](#) Commissioner Lowen asked if Habitat was interested in acquiring any other properties in that neighborhood. Ms. Levy stated they were, but unfortunately the source of funds they were using, Affordable Housing Bond funds available from the County, were no longer available so they would need to identify other sources of funding to purchase additional lots. She said they did have another seven lots in the main part of Fairview and then two on the other side of Terrell Road already purchased, and those would be developed in the next few months.

Commissioner Lowen stated he would like to see that whole quadrant annexed into the Town at some point. Ms. Levy stated they had approached owners of other lots, but so far no one was interested in selling.

Mayor Stevens stated the Town was very appreciative of Habitat's good work in that area.

[7:05:36 PM](#) Upon a motion by Commissioner Hallman, seconded by Commissioner Dancy, the Board moved to close the Public Hearing by a vote of 4-0. The motion was declared passed.

## **INTERVIEW VOLUNTEER ADVISORY BOARD CANDIDATE**

### **A. Interview volunteer candidate to serve on the Historic District Commission**

[7:05:58 PM](#) Ms. Hauth stated that Mr. Vernon had a conflict with a class he taught and would be arriving later in the evening.

## **3. AUDIENCE COMMENTS REGARDING MATTERS NOT ON THE PRINTED AGENDA**

[7:06:17 PM](#) Mayor Stevens determined that no one had signed up to speak at this time.

## **4. AGENDA CHANGES & AGENDA APPROVAL**

[7:06:37 PM](#) Commissioner Lowen added a discussion of Traffic Calming Devices and well as some direction to staff to be added prior to discussion of Item I.

[7:07:05 PM](#) Mayor Stevens added a discussion regarding Direction to Staff regarding Parade Applications, noting the number of events and parades the Town was experiencing and the need for some consistency in that process.

[7:07:33 PM](#) Commissioner Hallman stated the wording on Item H should be revised to strike “Commissioner Hallman’s” from the title. He stated that resolution was a joint effort by a number of people.

[7:08:07 PM](#) Mayor Stevens stated it had been suggested by staff to move Items 10.D and 10.E to the Consent Agenda.

[7:08:33 PM](#) Upon a motion by Commissioner Lowen, seconded by Commissioner Dancy, the Board moved to approve the Agenda as amended by a vote of 4-0. The motion was declared passed.

## **5. APPOINTMENTS**

### **A. Consider appointment of Zackery Vernon to a three-year term on the Historic District Commission**

[7:08:49 PM](#) Mayor Stevens indicated the Board would consider the appointment once Mr. Vernon arrived at the meeting.

## **6. COMMITTEE REPORTS (*Critical*)**

[7:08:56 PM](#) Commissioner Hallman stated he wanted to recognize the Arts Council for the tremendous job they had done on the Handmade Puppet Parade. He stated that was the largest turnout for a parade that he had witnessed in a quite a while, and the diversity of people and the participation was phenomenal.

[7:09:46 PM](#) Mayor Stevens stated the carbon footprint of that event was very low, noting he had not seen one motor vehicle in the parade. He agreed it was an incredible event, and he would write a congratulatory letter from the Board to the Arts Council. Mayor Stevens recognized the Tourism Board for their efforts as well.

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

[7:10:27 PM](#) Town Manager Eric Peterson said that the Board may have gotten a copy of a six page memo from the League of Municipalities, which was a sharing of information and advance notice that Powell Bill revenues were 10% below what was expected, and they anticipated seeing sales taxes reduced by about 10% as well. He stated the League was putting everyone on notice not just for this year but for next year as well.

Mr. Peterson said that other jurisdictions across the State, particularly the larger ones, had instituted hiring freezes and other cutbacks. He stated in the next month of so he would provide the Board with an analysis and make some suggestions as to capital projects that could be deferred or other types of actions that could be taken to help mitigate the anticipated deficit.

[7:10:48 PM](#) Commissioner Evelyn Lloyd arrived at the meeting.

[7:12:02 PM](#) Commissioner Hallman stated he was relieved to learn from Representative Paul Luebke that the Legislature took steps to make sure that the Governor could not withhold sales taxes as had been done six years ago.

Commissioner Gering commented the State still owed them \$200,000. Commissioner Dancy remarked they would never get that back.

## **8. DEPARTMENTAL REPORTS**

[7:12:37 PM](#) Town Engineer/Utilities Director Kenny Keel stated he had two items of good news. He said the testing for THMs in August had put them out of compliance for the annual average, but they had some reason to believe that the lab may not have done a good job with their results so they had decided to have them checked. Mr. Keel stated they had taken another set of samples at the end of September and sent to them both the same lab as well as a different lab, and while still high both samples were significantly better than the results obtained in August. He stated when those results were averaged in it had placed them slightly under the limit so they technically remained in compliance for THMs.

Mr. Keel stated the second good news he had received just this afternoon. He said today the Town had received confirmation that it was awarded the \$492,000 Clean Water Management Trust Fund grant for the Wastewater Plant.

[7:14:26 PM](#) Commissioner Gering said he would like to understand Gold Park's bill and how the Town was liable for the contractor damage of the sewer pipe. Mr. Keel stated the Town was technically liable, noting the Town was the recipient of notices of violations and any fines because they had a collection permit and they were not suppose to have any spills. He said they had been told that it was likely they would not receive a fine because of the way the spill had occurred. Mr. Keel stated the Town had been required to pay the bill but there was no reason why the Town could not pass that expense on to the contractor and recoup the expense.

Commissioner Gering asked about recovery of the expense of the cleanup. Mr. Keel stated there should be an avenue to do that as well, especially since they did have the company under contract. He stated he would discuss that with the Town Attorney.

Commissioner Gering stated that negligence was probably the right way to characterize it, and did not see why the Town should bear any of the burden. Mr. Keel stated the Town had not expended a lot of Town resources other than the staff time involved

[7:17:25 PM](#) Police Chief Clarence Birkhead stated the Board had been given a modified version of the Police Department's monthly report, adding he had received a number of questions from Board members regarding crime statistics. Chief Birkhead said the monthly report provided a running total for the calendar year to make items easier to track, and the last column to the far right was the year-end totals for the calendar year 2007. He said at present, they were on track to experience at least a 7% decrease in Part 1 crimes, and at least a 9% decrease in Part 2 offenses.

Chief Birkhead said if you looked at previous years, in 2006 Part 1 offenses totaled 723 and in 2007 it was 660, which was a little better than a 9% decrease. He stated those were significant decreases, and it was noteworthy that they were seeing over the past three years double-digit decreases in crime. Chief Birkhead stated if the numbers were broken down by area, some areas such as Fairview had seen a 50% reduction in calls for service in the past 24 months, which he said in law enforcement were phenomenal numbers. He said they could anticipate that to continue because he was setting the bar high for his officers and they were stepping up to the challenge. Chief Birkhead stated his hat was off to the members of the Police Department.

Chief Birkhead stated they were also seeing tremendous clearance rates. He said that Lt. Trimmer and his investigative unit as well as Lt. Phelps and Lt. Whitted were doing an excellent job, noting that for the calendar year 2008 they had experienced a 73.5% overall clearance rate.

[7:21:11 PM](#) Commissioner Dancy stated she appreciated Chief Birkhead's report, noting she had gotten questions from the public who had expressed some fears and it was important to get that kind of information out to the public so that they would know that crime rates had decreased and were continuing to decrease, particularly in Fairview. Chief Birkhead agreed, noting he had met with the Habitat coordinator and scheduled a meeting to talk to potential homeowners in the Fairview community. He stated he had supplied those statistics to the Habitat coordinator and he had been surprised, because that was contrary to what he had been previously told.

Commissioner Hallman asked had reductions in crime been seen in other hot spots in Town. Chief Birkhead replied absolutely, noting they had experienced double-digit reductions in crime in West Hillsborough as well as Gateway Village and the Coachwood area. Commissioner Hallman stated that was certainly reflected in the citizen survey, and it was reassuring.

### **Interview Zackery Vernon to serve on the HDC**

[7:23:24 PM](#) Zackery Vernon provided the Board with a brief overview of his background and interests, stating he was currently working on his Ph.D. at UNC in Southern History and Literature. He stated he had lived in Hillsborough for four years and that the literary and architectural history of the Town was amazing, and he was looking forward to the opportunity to work with the HDC. Mr. Vernon stated he held a real estate license but was not currently working in that field, and he was living in a 1920's mill house that he personally had completely renovated.

Mayor Stevens stated he believed the HDC was one of the more difficult boards to serve on because of the nature of its work. He thanked Mr. Vernon for being willing to serve.

[7:26:02 PM](#) Upon a motion by Commissioner Dancy, seconded by Commissioner Hallman, the Board moved to appointment Zackery Vernon to a three-year term on the Historic District Commission by a vote of 5-0. The motion was declared passed.

## 9. ITEMS FOR DECISION – CONSENT AGENDA

- A. Consider Approval of the Minutes of the August 25, 2008 Town Board Monthly Workshop; the August 25, 2008 Town Board Monthly Workshop Closed Session; the September 8, 2008 Regular Town Board Meeting; and the September 8, 2008 Regular Town Board Meeting Closed Session
- B. Consider Acceptance and start of warranty for the Tubiolo Sewer project adjacent to Churton Grove/Scotswood Blvd.
- C. Consider adoption of resolution requesting assistance from the NC Aquatic Weed Control program for the control of hydrilla at the WFER
- D. Consider Approval of a Domestic Violence Awareness Month 2008 Proclamation
- E. Reappoint Bryant Warren to second term on the Parks and Recreation Board with a term to expire September 30, 2011
- F. Reappoint Nancy Espersen to second term on the Parks and Recreation Board with a term to expire September 30, 2011
- G. Consider reappointment of Paul Kimple to a four-year term on the Water Sewer Advisory Committee
- H. **Moved Item 10.D** Consideration of Identity Theft Program/Red Flag Rules – A New Federal Requirement for Municipalities
- I. **Moved Item 10.E** Consideration of an Agreement with Orange County to Collect Vehicle, Personal, and Real Property Taxes on Behalf of the Town of Hillsborough for 2008

[7:26:29 PM](#) Mayor Stevens stated that Item D on the Consent Agenda was a Proclamation of Domestic Violence Awareness Month, and wanted to recognize that there were people in the community who were dealing with that issue.

[7:26:53 PM](#) Upon a motion by Commissioner Lowen, seconded by Commissioner Dancy, the Board moved to approve the Consent Agenda as amended by a vote of 5-0. The motion was declared passed.

## 10. ITEMS FOR DECISION – REGULAR AGENDA

- A. **Consideration of a resolution to authorize a Special Use Permit for the Little School Development, LLC to develop Lot 7 (4.97 acres) in Waterstone as a daycare for 196 students with parking and outdoor play and instructional areas (part of TMBL 4.45..45)**

[7:27:25 PM](#) Ms. Hauth stated this item was on the July public hearing agenda for a Special Use Permit for The Little School Development, LLC. She said the Planning Board had reviewed it at its September meeting and did recommend approval of the SUP including the requested waivers, the standard conditions for the detailed site plan review, and a condition requiring emergency access to the townhomes' driveway. Ms. Hauth stated the Board had discussed briefly at the public hearing about whether or not a true driveway connection should be built to the townhomes site, and the Planning Board was recommending that it not be open to regular public traffic but that it should be installed for use by emergency vehicles.

[7:28:54 PM](#) Commissioner Lowen said it was his understanding that the emergency access would be designed to standards imposed by the Fire Marshal. Ms. Hauth stated that was correct. She said that would be looked at during their review of the construction drawings, so it would not need to come back to the Town Board for approval. Ms. Hauth stated if the Fire Marshal determined that there were adequate radii and the access was not necessary, then it would not be required to be built. She said that would be at the Fire Marshal's discretion.

[7:29:35 PM](#) Upon a motion by Commissioner Gering, seconded by Commissioner Lowen, the Board moved to approve the resolution to authorize a Special Use Permit for the Little School Development, LLC to develop Lot 7 (4.97 acres) in Waterstone as a daycare for 196 students with parking and outdoor play and instructional areas, and subject to the special conditions noted by the Planning Board by a vote of 5-0. The motion was declared passed.

Mayor Stevens thanked the Planning Board for its thorough review of this application, noting it had taken quite a bit of work and had made the Town Board's job easier.

**B. Consideration of an ordinance annexing 9 lots on Locust Road (TMBL 4.5a.A.7,8,11,14 and 4.5a.C.16,17,18,19,23)**

[7:30:19 PM](#) Ms. Hauth stated the Board would be asked to consider approval of two separate ordinances, since two of the lots were non-contiguous but the remaining lots were contiguous. She said there was a typo in the contiguous property ordinance where the parcels were described near the bottom of the page, noting that the parcel noted as 58 should be 518.

[7:31:33 PM](#) Upon a motion by Commissioner Hallman, seconded by Commissioner Dancy, the Board moved to approve the ordinance to annex the non-contiguous property as specified by a vote of 5-0. The motion was declared passed.

[7:32:11 PM](#) Upon a motion by Commissioner Hallman, seconded by Commissioner Lowen, the Board moved to approve the ordinance to annex the contiguous property as specified by a vote of 5-0. The motion was declared passed.

**C. Consider Resolution Appointing a Rail Station Task Force and calling for Preparation of a Site Selection and Implementation Plan**

[7:32:47 PM](#) Ms. Hauth said since 2006 a citizens group had been meeting to discuss the potential of re-establishing a stop for commuter/passenger rail in Hillsborough. She said given the combination of having a feasibility study from Amtrak saying a stop would be financially feasible and the Town's acquisition of property, it may be time for a more formalized committee to be appointed and to go through a formal process to select a site for which they could request funding.

Ms. Hauth stated a number of citizens had stepped forward and volunteered to serve on the committee, but they were still looking for a representative from the West End Neighborhood Watch, the Alliance, the EDC, and the Transportation Services Board. She stated they would

hope to be able to go through the selection process and begin talking about exactly what a rail site in Hillsborough might look like and where it should be located, then report back so that jointly with the County they could move forward with trying to fund some improvements and get a station established. Ms. Hauth stated this would be a short-term committee that hopefully would complete its work by late spring or early summer.

[7:34:40 PM](#) Commissioner Gering said in terms of the scope of the task force, he was aware that there was activity to recover some of the transit options that were lost when the previous rail service was stopped, and wondered if it would be reasonable for this task force to collaborate with other groups in the region on those transit options. Ms. Hauth stated they could, but they had focused the scope of work more on the service that already existed on an Amtrak-type service but do something in a way that would work with light rail coming out of Triangle Transit when it was available.

Mayor Stevens suggested they could add to the charge that the task force remain cognizant of other transit mechanisms, particularly those that could be tied into a rail station such as bus services.

[7:35:58 PM](#) Commissioner Gering said he knew they were looking to use existing track facilities between Burlington and Goldsboro, and if there was anything the Town could do to enhance the probability of that then they should do it. He said if there was some way to better their chances of establishing a rail station then it could be mutually beneficial for others.

Commissioner Hallman stated some of that would be discussed by the TAC, but he did not know how to officially get that group to participate. Ms. Hauth said once this committee finished its work and reported back to this Board and the County Commissioners, at that point it would go back to the MPO formally through the governments rather than a subset of the governments.

Commissioner Hallman stated this was timely because the 2035 Long Range Transportation Plans were going out for public comment now from the MPO. He said all the highway projects were much the same, but they had added three different rail configurations for light rail, commuter rail, and electric trains.

[7:37:54 PM](#) Mayor Stevens said the process would be to approve the resolution. Ms. Hauth replied yes, and to direct staff to get started. Mayor Stevens asked if the appointments would come before the Board. Ms. Hauth stated they could, but the Board could give staff the flexibility to place persons on the committee as representatives from each of the entities she had outlined. She said that would allow them to stay on schedule.

Mayor Stevens stated he would be happy to have all the names for all remaining vacancies come before the Board, or they could have the Mayor or Town Manager make those appointments.

[7:38:39 PM](#) Commissioner Lowen said in the interest of time, he would prefer that the Mayor or Town Manager make the remaining appointments. He asked if the County had particular people in mind. Ms. Hauth stated it would be the same group of people, so more than half of the committee was already designated.

Mayor Stevens said in the interest of time, he would make the additional appointments.

[7:39:31 PM](#) Upon a motion by Commissioner Dancy, seconded by Commissioner Lowen, the Board moved to approve the resolution appointing a Rail Station Task Force and calling for Preparation of a Site Selection and Implementation Plan, and that the Mayor would make any additional appointments by a vote of 5-0. The motion was declared passed.

**D. Consideration of Identity Theft Program/Red Flag Rules – A New Federal Requirement for Municipalities**

This item was moved to the Consent Agenda.

**E. Consideration of an Agreement with Orange County to Collect Vehicle, Personal, and Real Property Taxes on Behalf of the Town of Hillsborough for 2008**

This item was moved to the Consent Agenda.

**F. Receive Report on Town of Hillsborough's Carbon Footprint**

[7:40:03 PM](#) Budget Analyst Emily Bradford stated they had just completed first-year data collection on establishing the Town's carbon footprint. She said they had determined that in the provision of all Town services they emitted about 3600 tons of carbon into the atmosphere, which equated to about ½ ton per person. Ms. Bradford said now that they had that baseline information they could use it as they moved forward to make comparisons, and if the Board desired they could establish a target for reducing emissions. She said the report laid out a plan of what might be done, and the suggestion was a 2% reduction per year, which would equate to about a 20% reduction by FY 2050.

Ms. Bradford said the question was did the Board want to establish such a target, and if so, did they want to use 2% or some other target. She said with that mind, 2% was a guess and once they had tracked the data for a couple of years they could adjust that target.

[7:42:03 PM](#) Commissioner Hallman asked if staff had information from other municipalities on some of their targets and what they had been able to accomplish. Ms. Bradford stated they had not done any comparisons as yet.

Commissioner Hallman said he wondered if 2% was a target they could likely meet or should they give themselves a stretch target. Ms. Bradford stated that was up to the Board.

[7:42:43 PM](#) Mayor Stevens stated the 2% was based on a guess. Ms. Bradford stated it was all guessing at this point. Mayor Stevens said they did have some information from Chapel Hill, Carrboro, and Orange County that they could take a look at before they actually established the target. He stated he would make sure that Ms. Bradford received that information, and suggested deferring this until that information could be reviewed and some comparisons made to make sure Hillsborough's efforts were congruent with other efforts in the County.

Ms. Bradford stated there was an icon on the Town's Web site entitled "Green Initiatives" and it would take you to a green webpage for Hillsborough that outlined some of the things they were currently doing. She said when recommendations were made for targets, those would be included on that page.

[7:44:13 PM](#) Mr. Peterson stated a lot of work had gone into putting that information together, noting it contained a lot of data. He said it was interesting seeing where the emissions were being generated, which was 12% from streetlights, 17% from vehicles, and 71% from facilities.

Mayor Stevens stated they had done a fair amount of work on facilities with the energy audit and that should have an impact. Mr. Peterson agreed.

#### **G. Receive Recommendation/Report from Waste Transfer Station Advisory Committee**

[7:44:44 PM](#) Commissioner Gering said that the Town Board had authorized a short term committee to analyze and make recommendations about the County's process for locating a waste transfer station in Orange County. He said that three of the sites in the candidate list of ten were in or very near Hillsborough. Commissioner Gering stated two of those sites were identified as within the Economic Development district just south of Town.

Commissioner Gering stated the committee met two weeks ago for the first time and had received a lot of information, and had met again last Monday to produce a set of issues and recommendations that the committee had then approved. He said subsequent to that, they and the staff had crafted a draft resolution that would be considered during the next agenda item tonight. Commissioner Gering said at the time the committee was meeting, they had received input from identified stakeholders which included the neighborhoods of Cornwallis Hills, Beckett's Ridge, the Waterstone developer, the Davis Road neighborhood, and the EDC. He said for expediency, they had not had much time for general public input, so they had deferred that to this evening's discussion.

Commissioner Gering stated now would be a good time for this Board to express its appreciation to the committee members who were generous with their time and who had brought many insightful thoughts to the table, and to thank the staff, Nicole Ard and Margaret Hauth, for their work. He said he also wanted to thank the Orange County staff who had worked with them and had come back with answers to specific questions. Commissioner Gering said unfortunately you would see in the report that there had been an insufficient amount of time to do a diligent and thorough analysis, but the Board of County Commissioners really needed to make a proper decision. He stated he believed the committee's work was as complete as it could be in the short amount of time they had, but was not complete to desired standards.

[7:48:14 PM](#) Mayor Stevens added his thanks to Commissioner Gering for taking on the leadership of this committee. He stated he had done a nice job as had everyone who had participated, and it was done in a way that was productive.

[7:48:35 PM](#) Commissioner Hallman added his thanks to Commissioner Gering, noting he had focused the committee on trying to find a solution rather than just saying they did not want a waste transfer station in their backyard. He stated that the EDC had met on Thursday, and by consensus they were sending a letter to the County Commissioners strongly opposing using any site in the Economic Development district. Commissioner Hallman stated the EDC was made up of members from the entire County, and to a person they were appalled at the idea of losing an opportunity to shift some of the tax burden off of property owners by placing a waste transfer station in that district.

[7:49:45 PM](#) Mayor Stevens stated there were a number of people who had requested to speak tonight, and as Commissioner Gering had said tonight was the opportunity to entertain public comments.

[7:50:03 PM](#) Margaret Cannell, with the Hillsborough/Orange County Chamber of Commerce, said that the Chamber had adopted a policy in recent years to not take particular stands on issues, but rather to provide information to its membership and the community at large. However, she said, the Board of Directors at its meeting last Wednesday had believed that this was an important enough issue that they did need to take a stand. She said they had adopted a resolution, which she read to the Board, that in summary stated that the Chamber opposed the location of a waste transfer station at the identified Hillsborough locations because they were incompatible with maximizing economic development and tourism opportunities in and around Hillsborough. Ms. Cannell provided the Board with copies of the Chamber's adopted resolution, and stated copies would also be provided to the Orange County Commissioners and the EDC.

[7:52:53 PM](#) Myra Gwen Summers, speaking on behalf of Hillsborough and Orange County residents, thanked the Board for its support of resident concerns regarding the waste transfer siting process. She said although the County had been considering sites for a year, they had only learned of the Hillsborough sites less than a month ago. She said at the same time, the County planned to make a final decision next month. Ms. Summers stated the short timeframe had presented a hardship in terms of resident response, and the process and the way the sites were evaluated had been a complicated web to unravel. She said the actions of the Hillsborough Town Board had calmed fears and facilitated understanding. She expressed the residents' appreciation and their support of the resolution to the Orange County Board of Commissioners.

[7:54:23 PM](#) Gayanne Chambliss, Cornwallis Hills Homeowners Association, thanked the Town, in particular Commissioner Gering, for pulling everyone in from neighboring communities to form the advisory board and for providing the opportunity to have a voice. She stated she had learned today that the County Commissioners were meeting tomorrow and would put forth three proposals, including narrowing the list of sites down to five, three or one site, and how to handle public comment and input in regards to those three proposals. Ms. Chambliss stressed from a citizen's point of view that this process had moved too rapidly, from announcing the sites under consideration to this point where they were looking for public input, to where they were going to make a decision in about a month. She said she appreciated the Town Board voicing that concern that this process had moved too quickly and the County must slow the process down.

[7:56:09 PM](#) Deana Logan, Director of Orange County Centers for Durham Technical Community College, agreed with Ms. Chambliss' comments. She said since they had opened the Orange County campus in May, they had received numerous positive comments from the community about their location. Ms. Logan asked that the Town and County take into consideration the overall impact to students' access to their programs and services. She said they had not seen any information regarding traffic impacts or analyses or any other potential impacts, but negative effects on student access could impair Durham Tech's ability to pursue economic and workforce development partnerships.

[7:57:43 PM](#) Jessie Koffman, Resident, thanked the Board for listening to their concerns. She said she had called the Manager of Weaver Street Market yesterday and he had just learned about this issue. She stated that this issue was important to businesses such as the Market and the Town's community development was very important to her. Ms. Koffman stated that issues such as this should be carefully considered in terms of all of the possible impacts to the Town.

[7:59:10 PM](#) Sean Smith, Resident, added his thanks to the Board. He stated he lived literally across the street from the proposed site on Old Turner Road, and he had just found out about it. He asked how that could be. Mr. Smith stated this would impact not only him and his family but also his neighbors, and did not understand why he was not notified.

[7:59:53 PM](#) Mayor Stevens stated it was impressive how people in the community had come forward and presented their information, and it was clear that the Board and the community had taken a look at this and had very strong concerns about the Economic Development district, the impact as an entranceway to the Town, and certainly concerns about the process. He stated they also recognized that they had gotten good cooperation from the County staff, and over the years had developed a good relationship with Orange County. Mayor Stevens stated that the Economic Development district was important not only for tourism but to help them find a better balance between residential and commercial. He stated they would be communicating the community's concerns with some firmness and in the spirit of doing what was best for the larger community.

[8:01:28 PM](#) Nathan Robinson, Committee Member, Orange County Community Awareness Website, said many residents felt that their hands were tied. He said as a matter of public record, there was a website called Orange County Community Awareness, and the intent of that website was to provide information on where they were and what they could do. He stated it was not an activist website, but was a website where you could find out the dates of meetings and how to get involved, and to gather information and put it in one common place.

Mayor Stevens thanked Mr. Robinson for his service on that committee, and thanked all those who had spoken tonight for their comments.

#### **H. Receive and Discuss ~~Commissioner Eric Hallman's~~ Draft Resolution Regarding the Waste Transfer Station**

[8:02:36 PM](#) Mayor Stevens stated the Board now had the opportunity to discuss the proposed resolution.

[8:02:53 PM](#) Commissioner Hallman said having listened to the public comment and reflecting on the process, or lack of process, and in recognizing that to argue the numbers they were at a disadvantage, that if they did argue the numbers his fear was that at the end of the day Hillsborough would remain the number one site. He said in looking at the options, one was to take those options off the table completely by seeking voluntary annexation from the property owners, and that needed to be discussed by the Town Board.

[8:04:09 PM](#) Mr. Hornik stated he, Commissioner Hallman and Commissioner Gering had discussed the possibility of seeking voluntary annexation of the parcels that were under consideration by the County. He said there were two tools available, one was involuntary annexation where the Town would initiate annexation proceedings by adopting a resolution of intent, and the second was through voluntary annexation of the parcels.

Mr. Hornik stated one of the parcels was not contiguous to the existing corporate limits of Hillsborough, so involuntary annexation of that parcel was not possible. He said a portion of the second parcel was contiguous to the existing corporate limits, and was not certain that it met the contiguity requirement, which was that 12.5% of its boundary needed to be contiguous with the existing corporate limits of the Town. Mr. Hornik stated there were also requirements of urbanization, and there were three different ways a property could be considered urban enough for involuntary annexation: first, a population density of 2.3 persons per acre, which none of the parcels met; second, the degree of urban development, in that a certain portion of the property had to be subdivided into lots or tracks, 3 acres or less in size, and a certain percentage had to be developed for non-residential purposes; clearly these properties did not meet those tests; and third, a combination of population and density, which they did not meet. Mr. Hornik said he did not believe that involuntary annexation was a realistic possibility for these properties unless they greatly expanded the potential annexation area, which he was not sure they were prepared to do at this point in time.

Mr. Hornik said the only real option available to the Town was to communicate with the owners of the property in question to see if they were willing to consider voluntary annexation and to ask the Town to take the property into the Town's corporate limits. He stated that could be done in a fairly short time period, less than a month's time, in that once the request was made a public hearing could be scheduled on ten days notice, and once the public hearing was closed the Town Board could make a decision on the annexation.

Mr. Hornik said that voluntary annexation was the only option at this point. He said the most difficult part of the process would be communicating with the property owners and discovering if they were amenable to voluntary annexation.

[8:07:32 PM](#) Commissioner Hallman stated that in the resolution it was pointed out that the Town was willing to take that step, and that by sending that message to the County Commissioners they would recognize that rather than going down that path and battling with the Town on the annexation issue, that they would take those sites off the table if they were indeed true to the commitment to the Economic Development district and citizens concerns. But, he said, the Town should also be prepared to take that step.

Mr. Hornik stated just so it was understood, if the Town annexed the property it became a part of the Town, and the Town could then exercise land use jurisdiction over that area. So, he said, if there was to be some use of the property made, it had to be approved by the Town. Mr. Hornik stated that would give the Town some control over the process, and perhaps control over the outcome as well, which was the advantage of the annexation route.

Mayor Stevens said in anticipation of the question of annexation, he had initiated contact with the property owners just to judge what their interest might be. He stated letters had been sent and he was awaiting a response.

[8:09:18 PM](#) Commissioner Gering stated he shared the same concerns voiced by Commissioner Hallman, and believed the County Commissioners knew that the development of the Economic Development district south of Hillsborough had always been important to the Town, and it had been their vision which was shared by the Strategic Growth Committee that eventually all of that land would become a part of Hillsborough. So, he said, in a sense they may be taking a preemptive action to secure their own future expectations. Commissioner Gering said even if the County decided to locate the transfer station elsewhere, part of the resolution was recommending to the County that they assign the Town planning jurisdiction over that area so that they could help realize their vision.

[8:10:17 PM](#) Commissioner Hallman stated that the Economic Development district would not just benefit the citizens of Hillsborough, but the County as well because it would alleviate some of the tax burden on Orange County property owners across the entire County. He said that was something the whole County was concerned about in terms of taking away potential non-residential tax base.

[8:10:52 PM](#) Commissioner Lloyd stated that at the meeting tomorrow the County had set the agenda to allow only thirty minutes for discussion on this issue, and she did not understand how you could allot such a short period of time to allow input from the community. Assistant Town Manager/Public Works Director Nicole Ard stated that the meeting was supposed to provide time for the Commissioners to receive staff recommendations and consultant recommendations regarding the process.

Commissioner Lloyd stated then the County had not made it clear what that thirty minutes was to be used for. Ms. Ard said it was her understanding that time would be used to accept the recommendations and then determine the next steps. She said she did not believe they would be accepting public input at that time.

[8:12:23 PM](#) Mayor Stevens said he had held some informal conversations with the County Commissioners' Chair and others, and they were well aware of the Town's concerns, but at the same time the County did have some development by rights in the area that were of concern. He said the Town would need to use all tools at its disposal, and certainly annexation was one of those possible tools that needed to be looked at carefully for securing Hillsborough's future.

Commissioner Hallman stated a point that came up at the EDC meeting was that in this economic climate to take on a \$50 million project in addition to land acquisition costs that could run certainly more than that, they did not understand the rush.

[8:13:40 PM](#) Steve Yuhasz pointed out that one of the concerns of the County Commissioners was that the current landfill would be closing in 2011, and the process for siting, building, and completing a transfer station would take from 18 to 24 months. He said the rush was not a rush to get a transfer station just because they wanted one, the rush was to get a transfer station because they would soon need one and would need to start sooner rather than later.

Mayor Stevens stated that was a good point, and a part of the reality they were all dealing with.

[8:15:05 PM](#) Upon a motion by Commissioner Hallman, seconded by Commissioner Gering, the Board moved to approve the resolution regarding the Waste Transfer Station by a vote of 5-0. The motion was declared passed.

### **Added Item regarding Fairview Traffic Calming Devices**

[8:16:00 PM](#) Commissioner Lowen stated he and Commissioner Dancy had attended a community meeting in Fairview on Monday attended by 29 people, and had received a significant number of complaints regarding speeding throughout the community, and complaints of people riding four-wheelers through the community at high rates of speed causing children to have to jump out of the way to avoid getting hit. He stated the residents had been very vocal about the need to address those issues, adding that a fairly new resident on Harper Street had shared that a car was speeding on his street and the driver lost control causing the car to come up into his yard, stopping one foot from his front porch.

Commissioner Lowen stated the residents were requesting installation of speed bumps, and the Town had been through discussions in the past regarding the pros and cons of speed bumps. He stated there were things that had been done both in Cornwallis Hills and Beckett's Ridge with four-way stop signs which had been helpful in slowing traffic. Commissioner Lowen stated he and Commissioner Dancy had assured the residents that they would bring these issues before the Board tonight and perhaps give some direction to staff to go into the Fairview community and look at key spots where four-way stops might be appropriate, which would be much cheaper than installing speed humps that the Board still had mixed feelings about.

Commissioner Lowen stated in the northern quadrant between Tuliptree and Locust he did not believe there was a street where you could place a four-way stop, so perhaps a speed table could be considered there. He stated that area contained Habitat homes and there were concerns about children playing while cars were speeding through the neighborhood. Commissioner Lowen stated there was a trail that went behind that area that was being used by people riding four-wheelers, and those people appeared to be using it as a race track. He asked that the Board give the staff direction to look at possible locations for four-way stops to help address the concerns.

Commissioner Dancy added another real concern was the curve on Rainey, noting that many residents used the park but people were speeding around that curve. She said they wanted

children to be able to walk and ride their bikes to the park, but that curve was dangerous for them.

[8:20:10 PM](#) Commissioner Gering asked if the four-wheelers mentioned were licensed vehicles or off-road vehicles. Commissioner Lowen responded they were off-road recreational vehicles that did not require a license.

Commissioner Gering asked did they think a four-way stop sign would make a difference to those drivers. Commissioner Lowen responded not so much for that because it was a different issue. But, he said, those off-road vehicles were being brought onto the city streets and he would like the Police Chief to perhaps direct officers to be on the lookout for them. He said those vehicles were not supposed to be on the streets and many of the residents had complained about them.

[8:21:33 PM](#) Mr. Peterson stated that four-way stops would be the least expensive way to slow traffic, and even if people ran the stop signs at least they would be slowing down. He stated he would get Public Works and the Police Department together and figure out the best way to handle the situation and then bring some options back to the Board.

Commissioner Lowen asked that those options be brought back to the Board's next meeting. He said he would like to be able to go back to the Fairview community to let them know the Town was moving forward on addressing their complaints.

Mr. Peterson stated regarding a speed table in the northern quadrant, he would like to identify the cost and talk with the Police Chief about it and perhaps bring back some information at the next meeting as well. He stated many times residents asked that police officers be assigned to their neighborhood to watch for people running stop signs, but that was an expensive response. Mr. Peterson said if there were other ways to address the problem and change the pattern of behavior of drivers that was a lot less expense and a lot more effective.

Mr. Peterson said they would be prepared to come back at next month's meeting with options and recommendations to address the complaints.

[8:24:42 PM](#) Chief Birkhead said in the meantime he would assign officers at various checkpoints to try to identify those using four-wheelers as well as assigning stationary officers to address the speeding issue.

[8:25:25 PM](#) Commissioner Lowen said regarding the area behind Tuliptree and Locust being used by the four-wheelers that was out of the Town's control, how likely was it that the Sheriff's Department would patrol that since it was such a small area. Chief Birkhead stated they would get the first call, but the better answer was that the Police could take it because it was contiguous to the Town. He stated if something happened in the Town's jurisdiction that spilled over into the County they could still respond because it was contiguous and was within their one-mile easement

Mr. Hornik said in other words, the Town would still have jurisdiction and would respond.

Chief Birkhead reiterated that the County would get the call, but the Town could respond.

### **Added Item regarding Parade Applications**

[8:27:43 PM](#) Mayor Stevens said this had come out of a conversation with the Planning Director, and he had talked with the Town Attorney as well. He said they were having a lot of success in the community with good things happening, and they were having more and more inquiries regarding parades and street closings, as well as more and more events downtown. Mayor Stevens said because of the good things happening, he believed it was time to direct staff to provide information and suggestions about anything they needed to do differently or if some other process should be instituted to oversee these events and provide some control.

[8:29:01 PM](#) Commissioner Hallman stated he had thought about this issue on Saturday when he had witnessed a yard sale/flea market on the corner of East Tryon and Churton, and had wondered what would happen if it grew into something much larger and what kind of controls the Town had in place to address that. He said he was also wondering how the Town would control any vacant lot from becoming a flea market or something similar. Commissioner Hallman stated they did not want to discourage that kind of community involvement, but at the same time they needed to keep a handle on it.

[8:29:31 PM](#) Mayor Stevens stated if a church was going to do a fundraiser a couple of times a year that would be good, but if they decided to do it every week that would be a different issue. He said he believed they needed to look at those kinds of issues.

Ms. Hauth stated right now they had some provisions in the ordinance for what was called temporary uses, but those did not really cover the kinds of temporary uses they tended to have in Town. She said they did not cover such things as a farmer's market, and since the provisions were in the Zoning Ordinance that put it as a Zoning or Planning issue to determine who would or would not get a permit. Ms. Hauth said many times they did not have a good opportunity to coordinate with Police, Public Works or Finance for licensing or permitting because people would set up over the weekend and then be gone before the Town learned of the event.

Ms. Hauth stated she believed the original provisions were meant to address Christmas tree sales, but they had gone beyond that now and had larger issues to address. She said the things she received complaints about did not fit under the temporary uses in the ordinance. Ms. Hauth said she had wanted to gauge the Board's level of interest before any time was spent on forming recommendations. She added she did not believe this was a Zoning issue but was a Town Code issue.

[8:31:20 PM](#) Mayor Stevens said another question was when was something an event and when was it a business. Ms. Hauth stated that was one of the issues.

Commissioner Gering stated he believed that was something that would be removed during the Zoning rewrite, so they needed to figure out what to replace it with. Ms. Hauth said they needed

a good strong substitute to put in place in the Town Code in the meantime to address such events.

Mr. Hornik stated there were Planning issues involved, but there was also Police and Solid Waste issues that did not neatly fall within Planning and Zoning jurisdictions but did fall within the Police power/regulatory jurisdiction of the Town.

[8:32:09 PM](#) Commissioner Hallman said it sounded like now was a good time to start a process so that something could be put in place by next spring. Ms. Hauth agreed, noting they were coming into the “quiet” season for those types of uses.

Commissioner Gering said to look at it in a positive way, if they did this right it would likely enhance everyone’s experience with such events. He said they could smooth the way by addressing problems before they occurred. Ms. Hauth said it would help make sure that people who were trying to grow an enterprise or an event would be aware of the pitfalls from the outset and not experience an unsuccessful event.

[8:33:14 PM](#) Commissioner Lloyd said now that they had gotten through the parade that took place on Saturday, she would like to know what streets were blocked off and how many officers were utilized. Chief Birkhead stated they had blocked the street and had assigned five officers to the event. Commissioner Lloyd stated that was five extra officers. Chief Birkhead responded yes. Commissioner Lloyd stated she believed when events were scheduled they needed to factor in the number of officers that would be required and the cost, how long a street or streets would be blocked, and any other pertinent information. She said the number of events needed to be considered as well, noting it was not feasible to have events that blocked streets every other week because it would affect the downtown businesses. Commissioner Lloyd stated she was also concerned about the trash issue and its effect on the downtown, and how it would be handled.

[8:36:51 PM](#) Commissioner Gering said when they had talked about the recent parade, they had heard the same kinds of concerns from the Tourism Board, the Downtown merchants, and the concern about the extra expense for the Town for waste collection and Police protection. He said they had directed staff to work on incorporating those kinds of costs into next year’s budget so they could derive a way recover them. Mr. Peterson stated they would expedite that as quickly as they could.

Commissioner Gering stated the anticipation was that there would be some fee included on the Fee Schedule for next year’s budget. He stated they could even implement it this year, as soon as it made sense to do so. Mr. Peterson stated they were trying to get a couple of the events “under their belts” as a learning opportunity. He stated they would do their best to address the issues that were raised tonight as well as those issues already discussed, such as recouping costs.

[8:38:24 PM](#) Mayor Stevens stated the Tourism Board was looking at this as well, and part of what they were granting was to help people pay the fees.

Commissioner Gering stated they had held a brief discussion on that along the lines of making sure applicants understood what their obligations were, and in particular if those obligations included fees that it was factored into their event budgets and perhaps the Tourism Board could then consider those fees as available to grants.

[8:38:52 PM](#) Commissioner Lowen stated it was important that when they got to the point of receiving the results and how they could potentially charge a fee, that they as the elected body determine the type of things they would like to see in Hillsborough. He stated he did not want to pick and choose, but as a town they did not actually sponsor the holiday parade because the Chamber of Commerce did that. Commissioner Lowen said they needed to begin thinking about the types of things the Town would want to support and co-sponsor.

Commissioner Gering said that was why the Tourism Board needed to play a role, because those were tax dollars provided by the Town and distributed by the Tourism Board in the form of grants.

Commissioner Lowen said in his view if the Town decided to sponsor or co-sponsor an event, then the costs associated should be borne by the Town.

#### **I. Discuss possible “Hot Topics” for the October 27<sup>th</sup> Workshop**

[8:40:45 PM](#) Mr. Peterson stated the joint meeting with the School Board was scheduled for the October 27<sup>th</sup> Workshop, and the Tree Board had requested a joint meeting for that evening as well.

Commissioner Gering stated it might be helpful to have them both that night, but to schedule the School Board first so that a timeframe could be determined for that discussion.

Mayor Stevens stated the School Board did ask to sit down with the Town Board from time to time, but did not believe there was a specific agenda but just some talking points.

Mr. Peterson said of interest to the School Board was what the development future looked like for the next few years in Hillsborough, so perhaps he and the Planning Director could provide a brief overview of what that development future looked like at present.

Commissioner Gering stated he would like to know where they were with the Schools Adequate Public Facilities Ordinance and the adequate capacity permits. Ms. Hauth stated those numbers were readily available, noting they had just been put out for this school year.

[8:43:13 PM](#) Mayor Stevens said it may be worthwhile to talk about special events, because schools often become a center that could be used as public facilities. He said understanding how the schools were used for such events would be helpful, as well as how they used common facilities.

Mayor Stevens stated he would be glad to contact the Chair of the School Board to determine if there were specific topics to be placed on the agenda, or staff could be directed to do so. He said that would allow the Town Board to be better prepared for that joint meeting.

Commissioner Gering asked if their Sidewalk Plan, Greenways Plan, or Connectivity Plan would be of interest to the School Board. Ms. Hauth stated the Schools had announced that the Safe Ride to Schools plan was out. She also said they could provide an update on the Nash Street sidewalk plan.

Mayor Stevens stated the first International Walk to School Day had been held last week. He said that was one more event coming down Cameron Street down to Cameron Park, and about 50 people had participated.

Ms. Ard noted that the Tree Board wanted to discuss with this Board updating the Tree Ordinance, and it would include a brief presentation from the Tree Board.

[8:47:31 PM](#) Commissioner Gering said before the Closed Session, he wanted to discuss briefly the waste transfer station. He said the intention was to give a set of recommendations via a resolution to the County Commissioners before their October 21<sup>st</sup> meeting, but the Board had not discussed whether they would present it at that meeting or how it would be conveyed or have a dialogue with them about it. Commissioner Gering stated he believed it would be a good idea for the Town Board to be represented at that meeting.

Commissioner Lowen agreed, as did Mayor Stevens. Mayor Stevens said he planned to present material to the County Board in advance.

Commissioner Hallman stated he did not believe all the Town Board needed to speak, but certainly numbers would provide unity and would show that the entire Town Board was involved.

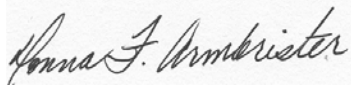
## **11. CLOSED SESSION**

- A. Closed Session as authorized by North Carolina General Statute Section 143-318.11 (3) to meet with Town Attorney regarding potential Litigation arising from delinquent Food and Beverage Tax Payments and failure to file Food and Beverage Tax Reports**
- B. Closed Session as authorized by North Carolina General Statute Section 143-318.11 (5) regarding Property Acquisition for Riverwalk Phase II**
- C. Closed Session as authorized by North Carolina General Statute Section 143-318.11 (6) regarding a Personnel Matter**

[8:49:48 PM](#) Upon a motion by Commissioner Lowen, seconded by Commissioner Hallman, the Board moved to go into Closed Session by a vote of 5-0. The motion was declared passed.

## 12. ADJOURN

Upon a motion by Commissioner Gering, seconded by Commissioner Hallman, the Board moved to adjourn the meeting at 9:30 p.m. by a vote of 5-0. The motion was declared passed.

A handwritten signature in cursive script, reading "Donna F. Armbrister". The signature is written in black ink on a light-colored background.

Respectfully submitted,  
Donna F. Armbrister, MMC  
Town Clerk