



Agenda

Board of Commissioners Regular Meeting

7:00 PM February 12, 2024

Board Meeting Room, Town Hall Annex, 105 E. Corbin St.

This meeting will be live streamed on the [Town of Hillsborough YouTube channel](#)

1. Public charge

The Hillsborough Board of Commissioners pledges to the community of Hillsborough its respect. The board asks community members to conduct themselves in a respectful, courteous manner with the board and with fellow community members. At any time should any member of the board or attendee fail to observe this public charge, the mayor or the mayor's designee will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the mayor or mayor's designee will recess the meeting until such time that a genuine commitment to the public charge is observed.

2. Audience comments not related to the printed agenda

3. Agenda changes and approval

4. Presentations

A. Introduction of recently hired Police Officers Megan Carter and Haiden Jannetta and public re-affirmation of oaths of office

5. Appointments

- A. Planning Board – Reappointment of Robert Iglesias for a three-year term expiring Jan. 31, 2027
- B. Planning Board – Reappointment of Hooper Schultz for a three-year term expiring Jan. 31, 2027
- C. Tourism Board – Reappointment of Victoria Pace for a term expiring Dec. 13, 2026
- D. Tourism Board – Reappointment of Barney Caton for a term expiring Dec. 9, 2026

6. Items for decision – consent agenda

- A. Minutes
 - Regular meeting Jan. 8, 2024
 - Work session Jan. 22, 2024
 - Work session closed session Jan. 22, 2024
- B. Miscellaneous budget amendments and transfers
- C. Classification and Pay Amendment
- D. Resolution authorizing the Town of Hillsborough to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441
- E. Minor Modifications to Section 14-56 Cross Connection Town Code of Ordinances
- F. Amendment to Town Code Section 14-1 – Definitions
- G. Unified Development Ordinance (UDO) text amendment (staff-initiated):
 - Section 3.10.3 Variance: General Standards/Findings of Fact
 - Section 3.10.6 Variance: Procedure
 - Section 6.20.16 Stormwater Management: Riparian Buffers

101 E. Orange St., PO Box 429, Hillsborough, NC 27278
919-732-1270 | www.hillsboroughnc.gov | @HillsboroughGov

- [H.](#) Unified Development Ordinance (UDO) text amendment (staff-initiated):
 - Table 5.1.8 Use Table for Non-Residential Districts: Gov. Maintenance Yard
 - Section 9.2 Definitions: Government Maintenance Yard
- [I.](#) Unified Development Ordinance (UDO) text amendment (staff-initiated):
 - Section 6.5.11.3 South Churton Non-Residential Buffer: Requirements
 - Section 6.7.11.2 Parking and Circulation, Site Layout
 - Sections 6.13.3.1 – 6.13.3.3 Off-Street Parking Provisions
 - Sections 6.13.9.1 – 6.13.9.2 Off-Street Parking Design Requirements
- [J.](#) Unified Development Ordinance (UDO) text amendment to Section 6.21.2 Streets – Applicability (staff-initiated)
- [K.](#) Amendment to the Water and Sewer Management, Planning, and Boundary Agreement
- [L.](#) Acceptance of Sidewalk at Aldi
- [M.](#) Acceptance of Water Utilities at Aldi
- [N.](#) Acceptance of Water Utilities at Chrysler, Dodge, Jeep, and Ram (CDJR) Dealership

7. Items for decision - regular agenda

- [A.](#) Retention schedule for meeting audio and video recordings follow-up discussion
- [B.](#) Police Department Update – 2023 Crime Trends and Summary
- [C.](#) Hot topics for work session Feb. 26, 2024

8. Updates

- A. Board members
- B. Town manager
- [C.](#) Staff (written reports in agenda packet)

9. Closed session

- A. Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with the town attorney in order to preserve the attorney-client privilege (potential litigations)
- B. Closed Session as authorized by North Carolina General Statute Section 143-318.11(a)(7) regarding cybersecurity

10. Adjournment

Interpreter services or special sound equipment for compliance with the Americans with Disabilities Act is available on request. If you are disabled and need assistance with reasonable accommodations, call the Town Clerk's Office at 919-296-9443 a minimum of one business day in advance of the meeting.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Police
Agenda Section: Presentations
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Police Chief Duane Hampton

ITEM TO BE CONSIDERED

Subject: Introduction of recently hired Police Officers Megan Carter and Haiden Jannetta and public re-affirmation of oaths of office

Attachments:

None

Summary:

Recently hired Police Officers Megan Carter and Haiden Jannetta will be introduced to the board and will publicly reaffirm their oaths of office as administered by the mayor.

Financial impacts:

None

Staff recommendation and comments:

None

Action requested:

None



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Planning and Economic Development
Agenda Section: Appointments
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II

ITEM TO BE CONSIDERED

Subject: Planning Board – Reappointment of Robert Iglesias for a three-year term expiring Jan. 31, 2027

Attachments:

Volunteer Board Application (from initial appointment)

Summary:

Robert Iglesias applied for board service because he was looking for a civic engagement opportunity. He has a background in law enforcement and an interest in growth and development.

Iglesias was appointed to the Planning Board in November 2022. He was appointed to a partial term, filling the vacancy left by former member Chris Austin. Iglesias' partial term has expired, and he is eligible for reappointment to a three-year term, which will expire Jan. 31, 2027.

On Jan. 18, 2024, the Planning Board unanimously voted to recommend reappointing Robert Iglesias to the Planning Board (6-0).

Financial impacts:

Occasional board training opportunities (minimal expense).

Staff recommendation and comments:

Robert Iglesias has good meeting attendance. He comes prepared to meetings and actively participates in discussion. Staff recommends reappointing Iglesias to the Planning Board for a full three-year term.

Action requested:

Reappoint Robert Iglesias to the Planning Board for a term ending Jan. 31, 2027.



Appointed Boards Application

If you are a Town of Hillsborough resident and willing to volunteer your time and expertise to your community, please complete this form. Volunteers for the Parks and Recreation Board must be at least 13 years old, and volunteers for all other boards must be at least 18 years old.

The town strives to reflect the diversity of its residents in the makeup of its boards. Demographics and residence location are considered during the appointment process.

First name (required):

Robert

Last name (required):

Iglesias

Home address (required):

2302 Becketts Ridge Drive

Home phone number:

Work phone number:

Email address (required):

robglas@yahoo.com

Place of employment:

ABB Inc

Job title:

Investigations Manager

Birth date (required):

July 6, 1963

Gender (required):

Male

Ethnic origin (check all that apply) (required):

Hispanic or Latino

White

First choice (required):

Board of Adjustment

Second choice (required):

Planning Board

Third choice (required):

None

Reasons for wanting to serve (required):

As a recent arrival to the town, I am seeking opportunity for civic engagement and ways to engage with and support the Hillsborough community.

Have you served or are you currently serving on a town board? If so, which ones and when? (required)?

No

Relevant work, volunteer or educational experience (required):

Prior volunteer service and experience includes:

Raleigh PD patrol volunteer - 2018-2020

Durham Crisis Response Center - 2011

How are you connected to Hillsborough (live, work, play, shop, own property) (required)?

Resident of Becketts Ridge neighborhood

Have you reviewed the Vision 2030 plan, and what are your thoughts about it (required)?

Having previously lived in a large metropolitan area, I saw first-hand the impact that growth and development has on smaller communities that are adjacent to larger cities or urban centers. Population growth has and will continue to impact the town and surrounding areas in the years to come. The 2030 plan will play an important role in helping achieve a balance between the transportation and infrastructure growth that is needed to effectively accommodate the growing population, yet balancing that with sustainable ways to increase town revenue in a balanced way that helps preserve the quality of life and historical importance, which are qualities that make the town unique in relation to neighboring communities.

Technology advances quickly in today's world. Plans developed with an understanding of the technology that exist to support community infrastructures today will not be informed or have been developed with the foreknowledge of the technology that will exist in 10-years and the impact that may have on implementation. It is more important than ever now for all plans to serve as a framework for change, but to also include an element of flexibility to adapt to changing technology that might impact the originally conceived plan.

Have you reviewed other town documents (budget, strategy map, small area plans), and what are your thoughts about them?

Similar to my point above, the key or core stress areas that will need to be balanced in order to achieve sustainable growth will be commercial and residential development in relation to service infrastructure, ie transportation and utilities. As part of this objective, it's also important not to overlook the need to understand how rapidly changing technology will play a role.

What challenges do you see the town facing that could be addressed by the board or boards on which you wish to serve (required)?

The town boards play an important role to help ensure that growth and development is implemented in accordance with plan objectives. The boards are the voice that interprets and puts into practice the written plans, codes and regulations that are the framework and guide the town's infrastructure.

How did you hear about this opportunity (required)?

Internet

Check the box to confirm (required):

✓



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Planning and Economic Development
Agenda Section: Appointments
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II

ITEM TO BE CONSIDERED

Subject: Planning Board – Reappointment of Hooper Schultz for a three-year term expiring Jan. 31, 2027

Attachments:

Volunteer Board Application (from initial appointment)

Summary:

Hooper Schultz was appointed to the Planning Board for a three-year term in February 2021. He serves as the Vice Chair for the Planning Board and its representative to the Parks and Recreation Board. He is interested in sustainable growth and addressing the needs of vulnerable residents through planning. Schultz served on the Mayor’s Task Force on Re-imagining Public Safety and previously served on the Historic Preservation Commission for the City of Oxford, Mississippi.

On Jan. 18, 2024, the Planning Board unanimously voted to recommend reappointing Hooper Schultz to the Planning Board (6-0).

Financial impacts:

Occasional board training opportunities (minimal expense).

Staff recommendation and comments:

Hooper Schultz has good meeting attendance. He comes prepared to meetings, actively participates in discussion, and has performed his Vice Chair duties well. Staff recommends reappointing Schultz to the Planning Board for a full three-year term.

Action requested:

Reappoint Hooper Schultz to the Planning Board for a term ending Jan. 31, 2027.

TOWN OF HILLSBOROUGH

Advisory Board Application

If you are a Town of Hillsborough resident and willing to volunteer your time and expertise to your community, please complete this form. Volunteers for the Parks and Recreation Board must be at least 13 years old, and volunteers for all other boards must be at least 18 years old.

Name:

Hooper Schultz

Home address:

605 Cornelius St.

Home phone number:

9196100295

Email address:

hschult1@gmail.com

Place of employment:

UNC-Chapel Hill

Job title:

Graduate Student Worker

Birth date:

Nov. 26, 1991

Gender:

Male

Ethnic origin:

White

Boards you would be willing to serve on:

First choice — Planning Board

Reasons for wanting to serve:

I am a resident of the Fairview neighborhood willing to serve on the Planning Board as advertised in the Talk Of The Town. As a young homeowner and resident, I believe that I would be a good voice for the neighborhood.

Have you served or are you currently serving on a town board? If so, which ones and when?

I currently am serving on the Mayor's Public Safety taskforce. I am not sure that it is technically a town board.

Relevant work, volunteer or educational experience:

I previously served on the Historic Preservation Commission of Oxford, Mississippi.

How are you connected to Hillsborough (live, work, play, shop, own property)?

I own my home and live here. I love Hillsborough, and I do not have plans to leave.

Have you reviewed the Vision 2030 plan, and what are your thoughts about it?

I have reviewed the plan, though not in depth. I am excited about the plan in general. It is refreshing to be a part of a community that is constantly looking ahead.

Have you reviewed other town documents (budget, strategy map, small area plans), and what are your thoughts about them?

I have looked at the Cornelius Street corridor plans in depth, and like them. I would love to see traffic calmed on our part of highway 70, and more pedestrian accessibility between downtown/Churton and our small business corridor here

at Revere and Cornelius.

What challenges do you see the town facing that could be addressed by the board or boards on which you wish to serve?

We are growing fast! I think the planning board is of utmost importance as we balance smart, sustainable growth with the needs of our most vulnerable residents. Our neighboring towns to the south and east have experience rapid growth and the problems associated with that. Hopefully we can learn from their trials and tribulations.

How you heard about this opportunity:

Other

Agreement:

✓ I have been advised that I am committing to attend the volunteer board's regular meetings. Attendance at the regular meetings shall be considered a prerequisite for maintaining membership on the board. The Board of Commissioners may declare a vacancy on the board because of non-attendance.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Planning and Economic Development
Agenda Section: Appointments
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

ITEM TO BE CONSIDERED

Subject: Tourism Board – Reappointment of Victoria Pace for a term expiring Dec. 13, 2026

Attachments:

Volunteer Board Application

Summary:

This appointment originally came to the board at its Jan. 8, 2024 meeting with the incorrect year of 2025 for the expiration of the term.

The Tourism Board has a seat reserved for an at-large member that can be filled with someone who lives, works, or owns property in town and has an interest in the tourism program. Victoria Pace lives in town and is a small business owner with a personal interest in tourism and events. Pace has been an active board member in her first term.

Financial impacts:

None, except for occasional board training opportunities.

Staff recommendation and comments:

None

Action requested:

Reappoint Victoria Pace to the Tourism Board for a term expiring Dec. 13, 2026.



Advisory Board Application

If you are a Town of Hillsborough resident and willing to volunteer your time and expertise to your community, please complete this form. Volunteers for the Parks and Recreation Board must be at least 13 years old, and volunteers for all other boards must be at least 18 years old.

Name:

Victoria Pace

Home address:

220 S Bellvue St

Home phone number:

9199610027

Email address:

vpace627@gmail.com

Place of employment:

Engineering World Health

Job title:

Operations Manager

Birth date:

June 27, 1992

Gender:

Female

Ethnic origin:

White

Boards you would be willing to serve on:

First choice — Tourism Board

Second choice — Historic District Commission

Third choice — Water and Sewer Advisory Committee

Reasons for wanting to serve:

I moved to Hillsborough in 2016 and have loved every minute of it. I find something new each week that makes me love living here even more. The town, the community, the level of civic involvement. I'd like to give back to a town that I enjoy and be a part of its continued success.

Have you served or are you currently serving on a town board? If so, which ones and when?

I have not served on a board, but would love to (as you can see)!

Relevant work, volunteer or educational experience:

I've worked for a Chapel Hill based non-profit (Engineering World Health) for over 4 years, so I have experience managing non-profits, applying for grants, and working within a budget. Previously I worked in the UNC Chapel Hill admissions office, where my main duties included overseeing and curating the visitor experience. I volunteered with the Alliance for Historic Hillsborough (albeit in a very limited capacity) a few years ago.

How are you connected to Hillsborough (live, work, play, shop, own property)?

I've lived here since 2016, owned a home here since 2019, and own two businesses that operate out of Hillsborough (one is a flooring contracting company and the other is a supply company).

I spend most of my spare time here and shop local every chance I get.

Have you reviewed the Vision 2030 plan, and what are your thoughts about it?

I have. I think it is a well written plan with a clear strategy and I would be enthusiastic about working towards fulfilling the Vision. Most of the goals seem attainable within the next 8 years. Some will likely need to be re-worked or included in the next plan, which is understandable.

Have you reviewed other town documents (budget, strategy map, small area plans), and what are your thoughts about them?

I have, namely the 5 Year Strategic Tourism Plan and the Community Connectivity/Corridor plans. I think the Strategic Tourism plan is great- the Tourism Board has clearly had success since the plan's adoption in 2017. Last Fridays are always well attended, even in the COVID era, and it seems other visitor organizations in town have experienced growth.

I feel the community connectivity/corridor plans are an important part of increasing town tourism. If more residents are able to conveniently access town businesses, they may be more likely to stay in town while hosting visitors (rather than travel to Durham/Chapel Hill for meals and events), thus those visitors may be more likely to return or mention Hillsborough as a lively spot to visit.

What challenges do you see the town facing that could be addressed by the board or boards on which you wish to serve?

Currently, the limited variety of shops and open commercial space downtown. I think the Tourism Board could work with other boards to encourage new businesses and get the downtown spaces filled. If there is a unique store that is interesting enough for people to come from out of town, it could add significantly to our visitor numbers (for example, I have often traveled to Pittsboro just to go to Screaming for Vintage, but usually stop by other shops while I'm there).

I wanted to keep my answers brief for the sake of a non-strenuous review, but I'm happy to provide more information if needed! I'm very enthusiastic about Hillsborough and would love to be a part of a board. Thank you so much for your consideration!

How you heard about this opportunity:

Internet

Agreement:

✓ I have been advised that I am committing to attend the volunteer board's regular meetings. Attendance at the regular meetings shall be considered a prerequisite for maintaining membership on the board. The Board of Commissioners may declare a vacancy on the board because of non-attendance.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Planning & Economic Development
Agenda Section: Appointments
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

ITEM TO BE CONSIDERED

Subject: Tourism Board – Reappointment of Barney Caton for a term expiring Dec. 9, 2026

Attachments:

Volunteer Board Application

Summary:

This appointment originally came to the board at its Jan. 8, 2024 meeting with the incorrect year of 2025 for the expiration of the term.

The Tourism Board has a seat reserved for an at-large member that can be filled with someone who lives, works, or owns property in town and has an interest in the tourism program. Caton owns 'Haunted Hillsborough Tours', a locally operated tour guide company specializing in historically based ghost tours. Caton has served two previous terms as an active board member. This would be his last term.

Financial impacts:

None, except for occasional board training opportunities.

Staff recommendation and comments:

None.

Action requested:

Reappoint Barney Caton to the Tourism Board for a term expiring Dec. 9, 2026.

Advisory Board Application

If you are a Town of Hillsborough resident and willing to volunteer your time and expertise to your community, please complete this form. Volunteers for the Parks and Recreation Board must be at least 13 years old, and volunteers for all other boards must be at least 18 years old.

Name:

Barney Caton

Home address:

1501 Bartlett Circle

Home phone number:

3365383117

Email address:

barney.p.caton@gmail.com

Place of employment:

USDA

Job title:

Scientist

Birth date:

March 15, 1966

Ethnic origin:

Caucasian

Boards you would be willing to serve on:

First choice — Tourism Board

Reasons for wanting to serve:

As the owner/operator of Haunted Hillsborough Tours I have a strong interest in promoting tourism in Hillsborough. As a 15-year resident I know how far we've come, and I'd like to help continue to improve the tourism industry in Hillsborough.

Have you served or are you currently serving on a town board? If so, which ones and when?

No

Relevant work, volunteer or educational experience:

Haunted Hillsborough Tours
Cub Scouts/Boy Scouts, Troop 821

Lots of relevant professional training (creative problem solving, communication, trust, etc.)

Also voluntarily creating a new, and not for profit, historic tour of Churton Street for the Alliance

How are you connected to Hillsborough (live, work, play, shop, own property)?

I've lived here for 15 years and, as stated, am a small business owner in Hillsborough in the tourism sector.

It goes without saying that I shop and play here quite often

Have you reviewed the Vision 2030 plan, and what are your thoughts about it?

I might prioritize some of the specific objectives under the goals a little differently, but I like the plan overall

Have you reviewed other town documents (budget, strategy map, small area plans), and what are your thoughts about them?

The Strategy Map is interesting. Unsurprisingly, I very strongly support the values of sustaining the town's character and improving vitality.

What challenges do you see the town facing that could be addressed by the board or boards on which you wish to serve?

I think we could market the town better to the two nearby colleges and their visitors. Orange County Tourism is a big help but emphasizing our unique features and close proximity could be profitable, I think.

How you heard about this opportunity:

Newspaper

Agreement:

✓ I have been advised that I am committing to attend the volunteer board's regular meetings. Attendance at the regular meetings shall be considered a prerequisite for maintaining membership on the board. The Board of Commissioners may declare a vacancy on the board because of non-attendance.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Town Clerk
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Town Clerk Sarah Kimrey

ITEM TO BE CONSIDERED

Subject: Minutes

Attachments:

1. Regular meeting Jan. 8, 2024
2. Work session Jan. 22, 2024
3. Work session closed session Jan. 22, 2024

Summary:

None.

Financial impacts:

None.

Staff recommendation and comments:

Approve minutes as presented.

Action requested:

To approve minutes of the Board of Commissioners regular meeting Jan. 8, 2024, work session Jan. 22, 2024, and work session closed session Jan. 22, 2024.



Minutes

Board of Commissioners Regular Meeting

7 p.m. Jan. 8, 2024

Board Meeting Room, Town Hall Annex, 105 E. Corbin St.

Present: Mayor Mark Bell and commissioners Meaghun Darab, Robb English, Kathleen Ferguson, Matt Hughes (remote) and Evelyn Lloyd

Staff: Assistant Town Manager and Community Services Director Matt Efird, Lead for North Carolina Fellow Marshall Grayson, Police Chief Duane Hampton, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Town Manager Eric Peterson and Utilities Director Marie Strandwitz

Opening of the meeting

Mayor Mark Bell called the meeting to order at 7 p.m.

1. Public charge

Bell did not read the public charge.

2. Audience comments not related to the printed agenda

Jessica Sheffield, executive director of the Eno River Association, introduced herself and shared the 2024 Eno River Association wall calendar with the town.

3. Agenda changes and approval

The following changes were made:

- Add Item 5E National Mentoring Month proclamation to the consent agenda.
- Remove Item 6E North Carolina League of Municipalities Operations Assistance Program Agreement.

Motion: Commissioner Kathleen Ferguson moved to approve the agenda as amended. Commissioner Robb English seconded.

Vote: 3-0. Absent: Commissioner Evelyn Lloyd

4. Presentations

A. Recognition of recently promoted Sgt. Candace Spragins and Sgt. Van St. Pierre and public reaffirmations of oaths of office

Police Chief Duane Hampton introduced Sgts. Candace Spragins and Van St. Pierre to the board to reaffirm their oaths of office, with the mayor administering the oaths. Spragins' mother affixed her badge, and St. Pierre's wife affixed his badge.

B. Employee Service Milestone Awards

Town Manager Eric Peterson shared a presentation recognizing 14 employees for their tenure with the town. Peterson highlighted employees who have worked with the town for 5, 10, 20 and 25 years respectively.

Lloyd joined the meeting at 7:13 p.m.

5. Appointments

A. Tourism Board – Reappointment of Barney Caton for a term ending Dec. 9, 2025

B. Tourism Board – Reappointment of Victoria Pace for a term ending Dec. 13, 2025

Motion: Ferguson moved to approve all appointments. Commissioner Meaghun Darab seconded.
Vote: 4-0.

6. Items for decision – consent agenda

- A. Minutes
 - Regular meeting Dec. 11, 2023
 - Regular meeting closed session Dec. 11, 2023
- B. Miscellaneous budget amendments and transfers
- C. Ridgewalk Greenway capital project ordinance amendment and associated budget amendments
- D. Passenger Rail/Multi-Modal Station capital project ordinance amendment and associated budget amendments
- ~~E. North Carolina League of Municipalities Operations Assistance Program Agreement~~
- E. National Mentoring Month proclamation (added)

Motion: Ferguson moved to approve all items on the amended consent agenda. Lloyd seconded.
Vote: 4-0. Nays: None.

7. Items for decision – regular agenda

A. Deer population mitigation

Hillsborough resident Bill Harris gave a presentation on the deer population in Hillsborough and options for mitigation. Harris noted dangers associated with an overpopulation of deer, including overgrazing, the spreading of disease and risk of property damage or injury.

Harris suggested North Carolina’s urban archery program as a potential solution. This program allows urban bow hunting of deer on specified property during a designated season with various restrictions to ensure public safety. Sixty-three municipalities, including Chapel Hill, participated in the program in 2023, with 179 deer killed statewide. Urban archery was brought before the Hillsborough board 20 years ago and was not approved due to public safety concerns.

Following the presentation, the mayor opened discussion from the board, which included:

- Concern about rising deer population, use of weapons near public areas, and the effectiveness of archery as a hunting method. The possibility of an injured deer moving across property lines was raised.
- Current laws and regulations regarding animal control in town.
- Practices and familiarity of the program by other municipalities.

Commissioner Matt Hughes asked staff for clarification on current hunting regulations. The police chief said current restrictions fall under state policy and the Wildlife Management Division.

Ferguson and Lloyd expressed opposition to the program, noting safety concerns. Ferguson also said few areas would be approved for hunting once restrictions were implemented, which could limit the program’s effectiveness.

English shared that a contact associated with the program in Chapel Hill does not find it highly effective. Peterson suggested that additional research should be completed to clarify restrictions for the program. Harris said he and his neighbors could call the Wildlife Commission and conduct additional research for staff.

Bell summarized the board discussion and affirmed that deer overpopulation exists in town. Harris offered final comments thanking the board for recognizing the deer population as a concern. He asked the board to consider applying for the program for 2024. The application is due April 1 and requires a letter of intent to

participate and a map indicating where hunting would be allowed. Hunting would not begin until January 2025. Bell thanked Harris for his presentation but issued concerns around time constraints.

Town Attorney Bob Hornik confirmed Hughes' ability to vote remotely as this vote was not legally binding.

Motion: English moved to direct volunteers to contact the Wildlife Management Division regarding the North Carolina urban archery program application process and to bring additional information to staff as soon as reasonably possible. Darab seconded.

Vote: 3-2. Nays: Ferguson and Lloyd.

B. Adron F. Thompson Renovation Capital Project Amendment

Utilities Director Marie Strandwitz requested an additional \$710,000 allocation in design costs for renovation of the Adron F. Thompson Water/Sewer Facility. The transaction will transfer funds from the Water and Sewer Fund Balance to the Utilities Capital Projects Fund. She said the additional funds are a result of typical unexpected renovation costs.

Motion: Ferguson moved to approve the capital project amendment. English seconded.

Vote: 4-0.

C. Hot topics for work session Jan. 22, 2024

The manager noted the following topics:

- Clean energy resolution and sustainability updates
- Financial update and framing for fiscal years 2025-27
- Downtown parking update and discussion

8. Updates

A. Board members

Board members gave updates on the committees and boards on which they serve.

B. Town manager

No additional updates.

C. Staff (written reports in agenda packet)

No additional updates.

9. Adjournment

Bell adjourned the meeting at 8:57 p.m.

Respectfully submitted,

Sarah Kimrey

Town Clerk

Staff support to the Board of Commissioners

FY 2023-2024

TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT

DATES: 01/08/2024 TO 01/08/2024

| | <u>REFERENCE</u> | <u>CHANGE NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL BUDGET</u> | <u>BUDGET CHANGE</u> | <u>AMENDED BUDGET</u> |
|--------------------|--|----------------------|-------------|-------------|------------------------|----------------------|-----------------------|
| Safety & Risk | 10-10-6600-5300-080 TRAINING/CONF./CONV. To cover invoice from FastMed. | 41438 | 01/08/2024 | JFernandez | 16,800.00 | -190.00 | 10,304.00 |
| Safety & Risk | 10-10-6600-5300-530 DUES & SUBSCRIPTIONS To cover Safety Holiday Lunch. | 41466 | 01/08/2024 | JFernandez | 1,400.00 | -500.00 | 900.00 |
| Safety & Risk | 10-10-6600-5300-570 MISCELLANEOUS To cover invoice from FastMed. | 41437 | 01/08/2024 | JFernandez | 750.00 | 190.00 | 1,246.00 |
| | To cover Safety Holiday Lunch. | 41467 | 01/08/2024 | JFernandez | 750.00 | 500.00 | 1,746.00 |
| Police | 10-20-5100-5300-080 TRAINING/CONF./CONV. To cover unplanned training expenses. | 41471 | 01/08/2024 | JFernandez | 26,900.00 | 1,000.00 | 27,900.00 |
| Police | 10-20-5100-5300-161 MAINTENANCE - VEHICLES To cover radios Chargers purchased in FY | 41417 | 01/08/2024 | EBRADFORI | 1,000.00 | 12,905.00 | 41,972.00 |
| Police | 10-20-5100-5300-730 DRUG ENFORCEMENT OPERATIONS To cover unplanned training expenses. | 41470 | 01/08/2024 | JFernandez | 5,000.00 | -1,000.00 | 982.00 |
| Police | 10-20-5100-5700-740 CAPITAL - VEHICLES To cover radios Chargers purchased in FY | 41418 | 01/08/2024 | EBRADFORI | 190,000.00 | -12,905.00 | 264,028.00 |
| Streets | 10-30-5600-5300-112 POSTAGE To cover yr-end overage | 41420 | 01/08/2024 | EBRADFORI | 40.00 | 33.00 | 73.00 |
| Streets | 10-30-5600-5300-145 MAINTENANCE - BUILDINGS To cover yr-end overage | 41421 | 01/08/2024 | EBRADFORI | 600.00 | -33.00 | 567.00 |
| Streets | 10-30-5600-5300-330 SUPPLIES - DEPARTMENTAL To replace underweighted trailer | 41422 | 01/08/2024 | EBRADFORI | 27,500.00 | -9,563.00 | 17,937.00 |
| | To replc underweight trailer | 41449 | 01/08/2024 | EBRADFORI | 27,500.00 | 4,510.00 | 22,447.00 |
| Streets | 10-30-5600-5300-570 MISCELLANEOUS Trailer tax/tag | 41423 | 01/08/2024 | EBRADFORI | 1,000.00 | -328.00 | 522.00 |
| Streets | 10-30-5600-5300-583 MISC-TAX, TAGS, ETC. Trailer tax/tag | 41424 | 01/08/2024 | EBRADFORI | 4,506.00 | 328.00 | 4,834.00 |
| Streets | 10-30-5600-5700-741 CAPITAL - EQUIPMENT Replc under weighted trailer | 41419 | 01/08/2024 | EBRADFORI | 0.00 | 9,563.00 | 19,563.00 |
| Special Approp. | 10-60-6900-5700-741 CAPITAL - EQUIPMENT To replc underweight trailer | 41448 | 01/08/2024 | EBRADFORI | 20,000.00 | -4,510.00 | 15,490.00 |
| Billing & Collect. | 30-80-7240-5100-020 SALARIES To cover temp staff | 41415 | 01/08/2024 | EBRADFORI | 326,326.00 | -15,000.00 | 311,326.00 |
| Billing & Collect. | 30-80-7240-5300-503 C.S./TEMPORARY PERSONNEL To cover temp staff | 41416 | 01/08/2024 | EBRADFORI | 0.00 | 15,000.00 | 15,000.00 |
| WTP | 30-80-8120-5300-158 MAINTENANCE - EQUIPMENT To cover failed pump repair at WTP. | 41469 | 01/08/2024 | JFernandez | 88,440.00 | 160,000.00 | 248,440.00 |
| | 30-80-8120-5300-158 | 41478 | 01/08/2024 | JFernandez | 88,440.00 | 67,300.00 | 315,740.00 |
| WTP | 30-80-8120-5300-323 SUPPLIES - CHEMICALS To cover permit renewal costs. | 41450 | 01/08/2024 | JFernandez | 427,760.00 | -150.00 | 425,937.00 |
| | To cover failed pump repair at WTP. | 41468 | 01/08/2024 | JFernandez | 427,760.00 | -160,000.00 | 265,937.00 |
| WTP | 30-80-8120-5300-530 DUES & SUBSCRIPTIONS To cover permit renewal costs. | 41451 | 01/08/2024 | JFernandez | 3,090.00 | 150.00 | 3,240.00 |
| | To cover NCWOA annual dues. | 41480 | 01/08/2024 | JFernandez | 3,090.00 | 205.00 | 3,445.00 |

JFernandez
 fl142r03

12/29/2023 3:20:59PM

Page 1 of 3

FY 2023-2024

TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT

DATES: 01/08/2024 TO 01/08/2024

| | <u>REFERENCE</u> | <u>CHANGE NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL BUDGET</u> | <u>BUDGET CHANGE</u> | <u>AMENDED BUDGET</u> |
|-------------------|--|----------------------|-------------|-------------|------------------------|----------------------|-----------------------|
| WTP | 30-80-8120-5300-570 MISCELLANEOUS To cover NCWOA annual dues. | 41479 | 01/08/2024 | JFernandez | 1,200.00 | -205.00 | 995.00 |
| Water Dist. | 30-80-8140-5300-330 SUPPLIES - DEPARTMENTAL Replc underweighted trailer | 41427 | 01/08/2024 | EBRADFORI | 131,440.00 | -5,528.00 | 130,744.64 |
| | To cover equipment trailer for backhoe. | 41439 | 01/08/2024 | JFernandez | 131,440.00 | -5,364.00 | 125,380.64 |
| | Reverse double-entry budget amendment | 41445 | 01/08/2024 | JFernandez | 131,440.00 | 5,364.00 | 130,744.64 |
| Water Dist. | 30-80-8140-5300-583 MISC.-TAX, TAGS, ETC. Replc underweighted trailer | 41426 | 01/08/2024 | EBRADFORI | 0.00 | 164.00 | 164.00 |
| Water Dist. | 30-80-8140-5700-741 CAPITAL - EQUIPMENT Replc underweighted trailer | 41425 | 01/08/2024 | EBRADFORI | 80,000.00 | 5,364.00 | 104,165.17 |
| | To cover equipment trailer for backhoe. | 41440 | 01/08/2024 | JFernandez | 80,000.00 | 5,364.00 | 109,529.17 |
| | Reverse double-entry budget amendment | 41444 | 01/08/2024 | JFernandez | 80,000.00 | -5,364.00 | 104,165.17 |
| WW Collect. | 30-80-8200-5300-322 SUPPLIES - LIFT STATION PUMPS Replc underweighted trailer | 41430 | 01/08/2024 | EBRADFORI | 193,000.00 | -5,528.00 | 156,825.00 |
| WW Collect. | 30-80-8200-5300-330 SUPPLIES - DEPARTMENTAL To cover equipment trailer for backhoe. | 41441 | 01/08/2024 | JFernandez | 80,500.00 | -854.00 | 80,451.06 |
| | Reverse double-entry budget amendment | 41446 | 01/08/2024 | JFernandez | 80,500.00 | 854.00 | 81,305.06 |
| WW Collect. | 30-80-8200-5300-583 MISC-TAX, TAGS, ETC. Replc underweighted trailer | 41429 | 01/08/2024 | EBRADFORI | 3,000.00 | 164.00 | 7,514.00 |
| WW Collect. | 30-80-8200-5700-741 CAPITAL - EQUIPMENT Replc underweighted trailer | 41428 | 01/08/2024 | EBRADFORI | 20,000.00 | 5,364.00 | 207,841.79 |
| | To cover equipment trailer for backhoe. | 41442 | 01/08/2024 | JFernandez | 20,000.00 | 854.00 | 208,695.79 |
| | Reverse double-entry budget amendment | 41447 | 01/08/2024 | JFernandez | 20,000.00 | -854.00 | 207,841.79 |
| W&S Contingency | 30-80-9990-5300-000 CONTINGENCY To cover emergency raw water pump repa | 41477 | 01/08/2024 | JFernandez | 400,000.00 | -67,300.00 | 71,949.00 |
| Gen. Cap Projects | 60-05-3870-3870-116 TRANSFER FROM FUND 48 - NC86 RENO Adj per FY23 audit | 41431 | 01/08/2024 | EBRADFORI | 0.00 | 128,200.00 | 128,200.00 |
| Gen. Cap Projects | 60-05-3870-3870-406 TRANSFER FROM GF-NC86 RENOVATION Adj per FY23 audit | 41432 | 01/08/2024 | EBRADFORI | 325,982.00 | -128,200.00 | 197,782.00 |
| Gen. Cap Projects | 60-23-3700-3700-101 STATE TIP To record revenue | 41410 | 01/08/2024 | EBRADFORI | 0.00 | 1,000,000.00 | 6,314,000.00 |
| Gen. Cap Projects | 60-23-3870-3870-047 TRANSFER FROM FUND 43-RAIL STATION Adj per FY23 audit | 41433 | 01/08/2024 | EBRADFORI | 0.00 | 19,290.00 | 19,290.00 |
| Gen. Cap Projects | 60-23-3870-3870-100 TRANSFER FROM GENERAL FUND Adj per FY23 audit | 41434 | 01/08/2024 | EBRADFORI | 93,000.00 | -19,290.00 | 73,710.00 |
| Gen. Cap Projects | 60-23-6510-5700-720 CONSTRUCTION To record revenue | 41411 | 01/08/2024 | EBRADFORI | 0.00 | 1,000,000.00 | 6,600,000.00 |
| Gen. Cap Projects | 60-28-3870-3870-408 TRANSFER FROM GF - RIDGEWALK Adj to cover feasibility study | 41412 | 01/08/2024 | EBRADFORI | 0.00 | -84,000.00 | 125,003.00 |
| Gen. Cap Projects | 60-28-6300-5700-782 RIDGEWALK GREENWAY Adj to cover feasibility study | 41413 | 01/08/2024 | EBRADFORI | 0.00 | -84,000.00 | 125,003.00 |
| W&S Cap. Res. | 70-00-3850-3850-000 INTEREST EARNED Adj per FY23 audit | 41456 | 01/08/2024 | EBRADFORI | 100,889.20 | 401,759.00 | 689,592.88 |

JFernandez
 fl142r03

12/29/2023 3:20:59PM



ORDINANCE

Capital Project Amendment

Ridgewalk Greenway

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

| | <i>Current Budget</i> | <i>+/-</i> | <i>Amended Budget</i> |
|--------------------|-----------------------|------------|-----------------------|
| Ridgewalk Greenway | \$209,003 | (\$84,000) | \$125,003 |

Section 2. Amounts appropriated for the capital project are hereby amended as follows.

| | <i>Current Budget</i> | <i>+/-</i> | <i>Amended Budget</i> |
|--------------------|-----------------------|------------|-----------------------|
| Ridgewalk Greenway | \$209,003 | (\$84,000) | \$125,003 |

Section 3. This ordinance shall be amended in any manner to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital project, so long as it continues to fulfill the requirements of G.S. 159-13.2 and other applicable laws.

Section 4. This capital project will close automatically upon projection completion.

Section 5. Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of January in the year 2024.

Ayes: 4
 Noes: 0
 Absent or excused: 1



 Sarah E. Kimrey, Town Clerk



ORDINANCE

Capital Project Amendment

Passenger Rail / Multi-Modal Station

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1. Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

| | <i>Current Budget</i> | <i>+/-</i> | <i>Amended Budget</i> |
|--------------------------------------|-----------------------|-------------|-----------------------|
| Passenger Rail / Multi-Modal Station | \$7,239,000 | \$1,000,000 | \$8,239,000 |

Section 2. Amounts appropriated for the capital project are hereby amended as follows.

| | <i>Current Budget</i> | <i>+/-</i> | <i>Amended Budget</i> |
|--------------------------------------|-----------------------|-------------|-----------------------|
| Passenger Rail / Multi-Modal Station | \$7,239,000 | \$1,000,000 | \$8,239,000 |


Section 3. This capital project will close automatically upon projection completion.

Section 4. Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of January in the year 2024.

Ayes: 4
 Noes: 0
 Absent or excused: 1





 Sarah E. Kimrey, Town Clerk

FY 2023-2024

TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT
 DATES: 01/08/2024 TO 01/08/2024

| <u>REFERENCE</u> | <u>CHANGE NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL BUDGET</u> | <u>BUDGET CHANGE</u> | <u>AMENDED BUDGET</u> |
|---|----------------------|-------------|-------------|------------------------|----------------------|-----------------------|
| 60-23-3700-3700-101 STATE TIP Train Station To record revenue | 41410 | 01/08/2024 | EBRADFORI | 0.00 | 1,000,000.00 | 6,314,000.00 |
| 60-23-6510-5700-720 CONSTRUCTION Train Station To record revenue | 41411 | 01/08/2024 | EBRADFORI | 0.00 | 1,000,000.00 | 6,600,000.00 |
| | | | | | <u>2,000,000.00</u> | |

APPROVED: 4/0

DATE: 01/08/24

VERIFIED: _____

Shawn E. Kimrey

DRAFT



PROCLAMATION

Declaring January 2024 as National Mentoring Month

WHEREAS, National Mentoring Month brings awareness to the importance of quality mentoring that promotes healthy relationships and communication, positive self-esteem, emotional well-being, and growth of a young person and their relationships with other adults; and

WHEREAS, the Town of Hillsborough honors volunteer mentors who support young people in Hillsborough by showing up for them every day and demonstrating their commitment to helping them thrive; and

WHEREAS, mentoring programs like Fathers on the Move, Beyond Expectations, and capacity-building agencies like Youth Mentoring Collaborative make our communities and our state stronger by driving impactful relationships that increase social capital for young people and provide invaluable support networks; and

WHEREAS, Grow Your World is a youth-centered, community-building organization that partners with local college students to work directly with youth and connect community members through multigenerational and inclusive relationships that build enrichment opportunities for youth and adults alike; and

WHEREAS, Reintegration Support Network provides support and resources for adolescents experiencing challenges related to substance use, mental health, and/or justice involvement. Mentors engage in promoting trust and self-acceptance by advocating for and with participants, coordinating with existing service providers, and linking participants with community resources, thereby increasing a participant’s overall wellbeing; and

WHEREAS, Healing-Centered Mentoring™ provides a pathway to promote mental wellness, increase access to evidence-based mental wellness skills training, and reduce structural barriers to mental health services; and

WHEREAS, mentoring plays a pivotal role in career exploration and supports workforce development by helping young people set career goals, equipping mentors with the skills needed to support the professional growth of young people, and driving positive outcomes for communities across the state;

NOW, THEREFORE, I, Mark Bell, mayor of the Town of Hillsborough, do hereby proclaim January 2024 as National Mentoring Month in the Town of Hillsborough.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 8th day of January in the year 2024.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough



ORDINANCE

Capital Project Amendment

Adron F. Thompson Facility Renovation

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1. Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

| | <i>Current Budget</i> | +/- | <i>Amended Budget</i> |
|---------------------------------------|-----------------------|-----------|-----------------------|
| Adron F. Thompson Facility Renovation | \$3,290,000 | \$505,600 | \$3,795,600 |

Section 2. Amounts appropriated for the capital project are hereby amended as follows.

| | <i>Current Budget</i> | +/- | <i>Amended Budget</i> |
|---------------------------------------|-----------------------|-----------|-----------------------|
| Adron F. Thompson Facility Renovation | \$3,290,000 | \$505,600 | \$3,795,600 |

Section 3. This capital project will close automatically upon projection completion.

Section 4. Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of January in the year 2024.

Ayes: 4
 Noes: 0
 Absent or excused: 1



 Sarah E. Kimrey, Town Clerk



Minutes

Board of Commissioners Work Session

7 p.m. Jan. 22, 2024

Board Meeting Room, Town Hall Annex, 105 E. Corbin St.

Present: Mayor Mark Bell and commissioners Meaghun Darab, Robb English, Kathleen Ferguson, Matt Hughes and Evelyn Lloyd

Staff: Planning and Economic Development Manager Shannan Campbell, Assistant Town Manager and Community Services Director Matt Efird, Budget and Management Analyst Josh Fernandez, Lead for North Carolina Fellow Marshall Grayson, Environmental Engineering Supervisor Bryant Green, Town Clerk and Human Resources Technician Sarah Kimrey, Town Attorney Lydia Lavelle, Finance Director Dave McCole, Town Manager Eric Peterson and Public Space and Sustainability Manager Stephanie Trueblood

1. Opening of the work session

Mayor Mark Bell called the meeting to order at 7:01 p.m.

2. Agenda changes and approval

Town Manager Eric Peterson asked to add Item 6A – Closed session as authorized by North Carolina General Statute Section 143-318.11 (a)(4) regarding economic development.

Motion: Commissioner Kathleen Ferguson moved to approve the amended agenda. Commissioner Meaghun Darab seconded.

Vote: 4-0.

3. Items for decision - consent agenda

- A. Miscellaneous budget amendments and transfers
- B. Proclamation – Black History Month 2024
- C. North Carolina League of Municipalities Operations Assistance Program Agreement
- D. Fire Station Capital Project Ordinance amendment and associated budget amendments

Motion: Ferguson moved to approve all items on the consent agenda. Commissioner Matt Hughes seconded.

Vote: 4-0.

4. In-depth discussion and topics

- A. Clean energy resolution and sustainability updates
Public Space and Sustainability Manager Stephanie Trueblood gave a presentation on the town's progress toward sustainability goals and identified needs for future improvement.

Trueblood provided an update on sustainability efforts completed since the town adopted a clean energy resolution in September 2017. The resolution supports achieving 80% clean energy for town operations by 2030 and 100% by 2050. Trueblood showcased how the town has made significant advancements in lowering the environmental impact of local government operations, concluding that Hillsborough has become a more sustainable town overall. Key milestones and progress include:

- Implementing a telecommuting policy for employees in 2022.

- Publishing the Comprehensive Sustainability Plan in 2023.
- Adopting a Vision Zero policy in 2023.

Trueblood also highlighted the importance of integrating sustainability into town departments such as community services, utilities and police. She noted these efforts are strengthened through strategic partnerships with organizations like the Central Pines Regional Council and the Southeast Sustainability Directors Network.

Trueblood also emphasized areas of concern, indicating the resolution goals will likely not be met given slower progress during the pandemic. She said the town cannot meet the clean energy goals solely through solar photovoltaic panels and must consider alternative solutions. She highlighted upcoming sustainability efforts and projects, including:

- Updating the future land use map and rewriting the Unified Development Ordinance.
- Continuing development on the net-zero ready goal for the future train station.
- Planning for electric vehicle charging and fueling infrastructure.
- Planning the Ridgewalk greenway development.

Ferguson requested more information on other jurisdictions' strategies to promote multimodal transportation usage, especially for visitors. Trueblood clarified that neighboring communities like Carrboro and Chapel Hill have greenway plans similar to the town's planned Ridgewalk development. Additionally, the future train station will provide more sustainable travel opportunities for long-distance visitors.

Trueblood explained that the town has annually allocated \$300,000 over the past three years for sustainability, totaling roughly \$900,000 in the general fund for future efforts. She highlighted potential projects that could use these funds, including:

- Solar panel development for the train station.
- Energy tracking and management software.
- A sustainability intern.
- Green Source Advantage program.
- Battery backup for climate adaptation.

Trueblood clarified that these funds could not be used for sustainability initiatives in the utilities system without dedicated funding outside the General Fund. Trueblood requested additional focus be placed on funding utility sustainability projects moving forward since 77% of the town's electrical usage originates from water and wastewater operations.

Policy needs also were discussed, including continued work on an electronic records and imaging policy to reduce paper waste. Hughes asked for clarification on the current restrictions and schedule for electronic retention and disposition. Town Clerk and Human Resources Technician Sarah Kimrey clarified that statutes and regulations for North Carolina local governments make electronic records and imaging policies complex. However, research on these regulations is underway and will continue.

Trueblood emphasized that the town seeks to make sustainability a key aspect of the community through programs and education. While the town lacks resources to fund all programs internally, key partnerships may help further address these efforts.

Hughes asked if an updated sustainability resolution was needed, given setbacks and changes over the past seven years. Ferguson suggested that the original resolution should remain with the Comprehensive Sustainability Plan, acting as an updated and more action-oriented document.

Commissioner Evelyn Lloyd joined the meeting at 7:18 p.m.

The mayor called for a brief recess at 8:13 p.m. He reconvened the meeting at 8:19 p.m.

- B. Framing of issues and finances for the Fiscal Year 2025-27 Budgetary Planning Retreat
To allow more time for discussion, questions and deliberation during the Feb. 17 budget retreat, Town Manager Eric Peterson provided the traditional framing of issues and the town's financial picture to the board during this work session.

Peterson discussed current positive financial indicators for the town, including:

- Audit and monthly postings being up to date.
- Strong savings, although artificially high due to the pandemic.
- Employee turnover slowing, with many positions being filled.
- Lower health insurance costs for employees.
- Competitive taxes.
- A strong trend of positive growth overall.

The manager highlighted general fund concerns and potential issue areas for the town over the next three fiscal years, including:

- Substantial growth outpacing available resources.
- Projected deficits each year totaling over 10% in FY26.
- Sales tax showing a significant decrease by over 20% since last year.
- Uncertainty regarding funding the Comprehensive Sustainability Plan initiatives.
- Planning how to address affordable housing and preparing for a plan to ramp up to earmarking 2 cents of the property tax rate to affordable housing.

Peterson also discussed large capital projects awaiting funding, including:

- Fire station development on North Churton Street.
- Public works equipment replacement and constructing a new building.
- Train station development.
- New accounting software.
- Ridgewalk greenway development.

Peterson then addressed concerns for the Water/Sewer Fund, including:

- Projected deficits each year totaling over 15% in FY26.
- Need for increased rates.
- Pipes and pump station maintenance. Utilities Director Marie Strandwitz indicated this is the most pressing issue for the Utilities Department.
- Capacity concerns for the Wastewater Treatment Plant and utility systems.
- Increased construction costs and interest rate escalation.
- Various large capital projects, including \$30 million in high priority sewer projects over the next four years that cannot be delayed.

The manager also discussed stormwater, noting no fee increase has occurred in eight years. He said staff are reviewing fees and deciding whether to propose an increase or change to the fee structure with a focus on lots that have the largest impervious surface area.

Peterson concluded that the most pressing issue for board consideration is town growth pressures. He discussed how daily concerns can keep the town from effectively progressing top priorities and planning for

longer-term goals. He noted the amount of new growth required to pay for one additional full-time staff member and emphasized interns, fellows and contractors as the most cost-effective alternatives for resolving limited resources.

Peterson concluded by stating that all budget requests cannot be met. Finding alternative methods, discussing multiple solutions and establishing priorities now will help the town accomplish goals in the long term. During the retreat, staff will be tasked with listening to board requests and priorities to create a synthesized plan of action for the proposed budget.

Lloyd asked for clarification on a recent water main break. Environmental Engineering Supervisor Bryant Green provided clarification and explained that older water lines often break when the soil shrinks and swells due to changing weather conditions. Ferguson discussed the possibility of adding private dollar options for large project funding, such as selling naming rights for the Ridgewalk development. The mayor thanked the manager for clarifying budget priorities.

5. Committee updates and reports

Board members gave updates on the committees and boards on which they serve.

Motion: Ferguson moved to go into closed session at 9:10 p.m. Hughes seconded.

Vote: 5-0.

6. Closed Session

- A. Closed session as authorized by North Carolina General Statute Section 143-318.11 (a)(4) regarding economic development (added item).

Motion: Ferguson moved to return to open session at 9:49 p.m. Commissioner Robb English seconded.

Vote: 5-0.

7. Adjournment

Bell adjourned the meeting at 9:49 p.m.

Respectfully submitted,

Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioner

DRAFT

FY 2023-2024

TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT

DATES: 01/22/2024 TO 01/22/2024

| | <u>REFERENCE</u> | <u>CHANGE NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL BUDGET</u> | <u>BUDGET CHANGE</u> | <u>AMENDED BUDGET</u> |
|----------------------|--|----------------------|-------------|-------------|------------------------|----------------------|-----------------------|
| GF-Contingency | 10-00-9990-5300-000 CONTINGENCY Adj to match project ordinance | 41549 | 01/22/2024 | EBRADFORI | 450,000.00 | -65,692.00 | 36,584.00 |
| Special Approp. | 10-60-6900-5300-570 MISCELLANEOUS To cover increased expense | 41485 | 01/22/2024 | EBRADFORI | 373,001.00 | -2,100.00 | 370,901.00 |
| Special Approp. | 10-60-6900-5300-750 HOME FUNDS GRANT MATCH To cover increased expense | 41484 | 01/22/2024 | EBRADFORI | 4,200.00 | 2,100.00 | 6,300.00 |
| Streets | 10-71-5600-5982-002 TRANSFER TO GEN CAP IMPROV FUND Adj to match project ordinance | 41546 | 01/22/2024 | EBRADFORI | 0.00 | 25,982.00 | 25,982.00 |
| Special Approp. | 10-71-6900-5982-006 TRANSFER TO GEN CAP IMPROV Adj to match project ordinance | 41548 | 01/22/2024 | EBRADFORI | 0.00 | 39,710.00 | 39,710.00 |
| WSF Revenue | 30-71-3870-3870-067 TRANSFER FROM FUND 67 WFER - CARR/M Use bond proceeds to cover pymt | 41540 | 01/22/2024 | EBRADFORI | 0.00 | 284,166.66 | 284,166.66 |
| WSF Transfer | 30-71-5972-5972-002 TRANSFER TO WATER SDF RESERVE FUND Recognize Water SDF revenue | 41521 | 01/22/2024 | EBRADFORI | 0.00 | 43,906.00 | 43,906.00 |
| WSF Transfer | 30-71-5972-5972-003 TRANSFER TO SEWER SDF RESERVE FUND Recognize Sewer SDF revenue | 41522 | 01/22/2024 | EBRADFORI | 0.00 | 42,785.00 | 42,785.00 |
| WSF Revenue | 30-80-3500-3523-002 WATER SYSTEM DEVELOPMENT FEES Recognize Water SDF revenue | 41519 | 01/22/2024 | EBRADFORI | 0.00 | 43,906.00 | 43,906.00 |
| WSF Revenue | 30-80-3500-3525-002 SEWER SYSTEM DEVELOPMENT FEES Recognize Sewer SDF revenue | 41520 | 01/22/2024 | EBRADFORI | 0.00 | 42,785.00 | 42,785.00 |
| Admin of Enterprise | 30-80-7200-5300-041 ATTORNEY FEES To cover attorney fees through year-end. | 41486 | 01/22/2024 | JFernandez | 17,000.00 | 15,000.00 | 37,500.00 |
| Admin of Enterprise | 30-80-7200-5300-570 MISCELLANEOUS Yr-end adjustment | 41518 | 01/22/2024 | EBRADFORI | 164,999.00 | -12,850.00 | 152,149.00 |
| Billing & Collection | 30-80-7240-5100-010 OVERTIME COMPENSATION Yr-end adjustment | 41512 | 01/22/2024 | EBRADFORI | 2,000.00 | 2,000.00 | 4,000.00 |
| Billing & Collection | 30-80-7240-5100-020 SALARIES Yr-end adjustment | 41514 | 01/22/2024 | EBRADFORI | 326,326.00 | -12,400.00 | 298,926.00 |
| Billing & Collection | 30-80-7240-5125-063 HOSPITALIZATION - RETIREE Yr-end adjustment | 41513 | 01/22/2024 | EBRADFORI | 0.00 | 10,400.00 | 10,400.00 |
| Billing & Collection | 30-80-7240-5300-320 SUPPLIES - OFFICE To cover office supplies overage. | 41483 | 01/22/2024 | JFernandez | 1,200.00 | 550.00 | 1,750.00 |
| Billing & Collection | 30-80-7240-5300-570 MISCELLANEOUS To cover office supplies overage. | 41482 | 01/22/2024 | JFernandez | 1,000.00 | -550.00 | 450.00 |
| WTP | 30-80-8130-5300-330 SUPPLIES - DEPARTMENTAL Yr-end adj | 41541 | 01/22/2024 | EBRADFORI | 10,000.00 | -832.70 | 9,167.30 |
| WTP | 30-80-8130-5400-910 DEBT SERVICE - PRINCIPAL Use bond proceeds to cover pymt | 41539 | 01/22/2024 | EBRADFORI | 839,737.00 | 284,999.36 | 347,000.00 |
| Water Distribution | 30-80-8140-5100-010 OVERTIME COMPENSATION Yr-end adjustment | 41515 | 01/22/2024 | EBRADFORI | 12,500.00 | 12,500.00 | 25,000.00 |
| Water Distribution | 30-80-8140-5125-060 HOSPITALIZATION Yr-end adjustment | 41516 | 01/22/2024 | EBRADFORI | 91,728.00 | -18,500.00 | 73,228.00 |
| Water Distribution | 30-80-8140-5125-063 HOSPITALIZATION - RETIREE EBRADFORD | | 01/16/2024 | 2:53:20PM | | | |

FY 2023-2024

TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT

DATES: 01/22/2024 TO 01/22/2024

| REFERENCE | CHANGE NUMBER | DATE | USER | ORIGINAL BUDGET | BUDGET CHANGE | AMENDED BUDGET |
|--|---------------|------------|------------|-----------------|---------------|----------------|
| Yr-end adjustment | 41517 | 01/22/2024 | EBRADFORI | 0.00 | 18,850.00 | 18,850.00 |
| WSF 30-80-9990-5300-000 CONTINGENCY | | | | | | |
| Contingency To cover attorney fees through year-end. | 41487 | 01/22/2024 | JFernandez | 400,000.00 | -15,000.00 | 0.00 |
| WFER-Rd67-00-3900-3900-000 FUND BALANCE APPROPRIATION | | | | | | |
| Proj. Project closeout | 41538 | 01/22/2024 | EBRADFORI | 0.00 | 284,166.66 | 284,166.66 |
| WFER- 67-71-8280-5970-920 TRANSFER TO WATER SEWER FUND | | | | | | |
| Rd Proj. Project closeout | 41534 | 01/22/2024 | EBRADFORI | 0.00 | 284,166.66 | 284,166.66 |
| Util Cap 69-17-3870-3870-504 TRANSFER FROM WSF-16" OWASA WATER M | | | | | | |
| Improv Fund Project closeout | 41531 | 01/22/2024 | EBRADFORI | 100,000.00 | -100,000.00 | 0.00 |
| Util Cap 69-17-3870-3870-701 TRANSFER FROM FUND 75-16" OWASA WAT | | | | | | |
| Improv Fund Project closeout | 41532 | 01/22/2024 | EBRADFORI | 465,000.00 | -465,000.00 | 0.00 |
| Util Cap 69-17-8140-5700-748 16" OWASA WATER MAIN | | | | | | |
| Improv Fund Project closeout | 41533 | 01/22/2024 | EBRADFORI | 565,000.00 | -565,000.00 | 0.00 |
| W&S 70-00-3850-3850-000 INTEREST EARNED | | | | | | |
| Cap Reserve Record Interest Earned | 41492 | 01/22/2024 | EBRADFORI | 100,889.20 | 175,217.88 | 864,810.76 |
| To record interest | 41542 | 01/22/2024 | EBRADFORI | 100,889.20 | 36,318.92 | 901,129.68 |
| W&S 70-71-6900-5970-001 TRANSFER TO UTILITY CAP IMPROV FUND | | | | | | |
| Cap Reserve Record Interest Earned | 41493 | 01/22/2024 | EBRADFORI | 1,830,000.00 | 175,217.70 | 4,607,755.76 |
| To record interest | 41543 | 01/22/2024 | EBRADFORI | 1,830,000.00 | 36,318.92 | 4,644,074.68 |
| GF 71-00-3850-3850-000 INTEREST EARNED | | | | | | |
| Cap Reserve Adj per FY23 audit | 41494 | 01/22/2024 | EBRADFORI | 7,118.00 | -7,118.31 | 0.00 |
| GF 71-10-6300-5700-851 SUSTAINABILITY | | | | | | |
| Cap Reserve Adj per FY23 audit | 41497 | 01/22/2024 | EBRADFORI | 627,118.00 | -7,118.31 | 620,000.00 |
| GF 71-20-6900-5700-750 WATERSTONE POLICE | | | | | | |
| Cap Reserve Adj per FY23 audit | 41495 | 01/22/2024 | EBRADFORI | 0.00 | 115,128.00 | 115,128.00 |
| GF 71-71-3870-3870-100 TRANSFER FROM GENERAL FUND | | | | | | |
| Cap Reserve Adj per FY23 audit | 41496 | 01/22/2024 | EBRADFORI | 0.00 | 115,128.00 | 115,128.00 |
| Water SDFs 75-71-3870-3870-151 TRAN FR W/S CRF - EDD WATER LINE EX | | | | | | |
| Adj per FY23 audit | 41498 | 01/22/2024 | EBRADFORI | 0.00 | 259,404.00 | 259,404.00 |
| Water SDFs 75-71-3870-3870-152 TRAN FR W/S CRF - 16" WTR CONNECT | | | | | | |
| Adj per FY23 audit | 41499 | 01/22/2024 | EBRADFORI | 0.00 | 465,000.00 | 465,000.00 |
| Water SDFs 75-71-3870-3870-153 TRAN FR W/S CRF-US BUS 70 DESIGN | | | | | | |
| Adj per FY23 audit | 41506 | 01/22/2024 | EBRADFORI | 345,000.00 | 36,613.00 | 381,613.00 |
| Water SDFs 75-71-3870-3870-156 TRAN FR W/S US BUS 70 WTR PHASE I | | | | | | |
| Adj per FY23 audit | 41507 | 01/22/2024 | EBRADFORI | 282,795.50 | -36,613.00 | 513,918.50 |
| Adj per FY23 audit | 41510 | 01/22/2024 | EBRADFORI | 282,795.50 | 82,264.50 | 596,183.00 |
| Water SDFs 75-71-3870-3870-157 TRAN FR W/S - WFER PH II DEBT PYMTS | | | | | | |
| Adj per FY23 audit | 41500 | 01/22/2024 | EBRADFORI | 175,000.00 | 175,000.00 | 175,000.00 |
| Water SDFs 75-71-3870-3870-509 TRAN FR W/S - GOV BURKE | | | | | | |
| Adj per FY23 audit | 41501 | 01/22/2024 | EBRADFORI | 119,408.00 | 149,408.00 | 149,408.00 |
| Water SDFs 75-71-6900-5970-923 TRAN TO FUND 69 - EDD WTR LINE | | | | | | |
| Adj per FY23 audit | 41502 | 01/22/2024 | EBRADFORI | 0.00 | 259,404.00 | 259,404.00 |
| Water SDFs 75-71-6900-5970-925 TRAN TO FUND 69 - US 70 DESIGN | | | | | | |

EBRADFORD
 fl142r03

01/16/2024 2:53:20PM



PROCLAMATION

In Honor of Black History Month 2024

WHEREAS, the Hillsborough Board of Commissioners takes pride in recognizing February 2024 as Black History Month, celebrating the many notable contributions that people of African descent have made to our community, state, and country; and

WHEREAS, African Americans have played significant roles in the history of North Carolina’s economic, cultural, spiritual, and political development while working tirelessly to maintain and promote their culture and history; and

WHEREAS, in 1976, Black History Month was formally adopted to honor and affirm the importance of Black history throughout our American experience, which dates thousands of years and includes some of the greatest, most advanced and innovative societies that we can all draw inspiration from; and

WHEREAS, since 1976, every American president has designated February as Black History Month and endorsed a specific theme; and

WHEREAS, the theme for Black History Month 2024 focuses on African Americans and the arts and is infused with African, Caribbean, and Black American lived experiences; and

WHEREAS, In the fields of visual and performing arts, literature, fashion, folklore, language, film, music, architecture, culinary and other forms of cultural expression the African American influence has been paramount; and

WHEREAS, because of their determination, hard work, and perseverance, African Americans have made valuable and lasting contributions to Hillsborough and our state, achieving exceptional success in all aspects of society, including business, education, politics, science, athletics and the arts; and

WHEREAS, African Americans living and working in Hillsborough — from the time of legalized slavery to the present day — have shown a steadfast determination to live freely and equally and to press the town and the community to make manifest an equitable Hillsborough where race is not a determining factor of outcomes; and

WHEREAS, this observance presents a special opportunity to become more knowledgeable about black heritage and to honor the many black leaders who have played a part in the progress of our community;

NOW, THEREFORE, I, Mark Bell, mayor of the Town of Hillsborough, do hereby proclaim February 2024 as Black History Month in Hillsborough.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 22nd day of January in the year 2024.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough



RESOLUTION

To Approve a Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement

WHEREAS, the North Carolina State Budget Act of 2021 (SL 2021-180, as amended by SL 2021-189, and SL 2022-6) provided to the NC League of Municipalities grant funds provided to the State of North Carolina by the U.S. Treasury pursuant to the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319, American Rescue Plan Act of 2021 (ARP); and

WHEREAS, the League received two Award Agreements (OSBM-NCLM-65) from the Office of State Budget and Management (OSBM) and the North Carolina Pandemic Recovery Office (NCPRO); and

WHEREAS, the first Award Agreement is identified as OSBM-NCLM-65. This grant enables the League to provide "financial software and assistance programs for units of local government for expenses related to the COVID-19 pandemic..." This grant is referred to as the Municipal Accounting Services and Cybersecurity Grant; and

WHEREAS, the second Award Agreement is identified as OSBM-NCLM-66. This grant enables the League "to provide guidance and technical assistance to units of local government in the administration of funds from the Local Fiscal Recovery Fund, as established in Section 2.6 of S.L. 2021-25, and in the administration of projects funded through the State Fiscal Recovery Fund, as established in Section 2.2 of S.L. 2021-25." This grant is referred to as the Guidance and Technical Assistance Grant; and

WHEREAS, the Municipal Accounting Services and Cybersecurity Grant and the Guidance and Technical Assistance Grant are collectively referred to herein as the "League Grants"; and

WHEREAS, the League Grants are deemed part of U.S. Treasury Expenditure Category: 6, Revenue Replacement and shall only be spent on governmental services; and

WHEREAS, pursuant to U.S. Treasury Guidance, units of local government that receive services that are funded by one or both of the League Grants are beneficiaries of one or both of the League Grants, respectively, and such services are provided at no cost to these local governments; and

WHEREAS, the League has established a Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement pursuant to the terms of the League's Municipal Accounting Systems and Cybersecurity Grant and the Guidance and Technical Assistance Grant; and

WHEREAS, this Municipal Accounting System, Cybersecurity and Technical Assistance Memorandum of Agreement will offer local municipalities:

1. Services rendered by the League (League Services) including but not limited to capital expenditures for special purpose software and computer equipment as set forth in §2 C.F.R. 200.439; and
2. Services rendered by one or more service providers (Contractor Services), retained by the League on behalf of the Municipality, who are members of a particular profession or possess a special skill as set forth in §2 C.F.R. 200.459; and
3. Equipment, including information technology systems, and supplies, including computing devices, as set forth in §2 C.F.R. 200.439 and §2 C.F.R. 200.453; and

WHEREAS, the Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement, is attached hereto as Exhibit A; and

NOW, THEREFORE, be it resolved the Hillsborough Board of Commissioners:

1. That the Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement is hereby approved.
2. That the town manager is authorized to execute the attached Memorandum of Agreement (or one substantially equivalent thereto) and such other agreements and actions as necessary in accordance with the League's Municipal Accounting Services and Cybersecurity Grant and the Guidance and Technical Assistance Grant.

Approved this 22nd day of January of the year 2024.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough

Attestation:

Sarah E. Kimrey

Sarah Kimrey, Town Clerk

Exhibit A
MUNICIPAL ACCOUNTING SERVICES, CYBERSECURITY AND TECHNICAL
ASSISTANCE MEMORANDUM OF AGREEMENT (MOA).

DRAFT

**MUNICIPAL ACCOUNTING SERVICES, CYBERSECURITY AND TECHNICAL ASSISTANCE
MEMORANDUM OF AGREEMENT**

This Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement (hereinafter the "Agreement") is entered into as of the Effective Date set out below, by and between the Town of Hillsborough (hereinafter the "Municipality") and the NC League of Municipalities (hereinafter the League), each additionally referred to as a "Party"; and collectively as the "Parties." This Agreement and the obligations hereunder shall be effective upon execution of this Agreement by all Parties ("Effective Date").

For good and valuable consideration, the adequacy of which is hereby acknowledged, the Parties agree as follows:

Article I. Overview.

1. Enabling Law and Regulation.

The North Carolina State Budget Act of 2021 (SL 2021-180, as amended by SL 2021-189, and SL 2022-6) provided to the League grant funds provided to the State of North Carolina by the U.S. Treasury pursuant the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319, American Rescue Plan Act of 2021 (hereinafter ARP/CSLFRF). Pursuant to this legislation, the League received two Award Agreements from the Office of State Budget and Management (hereinafter OSBM) and the North Carolina Pandemic Recovery Office (hereinafter NCPRO).

The funds are deemed part of US Treasury Expenditure Category: 6, Revenue Replacement and shall only be spent on governmental services.

2. Grants Awarded to the NC League of Municipalities.

The first Award Agreement is identified as **OSBM-NCLM-65**. This grant enables the League to provide "financial software and assistance programs for units of local government for expenses related to the COVID-19 pandemic..." This grant is referred to as the **Municipal Accounting Services and Cybersecurity Grant**.

The second Award Agreement is identified as **OSBM-NCLM-66**. This grant enables the League "to provide guidance and technical assistance to units of local government in the administration of funds from the Local Fiscal Recovery Fund, as established in Section 2.6 of S.L. 2021-25, and in the administration of projects funded through the State Fiscal Recovery Fund, as established in Section 2.2 of S.L. 2021-25." This grant is referred to as the **Guidance and Technical Assistance Grant**.

The Municipal Accounting Services and Cybersecurity Grant and the Guidance and Technical Assistance Grant are collectively referred to herein as the "**League Grants**".

One or both of the League Grants fund this Agreement.

3. Status of the Parties.

The undersigned Municipality is a beneficiary of the League Grants. The service providers retained by the League and funded by the League Grants for the benefit of the Municipality are contractors (“Contractors”).

4. Services Offered.

Pursuant to this Agreement, the League hereby offers the following to the Municipality:

- Services rendered by the League (“League Services”). See Exhibit A.
- Services rendered by one or more service providers (“Contractor Services”) retained by the League on behalf of the Municipality, who are members of a particular profession or possess a special skill as set forth in §2 C.F.R. 200.459. See Exhibit B, as applicable (and subsequent Exhibits, as applicable).
- Equipment, including information technology systems, and supplies, including computing devices, as set forth in §2 C.F.R. 200.439 and §2 C.F.R. 200.453. The League shall fund League Services and Contractor Services pursuant to this Agreement.

The League shall fund League Services and Contractor Services pursuant to this Agreement. The Municipality accepts the League Grant(s) pursuant to this Agreement.

5. Additional Services.

Additional Services (hereinafter “Additional Services”) may be offered to the Municipality by the League during the League’s Grant period pursuant to this Agreement. The Municipality’s official, who is designated in the Municipality’s adopting Resolution, may execute further agreements, modifications of this Agreement, and agree to Additional Services to be provided to the Municipality. These Additional Services shall be described in additional Exhibits to this Agreement (Exhibit C, D, E, etc.) that, when executed by the Parties, shall become part of this Agreement.

6. Term of Agreement.

This Agreement shall begin on the Effective Date of this agreement and shall end when terminated at the discretion either party. All expenditures by the League under this Agreement must be obligated on or before December 31, 2024, and expended on or before December 31, 2026. Unless otherwise terminated, this Agreement shall expire on December 31, 2026. Agreements executed by the Municipality and the Contractor, as may be reflected in Exhibit B, (and subsequent Exhibits attached hereto, as applicable) will survive termination of this Agreement, unless terminated early by the Municipality and the Contractor.

7. Termination of Agreement.

The League may terminate this Agreement, in whole or in part, at any time upon written notice to the Municipality and the Contractor. The Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the League to be paid. If the Contractor has any property

in its possession belonging to the League, the Contractor will account for the same, and dispose of it in the manner the League directs.

8. Duties of the Municipality.

The Municipality will utilize League Services and Contractor Services in accordance with this Agreement. It agrees to submit quarterly performance reports for the League Services and Contractor Services received pursuant to this Agreement and to cooperate with the League in appropriate review of these League Services and Contractor Services. The nature and scope of the reports will depend on the project. Any deficiencies or other performance concerns will be addressed with the Municipality and the Contractor.

The Municipality shall obtain and provide to the League a unique entity identifier assigned by the System for Award Management (SAM), which is accessible at www.sam.gov.

The Municipality shall provide the League with all relevant information requested by the League to enable the League to comply with the reporting requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) or other federal or state requirements or audits, unless such information is otherwise confidential under applicable federal or state laws.

Article II. Scope of Funded Activities.

1. Scope of Services

Services provided pursuant to this Agreement are set forth in the Exhibit A & B attached hereto (and subsequent Exhibits as applicable).

2. Approved Budget.

The League, in consultation with the Municipality and the Contractor, shall establish applicable rates and fees to align with the scope of services described in Exhibit B (and subsequent Exhibits as applicable) or amendments thereto as approved in writing by the League. Such charges and rates under this Agreement, once finalized and accepted by the League, are hereinafter referred to as the "Approved Budget". The League shall furnish the Municipality with a copy of the Approved Budget, which will include a detailed summary of charges and rates that the League will be obligated to expend for the benefit of the Municipality using applicable grant funding.

3. Prior Approval for Changes.

The Municipality shall not make any changes, directly or indirectly, to the Contractor Services, or the Approved Budget, without the prior written approval of the League.

4. Allowable Costs for Services Rendered.

All services provided pursuant to this Agreement must fall with the definitions of allowable cost and not be otherwise prohibited under State or Federal law.

Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost

Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance, Subpart E, defines those items of cost that are allowable, and which are unallowable. These allowable cost requirements are:

1. The costs must be reasonable;
2. The costs must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP);
3. The costs must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances;
4. The costs must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items.

5. Prohibited Uses of Funding.

The US Treasury's Final Rule prohibits certain uses of ARP/CSLFRF funds. Specifically, ARP/ CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Routine contributions which are part of a payroll obligation for an eligible project are allowed);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or to fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding;
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

Article III. Compensation.

1. Payment of Funds.

The League will pay the Contractor identified in Exhibit B (and other Contractors/Consultants identified in subsequent Exhibits as applicable) for services rendered in accordance with the Approved Budget and for the performance of the Contractor Services. No Contractor Services shall be funded by the League outside the parameters of the League Grants. Fees and costs must be supported by evidence of bona fide services rendered.

The Municipality has no obligation to pay for any services identified in the Approved Budget that are the League's responsibility. Services not expressly agreed to by the League shall be the responsibility of the Municipality.

2. Invoices.

Email invoices to Accountspayablearp@nclm.org. Expenses must be reasonable and necessary, documented, itemized, and incurred in accordance with this Agreement. All League expenditures under this Agreement must be obligated on or before December 31, 2024 and expended on or before December 31, 2026.

Article IV. Compliance with Grant Agreement and Applicable Laws.

1. Expenditure Authority.

This Agreement is subject to the laws, regulations, and guidance documents authorizing and implementing the ARP/CSLFRF grant, including, but not limited to, the following:

- Authorizing Statute. Section 603 of the Social Security Act (42 U.S.C. 803), as added by section 9901(a) of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2).
- Implementing Regulations. Subpart A of 31 CFR Part 35 (Coronavirus State and Local Fiscal Recovery Funds), as adopted in the Coronavirus State and Local Fiscal Recovery Funds interim final rule (86 FR 26786, applicable May 17, 2021 through March 31, 2022) and final rule (87 FR 4338, applicable January 27, 2022 through the end of the ARP/CSLFRF award term), and other subsequent regulations implementing Section 603 of the Social Security Act (42 U.S.C. 803).
- Guidance Documents. Applicable guidance documents issued from time-to-time by the US Department of Treasury, including the currently applicable version of the Compliance and Reporting Guidance: State and Local Fiscal Recovery Funds.

This Agreement is also subject to all applicable laws of the State of North Carolina.

2. Conflicts of Interest; Gifts & Favors.

The Municipality understands that (1) it will use Fiscal Recovery Funds to pay for the cost of this Agreement, and (2) the expenditure of Fiscal Recovery Funds is governed by the League's Conflict of Interest Policy and the Federal and State regulatory requirements (including, without limitation, N.C. Gen. Stat. § 14-234(a)(1) and N.C. Gen. Stat. § 14-234.3(a)).

The Municipality certifies that, as of the date hereof, to the best of its knowledge after reasonable inquiry, no employee, officer, or agent of the Municipality involved in the selection, award, or administration of this Agreement (each, a "Covered Individual"), nor any member of a Covered Individual's immediate family, nor a Covered Individual's partner, nor an organization which employs or is about to employ a Covered Individual, has a financial or other interest in or has received a tangible personal benefit from Fiscal Recovery Funds, except as to the funds legally expended in this Agreement. Should the Municipality obtain knowledge of any such interest, or any tangible personal benefit described in the preceding sentence after the date hereof, the Municipality shall promptly disclose the same to the League in writing.

The Municipality certifies to the League that it has not provided, nor offered to provide, any gratuities, favors, or anything of value to an officer, employee, or agent of the League. Should the Municipality obtain knowledge of the provision, or offer of a provision, of any gratuity, favor, or anything of value to an officer, employee, or agent described in the preceding sentence after the date hereof, the Municipality shall promptly disclose the same to the League in writing.

3. Records Retention and Access.

The Municipality shall maintain all records, books, papers and other documents related to its performance of Approved Activities under this Agreement (including without limitation personnel, property, financial and medical records) through at least December 31, 2031, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit, or other inquiry involving this Agreement. The Municipality shall make all records, books, papers and other documents that relate to this Agreement, unless otherwise privileged, available at all reasonable times for inspection, review or audit by the authorized representatives of the League, the North Carolina State Auditor, the US Department of Treasury, the US Government Accountability Office, and any other authorized state or federal oversight office.

4. Suspension and Debarment.

The Municipality shall comply with the Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR Part 180, as adopted by the U.S. Department of Treasury at 31 CFR Part 19. The Municipality represents that neither it, nor any of its principals has been debarred, suspended, or otherwise determined ineligible to participate in federal assistance awards or contracts. The Municipality further agrees that it will notify the League immediately if it, or any of its principals, is placed on the list of parties excluded from federal procurement or nonprocurement programs available at www.sam.gov.

5. Byrd Anti-Lobbying Amendment.

The Municipality certifies to the League that it has not used and will not use Federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. § 1352. The Municipality shall disclose any lobbying with non- Federally appropriated funds that takes place in connection with obtaining any Federal award. This certification is a material representation of fact upon which the League has relied when entering this Agreement and all liability arising from an erroneous representation shall be borne solely by the Municipality.

6. Publications.

Any publications produced with funds from this Agreement shall display the following language: "This project is supported, in whole or in part, by federal award number SLFRP0129 awarded to NC League of Municipalities through the State of North Carolina by the U.S. Department of the Treasury."

7. Equal Opportunity and Other Relevant Federal Laws

The Municipality agrees during the performance of this Agreement the following:

Civil Rights Laws.

The Municipality shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance.

Fair Housing Laws.

The Municipality shall comply with the Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability.

Disability Protections.

The Municipality shall comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance.

Age Discrimination.

The Municipality shall comply with the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 CFR Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.

Americans with Disabilities Act.

The Municipality shall comply with Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

Clean Air Act.

The Municipality agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. The Municipality agrees to report each violation to Unit and understands and agrees that Unit will, in turn, report each violation as required to the U.S. Department of the Treasury, and the appropriate Environmental Protection Agency Regional Office.

Federal Water Pollution Control Act.

The Municipality agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251 et seq. The Municipality agrees to report each violation to Unit and understands and agrees that Unit will, in turn, report each violation as required to assure notification to the U.S. Department of the Treasury, and the appropriate Environmental Protection Agency Regional Office.

Hatch Act.

The Municipality agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.

Protections for Whistleblowers.

In accordance with 41 U.S.C. § 4712, the Municipality may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

Uniform Relocation Assistance and Real Property Acquisitions Act of 1970.

(42 U.S.C. §§ 4601-4655) The Municipality will implement standards for predictable real property acquisition and relocation expenses for homeowners and tenants of land acquired through eminent domain.

Governmentwide Requirements for Drug-Free Workplace.

31 C.F.R. Part 20. The Municipality will implement required statements, policies and procedures.

Increasing Seat Belt Use in the United States.

Pursuant to Executive Order 13043, 62 Fed. Reg. 19216 (Apr. 18, 1997), The Municipality encourages its employees to adopt and enforce on-the-job seat belt policies and programs for its employees when operating company-owned, rented or personally owned vehicles.

Reducing Text Messaging While Driving.

Pursuant to Executive Order 13513, 74 Fed. Reg. 51225 (Oct. 6, 2009), The Municipality encourages its employees to adopt and enforce policies that ban text messaging while driving.

Article V. Limitations of Liability

1. Limitations of Liability.

In no event shall the League have any liability to the Municipality or any third party for damages resulting from Municipality's use of services provided through this Agreement or any separate agreement between the Municipality and the Contractor identified in Exhibit B (and other Contractors identified in subsequent Exhibits as applicable)

In no event shall the League be liable for any loss of profit or revenue, including but not limited to loss revenue caused by a cyber security breach, by the Municipality or any consequential, indirect, incidental, special, punitive, or exemplary damages incurred or suffered by the Municipality, even if the League has been advised of the possibility of such

loss or damage. Further, except for claims based on U.S. Patent or U.S. Copyright infringement or for personal injury or physical loss or damage to real or tangible personal property caused by the negligence of the League, Municipality agrees that the League's total liability for all claims of any kinds arising as a result of, or related to, this Agreement, whether based on contract, tort, (including but not limited to strict liability and negligence) warranty, or on other legal or equitable grounds, shall be limited to general money damages and shall not exceed the amounts actually received by Municipality under this Agreement.

THE REMEDIES PROVIDED HEREIN ARE EXCLUSIVE AND IN LIEU OF ALL OTHER REMEDIES, EXCEPT FOR THE WARRANTIES SET FORTH IN THIS AGREEMENT. THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, WHETHER ORAL OR WRITTEN, WITH RESPECT TO THE GOODS AND SERVICES COVERED BY OR FURNISHED PURSUANT TO THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES (I) OF MERCHANTABILITY, (II) OF FITNESS FOR A PRACTICAL PURPOSE, OR (III) ARISING FROM COURSE OF PERFORMANCE OR DEALING, OR FROM USAGE OF TRADE.

Article VI. General Conditions.

2. Venue and Jurisdiction.

This Agreement will be governed by and construed in accordance with the laws of North Carolina. The exclusive forum and venue for all actions arising out of this Agreement is the appropriate division of the North Carolina General Court of Justice in Wake County. Such actions may not be commenced in, nor removed to, federal court unless required by law.

3. Nonwaiver.

No action or failure to act by the League constitutes a waiver of any of its rights or remedies that arise out of this Agreement, nor shall such action or failure to act constitute approval of or acquiescence in a breach of this Agreement, except as specifically agreed in writing.

4. Limitation of Authority.

Nothing contained in this Agreement may be deemed or construed to in any way stop, limit, or impair the Municipality from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.

5. Assignment.

The Municipality may not assign or delegate any of their rights or duties that arise out of this Agreement without the League's written consent.

6. Integration.

This Agreement contains the entire agreement between the parties pertaining to the subject matter of this Agreement. With respect to that subject matter, there are no promises, agreements, conditions, inducements, warranties, or understandings, written or oral, expressed, or implied, between the parties, other than as set forth or referenced in this Agreement.

7. North Carolina Public Records Law

Notwithstanding any other provisions of this Agreement, this Agreement and all materials submitted to the Municipality by the League are subject to the public records laws of the State of North Carolina and it is the responsibility of the League to properly designate materials that may be protected from disclosure as trade secrets under North Carolina law as such and in the form required by law prior to the submission of such materials to the Municipality. The League understands and agrees that the Municipality may take any and all actions necessary to comply with federal, state, and local laws and/or judicial orders and such actions will not constitute a breach of the terms of this Agreement. To the extent that any other provisions of this Agreement conflict with this paragraph, the provisions of this section shall control.

8. E-Verify

League shall comply with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 et seq. In addition, to the best of the League's knowledge, any subcontractor employed by League as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. §64-25 et seq.

9. Iran Divestment Act

League certifies that, as of the date listed below, it is not on the Final Divestment List as created by the State Treasurer pursuant to N.C.G.S. § 147-86.55, et seq. In compliance with the requirements of the Iran Divestment Act and N.C.G.S. § 147-86.59, League shall not utilize in the performance of the contract any subcontractor that is identified on the Final Divestment List.

10. Companies Boycotting Israel Divestment Act

League certifies that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel pursuant to N.C.G.S. 147-86.81.

[Remainder of page left blank intentionally. Signatures are on following page.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by digital signature on the respective dates below, and this Agreement shall be effective upon the date of the Municipality's signature.

NC LEAGUE OF MUNICIPALITIES:

**MUNICIPALITY:
TOWN OF HILLSBOROUGH**

By:

Signature

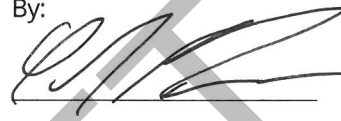
Rose Vaughn Williams

Executive Director

Date of Signature

a North Carolina municipal corporation

By:



Signature

Eric Peterson

Town Manager

Jan. 24, 2024

ATTEST:



Town Clerk Sarah Kimrey



Exhibit A League Services

In addition to the Contractor Services set out in Exhibit B, the League may provide some or all of the services described below.

1. Cyber Security Assessment

The League's Cyber Security Advisor, or Cyber Field Technician ("Security Team"), will conduct a comprehensive assessment of the Municipality's overall cyber security posture ("Security Assessment") against the current standardized framework established by the Center for Internet Security ("CIS"). The Security Team will review approximately 155 security controls in coordination with the Municipality's management, and will provide IT support to establish a baseline security posture matrix. The Security Team will review the results and make appropriate hardware, software, policy, and procedure recommendations in accordance with industry best practices and the baseline standards set by the CIS assessment framework.

2. IT Evaluation

Prior to the installation of accounting software, including Black Mountain software, the League's IT technicians ("Technical Team") will review and evaluate the IT System's environment ("IT Evaluation") of the Municipality to verify the system is adequate to operate the software. The Technical Team will review the computer system for minimum security controls such as password protection, firewall installation and operation, and up to date antivirus programs. The Technical Team will act as a liaison to assist with communications between the software Contractor, which may include Black Mountain Software, and the Municipality. The Technical Team will make appropriate hardware and software recommendations if any deficiencies are found during the IT Evaluation.

3. Hardware and Software Acquisition

In the event that hardware or software deficiencies are found during the IT Evaluation, the League, utilizing funds from the **Municipal Accounting Services and Cybersecurity Grant**, will acquire and transfer title to the Municipality sufficient hardware and software to meet the "Minimum Requirements" as determined by the accounting software Contractor, which may include Black Mountain Software. As determined by the League's IT Director, Cyber Security Advisor, or Cyber Field Technician, computer hardware may be provided under this Agreement, which may include the following: 2 Computers, 1 Laser Printer, 1 Scanner, 2 Monitors, 2 Keyboards, 2 mouse devices, 2 UPS devices. Computer software to be provided under this Agreement may include a Microsoft Office license (if organization has no license).

In the event specific security hardware or software gaps are found during the Security Assessment, the League, utilizing funds from the Cybersecurity Grant, will acquire and transfer title to the Municipality sufficient hardware and software to meet the "Baseline Requirements" as determined by the Security Assessment. As determined by the League's Cyber Advisor, security hardware may be provided under this Agreement, which may include the following: ("NGFW") Next Generation Firewall, Layer 3 Network Switch. Security software may be provided under this agreement, which may include the following: Endpoint Detection & Response ("EDR"), Endpoint

Protection Platform (“EPP”), Extended Detection and Response (“XDR”), or Multi-Factor Authentication (“MFA”).

All hardware and software shall be used only for governmental purposes and primarily used for MAS purposes. The Municipality is responsible for the security, operation, support and maintenance of the provided assets.

4. Hardware and Software Installation

Hardware and software provided by the League will be installed by the Municipality’s IT professionals. If the Municipality has no IT service provider, the League, utilizing funds from the **Municipal Accounting Services and Cybersecurity Grant**, will contract for a third-party IT professional installer to set up and load the hardware and software provided pursuant to this Agreement.

5. Finance Evaluation and Assistance During Implementation

Prior to the installation of the accounting software, which may include Black Mountain software, the League’s Finance Team (“Finance Team”), in consultation with the Municipality and the software Contractor, which may include Black Mountain Software, will determine the appropriate accounting software to be installed. League MAS representatives will further work with accounting software Contractor during the pre-implementation period to prepare the Municipality for conversion actions and assist the Municipality in adopting best practice options for the new system.

6. Ongoing Cyber Security Consulting

Following the initial Security Assessment described in Section 1, the Security Team will consult with the Municipality on an ongoing basis to assist with meeting the recommendations set forth in the assessment and municipal-related cyber security concerns that would typically be addressed by a Chief Information Security Officer (“CISO”).

7. Accounting Assistance Efforts

During the term of this Agreement (as described in Article I, Paragraph 6 above), League Accounting Assistance personnel will provide the Municipality with ongoing assistance with accounting issues, review and assist with best practice accounting and finance processes, and generally assist the Municipality to be current with its bookkeeping and accounting. An emphasis will be placed on ensuring participating Municipalities are prepared for their annual audit. The implementation of best practices and timely preparation should improve the audit experience for both the Municipality and the firm performing the audit.

8. Communication Services

The League’s ARP Communications Specialist will provide the Municipality with communications services to help document and describe how the Municipality utilized ARP/CSLFRF grant funding and the impact of those efforts on the community. Communication activities include, but are not limited to, conducting interviews of municipal staff and officials, researching plans and investment strategies, verifying details of grant investments to deliver community outreach strategies and a press conference.

6. Duties of the Municipality

The Municipality further agrees to: (1) give the League access to data managed by the Municipality in order to facilitate implementation of the Municipal Accounting Services and Cybersecurity Grant; (2) provide on-line "read only" access into the Municipal Accounting System by the League's Accounting Assistance personnel; (3) permit the League to contact applicable Contractor, including but not limited to Black Mountain Software, on behalf of the Municipality as needed to facilitate implementation of the League's Grants; (4) make reasonable efforts to maintain industry standards for cybersecurity, which may include allowing the League to perform security audits in the League's sole discretion; (5) if applicable, use the Standardized Chart of Accounts as provided in the accounting software installation; (6) respond to all requests from the League or Contractor, as applicable, to verify accuracy of monthly invoices submitted to the League by Contractor for grant-funded services provided by Contractor on behalf of the Municipality; and (7) for an Engineering or Planning Project funded under Grant 66 where the estimated professional fee is in an amount less than fifty thousand dollars (\$50,000), the Municipality hereby exempts the particular Project from the provisions of G.S. 143-64.31 (the Mini-Brooks Act) as permitted under G.S. 143-64.32.

7. Duties of the League Related to Data Security

The League agrees to: (1) access only the Municipality's data that is necessary to implement the software; (2) restrict access to the Municipality's data to designated League employees and agents; and (3) take reasonable measures to safeguard the Municipality's data.

DRAFT

Exhibit B Contractor

Services

American Rescue Plan Legal Representation

Consult with a North Carolina attorney(s) concerning requirements of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP) and Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, (commonly called Uniform Guidance).

The scope of this representation can include review, consultation and drafting regarding policy review, budget ordinance, internal controls, contracts, and ARP project selection and implementation.

Total cost of this grant provided service is not to exceed \$10,000. It is provided at no cost to the Municipality. Additional costs would be borne by the municipality.

These services are provided to the undersigned Municipality pursuant to the NCLM-66 grant. This constitutes guidance and technical services proved to the Municipality to assist in development of the Municipality's ARP project funded in part by the Municipality's ARP Local Fiscal Recovery Funds or State Fiscal Recovery Funds, (ARP funds) or ARP enabled funds. ("ARP enabled funds" are described in numerous UNC SOG publications. See American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Fund: Reimbursements - Coates' Canons NC Local Government Law (unc.edu)).

DRAFT

Exhibit C – Description of Services, Compensation, and Expenses

The services for which the League is providing the **Town of Hillsborough** through NCLM's Consultant, **Witt O'Brien's**, is titled **Grant Services. Description of**

Services:

The League is prepared to provide up to \$30,000 worth of Grant Services, unless otherwise amended by the League and agreed upon by the Town of Hillsborough, to invest in Hillsborough's pursuit of alternative funding options, including grants, appropriations or other mechanisms deemed appropriate, to fulfill its objectives and maximize or leverage their ARP LFRF allocation.

There are a total of three possible phases for these Grant Services, each having a maximum budget available to apply towards eligible associated costs as defined by:

Phase 1: Project identification, project prioritization, and available funding source identification based on alignment, eligibility, timeline, and the municipality's ability to meet requirements or criteria. This phase will require exploration by the Consultant, Witt O'Brien's, to determine the appropriate and optimal paths, including discussion with the appropriate municipal point of contact(s) about what the needs are, what projects have already been identified as needs, and working through an analysis to determine the most competitive options. Once these decisions are mutually made between the Consultant and the Municipality, the Municipality will have the opportunity to proceed with Phase 2, prepare grant application(s), or opt not to proceed.

Phase 1 is eligible for up to \$10,000 for the work to perform the scope of services within this phase. Costs are covered by the League, up to \$10,000, and paid directly to the Consultant.

To proceed to Phase 2 and be eligible for an additional service valued up to \$10,000, the Municipality, the League, and the Consultant will communicate their interests to proceed. The League can authorize the Consultant to proceed via written notification at that time.

Phase 2: Preparation and submittal of the grant application(s). This phase covers all of the work the Consultant will do to prepare an application(s) that meets the criteria and requirements of the grantor and the grant program, to the best of their ability, based on the Municipality 's responsiveness to questions, data, and the information requested by the Consultant.

Phase 2 is eligible for up to \$10,000 for the work required by the Consultant to perform the scope of services within the phase. Costs are covered by the League, up to \$10,000, and paid directly to the Consultant.

To proceed to Phase 3 and be eligible for an additional service valued up to \$10,000, the Municipality, the League, and the Consultant will communicate their interests to proceed. The League can authorize the Consultant to proceed via written notification at that time.

Phase 3: Grant Award Management. Work in this phase includes:

- Finalizing the grant agreements between the grantor and the grantee, identifying and preparing required compliance measures and documents.
- Drafting or updating appropriate policies and procedures, helping to implement necessary internal controls, and providing staff training as appropriate.
- Establishing a method to meet reporting requirements (may include reporting activities).

This phase may or may not be appropriate or available for funding, depending on the following scenarios:

1. The Consultant and Municipality must secure a grant award to be eligible for a Grant Award Management, and
2. The timeline for which the compliance and reporting requirements are necessary surpasses the availability of the League's Grant Services for towns due to the obligation and expenditure deadlines of the U.S. Treasury and the American Rescue Plan program. See the timeline below for more details.

Phase 3 is eligible for up to \$10,000 for the work required by the Consultant to perform the scope of services within the phase. Costs covered by the League, up to \$10,000, and paid directly to the Consultant.

Timeline:

Costs associated with the scope of services outlined above are available for reimbursement by the League by paying the Consultant through December 31, 2026. The Consultant and the Municipality will determine grant service project schedules individually. The League can only support costs and pay for services rendered before January 1, 2027.

Additional Terms:

1. Neither the League nor Witt O'Brien's can guarantee a successful grant award. Many factors, including those out of the Consultant's control, can impact the outcome of a grant application. The Municipality understands and accepts this reality. However, a grant application reflective of a responsive, thoughtful, and prepared effort is valuable and can be utilized for future opportunities that benefit the Municipality. The grant application package's contents will be the Municipality's property to use as they wish for future needs.
2. The Consultant and the League will remain in active communication through their work with a Municipality. Through the League's Agreement with Witt O'Brien's, the Consultant has agreed to notify the League if a service is reaching the maximum amount of costs associated with the scope and phase of the project. Therefore, there shall be no surprises of extra expenses exceeding the maximum threshold unless deemed acceptable by the Municipality to be borne at their cost.
3. The Municipality understands that Witt O'Brien's will require their time and resources to obtain data and information to complete assessments, applications, and management services, if applicable. By signing this Agreement, the Municipality understands and accepts that responsibility.

4. When the Municipality is granted an award through the successful grant application by the Consultant, it is not the League's intent to require the Municipality to accept the award officially. While we would prefer the town's acceptance of the grant to meet the interests of this program, we understand and appreciate that circumstances can change over time. However, it should be noted that a decision not to proceed at this stage in the process may result in the League's inability to invest in future/additional grant awards for the Municipality and will likely be looked upon unfavorably by the granting source, thus possibly making the Municipality non-competitive with that grantor in future funding cycles.

These services are provided to the undersigned Municipality pursuant to the NCLM-66 grant. This constitutes guidance and technical services proved to the Municipality to assist in development of the Municipality's ARP project funded in part by the Municipality's ARP Local Fiscal Recovery Funds or State Fiscal Recovery Funds, (ARP funds) or ARP enabled funds.

("ARP enabled funds" are described in numerous UNC SOG publications. See American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Fund: Reimbursements - Coates' Canons NC Local Government Law (unc.edu)).

DRAFT



ORDINANCE

Capital Project Amendment

Fire Station

The Hillsborough Board of Commissioners ordains that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1. Revenues anticipated to be available to the town to complete the project are hereby amended as follows.

| | <i>Current Budget</i> | <i>+/-</i> | <i>Amended Budget</i> |
|--------------|-----------------------|------------|-----------------------|
| Fire Station | \$225,000 | \$225,000 | \$450,000 |

Section 2. Amounts appropriated for the capital project are hereby amended as follows.

| | <i>Current Budget</i> | <i>+/-</i> | <i>Amended Budget</i> |
|--------------|-----------------------|------------|-----------------------|
| Fire Station | \$255,000 | \$225,000 | \$450,000 |

Section 3. This ordinance shall be amended in any manner to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital project, so long as it continues to fulfill the requirements of G.S. 159-13.2 and other applicable laws.

Section 4. This capital project will close automatically upon projection completion.

Section 5. Copies of this ordinance should be furnished to the clerk, budget officer and finance officer to be kept on file by them for their direction in carrying out this project.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 22nd day of January in 2024.

Ayes: 4
Noes: 0
Absent or excused: 1



Sarah E. Kimrey

Sarah E. Kimrey, Town Clerk

FY 2023-2024

TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT
 DATES: 01/23/2024 TO 01/23/2024

| <u>REFERENCE</u> | <u>CHANGE NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL BUDGET</u> | <u>BUDGET CHANGE</u> | <u>AMENDED BUDGET</u> |
|--|----------------------|-------------|-------------|------------------------|----------------------|-----------------------|
| 60-31-3870-3870-409 TRANSFER FROM GF-FIRE STATION Adj per FY24 budget | 41544 | 01/23/2024 | EBRADFORI | 225,000.00 | 225,000.00 | 450,000.00 |
| 60-31-5350-5700-923 FIRE STATION Adj per FY24 budget | 41545 | 01/23/2024 | EBRADFORI | 225,000.00 | 225,000.00 | 450,000.00 |
| | | | | | <u>450,000.00</u> | |

DRAFT



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Administration
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Emily Bradford, Budget Director

ITEM TO BE CONSIDERED

Subject: Miscellaneous budget amendments and transfers

Attachments:

Budget Changes Report

Summary:

To adjust budget revenues and expenditures, where needed, due to changes that have occurred since budget adoption.

Financial impacts:

As indicated by each amendment.

Staff recommendation and comments:

To approve the attached list of budget amendments and transfers.

Action requested:

Consider approving budget amendments and transfers.

FY 2023-2024

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 02/12/2024 TO 02/12/2024

| | <u>REFERENCE</u> | <u>CHANGE NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL BUDGET</u> | <u>BUDGET CHANGE</u> | <u>AMENDED BUDGET</u> |
|------------------|--|----------------------|-------------|-------------|------------------------|----------------------|-----------------------|
| GF Contingency | 10-00-9990-5300-000 CONTINGENCY To cover Customer Service and Innovatio | 41582 | 02/12/2024 | JFernandez | 450,000.00 | -1,236.00 | 35,348.00 |
| Gov. Body | 10-10-4100-5300-530 DUES & SUBSCRIPTIONS To cover dues and subscriptions in current | 41560 | 02/12/2024 | JFernandez | 23,266.00 | 2,038.00 | 25,304.00 |
| Gov. Body | 10-10-4100-5300-570 MISCELLANEOUS To cover dues and subscriptions in current | 41559 | 02/12/2024 | JFernandez | 4,500.00 | -2,038.00 | 2,062.00 |
| | To cover elections administration invoice. | 41561 | 02/12/2024 | JFernandez | 4,500.00 | -171.00 | 1,891.00 |
| Gov. Body | 10-10-4100-5300-910 GENERAL ELECTION To cover elections administration invoice. | 41562 | 02/12/2024 | JFernandez | 10,000.00 | 171.00 | 10,171.00 |
| Admin. Services | 10-10-4200-5300-451 C.S./PRINTING To cover billing inserts. | 41564 | 02/12/2024 | JFernandez | 3,350.00 | 445.00 | 3,795.00 |
| Admin. Services | 10-10-4200-5300-458 DATA PROCESSING SERVICES To cover billing inserts. | 41565 | 02/12/2024 | JFernandez | 40,836.00 | -445.00 | 80,391.00 |
| Admin. Services | 10-10-4200-5300-580 CUSTOMER SERVICE & INNOVATION AWARD To cover Customer Service and Innovatio | 41583 | 02/12/2024 | JFernandez | 7,000.00 | 1,236.00 | 8,236.00 |
| Public Space | 10-71-6300-5982-005 TRANSFER TO GENERAL CRF Move funds to Committed Funds | 41587 | 02/12/2024 | EBRADFORI | 327,000.00 | -327,000.00 | 0.00 |
| Public Space | 10-71-6300-5982-006 TRANSFER TO GEN CAP IMPROV FUND Move Connectivity to Committed Funds | 41591 | 02/12/2024 | EBRADFORI | 529,003.00 | -20,000.00 | 425,003.00 |
| Public Space | 10-71-6300-5982-950 TRANSFER TO FUND 78-COMMITTED FUNDS Move funds to Committed Funds | 41588 | 02/12/2024 | EBRADFORI | 0.00 | 327,000.00 | 327,000.00 |
| | Move Connectivity to Committed Funds | 41592 | 02/12/2024 | EBRADFORI | 0.00 | 20,000.00 | 347,000.00 |
| CDBG | 15-10-3000-5300-800 CDBG-CV - ADMINISTRATION To cover final invoice for CDBG grant. | 41570 | 02/12/2024 | JFernandez | 60,000.00 | -4,346.78 | 55,653.22 |
| CDBG | 15-10-3000-5300-801 CDBG-CV - PUBLIC SERVICES To cover final invoice for CDBG grant. | 41571 | 02/12/2024 | JFernandez | 540,000.00 | 4,346.78 | 544,346.78 |
| W&S Revenues | 30-80-3500-3524-002 WATER SYSTEM TAMPERING FEE Adj to actual | 41585 | 02/12/2024 | EBRADFORI | 0.00 | 18,000.00 | 18,000.00 |
| W&S Fund Bal. | 30-80-3900-3900-000 FUND BALANCE APPROPRIATED To cover backup generator control panel a | 41567 | 02/12/2024 | JFernandez | 1,768,570.00 | 31,360.00 | 4,754,943.31 |
| Utilities Admin. | 30-80-7220-5300-570 MISCELLANEOUS To cover RPZ reimbursements | 41584 | 02/12/2024 | EBRADFORI | 3,600.00 | 18,000.00 | 86,600.00 |
| WTP | 30-80-8120-5300-351 RENTAL - EQUIPMENT To cover backup generator control panel a | 41568 | 02/12/2024 | JFernandez | 0.00 | 12,920.00 | 12,920.00 |
| WTP | 30-80-8120-5700-741 CAPITAL - EQUIPMENT To cover backup generator control panel a | 41569 | 02/12/2024 | JFernandez | 37,000.00 | 18,440.00 | 107,640.00 |
| Storm-water | 35-30-5900-5300-570 MISCELLANEOUS To cover Customer Service and Innovatio | 41581 | 02/12/2024 | JFernandez | 26,374.00 | -1,125.00 | 24,058.00 |
| Storm-water | 35-30-5900-5300-580 CUSTOMER SERVICE & INNOVATION AWARD To cover Customer Service and Innovatio | 41580 | 02/12/2024 | JFernandez | 0.00 | 1,125.00 | 1,125.00 |
| Comm. Funds | 78-71-3870-3870-402 TRANSFER FROM GF-CONNECTIVITY To move Connectivity to Committed Func | 41597 | 02/12/2024 | EBRADFORI | 0.00 | 20,000.00 | 20,000.00 |
| Comm. Funds | 78-71-3870-3870-410 TRANSFER FROM GF-SUSTAINABILITY JFernandez | | 02/05/2024 | 4:43:47PM | | | |
| | fl142r03 | | | | | | |

FY 2023-2024

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 02/12/2024 TO 02/12/2024

| | <u>REFERENCE</u> | <u>CHANGE NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL BUDGET</u> | <u>BUDGET CHANGE</u> | <u>AMENDED BUDGET</u> |
|-------------|---|--------------------------|-------------|-------------|----------------------------|--------------------------|---------------------------|
| | Move funds to Committed Funds | 41589 | 02/12/2024 | EBRADFORI | 0.00 | 327,000.00 | 327,000.00 |
| Comm. Funds | 78-71-6300-5970-911 TRANSFER TO GF-SUSTAINABILITY | | | | | | |
| | Move funds to Committed Funds | 41590 | 02/12/2024 | EBRADFORI | 0.00 | 327,000.00 | 327,000.00 |
| Comm. Funds | 78-71-6300-5970-917 TRANSFER TO GF-CONNECTIVITY | | | | | | |
| | To move Connectivity to Committed Func | 41598 | 02/12/2024 | EBRADFORI | 0.00 | 20,000.00 | 20,000.00 |
| | | | | | | <u>792,720.00</u> | |



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Administrative Services
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Human Resources Manager Haley Thore

ITEM TO BE CONSIDERED

Subject: Classification and Pay Amendment

Attachments:

Pay Schedule

Summary:

The utility supervisor that oversees the utility systems mechanics requires more technical knowledge and skills to be successful in that position than the utilities supervisor that oversees the utility maintenance technicians. Due to the higher level of knowledge and skills required, it's proposed to move the utility mechanic supervisor classification from grade 13 to grade 14. Currently both classifications are in grade 13 with a salary range of \$62,927 to \$99,784. Moving the utility mechanic supervisor classification to grade 14 will increase the salary range to \$65,999-\$104,698. No salary adjustment is needed for the current employee in this position as the differences in knowledge and skills are accounted for.

As noted on the attached pay schedule, the proposal is to update the job classification from utility system supervisor to utility mechanic supervisor to better fit the current duties of the classification.

Financial impacts:

No significant financial impact.

Staff recommendation and comments:

Approve attached pay schedule.

Action requested:

Approve attached pay schedule.

Regular (Non-Law Enforcement) Positions

| Salary Grade | Minimum | Midpoint | Maximum | FLSA Status | Class Code | Classification |
|--------------|---------|----------|---------|-------------|------------|--|
| 1 | 35,705 | 47,167 | 58,628 | | | |
| 2 | 37,415 | 48,190 | 58,965 | N | 201 | ADMINISTRATIVE SUPPORT SPECIALIST |
| 2 | 37,415 | 48,190 | 58,965 | N | 202 | METER SERVICES TECHNICIAN |
| 2 | 37,415 | 48,190 | 58,965 | N | 205 | CUSTOMER SERVICE REPRESENTATIVE |
| 3 | 39,211 | 50,524 | 61,838 | N | 302 | EQUIPMENT OPERATOR I |
| 3 | 39,211 | 50,524 | 61,838 | N | 303 | UTILITY MAINTENANCE TECHNICIAN I |
| 4 | 41,097 | 52,976 | 64,855 | N | 401 | SENIOR CUSTOMER SERVICE REPRESENTATIVE |
| 4 | 41,097 | 52,976 | 64,855 | N | 402 | UTILITY MAINTENANCE TECHNICIAN II |
| 4 | 41,097 | 52,976 | 64,855 | N | 403 | WASTEWATER PLANT OPERATOR I |
| 4 | 41,097 | 52,976 | 64,855 | N | 404 | WATER PLANT OPERATOR I |
| 5 | 43,076 | 55,549 | 68,022 | N | 502 | EQUIPMENT OPERATOR II |
| 5 | 43,076 | 55,549 | 68,022 | N | 503 | SENIOR ADMINISTRATIVE SUPPORT SPECIALIST |
| 5 | 43,076 | 55,549 | 68,022 | N | 504 | UTILITY MAINTENANCE TECHNICIAN III |
| 5 | 43,076 | 55,549 | 68,022 | N | 505 | WASTEWATER PLANT OPERATOR II |
| 5 | 43,076 | 55,549 | 68,022 | N | 506 | WATER PLANT OPERATOR II |
| 6 | 45,155 | 58,252 | 71,348 | N | 605 | ACCOUNTS PAYABLE TECHNICIAN |
| 6 | 45,155 | 58,252 | 71,348 | N | 605 | EQUIPMENT OPERATOR III |
| 6 | 45,155 | 58,252 | 71,348 | N | 601 | PLANNING TECHNICIAN |
| 6 | 45,155 | 58,252 | 71,348 | N | 602 | PLANT MAINTENANCE MECHANIC I |
| 6 | 45,155 | 58,252 | 71,348 | N | 604 | UTILITY SYSTEMS MECHANIC I |
| 6 | 45,155 | 58,252 | 71,348 | N | 607 | STORMWATER TECHNICIAN |
| 7 | 47,338 | 61,089 | 74,841 | N | 706 | ACCOUNTING TECHNICIAN |
| 7 | 47,338 | 61,089 | 74,841 | N | 701 | CREW LEADER |
| 7 | 47,338 | 61,089 | 74,841 | N | 702 | PLANT MAINTENANCE MECHANIC II |
| 7 | 47,338 | 61,089 | 74,841 | N | 703 | UTILITY SYSTEMS MECHANIC II |
| 7 | 47,338 | 61,089 | 74,841 | N | 704 | WASTEWATER PLANT OPERATOR III |
| 7 | 47,338 | 61,089 | 74,841 | N | 705 | WATER PLANT OPERATOR III |
| 8 | 49,630 | 64,069 | 78,508 | N | 801 | FLEET MECHANIC |
| 8 | 49,630 | 64,069 | 78,508 | N | 802 | PLANT MAINTENANCE MECHANIC III |
| 8 | 49,630 | 64,069 | 78,508 | N | 803 | UTILITY SYSTEMS MECHANIC III |
| 8 | 49,630 | 64,069 | 78,508 | N | 804 | DIVERSION SOCIAL WORKER |
| 9 | 52,036 | 67,197 | 82,358 | E | 901 | BILLING & CUSTOMER SERVICE SUPERVISOR |
| 9 | 52,036 | 67,197 | 82,358 | N | 902 | METER SERVICES SUPERVISOR |
| 9 | 52,036 | 67,197 | 82,358 | N | 903 | UTILITIES INSPECTOR |
| 9 | 52,036 | 67,197 | 82,358 | E | 904 | PUBLIC WORKS SUPERVISOR |
| 10 | 54,563 | 70,482 | 86,401 | N | 1001 | BACKFLOW/FOG SPECIALIST |
| 10 | 54,563 | 70,482 | 86,401 | N | 1002 | CHIEF WASTEWATER PLANT OPERATOR |
| 10 | 54,563 | 70,482 | 86,401 | N | 1003 | COMMUNICATIONS SPECIALIST |
| 10 | 54,563 | 70,482 | 86,401 | N | 1004 | FACILITIES COORDINATOR |
| 10 | 54,563 | 70,482 | 86,401 | N | 1005 | OPERATOR IN RESPONSIBLE CHARGE |
| 11 | 57,216 | 73,931 | 90,646 | N | 1101 | PLANNER |
| 12 | 60,002 | 77,553 | 95,104 | E | 1201 | BUDGET & MANAGEMENT ANALYST |
| 12 | 60,002 | 77,553 | 95,104 | E | 1202 | FINANCIAL ANALYST |
| 12 | 60,002 | 77,553 | 95,104 | E | 1203 | FLEET MAINTENANCE SUPERVISOR |
| 12 | 60,002 | 77,553 | 95,104 | E | 1204 | HUMAN RESOURCES ANALYST |
| 12 | 60,002 | 77,553 | 95,104 | E | 1205 | MANAGEMENT ANALYST |
| 12 | 60,002 | 77,553 | 95,104 | N | 1206 | STORMWATER PROGRAM COORDINATOR |

| | | | | | | |
|---------------|-------------------|-------------------|--------------------|--------------|-----------------|--|
| 12 | 60,002 | 77,553 | 95,104 | N | 1207 | WASTEWATER LABORATORY SUPERVISOR |
| 12 | 60,002 | 77,553 | 95,104 | N | 1208 | SENIOR COMMUNICATIONS SPECIALIST |
| 12 | 60,002 | 77,553 | 95,104 | N | 1209 | PLANNER II |
| 13 | 62,927 | 81,356 | 99,784 | E | 1301 | CIVIL ENGINEERING TECHNICAN |
| 13 | 62,927 | 81,356 | 99,784 | E | 1302 | SENIOR PLANNER |
| 13 | 62,927 | 81,356 | 99,784 | E | 1303 | UTILITY MAINTENANCE SUPERVISOR |
| 13 | 62,927 | 81,356 | 99,784 | E | 1304 | UTILITY SYSTEM SUPERVISOR |
| 14 | 65,999 | 85,348 | 104,698 | E | 1401 | TOWN CLERK/HUMAN RESOURCES TECHNICIAN |
| 14 | 65,999 | 85,348 | 104,698 | E | 1402 | UTILITY MECHANIC SUPERVISOR |
| 15 | 69,224 | 89,541 | 109,858 | E | 1501 | SAFETY & RISK MANAGER |
| 16 | 72,610 | 93,943 | 115,276 | E | 1601 | WATER PLANT SUPERINTENDENT |
| 17 | 76,165 | 98,565 | 120,965 | E | 1701 | PUBLIC WORKS MANAGER |
| 17 | 76,165 | 98,565 | 120,965 | E | 1702 | STORMWATER & ENVIRONMENTAL SERVICES MANAGER |
| 17 | 76,165 | 98,565 | 120,965 | E | 1703 | UTILITY SYSTEM SUPERINTENDENT |
| 18 | 79,899 | 103,418 | 126,938 | E | 1802 | COMMUNICATIONS MANAGER |
| 19 | 83,819 | 108,514 | 133,210 | E | 1901 | INFORMATION TECHNOLOGY MANAGER |
| 20 | 87,934 | 113,865 | 139,795 | E | 2001 | BUDGET DIRECTOR |
| 20 | 87,934 | 113,865 | 139,795 | E | 2002 | ENVIRONMENTAL ENGINEERING SUPERVISOR |
| 20 | 87,934 | 113,865 | 139,795 | E | 2003 | HUMAN RESOURCES MANAGER |
| 20 | 87,934 | 113,865 | 139,795 | E | 2004 | PLANNING & ECONOMIC DEVELOPMENT MANAGER |
| 20 | 87,934 | 113,865 | 139,795 | E | 2005 | PUBLIC SPACE & SUSTAINABILITY MANAGER |
| 20 | 87,934 | 113,865 | 139,795 | E | 2006 | DEPUTY UTILITIES DIRECTOR - WATER TREATMENT |
| 21 | 92,256 | 119,483 | 146,710 | | | |
| 22 | 96,794 | 125,382 | 153,970 | | | |
| 23 | 101,559 | 131,576 | 161,594 | | | |
| 24 | 106,562 | 138,080 | 169,599 | E | 2401 | ADMINISTRATIVE SERVICES DIRECTOR |
| 24 | 106,562 | 138,080 | 169,599 | E | 2402 | ASSISTANT TOWN MANAGER/COMMUNITY SERVICES DIRECTOR |
| 24 | 106,562 | 138,080 | 169,599 | E | 2403 | FINANCE DIRECTOR |
| 25 | 111,815 | 144,909 | 178,004 | E | 2501 | UTILITIES DIRECTOR |

Sworn Law Enforcement Officer Positions

| Salary Grade | Minimum | Midpoint | Maximum | FLSA Status | Class Code | Classification |
|--------------|---------|----------|---------|-------------|------------|----------------------------|
| 100 | 46,638 | 60,179 | 73,720 | N | 100 | POLICE OFFICER TRAINEE |
| 102 | 53,412 | 68,985 | 84,559 | N | 102 | POLICE OFFICER |
| 201 | 56,008 | 72,360 | 88,712 | N | 203 | POLICE OFFICER FIRST CLASS |
| 202 | 58,733 | 75,903 | 93,073 | N | 204 | POLICE CORPORAL |
| 402 | 67,230 | 86,949 | 106,668 | N | 405 | POLICE SERGEANT |
| 502 | 73,967 | 95,707 | 117,447 | E | 507 | POLICE LIEUTENANT |
| 601 | 85,200 | 110,309 | 135,419 | E | 606 | POLICE MAJOR |
| 701 | 106,562 | 138,080 | 169,599 | E | 707 | CHIEF OF POLICE |



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Financial Services
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Finance Director Dave McCole

ITEM TO BE CONSIDERED

Subject: Resolution authorizing the Town of Hillsborough to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441

Attachments:

Resolution

Summary:

The resolution will be offered for approval to satisfy the state's requirements for the Town of Hillsborough to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441.

Financial impacts:

None

Staff recommendation and comments:

The Local Government Commission (LGC) recommends adoption of the resolution to satisfy the state's requirements for the Town of Hillsborough to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441.

Action requested:

Approve the Resolution authorizing the Town of Hillsborough to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441.



RESOLUTION

Authorizing the Town of Hillsborough to Engage in Electronic Payments As Defined by N.C.G.S. 159-28 or N.C.G.S. 115C-44I

WHEREAS, it is the desire of the Board of Commissioners that the Town of Hillsborough is authorized to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441; and

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the Board of Commissioners, to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by N.C. Administrative Code 20 NCAC 03 .0409; and

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the Board of Commissioners, to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by N.C. Administrative Code 20 NCAC 03 .0410;

NOW, THEREFORE, be it resolved that the Hillsborough Board of Commissioners:

- Authorizes the Town of Hillsborough to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441; and
- Authorizes the Finance Officer to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by N.C. Administrative Code 20 NCAC 03 .0409; and
- Authorizes the Finance Officer to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by N.C. Administrative Code 20 NCAC 03 .0410; and
- This resolution shall take effect immediately upon its adoption. Upon motion of _____ and seconded by _____.

Approved this 12th day of February of the year 2024.

Ayes:

Noes:

Absent or excused:

Mark Bell, Mayor
Town of Hillsborough

Attestation:

Sarah Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Utilities
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Utilities Director K. Marie Strandwitz, PE
Environmental Engineering Manager Bryant Green, PE (backup)

ITEM TO BE CONSIDERED

Subject: Minor Modifications to Section 14-46 Cross Connection Control Ordinance

Attachments:

1. Ordinance to adopt redline changes
2. Redline changes in context with entire section

Summary:

In December 2023 the board adopted edits to Section 14-56 but requested staff to return under consent agenda with further minor revisions to address a few clarification requests and to correct missed references to the former state regulatory agency name. These minor revisions should capture all requested edits from that meeting.

Financial impacts:

None.

Staff recommendation and comments:

Action requested:

Consider and motion regarding the ordinance redline edits to Section 14-56 of the town code.



ORDINANCE

Modification to Town Code Section 14-56 (Cross Connection Control)

The Town of Hillsborough Board of Commissioners ordains the following redline amendments while the remainder of the section remains unchanged:

Sec. 14-56. Cross-connection control.

(a) *General policy.*

(3) *Designation of responsibility.*

- c. *Plumbing inspector's responsibility.* The plumbing inspection departments of the town and Orange County have the responsibility to not only review building plans and inspect plumbing as it is installed but, they have the explicit responsibility of preventing cross-connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross-connections being made an integral part of the plumbing system, the plumbing inspector has the Responsibility, under the North Carolina Building Code, for requiring that such cross-connections be either eliminated or provided with backflow prevention equipment approved by the North Carolina State Building Code.

The plumbing inspector's responsibility begins at the point of delivery downstream of the first installed backflow prevention assembly and continues throughout the entire length of the consumer's water system. The inspector should inquire about the intended use of water at any point where it is suspected that a cross-connection might be made or where one is actually called for by the plans. When such is discovered, it shall be mandatory that a suitable, approved backflow prevention assembly approved by the North Carolina Building Code. North Carolina Department of Environmental Quality and the town be required by the plans and be properly installed.

- d. *Consumer responsibility.* The consumer has the primary responsibility of preventing pollutants and contaminants from entering his/her potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his/her water system. It is the consumer's responsibility to install and maintain a continuous operable assembly where required by this Section 14-56 in accordance with subsections (e) through (g). The consumer, at his/her expense shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the town. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by the town and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping, or relocation of an assembly, the consumer shall have it tested to ensure that it is in good operating condition and will prevent backflow. Tests, maintenance, and repairs of backflow prevention assemblies shall be made by a town-approved certified backflow prevention assembly tester. Consumer shall follow the specifications of the town regarding

configuration and placement of backflow prevention assemblies. Where required, bypass detection meters shall be purchased from the town.

(b) *Definitions.*

Potable water. The term "potable water" shall mean water from any source which has been approved for human consumption by the North Carolina Department of Environmental Quality.

Public potable water system. The term "public potable water system" shall mean any publicly or privately owned water system operated as a public utility, under a current North Carolina Department of Environmental Quality permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

Unapproved water supply. The term "unapproved water supply" shall mean a water supply which has not been approved for human consumption by the North Carolina Department of Environmental Quality.

(c) *Right of entry.*

- (1) Upon presentation of proper credentials and identification, authorized representatives from the town shall have the right to enter any building, structure, residence, or premises during normal business hours, or at any time during the event of an emergency to perform any duty imposed by this section. The town shall schedule inspections in advance with the owner or authorized representative if no emergency is imminent. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected, or suspected of being connected, to the public water supply. Where a consumer has security measures in force which would require proper identification and clearance before entry into their premises, the consumer shall make necessary arrangements with any security service provider so that upon presentation of suitable identification, the town personnel will be permitted to enter without delay for the purpose of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service until entry for inspection is granted, and may establish a rebuttable presumption that a health hazard exists and that a backflow prevention assembly suitable for a severe or health hazard must be installed.

- (g) *Facilities requiring protection.* Approved backflow prevention assemblies shall be installed on the service line to any facility that the town has identified as having a potential for backflow. All assemblies and installations shall be subject to inspection and approval by the town.

The following types of facilities or services have been identified by the town as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly shall be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the town. As a minimum requirement, all non-residential services shall be required to install a double-check valve assembly. The minimum requirements are listed below. The best protection recommended even if not required is a reduced pressure principle assembly.

(2) Auxiliary water systems:

- a. Approved public/private water supply: DCVA
- b. Unapproved public/private water supply: AG or RP

c. Used water and industrial fluids: RP

(32) Swimming pools, spas, small manmade ponds, and fountains or any body of water above or in-ground greater than 24-inches deep that is connected to or filled by the potable water system:

- a. Community or non-residential: RP
- b. Residential without direct piping: AG or RP
- c. Residential with direct piping from potable supply: RP

(h) *Connections with unapproved sources of supply.*

(1) No person shall connect or cause to be connected any supply of water not approved by all regulating authorities having jurisdiction, to the water system supplied by the town. Any connections allowed by the town shall be in conformance with the backflow prevention requirements of this section.

The foregoing ordinance having been submitted to a vote, received the following vote, and was duly adopted this 12th day of February in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

Sec. 14-56. Cross-connection control.

(a) *General policy.*

- (1) *Introduction.* The purpose of this cross-connection control section is to define the town as the water purveyor in the prevention and elimination of all existing or potential cross-connections within its public potable water supply.

This section shall apply to all consumers connected to the town public potable water supply.

This section will comply with the Federal Safe Drinking Water Act (P.L. 93-523), the North Carolina State Administrative Code (Title 15A, Subchapter 18C), and the North Carolina State Building Code (currently adopted edition) as they pertain to cross-connections with the public water supply.

In accordance with General Statute 160A-174 and 160A-175, the town is authorized and empowered to adopt this section.

- (2) *Objective of this section.* The specific objectives of the cross-connection control section are as follows:

- a. To protect the public potable water supply of the town from the possibility of contamination or pollution by isolating within the consumer's water system such contaminants, waterborne health hazards and other significant pollutants which could backflow into the public water systems.
- b. To eliminate or control existing cross-connections, actual or potential, between the consumer's potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems.
- c. To provide a continuing inspection program of cross-connection control which will systematically and effectively control all actual or potential cross-connections which may be installed in the future.

- (3) *Designation of responsibility.*

- a. *Health agency's responsibility.* The North Carolina Department of Environmental Quality has the responsibility for promulgating and enforcing laws, rules regulations, and policies applicable to all water purveyors in the State of North Carolina in carrying out an effective cross-connection control program.

The Department of Environmental Quality also has the primary responsibility of ensuring that the water purveyor operates a public potable water system free of actual or potential sanitary hazards including unprotected cross-connections. The Department of Environmental Quality also has the responsibility of ensuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that the purveyor requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

- b. *Town's responsibility.* Except as otherwise provided herein, the town is the water purveyor and is responsible for ensuring a safe water supply begins at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the consumer's water systems. In addition, the town shall exercise reasonable vigilance to ensure that the consumer has taken the proper steps to protect the public potable water system. The town will determine the degree of hazard or potential hazard to the public potable water system, the degree of protection required, and will ensure proper containment protection through an ongoing inspection program. The town will identify all facilities where approved backflow prevention assemblies are required to be installed.

When it is determined that a backflow prevention assembly is required for the protection of the public system, the town shall require the consumer, at the consumer's expense, to install an approved backflow prevention assembly at service connection, to test immediately upon installation and thereafter at frequency as determined by the town, to properly repair and maintain assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

- c. *Plumbing inspector's responsibility.* The plumbing inspection departments of the town and Orange County have the responsibility to not only review building plans and inspect plumbing as it is installed but, they have the explicit responsibility of preventing cross-connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross-connections being made an integral part of the plumbing system, the plumbing inspector has the Responsibility, under the North Carolina Building Code, for requiring that such cross-connections be either eliminated or provided with backflow prevention equipment approved by the North Carolina State Building Code.

The plumbing inspector's responsibility begins at the point of delivery downstream of the first installed backflow prevention assembly and continues throughout the entire length of the consumer's water system. The inspector should inquire about the intended use of water at any point where it is suspected that a cross-connection might be made or where one is actually called for by the plans. When such is discovered, it shall be mandatory that a suitable, approved backflow prevention assembly approved by the North Carolina Building Code. North Carolina Department of Environmental [Quality and Natural Resources](#) and the town be required by the plans and be properly installed.

- d. *Consumer responsibility.* The consumer has the primary responsibility of preventing pollutants and contaminants from entering his/her potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his/her water system. It is the consumer's responsibility to install and maintain a continuous operable assembly [where required by this Section 14-56 in accordance with to this end per](#) subsections (e) through (g). The consumer, at his/her expense shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the town. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by the town and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping, or relocation of an assembly, the consumer shall have it tested to ensure that it is in good operating condition and will prevent backflow. Tests, maintenance, and repairs of backflow prevention assemblies shall be made by a town-approved certified backflow prevention assembly tester. Consumer shall follow the specifications of the town regarding configuration and placement of backflow prevention assemblies. [Where required, b](#)ypass detection meters shall be purchased from the town.

- e. *Certified backflow prevention assembly tester responsibility.* When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a certified backflow prevention assembly tester (tester) will have the following responsibilities:

The tester will be responsible for making competent inspections and for repairing, or overhauling backflow prevention assemblies and making reports of such repair to the consumer and town on forms approved by the town. The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers, and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to ensure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will

be the tester's further responsibility not to change the design, material, or operational characteristics of an assembly during repair or maintenance without prior approval of the town. A tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. The tester shall provide a copy of all test and repair reports to the consumer and to the town within ten business days of any completed test or repair work. A tester shall maintain such records for a minimum period of three years.

All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the town. All test equipment shall be registered with the town. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to the town as to such calibration employing an accuracy/calibration method acceptable to the town.

(b) *Definitions.*

Air gap (AG). The term "air gap" shall mean a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or nonpressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel—in no case less than one inch (2.54 cm).

Approved check valve. The term "approved check valve" shall mean a check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reversed to the normal flow. The closure element (e.g. clapper, poppet, or other design) shall be internally loaded to promote rapid and positive closure. An approved check valve is only one component of an approved backflow prevention assembly—i.e., pressure vacuum breaker, double-check valve assembly, double-check detector assembly, reduced pressure principle assembly, or reduced pressure detector assembly.

Atmospheric type vacuum breaker. The term "atmospheric type vacuum breaker" (also known as the "non-pressure type vacuum breaker") shall mean a device containing a float-check, a check seat, and an air inlet port. The flow of water into the body causes the float to close the air inlet port. When the flow of water stops the float falls and forms a check valve against back-siphonage and at the same time opens the air inlet port to allow air to enter and satisfy the vacuum. A shutoff valve immediately upstream may be an integral part of the device. An atmospheric vacuum breaker is designed to protect against a non-health hazard (isolation protection only) under a back-siphonage condition only.

Auxiliary water supply. Any water supply on or available to the premises other than the purveyor's approved public water supply will be considered as an auxiliary water supply. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow. The term "backflow" shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the potable supply of water from any source or sources. See terms backpressure and backsiphonage.

Backflow prevention assembly—type. A "backflow prevention assembly" shall mean an assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential (as defined herein). The types are:

-
- (1) Double-check valve assembly (DCVA).
 - (2) Double-check detector assembly (fire system) (DCDA).
 - (3) Pressure vacuum breaker (PVB).
 - (4) Reduced pressure principle assembly (RP).
 - (5) Reduced pressure principle-detector assembly (fire system) (RPDA).

Backpressure. The term "backpressure" shall mean any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

Backsiphonage. The term "backsiphonage" shall mean a form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.

Certified backflow prevention assembly tester. The term "certified backflow prevention assembly tester" (tester) shall mean a person who has proven their competency to the satisfaction of the town. Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, shall be a licensed plumber or have at least two years of experience under and be employed by a North Carolina licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to the town, and must hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies.

Consumer. The term "consumer" shall mean any person, firm, or corporation using or receiving water from the town water system. A person includes residential water customers.

Consumer's potable water system. The term "consumer's potable water system" shall mean that portion of the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

Consumer's water system. The term "consumer's water system" shall include any water system commencing at the point of delivery and continuing throughout the consumer's plumbing system located on the consumer's premises, whether supplied by a public potable water or an auxiliary water supply. The systems may be either a potable water system or an industrial piping system.

Contamination. The term "contamination" shall mean an impairment of the quality of the water which creates a potential or actual health/severe hazard to the public health through the introduction of hazardous or toxic substances or waterborne health hazards in the form of physical or chemical contaminants or biological organisms and pathogens.

Containment. The term "containment" shall mean preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

Cross-connection. A "cross-connection" shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer's water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross-connections.

Degree of hazard. The term "degree of hazard" shall be derived from the evaluation of conditions within a system which can be classified as either a "pollutional" (non-health or moderate) or a "~~contamination~~" ("health" (or severe) hazard.

Double-check-detector assembly. The term "double-check-detector assembly" shall mean a specially designed assembly composed of a line-size approved double-check valve assembly with a specific bypass water meter and a meter-sized approved double-check valve assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant). Device must be approved by Foundation for Cross-connection Control and Hydraulic Research.

Double-check valve assembly. The term "double-check valve assembly" shall mean an assembly composed of two independently acting, approved check valves, including tightly closing shut-off valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant). Device must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

Health agency. The term "health agency" shall mean the North Carolina Department of Environmental Quality.

Health hazard. The term "health hazard" shall mean an actual or potential threat of contamination of a physical, chemical, biological, pathogenic or toxic nature to the public or consumer's potable water system to such a degree or intensity that there would be a danger to health. Examples of waterborne health hazards include but are not limited to:

- (1) *Physical.* Radioisotopes/radionuclides;
- (2) *Chemical.* Lead, mercury and other heavy metals, organic compounds, other toxins and hazardous substances;
- (3) *Biological.* Microorganisms and pathogens like cryptosporidium, typhoid, cholera and E. Coli.

Industrial fluids. The term "industrial fluids" shall mean any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, or non-health hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to process waters, chemicals in fluid form; acids and alkalis; oils, gases; etc.

Industrial piping system. The term "industrial piping system" shall mean a system used by the consumer for transmission, conveyance, or storage of any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, or store substances which are or may be polluted or contaminated.

Isolation. "Isolation" is the act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. Disclaimer: The Town of Hillsborough may make recommendations, upon facility inspection, as to the usage of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.

Non-health hazard. The term "non-health hazard" shall mean an actual or potential threat to the quality of the public or the consumer's potable water system. A non-health hazard is one that, if introduced into the public water supply system could be a nuisance to water customers but would not adversely affect human health.

Point of delivery. "Point of delivery" shall generally be at the back side of the meter adjacent to the public street where the town water distribution mains are located. The consumer shall be responsible for all water piping and control devices located on the consumer's side of the point of delivery.

Pollution. The term "pollution" shall mean an impairment of the quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

Pollutional hazard. The term "pollutional hazard" shall mean a moderate actual or potential threat to the quality or the potability of the public or the consumer's potable water system but which would not constitute a

health or a severe system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

Potable water. The term "potable water" shall mean water from any source which has been approved for human consumption by the North Carolina Department of Environmental ~~Quality and Natural Resources~~ ~~(NCDENR)~~.

Pressure type vacuum breaker. The term "pressure type vacuum breaker" shall mean an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shutoff valves attached at each end of the assembly. This assembly is designed to protect against a health hazard (i.e., contaminant) under a back-siphonage condition only.

Public potable water system. The term "public potable water system" shall mean any publicly or privately owned water system operated as a public utility, under a current ~~NCDENR~~ North Carolina Department of Environmental Quality permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

Reduced pressure principle backflow prevention assembly. The term "reduced pressure principle backflow prevention assembly" shall mean an assembly containing within its structure a minimum of two independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The first check valve reduces the supply pressure to a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharge to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure.

The unit shall include tightly closing shutoff valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The assembly is designed to protect against a health hazard (i.e., contaminant). Device must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

Reduced pressure principle-detector assembly. The term "reduced pressure principle-detector assembly" shall mean a specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter-sized approved reduced pressure principle backflow prevention assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall be used to protect against health hazard (i.e., contaminant). Device must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

Service connections. The term "service connection" shall mean the terminal end of a service connection from the public potable water system, i.e., where the town loses jurisdiction and control over the water at its point of delivery to the consumer's water system.

Water purveyor. The term "water purveyor" shall mean the consumer or operator of a public potable water system providing an approved water supply to the public.

Unapproved water supply. The term "unapproved water supply" shall mean a water supply which has not been approved for human consumption by the North Carolina Department of Environmental Quality ~~CDENR~~.

Used water. The term "used water" shall mean any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

(c) *Right of entry.*

-
- (1) Upon presentation of proper credentials and identification, authorized representatives from the town shall have the right to enter any building, structure, residence, or premises during normal business hours, or at any time during the event of an emergency to perform any duty imposed by this section. The town shall schedule inspections in advance with the owner or authorized representative if no emergency is imminent. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected, or suspected ~~of being to be~~ connected, to the public water supply. Where a consumer has security measures in force which would require proper identification and clearance before entry into their premises, the consumer shall make necessary arrangements with ~~the any~~ security service providers so that upon presentation of suitable identification, the town personnel will be permitted to enter without delay for the purpose of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service until entry for inspection is granted, and may establish a rebuttable presumption that the assumption of a health hazard exists and requirement to install and that a reduced pressure principle a backflow prevention assembly suitable for a severe or health hazard must be installed.
 - (2) On request, the consumer shall furnish to the town any pertinent information regarding the water supply system on such property where cross-connections and backflow are deemed possible.
- (d) *Elimination of cross-connections: degree of hazard.*
- (1) When cross-connections are found to exist, the owner, his/her agent, occupant, or tenant will be notified in writing to disconnect the same within the time limit established by the town. The degree of protection required, and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. If, in the judgment of the town, an imminent health hazard exists water service to the building or premises where a cross-connection exists may be terminated unless an air gap is immediately provided, or the cross-connection is immediately eliminated. The maximum time limits are as follows:
 - (2) Cross-connections with private wells or other auxiliary water supplies require immediate disconnection.
 - (3) All facilities which pose a potential health hazard to the potable water system must have an approved air gap or reduced pressure principle backflow prevention assembly within 60 days of notification by the town.
 - (4) All industrial and commercial facilities not identified as a "health hazard" shall be considered non-health hazard facilities. All non-health hazard facilities must install a double-check valve assembly within 90 days of notification by the town.
 - (5) Water mains served by the town but not maintained by the town shall be considered cross-connections, with degree of hazard to be determined by the town. Degree of protection shall be based upon the degrees of hazard, as determined by the town.
 - (6) In the event that the town personnel do not have sufficient access to every portion of a non-residential private water system to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle backflow prevention assembly shall be required as a minimum of protection.
 - (7) No person shall fill special use tanks or tankers containing pesticides, fertilizers other toxic chemicals or their residues from the public water system except at a town-approved location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.
- (e) *Installation of assemblies.*

-
- (1) All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the town and/or in the latest edition of the North Carolina Building Code, whichever is most restrictive.
 - (2) All new construction plans and specifications, when required by the North Carolina Building Code and the North Carolina Department of Environmental Quality, shall be made available to the town for review and approval and to determine the degree of hazard.
 - (3) Ownership, testing, and maintenance of the assembly shall be the responsibility of the consumer.
 - (4) All double-check valve assemblies must be installed in drainable pits wherever below ground installation is necessary, in accordance with detailed specifications provided by the town. Double-check valve assemblies may be installed in a vertical position with prior approval from the town, provided the flow of water is in an upward direction.
 - (5) Reduced pressure principle backflow prevention assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstance. Pit and/or below grade installations are prohibited.
 - (6) The installation of any backflow prevention assembly which is not approved by the town must be replaced by one which is approved by the town.
 - (7) The consumer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the town within 15 days after a reduced pressure principle backflow preventer (RP), double-check valve assembly (DCVA), pressure vacuum breaker (PVB), double-check-detector assembly (DCDA), or reduced pressure principle detector assembly (RPDA) is installed:
 - a. Service address where assembly is located.
 - b. Owner (and address, if different from service address).
 - c. Description of assembly's location.
 - d. Date of installation.
 - e. Installer (include name, plumbing company represented, plumber's license number).
 - f. Type of assembly and size of assembly.
 - g. Manufacturer, model number, serial number.
 - h. Test results/report.
 - (8) When it is not possible to interrupt water service, provisions shall be made for a "parallel installation" of backflow prevention assemblies. The town will not accept an unprotected bypass around a backflow preventer.
 - (9) Upon notification by the town, the consumer shall install the appropriate containment assembly not to exceed the following time frame:
 - a. Health hazard: 60 days.
 - b. Non-health hazard: 90 days.
 - (10) Following installation, all RP, DCVA, PVB, DCDA, and RPDA are required to be tested by a certified backflow prevention assembly tester within ten days.

(f) *Testing and repair of assemblies.*

-
- (1) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester approved by the town. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by the town. A record of all testing and repairs is to be retained by the consumer. Copies of the records must be provided to the town, or its identified third-party manager, within ten business days after the completion of any testing, and/or repair work.
 - (2) Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing, or routine inspection by the consumer or by the town, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:
 - a. Health hazard facilities: seven days.
 - b. Non-health hazard facilities: 21 days.
 - (3) All backflow prevention assemblies with test cocks are required to be tested annually or at a frequency established by the town.
 - (4) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment which has been evaluated and/or approved by the town. All test equipment shall be registered with the town and shall be checked for accuracy annually (at a minimum), calibrated if necessary, and certified to the town as to such accuracy/calibration, employing a calibration method acceptable to the town [See definitions, subsection (b).]
 - (5) It shall be unlawful for any consumer or certified backflow prevention assembly tester to submit any record to the town which is false or incomplete in any material respect. It shall be unlawful for any consumer or certified tester to fail to submit to the town any record which is required by this section. Such violations may result in any of the enforcement actions outlined in subsection (j).
- (g) *Facilities requiring protection.* Approved backflow prevention assemblies shall be installed on the service line to any facility that the town has identified as having a potential for backflow. All assemblies and installations shall be subject to inspection and approval by the town.

The following types of facilities or services have been identified by the town as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly shall be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the town. As a minimum requirement, all non-residential services shall be required to install a double-check valve assembly. The minimum requirements are, unless otherwise listed below. The best protection recommended even if not required is a reduced pressure principle assembly.

Abbreviations:

DCVA = double-check valve assembly

RP = reduced pressure principle assembly

DCDA = double-check detector assembly

RPDA = reduced pressure detector assembly

AG = air gap

PVB = pressure vacuum breaker

- (1) Automotive services stations. Dealerships, etc.
 - a. No health hazard: DCVA
 - b. Health hazard: RP

-
- (2) Auxiliary water systems:
 - a. Approved public/private water supply: DCVA
 - b. Unapproved public/private water supply: AG or RP
 - c. Used water and industrial fluids: RP
 - (3) Bakeries
 - a. No health hazard: DCVA
 - b. Health hazard: RP
 - (4) Beauty shops/barber shops
 - a. No health hazard: DCVA
 - b. Health hazard: RP
 - (5) Beverage bottling plants: RP
 - (6) Breweries: RP
 - (7) Buildings—Hotels, apartment houses, public and private buildings, or other structures having unprotected cross-connections.
 - a. (Under five stories) no health hazard: DCVA
 - b. (Under five stories) health hazard: RP
 - c. (Over five stories) all: RP
 - (8) Canneries, packing houses, and rendering plants: RP
 - (9) Commercial carwash facilities: RP
 - (10) Commercial greenhouses: RP
 - (11) Commercial sales establishments (department stores, malls, etc.)
 - a. No health hazard: DCVA
 - b. Health hazard: RP
 - (12) Concrete/asphalt plants: RP
 - (13) Dairies and cold storage plants: RP
 - (14) Dye works: RP
 - (15) Film laboratories: RP
 - (16) Fire Systems $\frac{3}{4}$ " (inch) to 2" (inch)
 - a. No health hazard: DCDA
 - b. Health hazard: (Booster pumps, foam, antifreeze solution, etc.) RP
 - (17) Fire systems $2\frac{1}{2}$ " (inch) to 10" (inch) (or larger)
 - a. No health hazard: DCDA
 - b. Health hazard: (Booster pumps, foam, antifreeze solution, etc.): RPDA
 - (18) Fire trucks: RP

-
- (19) Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities nursing and convalescent homes, medical clinics, and veterinary hospitals: RP
 - (20) Laundries:
 - a. No health hazard: DCVA
 - b. Health hazard: (i.e., dry cleaners): RP
 - (21) Lawn irrigation systems (split taps)
 - a. No health hazard: DCVA
 - b. Health hazard: (Booster pumps, chemical systems): RP
 - (22) Metal manufacturing, cleaning, processing, and fabricating—plants: RP
 - (23) Mobile home parks:
 - a. No health hazard: DCVA
 - b. Health hazard: R-P
 - (24) Oil and gas production, storage or transmission properties: RP
 - (25) Pest control (exterminating and fumigating): RP
 - (26) Power plants: RP
 - (27) Restaurants:
 - a. No health hazard: DCVA
 - b. Health hazard: RP
 - (28) Restricted, classified, or other closed facilities: RP
 - (29) Sand and gravel plants: RP
 - (30) Schools and colleges: RP
 - (31) Sewage and storm drain facilities: RP
 - (32) Swimming pools, spas, small manmade ponds, and fountains or any body of water above or in-ground greater than 24-inches deep that is connected to or filled by the potable water system:
 - a. Community or non-residential: RP
 - b. Residential without direct piping: AG or RP
 - c. Residential with direct piping from potable supply: RP
 - (33) Waterfront facilities and industries: RP
- (h) *Connections with unapproved sources of supply.*
- (1) No person shall connect or cause to be connected any supply of water not approved by all any regulating authorities having jurisdiction, y to the water system supplied by the town. Any connections allowed by the town shall be in conformance with the backflow prevention requirements of this section.
 - (2) In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify the town immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

(i) *Fire protection systems.*

- (1) All connections for fire protection systems connected with the public water system two inches and smaller shall be protected with an approved double-check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps, or with an FDC installed, shall be protected by an approved reduced pressure principle detector assembly at the main service connection.
- (2) All connections for fire protection systems connected with the public water system greater than two inches shall be protected with an approved double-check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps, or with an FDC installed, shall be protected by an approved reduced pressure principle detector assembly at the main service connection.
- (3) All existing backflow prevention assemblies 2½" and larger installed on fire protection systems that were initially approved by the town shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this section. However, if the existing assembly must be replaced (once it can no longer be repaired), or in the event of proven water theft through an unmetered source, the consumer shall be required to install an approved double-check detector assembly or reduced pressure principle detector assembly as required by this provision.

(j) *Enforcement.*

- (1) The consumer or person in charge of any installation found not to be in compliance with the provisions of this section shall be notified in writing with regard to the corrective action(s) to be taken.
- (2) Such notice must explain the violation and give the time period within which the violation must be corrected. The time period set to correct a violation shall not exceed 30 days after receiving notice unless otherwise specified by subsection (4). If the violation has been determined by the town to be an imminent hazard the consumer shall be required to correct the violation immediately.
- (3) In the event a consumer is found in violation of this section and fails to correct the violation in a timely manner or to pay any civil penalty or expense assessed under this section, water service may be terminated, and shall be reestablished when the violation is corrected, and any applicable civil penalties are paid.
- (4) The violation of any provision of this section may be punished by a civil penalty listed as follows:
 - a. Unprotected cross-connection involving a private water system which creates an imminent hazard—\$1,000.00 per day not to exceed \$10,000.00.
 - b. Unprotected cross-connection involving a private water system which is of a moderate or high hazard—\$500.00 per day not to exceed \$5,000.00.
 - c. If in the judgment of the town, any consumer, manager, supervisor, or person in charge of any installation is found to be in noncompliance with the provisions of this section and/or neglects their responsibility to correct a violation water service may be discontinued until compliance is achieved.
 - d. Failure of a consumer or certified tester to submit any record required by this section, or the submission of falsified reports/records may result in a civil penalty of up to \$500.00 per violation. If a certified backflow prevention assembly tester submits falsified records to the town, the town shall permanently revoke that tester.
 - e. Failure to test or maintain backflow prevention assemblies as required—\$200.00 per day.
- (5) Enforcement of this program shall be administered by the utilities director of the town or his/her authorized representative.

(Ord. No. 20080512-9.0, § 1, 5-12-2008)

Created: 2023-09-18 12:30:46 [EST]

(Supp. No. 47)



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Utilities
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Environmental Engineering Supervisor, Bryant Green, PE

ITEM TO BE CONSIDERED

Subject: Amendment to Town Code Section 14-1 – Definitions

Attachments:

Ordinance amending town code Section 14-1

Summary:

The town’s authority to regulate development activity in town limits is provided by current state statute. The proposed ordinance revision repeats and references existing state statute in the town’s ordinance to enhance clarity for existing and future developments.

Financial impacts:

No financial impacts are anticipated with the proposed change.

Staff recommendation and comments:

Town staff recommends the proposed changes to ensure developers are aware of existing definitions of development and redevelopment that are used throughout the town’s design standards for water and sewer systems. These definitions, already codified by the state, are repeated and referenced in the town’s ordinances to reduce the number of places developers are required to seek additional information, enhancing clarity.

The town is already subject to these definitions, and the town’s review of development is already bound subject to this delegation by the state. The proposed adoption will not result in any change to the town’s enforcement of existing standards.

Action requested:

Adopt the revisions to the code as presented.



ORDINANCE

Revision to Section I4-I of the Town Code of Ordinances

The Hillsborough Board of Commissioners ordains the following addition to Section 14-1. Definitions:

Section 1. Insert the following language as new item (10) and renumber all subsequent definitions in the Section sequentially now ending with item (50) being the definition of *Water system*.

- (10) *Development, and Redevelopment*, where used in this section or in the town's Technical Specifications and Design Standards for Water and Sewer Systems refers to any of the following:
- (i) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
 - (ii) The excavation, grading, filling, clearing, or alteration of land.
 - (iii) The subdivision of land as defined in G.S. 160D-802.
 - (iv) The initiation or substantial change in the use of land or the intensity of use of land.
 - (v) All other definitions of development provided in G.S. 160D-102.12.

Section 2. 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 12th day of February in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Stormwater and Environmental Services
Agenda Section: Consent
Public hearing: Yes
Date of public hearing: Jan. 18, 2024

PRESENTER/INFORMATION CONTACT

Terry Hackett, Stormwater and Environmental Services Manager

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance (UDO) text amendment (staff-initiated):

- Section 3.10.3 Variance – General Standards/Findings of Fact
- Section 3.10.6 Variance – Procedure
- Section 6.20.16 Stormwater Management – Riparian Buffers

Attachments:

1. Background and summary of proposed changes
2. UDO sections referenced above, as proposed to be amended
3. Excerpt from draft Joint Public Hearing minutes
4. Consistency statement
5. Ordinance amending the UDO

Summary:

A background and summary of the proposed changes is included as **Attachment 1**. After the Joint Public Hearing on Jan. 18, 2024, the Planning Board unanimously recommended approval of the proposed text amendment (8-0). Draft minutes from the Joint Public Hearing are included as **Attachment 3**.

Comprehensive Sustainability Plan goals:

- Environment and Natural Systems Goal 1: Employ an integrated ecosystem approach and stewardship mentality to protect, conserve, and restore critical environmental areas and natural systems.
- Strategy: Develop and participate in programs that contribute to sustained ecological health of the environment and natural systems.

Financial impacts:

None

Staff recommendation and comments:

Staff recommends approval of the text amendment as written.

Action requested:

Approve attached amendments, consistency statement, and ordinance; approve with conditions/modifications; or table/continue the item.

Background

The Town of Hillsborough has local delegated authority from the state to enforce the Neuse Riparian Buffer Rules (15A NCAC 02B .0714 Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers) within the town’s planning jurisdiction. The town’s Stormwater and Environmental Services Division staff administer and enforce the riparian buffer program through *Section 6.20.16, Riparian Buffers*, of the town’s Unified Development Ordinance (UDO).

The town received delegated authority in 2013 and has not made significant changes to *Section 6.20.16* since then. There was a legislative session law in 2016 that attempted to force local governments to be no more restrictive than the state’s rules. That prompted an update to *Section 6.20.16* of the UDO, but in the end the North Carolina Department of Environmental Quality (NCDEQ) determined that this session law did not apply to local riparian buffer programs like Hillsborough’s.

In 2020, the state updated the Neuse Riparian Buffer Rules including redefining the category of uses in the riparian buffer and expanding the table of allowable uses. Since that time Stormwater and Environmental Services Division staff have been reviewing the state’s updated riparian buffer rules and how the town’s riparian buffer plan is implemented.

Current Request

Stormwater and Environmental Services Division and Planning and Economic Development Division staff have been contacted by two property owners within town limits regarding text amendments to *Section 6.20.16* of the UDO. This, coupled with staff’s review of the town’s riparian buffer regulations in the UDO has prompted staff to propose amendments to *Section 6.20.16*. The reasons for the proposed changes include:

- Provide flexibility to staff in enforcing riparian buffers by expanding uses which include more specific requirements and conditions;
- Itemize more uses with specific impact thresholds; this will provide equal or better protection because allowable impacts with specific thresholds are more enforceable;
- Update “diffuse flow” of stormwater requirements to meet current state rules regarding stormwater runoff through the riparian buffer; this will provide better protection to receiving streams and improve enforceability of the runoff requirements;
- Provide “equality” between town impacts and private citizens or developers; currently, the town riparian buffer activities/impacts are governed by the current state rules. We do not “self permit” our own buffer impacts;
- Residential infill lots have garnered a lot of attention; many of these have streams and without some flexibility cannot easily be developed;
- Correct references and typographical errors.

It is important to note that staff intends to keep what is referred to as the “kick-in” clause. In *Section 6.20.16.3.c* of the UDO, even an unmapped stream may require a riparian buffer if field evidence indicates a stream is present. This is more restrictive than the state’s rules. The state only applies riparian buffers to mapped streams, unless field evidence indicates they are not present. Given climate change impacts, staff has documented that the hydrology of streams—especially intermittent streams—does change. Keeping this section intact helps to protect stream quality throughout the town’s jurisdiction.

Proposed Riparian Buffer Rule Changes



The proposed changes to Section 6.20 includes a stipulation that only prohibited uses can seek a variance and that variance must be granted by the North Carolina Environmental Management Commission. Therefore staff is also proposing changes to Section 3.10 of the town’s UDO to reflect the separate variance process.

Proposed Changes

The following table summarizes the proposed changes to Section 6.20.16 of the town’s UDO.

Table of Proposed Riparian Buffer UDO Changes

| UDO Section 6.20.16 Riparian Buffers | | Change |
|--------------------------------------|---|---|
| 6.20.16.1 | Purpose and Intent | Changed the reference to the Nuese Buffer rules to the new citation |
| 6.20.16.2 | Delegated Authority | None |
| 6.20.16.3 | Applicability | Changed the reference from NC Division of Water Quality to the NC Department of Environmental Quality to reflect the department's name change. |
| 6.20.16.4 | Exemption Based upon an On-site Determination | Changed the reference from NC Division of Water Quality to the NC Department of Environmental Quality to reflect the department's name change. Also corrected the reference to the O2B rules and fixed a typo. |
| 6.20.16.5 | Exemption when Existing Uses are Present and Ongoing | Changed the reference to the new citation |
| 6.20.16.6 | Calculations for Width of Riparian Buffers | Minor changes made to reference how the buffer is measured for each zone as described in new Section 6.20.16.7. |
| 6.20.16.7 | Zones of the Riparian Buffer | Added new section to define Zone 1 and 2. In practice Zone 1 gets more protection and staff has been utilizing the zones, especially for buffer authorization and determination of mitigation. Makes sense to now include the definitions which are needed for the updated table of uses. |
| 6.20.16.8 | Permitted Uses within Riparian Buffers Table 6.20.16.8 Permitted Uses/Activities within Riparian Buffers | Section was modified to include DEQ's use definitions. Added new table of uses/activities to essentially match the current DEQ rules with a few exceptions. |
| 6.20.16.9 | Basis for “No Practical Alternatives” | Added the reference to the permitted use section. |
| 6.20.16.10 | Written Authorization Required | Added the reference to the permitted use section. |

(continued next page)

Table of Proposed Riparian Buffer UDO Changes (continued)

| UDO Section 6.20.16 Riparian Buffers | | Change |
|--------------------------------------|--|---|
| 6.20.16.11 | Stormwater Runoff Through the Riparian Buffer | This section was previously titled, "Diffuse Flow Requirement," and has been replaced with new language from DEQ's regulations. This section is more protective but defines when stormwater conveyances through the buffer are allowed which generally requires meeting nutrient thresholds and other requirements. This will be much more enforceable. |
| 6.20.16.12 | Mitigation | Changed the reference to the permitted use section. |
| 6.20.16.13 | Riparian Buffer and Minimum Lot Requirements | None. |
| 6.20.16.14 | Existing Vegetation and New Vegetation in Riparian buffers | Deleted because the new table of uses, details vegetative management allowed in the riparian buffer and this section is no longer needed. |

The following table summarizes the proposed changes to Section 3.10 of the town's UDO.

Table of Proposed Variance UDO Changes

| UDO Section 3.10. Variance | | Change |
|----------------------------|-----------------------------------|--|
| 3.10.3.1 | Findings of Fact | Changed to reflect that riparian buffer variances have their own requirements. |
| 3.10.3.3 | Riparian Buffer Variance Findings | Changed to show that riparian buffer variances only go to the NC EMC. |
| 3.10.3.4 | Minor and Major Variances | Deleted since this no longer applies to riparian buffers |
| 3.10.6.4 | Notice of Public Hearing | Minor clarification |
| 3.10.6.5.b | Board of Adjustment Determination | Deleted, no longer needed. |

3.10 VARIANCE

3.10.3 GENERAL STANDARDS/FINDINGS OF FACT

3.10.3.1 A Variance from all provisions of this Ordinance, with the exception of Section 4.5.1, *Upper Eno Watershed District*; Section 4.5.2, *Upper Eno Protected Watershed, Critical Area District* and Section 6.20.16, *Riparian Buffers* (which contain their own separate ~~findings-required~~ requirements to receive a variance), shall be approved only upon a finding that all of the following standards are met:

3.10.3.3 RIPARIAN BUFFER VARIANCES FINDINGS

Variances ~~from the provisions of Section 6.20.16, Riparian Buffers,~~ shall be approved ~~only upon a finding that all of the following standards are met:~~ by the North Carolina Environmental Management Commission on a case by case basis pursuant to 15A NCAC 02B .0226.

~~**3.10.3.3.a** There are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of the riparian buffer protection requirements. Practical difficulties or unnecessary hardships shall be evaluated in accordance with the following:~~

- ~~(a) If the applicant complies with the provisions of the riparian buffer protection requirements, he/she can secure no reasonable return from, nor make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the buffer requirements that shall make reasonable use of the property possible.~~
- ~~(b) The hardship results from application of the riparian buffer protection rules to the property rather than from other factors such as deed restrictions or other hardship.~~
- ~~(c) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.~~
- ~~(d) The applicant did not cause the hardship by knowingly or unknowingly violating the riparian buffer protection requirements.~~
- ~~(e) The applicant did not purchase the property after the effective date of the riparian buffer protection requirements (July 22, 1997), and then requesting a variance.~~
- ~~(f) The hardship is unique to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a Special privilege denied to others and would not promote equal justice.~~

~~**3.10.3.3.b** The variance is in harmony with the general purpose and intent of the riparian buffer protection requirements and preserves their spirit, and~~

~~**3.10.3.3.c** In granting the variance, the public safety and welfare have been assured,~~

~~water quality has been protected, and substantial justice has been done.~~

~~3.10.3.4 MINOR AND MAJOR VARIANCES~~

~~A minor variance request pertains to activities that are proposed only to impact any portion of Zone 2 of the riparian buffer. Zone 2 begins at the outer edge of Zone 1 and extends landward 20 feet as measured horizontally on a line perpendicular to the surface water.~~

~~A major variance request pertains to activities that are proposed to impact any portion of Zone 1 or any portion of both Zones 1 and 2 of the riparian buffer. For intermittent and perennial streams, Zone 1 begins at the most landward limit of the top of bank or the rooted herbaceous vegetation and extends landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to the surface water. For ponds, lakes and reservoirs located within a natural drainage way, Zone 1 begins at the most landward limit of the normal water level or the rooted herbaceous vegetation and extends landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 is 50 feet on all sides of the surface water.~~

~~Additional requirements for processing of major variances are found in Section 3.10.6.5.b.~~

3.10.6 PROCEDURE

3.10.6.4 Notice of Public Hearing

Written notice shall be mailed to the aggrieved person (applicant), property owner involved in original case being appealed (if different), to the owners of all parcels of land abutting the parcel of land that is subject to the evidentiary hearing (including those across a public or private street), to any other persons entitled to receive notice as provided by this Ordinance. The notice must be deposited in the mail at least ten (10) days, but not more than twenty-five (25) days before the hearing date. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

A notice of the request shall be placed on the site that is subject to the hearing or on an adjacent street or highway right-of-way at least ten (10) days, but not more than twenty-five (25) days before the hearing date.

In cases where a variance is requested from the provisions of Section 4.5.1, Upper Eno Watershed District; Section 4.5.2, ~~Upper Eno Protected Watershed, Critical Area District~~ Upper Eno Protected Watershed, Critical Area District of this Ordinance, all local governments having jurisdiction within the watershed area and the entity using the water supply for consumption shall be notified of the proposed variance. Comments from these entities shall be submitted to the Planning Director before the Board of Adjustment decision and shall be made a part of the record of the Board of Adjustment decision.

3.10.6.5 Public Hearing

~~**3.10.6.5.b** If the Board of Adjustment determines that a major variance request meets the requirements in Section 3.10.3.3, Riparian Buffer Variance Findings, then it~~

~~shall prepare a preliminary finding and submit it to the State Environmental Management Commission. Preliminary findings on major variance requests shall be reviewed by the Commission within 90 days after receipt by the Director. The purpose of the Commission's review is to determine if it agrees that the requirements for granting of a variance have been met. Requests for appeals of decisions made by the Commission shall be made to the Office of Administrative hearings. The following actions shall be taken depending on the Commission's decision on the major variance request:~~

- ~~(a) Upon the Commission's approval, the Board of Adjustment shall issue a final decision granting the major variance.~~
- ~~(b) Upon the Commission's approval with conditions or stipulations, the Board of Adjustment shall issue a final decision, which includes these conditions or stipulations.~~
- ~~(c) Upon the Commission's denial, the Board of Adjustment shall issue a final decision denying the major variance.~~

6.20 STORMWATER MANAGEMENT

6.20.16 RIPARIAN BUFFERS

6.20.16.1 Purpose and Intent

In order to minimize sedimentation and pollution of surface waters within the planning jurisdiction, riparian buffers shall be provided along all surface waters identified in *Section 6.20.16.3, Applicability*. Undisturbed natural areas along surface waters act as a filter for sedimentation control and as a stabilizing agent for the banks of surface waters. In addition, these areas filter storm water run-off which may carry significant amounts of bacteria, excess nutrients and heavy metals into surface waters. The buffer areas, along with controls on impervious surfaces, provide a good measure of water quality protection for the Eno River.

The Neuse River Basin Nutrient Sensitive Waters Management Strategy riparian buffer protection rules (Neuse Rules) of 15A NCAC ~~028-0233 and 0241~~ 02B .0714, apply to all lands within the Town of Hillsborough's planning jurisdiction. Wherever standards of the Neuse Rules and the standards listed in this ordinance differ, the more restrictive provisions shall apply.

6.20.16.3 Applicability

6.20.16.3.c A surface water identified in a field determination made by staff trained in surface water identification through the North Carolina ~~Division of Water Quality (NCDWQ)~~ Department of Environmental Quality (NCDEQ). Disputes pertaining to water feature decisions by staff shall be filed directly to the Director of ~~NCDWQ~~ NCDEQ.

6.20.16.4 Exemption Based upon an On-site Determination

When a landowner or other affected party including ~~the Division~~ NCDEQ believes that the maps inaccurately depict surface waters, they may request an On-site determination conducted by staff who has successfully completed the ~~Division's~~ NCDEQ's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by ~~the Division~~ NCDEQ. Any disputes over on-site determinations shall be referred to the Director of ~~the Division of Water Resources~~ NCDEQ in writing. A determination of the Director of ~~the Division of Water Resources~~ NCDEQ as to the accuracy or application of the maps is subject to review as provided in articles 3 and 4 of G.S. 150B. Surface waters that appear on the maps shall not be subject to ~~this Rule~~ Section 6.20.16, Riparian Buffers is a site evaluation ~~revels~~ reveals any of the following cases:

6.20.16.4.a Man-made ponds and lakes that are not part of a natural drainage way that is classified in accordance with 15A NCAC ~~02B-0110~~ 02B .0101, including ponds and lakes created for animal watering, irrigation, or other agricultural uses. A pond or lake is part of a natural drainage way when it is fed by an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream.

6.20.16.5 Exemption when Existing Uses are Present and Ongoing

Section 6.20.16, Riparian Buffers does not apply to portions of the riparian buffer where a use is considered existing and ongoing according in accordance with 15A NCAC ~~028-0233 (3)~~

02B .0714 (6) (a). A use is considered existing if it was present within the riparian buffer as of July 22, 1997. Existing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems. Only the portion of the riparian buffer that contains the footprint of the existing use is exempt from ~~this Rule~~ Section 6.20.16, Riparian Buffers.

6.20.16.6 Calculations for Width of Riparian Buffers

~~The width of the buffer along the Eno River shall be the floodway as shown on the Floodway Map from the National Flood Insurance Program, plus fifty (50) feet. However, in no case, shall the riparian buffer exceed the outer line of the floodplain as shown on the Flood Insurance Rate Map (FIRM) of the National Flood Insurance Program.~~

A buffer of fifty (50) feet in width as defined in Section 6.20.16.7 is required on all sides of the surface water as identified in Section 6.20.16.3, Applicability. For streams within the PW and PWCA zoning districts (see Section 4.5, Other Zoning Districts), the width of the stream is calculated as outlined in Section 4.5.3.8.d, Calculating Width of Riparian Buffer.

~~In all other cases, a buffer of fifty (50) feet in width measured from the most landward limit of the top of bank, normal water level or rooted herbaceous vegetation of surface waters identified in Section 6.20.16.3, Applicability.~~

6.20.16.7 Zones of the Riparian Buffer

6.20.16.7.a Zone 1 shall consist of a vegetated area that is undisturbed except for uses provided for in sections 6.20.16.8, Permitted Uses within Riparian Buffers and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer. The location of Zone 1 shall be as follows:

- (i) For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the stream, measured horizontally on a line perpendicular to the stream (where an intermittent or perennial stream begins or ends, including when it goes underground, enters or exits a culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end).
- (ii) For ponds, lakes and reservoirs, Zone 1 shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

6.20.16.7.b Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses provided for in sections 6.20.16.8, Permitted Uses within Riparian Buffers and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

6.20.16.76.20.16.8 Permitted Uses Within Riparian Buffers

~~It is the intent of this section to restrict the use of land adjacent to streams, ponds, lakes and reservoirs in order to reduce sedimentation and pollution. The following uses are permitted within a designated riparian buffer. All other land uses are prohibited.~~

~~Uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the riparian buffer, shall be designated as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization, allowable with exception or prohibited. Potential new uses shall have the following requirements.~~

~~**6.20.16.8.a Deemed Allowable.** Uses designated as deemed allowable in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* and *6.20.16.11 Stormwater Runoff Through the Riparian Buffer* may occur within the riparian buffer. Deemed allowable uses shall be designed, constructed and maintained to minimize vegetation and soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities. In addition, deemed allowable uses shall meet all requirements listed in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* for the specific use.~~

~~**6.20.16.8.b Allowable Upon Authorization.** Uses designated as allowable upon authorization in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* and *6.20.16.11 Stormwater Runoff Through the Riparian Buffer* require a written Authorization Certificate for impacts within the riparian buffer pursuant to *Section 6.20.16.9, Basis for “No Practical Alternatives”* and *Section 6.20.16.10, Written Authorization Required*.~~

~~**6.20.16.8.c Allowable with Mitigation Upon Authorization.** Uses designated as allowable with mitigation upon authorization in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* require a written Authorization Certificate for impacts within the riparian buffer pursuant to *Section 6.20.16.9, Basis for “No Practical Alternatives”* and *Section, 6.20.16.10 Written Authorization Required*. In addition, an appropriate mitigation strategy is required pursuant to *Section 6.20.16.12, Mitigation*.~~

~~**6.20.16.8.d Prohibited.** Uses designated as prohibited in *Table 6.20.16.8, Permitted Uses within Riparian Buffers* may not proceed within the riparian buffer unless a variance is granted by the North Carolina Environmental Management Commission pursuant to 15A NCAC 02B .0226. Mitigation may be required as a condition of variance approval.~~

Table 6.20.16.7 Permitted Uses within Riparian Buffers

| Riparian Buffer Use | | Allowable | Allowable w/Mitigation |
|---------------------|---|-----------|------------------------|
| Utilities | Perpendicular crossings of above-ground and buried utility lines for local distribution of electricity, telephone, and cable television service, plus accessory and appurtenant apparatus such as poles, guy wires, transformers, and switching boxes, with a construction width of less than or equal to 40 feet and a 10-foot maintenance corridor. | X | |
| | Perpendicular utility crossings that exceed 40 feet of construction width and/or require more than a 10-foot maintenance corridor through the riparian buffer. | | X |
| | Non-perpendicular riparian buffer impacts for utilities. | | X |
| Water and Sewer | Perpendicular crossings of water and sewage distribution, collection, and treatment facilities, but not private in-ground sewage disposal facilities, with a construction width of less than or equal to 40 feet and a 10-foot maintenance corridor. | X | |
| | Perpendicular water and sewage crossings that exceed 40 feet of construction width and/or require more than a 10-foot maintenance corridor through the riparian buffer. | | X |
| | Non-perpendicular riparian buffer impacts for public water and sewage distribution. | | X |
| | Water wells | X | |
| Streets and Bridges | Perpendicular crossings of streets, bridges, and railroad rights-of-way impacting less than 150 feet of riparian buffer. | X | |
| | Perpendicular crossings of streets, bridges, and railroad rights-of-way that exceed 150 feet of riparian buffer impact. | | X |
| | Temporary access roads disturbing less than 2,500 square feet of riparian buffer provided vegetation is restored within six months of initial disturbance. | X | |
| | Temporary roads disturbing more than 2,500 square feet of riparian buffer. | | X |
| | Non-perpendicular riparian buffer impacts of streets and railroad rights-of-way | | X |

| Riparian Buffer Use | | Allowable | Allowable w/Mitigation |
|------------------------------|---|------------------|-------------------------------|
| Restoration | Stream restoration and/or stream bank stabilization. | ✗ | |
| | Wetland restoration, in accordance with all applicable local, State and Federal regulations. | ✗ | |
| | Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored. | ✗ | |
| Stormwater Facilities | Maintenance of existing stormwater outfalls provided they are managed to minimize the sediment, nutrients, and other pollution they convey to waterbodies. | ✗ | |
| | New drainage outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges into the riparian buffer. | | ✗ |
| | Engineered stormwater ponds, bioretention and wetlands provided that a riparian buffer meeting the requirements of Section 6.20.16.3 is established. | ✗ | |
| | Engineered stormwater ponds, bioretention and wetlands where a riparian buffer cannot be established in accordance with Section 6.20.16.3. | | ✗ |
| Maintenance | Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of Section 6.20.16.6 is established adjacent the new channel. | ✗ | |
| | Maintenance activities of existing dams | ✗ | |
| | Periodic maintenance of modified natural streams | ✗ | |
| | Protection of existing structures, facilities and streambanks when this requires additional disturbance of the riparian buffer or the stream channel | ✗ | |
| Miscellaneous | Greenways | ✗ | |
| | Archeological research and excavation | ✗ | |
| | Scientific studies and stream gauging | ✗ | |
| | Fences provided that disturbance is minimized and existing trees and woody vegetation is not disturbed during installation and maintenance | ✗ | |
| | Ponds in natural drainage ways (excluding dry ponds) provided that a riparian buffer meeting the requirements of Section 6.20.16.3 is established | ✗ | |
| | Ponds in natural drainage ways (excluding dry ponds) where a riparian buffer cannot be established in accordance with Section 6.20.16.3 | | ✗ |
| | Water dependent structures as defined in 15A NCAC 2B .0202 | ✗ | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers

| <u>Riparian Buffer Use/Activity</u> | <u>Deemed Allowable</u> | <u>Allowable Upon Authorization</u> | <u>Allowable with Mitigation Upon Authorization</u> | <u>Prohibited</u> |
|---|-------------------------|-------------------------------------|---|-------------------|
| a) <u>Archaeological activities</u> | X | | | |
| b) <u>Bridges:</u> | | | | |
| i) <u>Impact equal to or less than one-tenth of an acre of riparian buffer</u> | X | | | |
| ii) <u>Impact greater than one-tenth of an acre of riparian buffer</u> | | X | | |
| c) <u>Dam maintenance activities:</u> | | | | |
| i) <u>Dam maintenance activities that do not cause additional riparian buffer disturbance beyond the footprint of the existing dam</u> | X | | | |
| ii) <u>Dam maintenance activities that do cause additional riparian buffer disturbance beyond the footprint of the existing dam</u> | | X | | |
| d) <u>Drainage of a pond subject to Section 6.20.16.3, Applicability provided that a new riparian buffer is established by natural regeneration or planting, within 50 feet of any stream which naturally forms or is constructed within the drained pond area. Drained ponds shall be allowed to naturalize for a minimum of six months from completion of the draining activity before a stream determination is conducted pursuant to Section 6.20.16.3.c.</u> | X | | | |
| e) <u>Fences:</u> | | | | |
| i) <u>Fencing livestock out of surface waters</u> | X | | | |
| ii) <u>Installation does not result in removal of trees from Zone 1</u> | X | | | |
| iii) <u>Installation results in removal of trees from Zone 1</u> | | X | | |
| f) <u>Fertilizer application:</u> | | | | |
| i) <u>One-time fertilizer application at agronomic rates in the riparian buffer to establish replanted vegetation. No runoff from this one-time application in the riparian buffer is allowed in the surface water</u> | X | | | |
| ii) <u>Ongoing fertilizer application</u> | | | | X |
| g) <u>Grading only in Zone 2 provided that the health of existing vegetation in Zone 1 is not compromised, Section 6.20.16.11, Stormwater Through the Riparian Buffer is complied with, and disturbed areas are stabilized and revegetated</u> | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| <u>Riparian Buffer Use/Activity</u> | <u>Deemed Allowable</u> | <u>Allowable Upon Authorization</u> | <u>Allowable with Mitigation Upon Authorization</u> | <u>Prohibited</u> |
|---|-------------------------|-------------------------------------|---|-------------------|
| <u>h) Greenways, trails, sidewalks or linear pedestrian/bicycle transportation systems:</u> | | | | |
| <u>i) In Zone 2 provided that no built-upon area is added within the riparian buffer</u> | X | | | |
| <u>ii) In Zone 1 provided that no built-upon area is added within the riparian buffer and the installation does not result in the removal of tree(s)</u> | X | | | |
| <u>iii) When built-upon area is added to the riparian buffer, equal to or less than 10 feet wide with two foot wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative</u> | | X | | |
| <u>iv) When built-upon area is added to the riparian buffer, greater than 10 feet wide with two foot wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative</u> | | | X | |
| <u>i) Historic preservation</u> | X | | | |
| <u>j) New Landfills as defined by NC G.S. 130A-290</u> | | | | X |
| <u>k) Mining activities:</u> | | | | |
| <u>i) Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements in sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer are established adjacent to any relocated channels</u> | | X | | |
| <u>ii) Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements in sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer are not established</u> | | | X | |
| <u>iii) Wastewater or mining dewatering wells with approved NPDES permit</u> | X | | | |
| <u>l) On-site sanitary sewage systems - new ones that use ground absorption</u> | | | | X |
| <u>m) Pedestrian access trails and associated steps leading to a surface water, dock, canoe or kayak access, fishing pier, boat ramp or other water dependent structure:</u> | | | | |
| <u>i) Equal to or less than six feet wide that does not result in the removal of tree(s) within the riparian buffer and does not result in the addition of built-upon area to the riparian buffer</u> | X | | | |
| <u>ii) Equal to or less than six feet wide that results in the removal of tree(s) or the addition of built-upon area to the riparian buffer</u> | | X | | |
| <u>iii) Greater than six feet wide</u> | | | X | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| <u>Riparian Buffer Use/Activity</u> | <u>Deemed Allowable</u> | <u>Allowable Upon Authorization</u> | <u>Allowable with Mitigation Upon Authorization</u> | <u>Prohibited</u> |
|--|-------------------------|-------------------------------------|---|-------------------|
| n) <u>Playground equipment:</u> | | | | |
| i) <u>Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation</u> | X | | | |
| ii) <u>Playground equipment on single-family lots where installation or use results in the removal of vegetation</u> | | X | | |
| iii) <u>Playground equipment installed on lands other than single-family lots</u> | | X | | |
| o) <u>Ponds created or modified by impounding streams subject to riparian buffers pursuant to Section 6.20.16.3, Applicability and not used as stormwater control measures (SCMs):</u> | | | | |
| i) <u>New ponds provided that a riparian buffer that meets the requirements of sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is established adjacent to the pond</u> | | X | | |
| ii) <u>New ponds where a riparian buffer that meets the requirements of sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is NOT established adjacent to the pond</u> | | | X | |
| p) <u>Protection of existing structures and facilities when this requires additional disturbance to the riparian buffer</u> | | X | | |
| g) <u>Public Safety - Publicly owned spaces where it has been determined by the head of the local law enforcement agency with jurisdiction over that area that the riparian buffers pose a risk to public safety. The head of the local law enforcement agency shall notify the local government with land use jurisdiction over the publicly owned space and the Division of Water Resources of any such determination in writing</u> | X | | | |
| r) <u>Removal of previous fill or debris provided that Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is complied with and any vegetation removed is restored</u> | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| <u>Riparian Buffer Use/Activity</u> | <u>Deemed Allowable</u> | <u>Allowable Upon Authorization</u> | <u>Allowable with Mitigation Upon Authorization</u> | <u>Prohibited</u> |
|---|-------------------------|-------------------------------------|---|-------------------|
| <u>s) Residential Properties: Where application of this Rule would preclude construction or expansion of a single-family residence and necessary infrastructure, the single-family residence may encroach in the buffer if all of the following conditions are met: (1) the residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot; (2) the residence is designed to minimize encroachment into the riparian buffer; (3) the residence complies with <i>Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i>; and (4) if the residence will be served by an on-site wastewater system, no part of the septic tank or drainfield may encroach into the riparian buffer:</u> | | | | |
| <u>i) The residence or necessary infrastructure only impact Zone 2</u> | | X | | |
| <u>ii) The residence or necessary infrastructure impact Zone 1</u> | | | X | |
| <u>iii) Impacts other than the residence or necessary infrastructure</u> | | | X | |
| <u>t) Restoration or enhancement (wetland, stream) as defined in 33 CFR Part 332 available free of charge on the internet at: http://water.epa.gov/lawsregs/guidance/wetlands/wetlandsmitigation_index.cfm:</u> | | | | |
| <u>i) Wetland or stream restoration is part of a compensatory mitigation bank, nutrient offset bank, or the In Lieu Fee program</u> | X | | | |
| <u>ii) Wetland or stream restoration other than those listed above</u> | | X | | |
| <u>u) Road, driveway or railroad - impacts other than perpendicular crossings of streams and other surface waters subject to this Rule</u> | | | X | |
| <u>v) Road, driveway or railroad - perpendicular crossings of streams and other surface waters subject to this Rule</u> | | | | |
| <u>i) Impact equal to or less than one-tenth of an acre of riparian buffer</u> | X | | | |
| <u>ii) Impact greater than one-tenth of an acre but equal to or less than one-third of an acre of riparian buffer</u> | | X | | |
| <u>iii) Impact greater than one-third of an acre of riparian buffer</u> | | | X | |
| <u>iv) Driveway crossings in a residential subdivision that cumulatively impact equal to or less than one-third of an acre of riparian buffer</u> | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| <u>Riparian Buffer Use/Activity</u> | <u>Deemed Allowable</u> | <u>Allowable Upon Authorization</u> | <u>Allowable with Mitigation Upon Authorization</u> | <u>Prohibited</u> |
|--|-------------------------|-------------------------------------|---|-------------------|
| v) <u>Driveway crossings in a residential subdivision that cumulatively impact greater than one-third of an acre of riparian buffer</u> | | | X | |
| vi) <u>Farm roads and forest roads that are exempt from permitting from the U.S. Army Corps of Engineers per Section 404(f) of the Federal Clean Water Act</u> | X | | | |
| w) <u>Road relocation of existing private access roads associated with public road projects where necessary for public safety:</u> | | | | |
| i) <u>Less than or equal to 2,500 square feet of riparian buffer impact</u> | | X | | |
| ii) <u>Greater than 2,500 square feet of riparian buffer impact</u> | | | X | |
| x) <u>Scientific studies and stream gauging</u> | X | | | |
| y) <u>Slatted uncovered decks, including steps and support posts, which are associated with a dwelling, provided that it meets the requirements of sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer and:</u> | | | | |
| i) <u>Installation does not result in removal of vegetation in Zone 1</u> | | X | | |
| ii) <u>Installation results in removal of vegetation in Zone 1</u> | | | X | |
| z) <u>Stormwater Control Measure (SCM) as defined in 15A NCAC 02H .1002:</u> | | | | |
| i) <u>In Zone 2 if Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is complied with</u> | | X | | |
| ii) <u>Installation results in removal of vegetation in Zone 1</u> | | | X | |
| aa) <u>Streambank or shoreline stabilization</u> | | X | | |
| bb) <u>Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 02B .0295:</u> | | | | |
| i) <u>Less than or equal to 2,500 square feet of riparian buffer disturbance</u> | X | | | |
| ii) <u>Greater than 2,500 square feet of riparian buffer disturbance</u> | | X | | |
| iii) <u>Associated with culvert installation or bridge construction or replacement</u> | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| <u>Riparian Buffer Use/Activity</u> | <u>Deemed Allowable</u> | <u>Allowable Upon Authorization</u> | <u>Allowable with Mitigation Upon Authorization</u> | <u>Prohibited</u> |
|--|-------------------------|-------------------------------------|---|-------------------|
| <u>cc) Temporary sediment and erosion control devices provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 02B .0295:</u> | | | | |
| <u>i) In Zone 2 provided that ground cover is established within the timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone 1 is not compromised, and that discharge is released in accordance with Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</u> | X | | | |
| <u>ii) In Zones 1 and 2 to control impacts associated with uses identified in this table or uses that have received an Authorization Certificate with Exception provided that sediment and erosion control for upland areas is addressed outside the riparian buffer</u> | | X | | |
| <u>iii) In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Clean Water Act</u> | X | | | |
| <u>dd) Utility Lines - Streambank stabilization for the protection of publicly owned utility lines (not including new line installation):</u> | | | | |
| <u>i) Less than 150 feet of streambank disturbance</u> | X | | | |
| <u>ii) Greater than 150 feet of streambank disturbance</u> | | X | | |
| <u>ee) Utility – Sewer lines – Sanitary Sewer Overflows:</u> | | | | |
| <u>i) Emergency sanitary sewer overflow response activities, provided that the disturbed area within the riparian buffer outside of the existing utility line maintenance corridor is the minimum necessary to respond to the emergency overflow, is restored to pre-construction topographic and hydrologic conditions, and is replanted with comparable vegetation (e.g. grass with grass, hardwoods with hardwoods) within two months of when disturbance is complete</u> | X | | | |
| <u>ii) Emergency sanitary sewer overflow response activities that do not meet the listing above. For any new proposed permanent impacts that are not a "Deemed Allowable" activity, an application for an Authorization Certificate shall be submitted to the Authority no later than 30 calendar days of conclusion of the emergency response activities</u> | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| <u>Riparian Buffer Use/Activity</u> | <u>Deemed Allowable</u> | <u>Allowable Upon Authorization</u> | <u>Allowable with Mitigation Upon Authorization</u> | <u>Prohibited</u> |
|--|-------------------------|-------------------------------------|---|-------------------|
| <u>ff) Utility - Sewer Lines – Vegetation maintenance activities that remove forest vegetation from existing sewer utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor:</u> | | | | |
| <u>i) Zone 2 impacts</u> | X | | | |
| <u>ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide</u> | X | | | |
| <u>iii) Zone 1 impacts other than those listed above</u> | | X | | |
| <u>gg) Utility - Sewer Lines –Replacement/Rehabilitation of existing sewer lines within, or adjacent to, an existing right of way but outside of an existing utility line maintenance corridor provided that comparable vegetation (e.g. grass with grass, hardwoods with hardwoods) is allowed to regenerate in disturbed riparian buffers outside of the permanent maintenance corridor and riparian buffers outside of the permanent maintenance corridor are not maintained:</u> | | | | |
| <u>i) Permanent maintenance corridor equal to or less than 30 feet wide provided there is no grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream</u> | X | | | |
| <u>ii) Grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream and permanent maintenance corridor equal to or less than 30 feet wide</u> | | X | | |
| <u>iii) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts</u> | | | X | |
| <u>hh) Utility - Sewer Lines – New Line Construction/Installation Activities – Perpendicular crossings of streams and other surface waters subject to Section 6.20.16, or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to Section 6.20.16, provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</u> | | | | |
| <u>i) Construction corridor of less than or equal to 40 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u> | X | | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| <u>Riparian Buffer Use/Activity</u> | <u>Deemed Allowable</u> | <u>Allowable Upon Authorization</u> | <u>Allowable with Mitigation Upon Authorization</u> | <u>Prohibited</u> |
|---|-------------------------|-------------------------------------|---|-------------------|
| ii) <u>Construction corridor of greater than 40 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u> | | X | | |
| iii) <u>Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u> | | | X | |
| iv) <u>Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts</u> | | | X | |
| ii) <u>Utility - Sewer Lines – New Line Construction/Installation Activities – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</u> | | | | |
| i) <u>Zone 2 impacts</u> | X | | | |
| ii) <u>Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided</u> | | X | | |
| iii) <u>Zone 1 impacts other than those listed above</u> | | | X | |
| ii) <u>Utility - Non-sewer Underground Lines – Vegetation maintenance activities that remove forest vegetation from existing utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor:</u> | | | | |
| i) <u>Zone 2 impacts</u> | X | | | |
| ii) <u>Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide</u> | X | | | |
| iii) <u>Zone 1 impacts other than those listed above</u> | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| <u>Riparian Buffer Use/Activity</u> | <u>Deemed Allowable</u> | <u>Allowable Upon Authorization</u> | <u>Allowable with Mitigation Upon Authorization</u> | <u>Prohibited</u> |
|--|-------------------------|-------------------------------------|---|-------------------|
| kk) <u>Utility – Non-Sewer Underground Lines – Perpendicular crossings of streams and other surface waters subject to Section 6.20.16, or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to Section 6.20.16, provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</u> | | | | |
| i) <u>Construction corridor of less than or equal to 50 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u> | X | | | |
| ii) <u>Construction corridor of greater than 50 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u> | | X | | |
| iii) <u>Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u> | | | X | |
| iv) <u>Permanent maintenance corridor that is greater than 30 linear feet wide (mitigation is required only for Zone 1 impacts)</u> | | | X | |
| ll) <u>Utility – Non-Sewer Underground Lines – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</u> | | | | |
| i) <u>Zone 2 impacts</u> | X | | | |
| ii) <u>Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided</u> | | X | | |
| iii) <u>Zone 1 impacts other than those listed above</u> | | | X | |
| mm) <u>Utilities – Non-sewer aerial lines - Perpendicular crossings of streams and other surface waters subject to Section 6.20.16, or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to Section 6.20.16:</u> | | | | |
| i) <u>Disturb equal to or less than 150 linear feet wide of riparian buffer provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody</u> | X | | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| <u>Riparian Buffer Use/Activity</u> | <u>Deemed Allowable</u> | <u>Allowable Upon Authorization</u> | <u>Allowable with Mitigation Upon Authorization</u> | <u>Prohibited</u> |
|---|-------------------------|-------------------------------------|---|-------------------|
| <u>ii) Disturb greater than 150 linear feet wide of riparian buffer</u> | | X | | |
| <u>nn) Utilities – Non-sewer Aerial Lines - Impacts other than perpendicular crossings of streams and other surface waters subject to this Section 6.20.16, or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this Section 6.20.16:</u> | | | | |
| <u>i) Impacts in Zone 2 only</u> | X | | | |
| <u>ii) Impacts in Zone 1 provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody</u> | | X | | |
| <u>oo) Vegetation management:</u> | | | | |
| <u>i) Emergency fire control measures provided that topography is restored</u> | X | | | |
| <u>ii) Periodic mowing and harvesting of plant products only in Zone 2</u> | X | | | |
| <u>iii) Placement of mulch ring around restoration plantings for a period of five years from the date of planting</u> | X | | | |
| <u>iv) Planting non-invasive vegetation to enhance the riparian buffer</u> | X | | | |
| <u>v) Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised</u> | X | | | |
| <u>vi) Removal of individual trees, branches or limbs which are in danger of causing damage to dwellings, existing utility lines, other structures or human life, or are imminently endangering stability of the streambank provided that the stumps are left or ground in place without causing additional land disturbance</u> | X | | | |
| <u>vii) Removal of individual trees that are dead, diseased or damaged</u> | X | | | |
| <u>viii) Removal of poison ivy, oak or sumac. Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant, then the riparian buffer shall be replanted with non-invasive species</u> | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| <u>Riparian Buffer Use/Activity</u> | <u>Deemed Allowable</u> | <u>Allowable Upon Authorization</u> | <u>Allowable with Mitigation Upon Authorization</u> | <u>Prohibited</u> |
|--|-------------------------|-------------------------------------|---|-------------------|
| <u>ix) Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 2008. Invasive Plants of North Carolina. Dept. of Transportation. Raleigh, NC. Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant then the riparian buffer shall be replanted with non-invasive species</u> | | X | | |
| <u>x) Removal of woody vegetation in Zone 1 provided that Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is complied with</u> | | | X | |
| <u>pp) Vehicle access roads and boat ramps (excluding parking areas) leading to surface water, docks, fishing piers, and other water dependent activities:</u> | | | | |
| <u>i) Single vehicular access road and boat ramp to the surface water but not crossing the surface water that are restricted to the minimum width practicable not to exceed 15 feet wide</u> | | X | | |
| <u>ii) Vehicular access roads and boat ramps to the surface water but not crossing the surface water that are restricted to the minimum width practicable and exceed 15 feet wide</u> | | | X | |
| <u>qq) Water dependent structures (except for boat ramps) as defined in 15A NCAC 02B .0202</u> | | X | | |
| <u>rr) Water supply reservoirs:</u> | | | | |
| <u>i) New reservoirs provided that a riparian buffer that meets the requirements of sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is established adjacent to the reservoir</u> | | X | | |
| <u>ii) New reservoirs where a riparian buffer that meets the requirements of sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is NOT established adjacent to the reservoir</u> | | | X | |
| <u>ss) Water wells</u> | X | | | |
| <u>tt) Wildlife passage structures</u> | | X | | |

~~6.20.16.86.20.16.9~~ Basis for “No Practical Alternatives”

~~In order for a permitted use to be authorized~~Where written authorization is required in Section 6.20.16.8, Permitted Uses Within Riparian Buffers, the applicant must demonstrate “no practical alternatives.” The determination of “no practical alternatives” will be made by the Planning Director or designee based upon the following:

- 6.20.16.9.a** The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- 6.20.16.9.b** The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- 6.20.16.9.c** Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

~~6.20.16.96.20.16.10~~ Written Authorization Required

~~Where written authorization is required in Section 6.20.16.8, Permitted Uses Within Riparian Buffers, Proposed-proposed~~ impacts ~~from permitted uses~~ to the riparian buffer may not commence until written authorization is provided by the Planning Director or designee. Use authorization may include conditions specific to the proposed activity. Unauthorized impacts to riparian buffers are subject to enforcement penalties as outlined in Section 8, Enforcement.

~~6.20.16.106.20.16.11~~ Diffuse Flow RequirementStormwater Runoff Through the Riparian Buffer

~~6.20.16.10.a~~ Diffuse flow or runoff shall be maintained in the riparian buffer by dispersing concentrated flow and re-establishing vegetation.

~~6.20.16.10.b~~ Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow before the runoff enters the riparian buffer.

~~6.20.16.10.c~~ Periodic corrective action to restore diffuse flow shall be taken if necessary to impede the formation of erosion gullies.

6.20.16.11.a Stormwater runoff into the riparian buffer shall meet dispersed flow as defined in 15A NCAC 02H .1002 except as otherwise described in this section. Drainage conveyances include drainage ditches, roadside ditches, and stormwater conveyances.

The following stormwater conveyances through the riparian buffer are either deemed allowable or allowable upon authorization, as defined in Section 6.20.16.8, Permitted Uses within Riparian Buffers, provided that they do not erode through the riparian buffer and do not cause erosion to the receiving waterbody. Stormwater conveyances through the riparian buffer that are not listed below shall be allowable with exception as defined in Section 6.20.16.8.e, Allowable with Exception.

6.20.16.11.b The following are deemed allowable as defined in Section 6.20.16.8.a, Deemed Allowable:

- i. New drainage conveyances from a Primary SCM, as defined in 15A NCAC 02H .1002, when the Primary SCM is designed to treat the drainage area to the conveyance and that comply with a stormwater management plan reviewed and approved under a state stormwater program or a state-approved local government stormwater program; and
- ii. New stormwater flow to existing drainage conveyances provided that the addition of new flow does not result in the need to alter the conveyance.

6.20.16.11.c The following are allowable upon authorization as defined in Section 6.20.16.8.b, Allowable Upon Authorization:

- i. New drainage conveyances from a Primary SCM as defined in 15A NCAC 02H .1002 when the Primary SCM is provided to treat the drainage area to the conveyance but are not required to be approved under a state stormwater program or a state-approved local government stormwater program;
- ii. New drainage conveyances when the drainage area to the conveyance is demonstrated via approved nutrient calculation methodologies to meet the nutrient loading goal of 2.2 pounds per acre per year of Nitrogen (N) and 0.33 pounds per acre per year of Phosphorus (P);
- iii. New drainage conveyances when the flow rate of the conveyance is less than 0.5 cubic feet per second during the peak flow from the 0.75 inch per hour storm;
- iv. New stormwater runoff that has been treated through a level spreader-filter strip that complies with 15A NCAC 02H .1059;
- v. Realignment of existing drainage conveyances applicable to publicly funded and maintained linear transportation facilities when retaining or improving the design dimensions provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations;
- vi. Realignment of existing drainage conveyances retaining or improving the design dimensions provided that the size of the drainage area and the percent built-upon area within the drainage area remain the same;
- vii. New or altered drainage conveyances applicable to publicly funded and maintained linear transportation facilities provided that SCMs, or BMPs from the NCDOT Stormwater Best Management Practices Toolbox, are employed;
- viii. New drainage conveyances applicable to publicly funded and maintained linear transportation facilities that do not provide a stormwater management facility due to topography constraints provided other measures are employed to protect downstream water quality to the maximum extent practical; and
- ix. New drainage conveyances where the drainage area to the conveyance has no new built-upon area as defined in 15A NCAC 02H .1002 and the conveyance is necessary for bypass of existing drainage only.

~~6.20.16.11~~ 6.20.16.12 Mitigation

Where mitigation is required pursuant to the permitted uses listed in *Section ~~6.20.16.6~~ 6.20.16.8, Permitted Uses Within Riparian Buffers* and *Table ~~6.20.16.8~~ 6.20.16.8, Permitted Uses within Riparian Buffers*, mitigation shall follow the standards set out in the state's consolidated Riparian Buffer Mitigation Rule, 15A NCAC 02B .0295.

~~6.20.16.12~~ 6.20.16.13 Riparian Buffer and Minimum Lot Requirements

The riparian buffer may be used in meeting the required minimum lot areas set forth in the Ordinance.

~~6.20.16.13~~ Existing Vegetation and New Vegetation in Riparian buffers

~~Existing vegetation shall not be disturbed within a riparian buffer without prior approval of the Planning Director or designee. Existing vegetation may be augmented within the buffer and invasive vegetation may be removed if the Planning Director or designee approves the plans in advance. Any work done in the riparian buffer must be designed and intended to increase the infiltration capability of the buffer and reduce the velocity of stormwater run-off.~~

~~In the situation where the required buffer experiences erosion problems due to topography or other existing conditions of the land, the Planning Director or designee shall require that the buffer be planted so that it will function as a sediment and pollutant trap. Such planting shall be completed prior to the issuance of a Certificate of Occupancy.~~

~~The use of pesticides, herbicides, or chemicals is not allowed in the riparian buffer except with the prior approval of the Planning Director or designee, and only allowed as described within the Neuse Buffer Rules.~~

Excerpt from Draft Joint Public Hearing Minutes January 18, 2024

Item 6A. Text amendment to various UDO sections on riparian buffers and variance procedures (staff-initiated)

Stormwater and Environmental Services Manager Terry Hackett provided background on the proposed amendment. The town has delegated authority from the state to enforce the Neuse riparian buffer rules. In 2020 the state revised its buffer rules. Recently, two or three residents who have lots that would be encumbered with stream buffers prompted staff to study the new state rules more closely. The proposed changes have mostly to do with the table of uses. The uses are largely the same but are more specific, which will make them more enforceable.

Member Christian Schmidt asked about differences between the new town requirements with the state requirements. Hackett said the town's rules were in some cases more stringent. He cited as an example the town's rule that the use of herbicides in removing vegetation require written authorization, whereas the state rules do not.

Hughes asked how would the "kick in" provision work for an unmapped stream. Hackett explained that because the new state rules had dropped an earlier provision about identifying streams using field evidence, town staff added that provision because there are streams in the town that are unmapped, especially in the historic district. If planning staff see evidence of a stream on a topographical map, they will direct the applicant to contact stormwater staff to request a field determination.

Hackett also explained changes to the variance process. He said town staff determined that if a use is not on the table of uses, then it's prohibited and an applicant seeking a variance would have to appeal to the state.

Hughes asked Town Attorney Bob Hornik if this is an area where the state allows a municipality to impose more stringent rules than the state. Hornik explained that when the issue arose a few years ago, the state at first said local governments could not, but then began issuing waivers, so he thought the town's stricter rules would be permitted.

Casadonte asked Hackett what the process is once the changes are passed. Hackett explained the town must next submit changes to the state. Once reviewed by the Department of Environmental Quality staff, the proposed changes will be sent to the Environmental Management Commission. He expects a decision by May. Hornik added that this amendment was the only one on the agenda that would need approval from the state.

Planning Board recommendation(s)

Boyle explained the board was not required to make recommendations that evening but could recommend any amendments it was ready to recommend. Casadonte asked if there were any text amendments the board wanted to discuss further. Several members said the applicant-initiated public street amendment needed more discussion.

Motion: Schultz moved to recommend approval of the text amendments in sections 6 A, C, D, and E on the agenda as written. Schmidt seconded.

Vote: 8-0. Motion passed.

DRAFT

HILLSBOROUGH BOARD OF COMMISSIONERS
Consistency Statement per Section 160D-604(d)

Text Amendment Request from: Staff - Planning and Economic Development Division
February 12, 2024

The Town of Hillsborough Board of Commissioners has received and reviewed the application from Town Planning and Economic Development Division staff to amend the Town of Hillsborough Unified Development Ordinance as follows:

Amend UDO §3.10.3 (Variance – General Standards/Findings of Fact), §3.10.6 (Variance – Procedure), and §6.20.16 (Stormwater Management – Riparian Buffers) to conform with state regulations on riparian buffers and associated variance procedures for the Neuse River Basin.

The Hillsborough Board of Commissioners has determined the proposed action **is/is not** consistent with the Town of Hillsborough’s Comprehensive Sustainability Plan (CSP) for the following reason(s):

1. The amendments are consistent with the *Environment and Natural Systems* chapter goal to “Employ an integrated ecosystem approach and stewardship mentality to protect, conserve, and restore critical environmental areas and natural systems.”

Strategy: Develop and participate in programs that contribute to sustained ecological health of the environment and natural systems.

The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 12th day of February in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Hillsborough Unified Development Ordinance

Sections 3.10.3, 3.10.6, and 6.20.16

The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to UDO Section 3.10.3 *Variance – General Standards/Findings of Fact*; Section 3.10.6 *Variance – Procedure*; and Section 6.20.16 *Stormwater Management – Riparian Buffers* as attached hereto.
- 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 12th day of February in the year 2024.

Ayes:
Noes:
Absent or excused:

Sarah E. Kimrey, Town Clerk

3.10 VARIANCE

3.10.3 GENERAL STANDARDS/FINDINGS OF FACT

3.10.3.1 A Variance from all provisions of this Ordinance, with the exception of Section 4.5.1, *Upper Eno Watershed District*; Section 4.5.2, *Upper Eno Protected Watershed, Critical Area District* and Section 6.20.16, *Riparian Buffers* (which contain their own separate requirements to receive a variance), shall be approved only upon a finding that all of the following standards are met:

3.10.3.1.a Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property; and

3.10.3.1.b The hardship results from conditions that are peculiar to the property such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted to provide reasonable accommodation under federal Fair Housing Act for a person with a disability, and

3.10.3.1.c The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance shall not be regarded as a self-created hardship; and

3.10.3.1.d The requested Variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured and substantial justice is achieved.

3.10.3.2 WATERSHED PROTECTION DISTRICT VARIANCE FINDINGS

Development activities within the Upper Eno and Upper Eno Protected Watershed, Critical Area Districts may be granted minor and major variances by the Board of Adjustment in accordance with Section 4.5.5.2, *Variances*, of this Ordinance.

3.10.3.3 RIPARIAN BUFFER VARIANCES

Variances shall be approved by the North Carolina Environmental Management Commission on a case by case basis pursuant to 15A NCAC 02B .0226.

3.10.3.4 MINOR AND MAJOR VARIANCES [SUBSECTION DELETED]

3.10.6 PROCEDURE

3.10.6.1 Application requirements

The application requirements, checklists, and timeline are provided in the *Administrative Manual*.

3.10.6.2 Staff Review

Upon receipt of a variance application, the Planning Director shall first determine whether the application is complete, including the payment of all required application fees. If the

Planning Director determines that the application is not complete, they shall notify the applicant in writing of the reasons for such determination. Once a complete application has been received, the Planning Director shall analyze the application in conjunction with qualified representatives of the Town and such other agencies or officials as may be appropriate, to determine conformity with the Land Use Plan and the Comprehensive Plan, the provisions of this Ordinance, the provisions of any Master Plan approved for the property, and other regulations applicable in the case. The Planning Director shall schedule the complete application for the next available meeting of the Board of Adjustment.

3.10.6.3 EVIDENTIARY HEARING

Following receipt of the application from the Planning Director, the Board of Adjustment shall conduct an evidentiary hearing on the application.

3.10.6.4 Notice of Public Hearing

Written notice shall be mailed to the aggrieved person (applicant), property owner involved in original case being appealed (if different), to the owners of all parcels of land abutting the parcel of land that is subject to the evidentiary hearing (including those across a public or private street), to any other persons entitled to receive notice as provided by this Ordinance. The notice must be deposited in the mail at least ten (10) days, but not more than twenty-five (25) days before the hearing date. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

A notice of the request shall be placed on the site that is subject to the hearing or on an adjacent street or highway right-of-way at least ten (10) days, but not more than twenty-five (25) days before the hearing date.

In cases where a variance is requested from the provisions of Section 4.5.1, Upper Eno Watershed District; Section 4.5.2, *Upper Eno Protected Watershed, Critical Area District* of this Ordinance, all local governments having jurisdiction within the watershed area and the entity using the water supply for consumption shall be notified of the proposed variance. Comments from these entities shall be submitted to the Planning Director before the Board of Adjustment decision and shall be made a part of the record of the Board of Adjustment decision.

3.10.6.5 Public Hearing

3.10.6.5.a Following receipt of the application from the Planning Director, the Board of Adjustment shall conduct an evidentiary hearing on the application. After close of the hearing, the Board of Adjustment shall consider the application, relevant support materials, any testimony or evidence given at the hearing and included in the record, determine contested facts and substantial evidence in the record and make its decision within a reasonable time. The Board of Adjustment shall take one of the following actions, based on the standards in Section 3.10.3, *General Standards/Findings of Fact*:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions; or

(c) Deny the application.

The affirmative vote of at least four-fifths (4/5) of the members of the Board of Adjustment who are eligible to vote is required to grant a variance.

Appropriate conditions may be imposed on a Variance provided that the conditions are reasonably related to the Variance.

3.10.6.5.b The Board's decision on a Variance shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the Board.

6.20 STORMWATER MANAGEMENT

6.20.16 RIPARIAN BUFFERS

6.20.16.1 Purpose and Intent

In order to minimize sedimentation and pollution of surface waters within the planning jurisdiction, riparian buffers shall be provided along all surface waters identified in *Section 6.20.16.3, Applicability*. Undisturbed natural areas along surface waters act as a filter for sedimentation control and as a stabilizing agent for the banks of surface waters. In addition, these areas filter storm water run-off which may carry significant amounts of bacteria, excess nutrients and heavy metals into surface waters. The buffer areas, along with controls on impervious surfaces, provide a good measure of water quality protection for the Eno River.

The Neuse River Basin Nutrient Sensitive Waters Management Strategy riparian buffer protection rules (Neuse Rules) of 15A NCAC 02B .0714, apply to all lands within the Town of Hillsborough's planning jurisdiction. Wherever standards of the Neuse Rules and the standards listed in this ordinance differ, the more restrictive provisions shall apply.

6.20.16.2 Delegated Authority

The North Carolina Environmental Management Commission has jurisdiction to the exclusion of the Planning Director or designee to implement the requirements of the State's program for the following types of activities:

6.20.16.2.a Activities undertaken by the State.

6.20.16.2.b Activities undertaken by the United States.

6.20.16.2.c Activities undertaken by multiple jurisdictions.

6.20.16.2.d Activities undertaken by local units of government; and

6.20.16.2.e Forestry Operations

6.20.16.3 Applicability

A riparian buffer shall be established directly adjacent to surface waters (i.e. intermittent streams, perennial streams, lakes and ponds) identified by any of the following means:

6.20.16.3.a Surface water shown as solid blue or purple lines or as broken blue or purple lines on the most recent version of USGS Quadrangle maps.

6.20.16.3.b Surface water shown in the most recent version of the Orange County Soil Survey; or

6.20.16.3.c A surface water identified in a field determination made by staff trained in surface water identification through the North Carolina Department of Environmental Quality (NCDEQ). Disputes pertaining to water feature decisions by staff shall be filed directly to the Director of NCDEQ.

6.20.16.4 Exemption Based upon an On-site Determination

When a landowner or other affected party including NCDEQ believes that the maps inaccurately depict surface waters, they may request an On-site determination conducted by staff who has successfully completed the NCDEQ's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by

NCDEQ. Any disputes over on-site determinations shall be referred to the Director of NCDEQ in writing. A determination of the Director of NCDEQ as to the accuracy or application of the maps is subject to review as provided in articles 3 and 4 of G.S. 150B. Surface waters that appear on the maps shall not be subject to *Section 6.20.16, Riparian Buffers* if a site evaluation reveals any of the following cases:

6.20.16.4.a Man-made ponds and lakes that are not part of a natural drainage way that is classified in accordance with 15A NCAC 02B .0101, including ponds and lakes created for animal watering, irrigation, or other agricultural uses. A pond or lake is part of a natural drainage way when it is fed by an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream.

6.20.16.4.b Ephemeral streams.

6.20.16.4.c The absence on the ground of a corresponding intermittent or perennial stream, lake, reservoir, or pond.

6.20.16.4.d Ditches or other man-made water conveyances, other than modified natural streams.

6.20.16.5 Exemption when Existing Uses are Present and Ongoing

Section 6.20.16, Riparian Buffers does not apply to portions of the riparian buffer where a use is considered existing and ongoing according in accordance with 15A NCAC 02B .0714 (6) (a). A use is considered existing if it was present within the riparian buffer as of July 22, 1997. Existing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems. Only the portion of the riparian buffer that contains the footprint of the existing use is exempt from *Section 6.20.16, Riparian Buffers*.

6.20.16.6 Calculations for Width of Riparian Buffers

A buffer of fifty (50) feet in width as defined in *Section 6.20.16.7* is required on all sides of the surface water as identified in *Section 6.20.16.3, Applicability*. For streams within the PW and PWCA zoning districts (see *Section 4.5, Other Zoning Districts*), the width of the stream is calculated as outlined in *Section 4.5.3.8.d, Calculating Width of Riparian Buffer*.

6.20.16.7 Zones of the Riparian Buffer

6.20.16.7.a Zone 1 shall consist of a vegetated area that is undisturbed except for uses provided for in sections *6.20.16.8, Permitted Uses within Riparian Buffers* and *6.20.16.11, Stormwater Runoff Through the Riparian Buffer*. The location of Zone 1 shall be as follows:

- (i) For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the stream, measured horizontally on a line perpendicular to the stream (where an intermittent or perennial stream begins or ends, including when it goes underground, enters or exits a culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end).

- (ii) For ponds, lakes and reservoirs, Zone 1 shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

6.20.16.7.b Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses provided for in sections 6.20.16.8, *Permitted Uses within Riparian Buffers* and 6.20.16.11, *Stormwater Runoff Through the Riparian Buffer*. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

6.20.16.8 Permitted Uses Within Riparian Buffers

Uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the riparian buffer, shall be designated as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization, allowable with exception or prohibited. Potential new uses shall have the following requirements.

6.20.16.8.a Deemed Allowable. Uses designated as deemed allowable in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* and 6.20.16.11 *Stormwater Runoff Through the Riparian Buffer* may occur within the riparian buffer. Deemed allowable uses shall be designed, constructed and maintained to minimize vegetation and soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities. In addition, deemed allowable uses shall meet all requirements listed in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* for the specific use.

6.20.16.8.b Allowable Upon Authorization. Uses designated as allowable upon authorization in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* and 6.20.16.11 *Stormwater Runoff Through the Riparian Buffer* require a written Authorization Certificate for impacts within the riparian buffer pursuant to *Section 6.20.16.9, Basis for “No Practical Alternatives”* and *Section 6.20.16.10, Written Authorization Required*.

6.20.16.8.c Allowable with Mitigation Upon Authorization. Uses designated as allowable with mitigation upon authorization in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* require a written Authorization Certificate for impacts within the riparian buffer pursuant to *Section 6.20.16.9, Basis for “No Practical Alternatives”* and *Section, 6.20.16.10 Written Authorization Required*. In addition, an appropriate mitigation strategy is required pursuant to *Section 6.20.16.12, Mitigation*.

6.20.16.8.d Prohibited. Uses designated as prohibited in *Table 6.20.16.8, Permitted Uses within Riparian Buffers* may not proceed within the riparian buffer unless a variance is granted by the North Carolina Environmental Management Commission pursuant to 15A NCAC 02B .0226. Mitigation may be required as a condition of variance approval.

Table 6.20.16.8 Permitted Uses within Riparian Buffers

| Riparian Buffer Use/Activity | Deemed Allowable | Allowable Upon Authorization | Allowable with Mitigation Upon Authorization | Prohibited |
|---|------------------|------------------------------|--|------------|
| a) Archaeological activities | X | | | |
| b) Bridges: | | | | |
| i) Impact equal to or less than one-tenth of an acre of riparian buffer | X | | | |
| ii) Impact greater than one-tenth of an acre of riparian buffer | | X | | |
| c) Dam maintenance activities: | | | | |
| i) Dam maintenance activities that do not cause additional riparian buffer disturbance beyond the footprint of the existing dam | X | | | |
| ii) Dam maintenance activities that do cause additional riparian buffer disturbance beyond the footprint of the existing dam | | X | | |
| d) Drainage of a pond subject to <i>Section 6.20.16.3, Applicability</i> provided that a new riparian buffer is established by natural regeneration or planting, within 50 feet of any stream which naturally forms or is constructed within the drained pond area. Drained ponds shall be allowed to naturalize for a minimum of six months from completion of the draining activity before a stream determination is conducted pursuant to <i>Section 6.20.16.3.c</i> . | X | | | |
| e) Fences: | | | | |
| i) Fencing livestock out of surface waters | X | | | |
| ii) Installation does not result in removal of trees from Zone 1 | X | | | |
| iii) Installation results in removal of trees from Zone 1 | | X | | |
| f) Fertilizer application: | | | | |
| i) One-time fertilizer application at agronomic rates in the riparian buffer to establish replanted vegetation. No runoff from this one-time application in the riparian buffer is allowed in the surface water | X | | | |
| ii) Ongoing fertilizer application | | | | X |
| g) Grading only in Zone 2 provided that the health of existing vegetation in Zone 1 is not compromised, <i>Section 6.20.16.11, Stormwater Through the Riparian Buffer</i> is complied with, and disturbed areas are stabilized and revegetated | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| Riparian Buffer Use/Activity | Deemed Allowable | Allowable Upon Authorization | Allowable with Mitigation Upon Authorization | Prohibited |
|--|------------------|------------------------------|--|------------|
| h) Greenways, trails, sidewalks or linear pedestrian/bicycle transportation systems: | | | | |
| i) In Zone 2 provided that no built-upon area is added within the riparian buffer | X | | | |
| ii) In Zone 1 provided that no built-upon area is added within the riparian buffer and the installation does not result in the removal of tree(s) | X | | | |
| iii) When built-upon area is added to the riparian buffer, equal to or less than 10 feet wide with two foot wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative | | X | | |
| iv) When built-upon area is added to the riparian buffer, greater than 10 feet wide with two foot wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative | | | X | |
| i) Historic preservation | X | | | |
| j) New Landfills as defined by NC G.S. 130A-290 | | | | X |
| k) Mining activities: | | | | |
| i) Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements in sections 6.20.16.7, <i>Zones of the Riparian Buffer</i> and 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> are established adjacent to any relocated channels | | X | | |
| ii) Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements in sections 6.20.16.7, <i>Zones of the Riparian Buffer</i> and 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> are not established | | | X | |
| iii) Wastewater or mining dewatering wells with approved NPDES permit | X | | | |
| l) On-site sanitary sewage systems - new ones that use ground absorption | | | | X |
| m) Pedestrian access trails and associated steps leading to a surface water, dock, canoe or kayak access, fishing pier, boat ramp or other water dependent structure: | | | | |
| i) Equal to or less than six feet wide that does not result in the removal of tree(s) within the riparian buffer and does not result in the addition of built-upon area to the riparian buffer | X | | | |
| ii) Equal to or less than six feet wide that results in the removal of tree(s) or the addition of built-upon area to the riparian buffer | | X | | |
| iii) Greater than six feet wide | | | X | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| Riparian Buffer Use/Activity | Deemed Allowable | Allowable Upon Authorization | Allowable with Mitigation Upon Authorization | Prohibited |
|---|------------------|------------------------------|--|------------|
| n) Playground equipment: | | | | |
| i) Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation | X | | | |
| ii) Playground equipment on single-family lots where installation or use results in the removal of vegetation | | X | | |
| iii) Playground equipment installed on lands other than single-family lots | | X | | |
| o) Ponds created or modified by impounding streams subject to riparian buffers pursuant to <i>Section 6.20.16.3, Applicability</i> and not used as stormwater control measures (SCMs): | | | | |
| i) New ponds provided that a riparian buffer that meets the requirements of sections <i>6.20.16.7, Zones of the Riparian Buffer</i> and <i>6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> is established adjacent to the pond | | X | | |
| ii) New ponds where a riparian buffer that meets the requirements of sections <i>6.20.16.7, Zones of the Riparian Buffer</i> and <i>6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> is NOT established adjacent to the pond | | | X | |
| p) Protection of existing structures and facilities when this requires additional disturbance to the riparian buffer | | X | | |
| q) Public Safety - Publicly owned spaces where it has been determined by the head of the local law enforcement agency with jurisdiction over that area that the riparian buffers pose a risk to public safety. The head of the local law enforcement agency shall notify the local government with land use jurisdiction over the publicly owned space and the Division of Water Resources of any such determination in writing | X | | | |
| r) Removal of previous fill or debris provided that <i>Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> is complied with and any vegetation removed is restored | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| Riparian Buffer Use/Activity | Deemed Allowable | Allowable Upon Authorization | Allowable with Mitigation Upon Authorization | Prohibited |
|---|------------------|------------------------------|--|------------|
| s) Residential Properties: Where application of this Rule would preclude construction or expansion of a single-family residence and necessary infrastructure, the single-family residence may encroach in the buffer if all of the following conditions are met: (1) the residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot; (2) the residence is designed to minimize encroachment into the riparian buffer; (3) the residence complies with <i>Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> ; and (4) if the residence will be served by an on-site wastewater system, no part of the septic tank or drainfield may encroach into the riparian buffer: | | | | |
| i) The residence or necessary infrastructure only impact Zone 2 | | X | | |
| ii) The residence or necessary infrastructure impact Zone 1 | | | X | |
| iii) Impacts other than the residence or necessary infrastructure | | | X | |
| t) Restoration or enhancement (wetland, stream) as defined in 33 CFR Part 332 available free of charge on the internet at: http://water.epa.gov/lawsregs/guidance/wetlands/wetlandsmitigation_index.cfm : | | | | |
| i) Wetland or stream restoration is part of a compensatory mitigation bank, nutrient offset bank, or the In Lieu Fee program | X | | | |
| ii) Wetland or stream restoration other than those listed above | | X | | |
| u) Road, driveway or railroad - impacts other than perpendicular crossings of streams and other surface waters subject to this Rule | | | X | |
| v) Road, driveway or railroad - perpendicular crossings of streams and other surface waters subject to this Rule | | | | |
| i) Impact equal to or less than one-tenth of an acre of riparian buffer | X | | | |
| ii) Impact greater than one-tenth of an acre but equal to or less than one-third of an acre of riparian buffer | | X | | |
| iii) Impact greater than one-third of an acre of riparian buffer | | | X | |
| iv) Driveway crossings in a residential subdivision that cumulatively impact equal to or less than one-third of an acre of riparian buffer | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| Riparian Buffer Use/Activity | Deemed Allowable | Allowable Upon Authorization | Allowable with Mitigation Upon Authorization | Prohibited |
|---|------------------|------------------------------|--|------------|
| v) Driveway crossings in a residential subdivision that cumulatively impact greater than one-third of an acre of riparian buffer | | | X | |
| vi) Farm roads and forest roads that are exempt from permitting from the U.S. Army Corps of Engineers per Section 404(f) of the Federal Clean Water Act | X | | | |
| w) Road relocation of existing private access roads associated with public road projects where necessary for public safety: | | | | |
| i) Less than or equal to 2,500 square feet of riparian buffer impact | | X | | |
| ii) Greater than 2,500 square feet of riparian buffer impact | | | X | |
| x) Scientific studies and stream gauging | X | | | |
| y) Slatted uncovered decks, including steps and support posts, which are associated with a dwelling, provided that it meets the requirements of sections 6.20.16.7, <i>Zones of the Riparian Buffer</i> and 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> and: | | | | |
| i) Installation does not result in removal of vegetation in Zone 1 | | X | | |
| ii) Installation results in removal of vegetation in Zone 1 | | | X | |
| z) Stormwater Control Measure (SCM) as defined in 15A NCAC 02H .1002: | | | | |
| i) In Zone 2 if <i>Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> is complied with | | X | | |
| ii) Installation results in removal of vegetation in Zone 1 | | | X | |
| aa) Streambank or shoreline stabilization | | X | | |
| bb) Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 02B .0295: | | | | |
| i) Less than or equal to 2,500 square feet of riparian buffer disturbance | X | | | |
| ii) Greater than 2,500 square feet of riparian buffer disturbance | | X | | |
| iii) Associated with culvert installation or bridge construction or replacement | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| Riparian Buffer Use/Activity | Deemed Allowable | Allowable Upon Authorization | Allowable with Mitigation Upon Authorization | Prohibited |
|---|------------------|------------------------------|--|------------|
| cc) Temporary sediment and erosion control devices provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 02B .0295: | | | | |
| i) In Zone 2 provided that ground cover is established within the timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone 1 is not compromised, and that discharge is released in accordance with <i>Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> | X | | | |
| ii) In Zones 1 and 2 to control impacts associated with uses identified in this table or uses that have received an Authorization Certificate with Exception provided that sediment and erosion control for upland areas is addressed outside the riparian buffer | | X | | |
| iii) In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Clean Water Act | X | | | |
| dd) Utility Lines - Streambank stabilization for the protection of publicly owned utility lines (not including new line installation): | | | | |
| i) Less than 150 feet of streambank disturbance | X | | | |
| ii) Greater than 150 feet of streambank disturbance | | X | | |
| ee) Utility – Sewer lines – Sanitary Sewer Overflows: | | | | |
| i) Emergency sanitary sewer overflow response activities, provided that the disturbed area within the riparian buffer outside of the existing utility line maintenance corridor is the minimum necessary to respond to the emergency overflow, is restored to pre-construction topographic and hydrologic conditions, and is replanted with comparable vegetation (e.g. grass with grass, hardwoods with hardwoods) within two months of when disturbance is complete | X | | | |
| ii) Emergency sanitary sewer overflow response activities that do not meet the listing above. For any new proposed permanent impacts that are not a "Deemed Allowable" activity, an application for an Authorization Certificate shall be submitted to the Authority no later than 30 calendar days of conclusion of the emergency response activities | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| Riparian Buffer Use/Activity | Deemed Allowable | Allowable Upon Authorization | Allowable with Mitigation Upon Authorization | Prohibited |
|---|------------------|------------------------------|--|------------|
| ff) Utility - Sewer Lines – Vegetation maintenance activities that remove forest vegetation from existing sewer utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor: | | | | |
| i) Zone 2 impacts | X | | | |
| ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide | X | | | |
| iii) Zone 1 impacts other than those listed above | | X | | |
| gg) Utility - Sewer Lines –Replacement/Rehabilitation of existing sewer lines within, or adjacent to, an existing right of way but outside of an existing utility line maintenance corridor provided that comparable vegetation (e.g. grass with grass, hardwoods with hardwoods) is allowed to regenerate in disturbed riparian buffers outside of the permanent maintenance corridor and riparian buffers outside of the permanent maintenance corridor are not maintained: | | | | |
| i) Permanent maintenance corridor equal to or less than 30 feet wide provided there is no grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream | X | | | |
| ii) Grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream and permanent maintenance corridor equal to or less than 30 feet wide | | X | | |
| iii) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts | | | X | |
| hh) Utility - Sewer Lines – New Line Construction/Installation Activities – Perpendicular crossings of streams and other surface waters subject to <i>Section 6.20.16</i> , or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to <i>Section 6.20.16</i> , provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor: | | | | |
| i) Construction corridor of less than or equal to 40 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide | X | | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| Riparian Buffer Use/Activity | Deemed Allowable | Allowable Upon Authorization | Allowable with Mitigation Upon Authorization | Prohibited |
|--|------------------|------------------------------|--|------------|
| ii) Construction corridor of greater than 40 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide | | X | | |
| iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide | | | X | |
| iv) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts | | | X | |
| ii) Utility - Sewer Lines – New Line Construction/Installation Activities – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor: | | | | |
| i) Zone 2 impacts | X | | | |
| ii) Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided | | X | | |
| iii) Zone 1 impacts other than those listed above | | | X | |
| jj) Utility - Non-sewer Underground Lines – Vegetation maintenance activities that remove forest vegetation from existing utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor: | | | | |
| i) Zone 2 impacts | X | | | |
| ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide | X | | | |
| iii) Zone 1 impacts other than those listed above | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| Riparian Buffer Use/Activity | Deemed Allowable | Allowable Upon Authorization | Allowable with Mitigation Upon Authorization | Prohibited |
|---|------------------|------------------------------|--|------------|
| kk) Utility – Non-Sewer Underground Lines – Perpendicular crossings of streams and other surface waters subject to <i>Section 6.20.16</i> , or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to <i>Section 6.20.16</i> , provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor: | | | | |
| i) Construction corridor of less than or equal to 50 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide | X | | | |
| ii) Construction corridor of greater than 50 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide | | X | | |
| iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide | | | X | |
| iv) Permanent maintenance corridor that is greater than 30 linear feet wide (mitigation is required only for Zone 1 impacts) | | | X | |
| ll) Utility – Non-Sewer Underground Lines – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor: | | | | |
| i) Zone 2 impacts | X | | | |
| ii) Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided | | X | | |
| iii) Zone 1 impacts other than those listed above | | | X | |
| mm) Utilities – Non-sewer aerial lines - Perpendicular crossings of streams and other surface waters subject to <i>Section 6.20.16</i> , or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to <i>Section 6.20.16</i> : | | | | |
| i) Disturb equal to or less than 150 linear feet wide of riparian buffer provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody | X | | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| Riparian Buffer Use/Activity | Deemed Allowable | Allowable Upon Authorization | Allowable with Mitigation Upon Authorization | Prohibited |
|--|------------------|------------------------------|--|------------|
| ii) Disturb greater than 150 linear feet wide of riparian buffer | | X | | |
| nn) Utilities – Non-sewer Aerial Lines - Impacts other than perpendicular crossings of streams and other surface waters subject to this <i>Section 6.20.16</i> , or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this <i>Section 6.20.16</i> : | | | | |
| i) Impacts in Zone 2 only | X | | | |
| ii) Impacts in Zone 1 provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody | | X | | |
| oo) Vegetation management: | | | | |
| i) Emergency fire control measures provided that topography is restored | X | | | |
| ii) Periodic mowing and harvesting of plant products only in Zone 2 | X | | | |
| iii) Placement of mulch ring around restoration plantings for a period of five years from the date of planting | X | | | |
| iv) Planting non-invasive vegetation to enhance the riparian buffer | X | | | |
| v) Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised | X | | | |
| vi) Removal of individual trees, branches or limbs which are in danger of causing damage to dwellings, existing utility lines, other structures or human life, or are imminently endangering stability of the streambank provided that the stumps are left or ground in place without causing additional land disturbance | X | | | |
| vii) Removal of individual trees that are dead, diseased or damaged | X | | | |
| viii) Removal of poison ivy, oak or sumac. Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant, then the riparian buffer shall be replanted with non-invasive species | | X | | |

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

| Riparian Buffer Use/Activity | Deemed Allowable | Allowable Upon Authorization | Allowable with Mitigation Upon Authorization | Prohibited |
|---|------------------|------------------------------|--|------------|
| ix) Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 2008. Invasive Plants of North Carolina. Dept. of Transportation. Raleigh, NC. Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant then the riparian buffer shall be replanted with non-invasive species | | X | | |
| x) Removal of woody vegetation in Zone 1 provided that <i>Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> is complied with | | | X | |
| pp) Vehicle access roads and boat ramps (excluding parking areas) leading to surface water, docks, fishing piers, and other water dependent activities: | | | | |
| i) Single vehicular access road and boat ramp to the surface water but not crossing the surface water that are restricted to the minimum width practicable not to exceed 15 feet wide | | X | | |
| ii) Vehicular access roads and boat ramps to the surface water but not crossing the surface water that are restricted to the minimum width practicable and exceed 15 feet wide | | | X | |
| qq) Water dependent structures (except for boat ramps) as defined in 15A NCAC 02B .0202 | | X | | |
| rr) Water supply reservoirs: | | | | |
| i) New reservoirs provided that a riparian buffer that meets the requirements of sections 6.20.16.7, <i>Zones of the Riparian Buffer</i> and 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> is established adjacent to the reservoir | | X | | |
| ii) New reservoirs where a riparian buffer that meets the requirements of sections 6.20.16.7, <i>Zones of the Riparian Buffer</i> and 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> is NOT established adjacent to the reservoir | | | X | |
| ss) Water wells | X | | | |
| tt) Wildlife passage structures | | X | | |

6.20.16.9 Basis for “No Practical Alternatives”

Where written authorization is required in *Section 6.20.16.8, Permitted Uses Within Riparian Buffers*, the applicant must demonstrate “no practical alternatives.” The determination of “no practical alternatives” will be made by the Planning Director or designee based upon the following:

- 6.20.16.9.a** The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- 6.20.16.9.b** The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- 6.20.16.9.c** Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

6.20.16.10 Written Authorization Required

Where written authorization is required in *Section 6.20.16.8, Permitted Uses Within Riparian Buffers*, proposed impacts to the riparian buffer may not commence until written authorization is provided by the Planning Director or designee. Use authorization may include conditions specific to the proposed activity. Unauthorized impacts to riparian buffers are subject to enforcement penalties as outlined in *Section 8, Enforcement*.

Prior to any land disturbing activity within a designated riparian buffer, the property owner shall provide written notification of the location and nature of the proposed use to the Planning Director or designee for review. Written notification must include the following:

- 6.20.16.9.a** The name, address and phone number of the applicant.
- 6.20.16.9.b** The nature of the activity to be conducted by the applicant.
- 6.20.16.9.c** The location of the activity.
- 6.20.16.9.d** A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in the riparian buffers associated with the activity, and the extent of the riparian buffers on the land; and
- 6.20.16.9.e** An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality.
- 6.20.16.9.f** Plans for any best management practices proposed to be used to control the impacts associated with the activity.

6.20.16.11 Stormwater Runoff Through the Riparian Buffer

6.20.16.11.a Stormwater runoff into the riparian buffer shall meet dispersed flow as defined in 15A NCAC 02H .1002 except as otherwise described in this section. Drainage conveyances include drainage ditches, roadside ditches, and stormwater conveyances.

The following stormwater conveyances through the riparian buffer are either deemed allowable or allowable upon authorization, as defined in *Section*

6.20.16.8, *Permitted Uses within Riparian Buffers*, provided that they do not erode through the riparian buffer and do not cause erosion to the receiving waterbody. Stormwater conveyances through the riparian buffer that are not listed below shall be allowable with exception as defined in *Section 6.20.16.8.e, Allowable with Exception*.

6.20.16.11.b The following are deemed allowable as defined in *Section 6.20.16.8.a, Deemed Allowable*:

- i. New drainage conveyances from a Primary SCM, as defined in 15A NCAC 02H .1002, when the Primary SCM is designed to treat the drainage area to the conveyance and that comply with a stormwater management plan reviewed and approved under a state stormwater program or a state-approved local government stormwater program; and
- ii. New stormwater flow to existing drainage conveyances provided that the addition of new flow does not result in the need to alter the conveyance.

6.20.16.11.c The following are allowable upon authorization as defined in *Section 6.20.16.8.b, Allowable Upon Authorization*:

- i. New drainage conveyances from a Primary SCM as defined in 15A NCAC 02H .1002 when the Primary SCM is provided to treat the drainage area to the conveyance but are not required to be approved under a state stormwater program or a state-approved local government stormwater program;
- ii. New drainage conveyances when the drainage area to the conveyance is demonstrated via approved nutrient calculation methodologies to meet the nutrient loading goal of 2.2 pounds per acre per year of Nitrogen (N) and 0.33 pounds per acre per year of Phosphorus (P);
- iii. New drainage conveyances when the flow rate of the conveyance is less than 0.5 cubic feet per second during the peak flow from the 0.75 inch per hour storm;
- iv. New stormwater runoff that has been treated through a level spreader-filter strip that complies with 15A NCAC 02H .1059;
- v. Realignment of existing drainage conveyances applicable to publicly funded and maintained linear transportation facilities when retaining or improving the design dimensions provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations;
- vi. Realignment of existing drainage conveyances retaining or improving the design dimensions provided that the size of the drainage area and the percent built-upon area within the drainage area remain the same;
- vii. New or altered drainage conveyances applicable to publicly funded and maintained linear transportation facilities provided that SCMs, or BMPs from the NCDOT Stormwater Best Management Practices Toolbox, are employed;

- viii. New drainage conveyances applicable to publicly funded and maintained linear transportation facilities that do not provide a stormwater management facility due to topography constraints provided other measures are employed to protect downstream water quality to the maximum extent practical; and
- ix. New drainage conveyances where the drainage area to the conveyance has no new built-upon area as defined in 15A NCAC 02H .1002 and the conveyance is necessary for bypass of existing drainage only.

6.20.16.12 Mitigation

Where mitigation is required pursuant to the permitted uses listed in *Section 6.20.16.8, Permitted Uses Within Riparian Buffers* and *Table 6.20.16.8, Permitted Uses within Riparian Buffers*, mitigation shall follow the standards set out in the state's consolidated Riparian Buffer Mitigation Rule, 15A NCAC 02B .0295.

6.20.16.13 Riparian Buffer and Minimum Lot Requirements

The riparian buffer may be used in meeting the required minimum lot areas set forth in the Ordinance.



Agenda Abstract

BOARD OF COMMISSIONERS

| | |
|-------------------------|--|
| Meeting Date: | Feb. 12, 2024 |
| Department: | Planning and Economic Development Division |
| Agenda Section: | Consent |
| Public hearing: | Yes |
| Date of public hearing: | Jan. 18, 2024 |

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II
Shannan Campbell, Planning and Economic Development Manager

ITEM TO BE CONSIDERED

- Subject:** Unified Development Ordinance (UDO) text amendment (staff-initiated):
- Table 5.1.8 Use Table for Non-Residential Districts – Government Maintenance Yard
 - Section 9.2 Definitions – Government Maintenance Yard

Attachments:

1. UDO Table 5.1.8 and Section 9.2, as proposed to be amended
2. Consistency statement
3. Ordinance amending the UDO

Summary:

Currently, the UDO requires a Special Use Permit for government maintenance yards in the Light Industrial (LI) zoning district. Staff is proposing to make the use permitted by right in the district. UDO Section 9.2 *Definitions* defines a government maintenance yard as follows:

Government Maintenance Yard: A facility owned and operated by a unit of government to park, storage (sic), repair, and stage service vehicles and repair equipment includes (sic) but not limited to transit vehicles, solid waste and street repair vehicles, utility system and park vehicles.

While a government maintenance yard requires a Special Use Permit in the Light Industrial district, comparable land uses are permitted by right, including the following as defined in Section 9.2:

- **Motor Vehicle Repair:** An establishment where automobile maintenance or service is rendered, with the addition of body work, straightening of body parts, painting, welding, temporary storage of motor vehicles not in operating condition, and major mechanical work, including engine overhaul and other major work requiring overnight storage.
- **Storage and Warehousing, Outdoor:** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located or an accessory use to a principal use.

The Light Industrial district is designed to support light manufacturing, research and development, and similar uses that are less intense compared to those in General Industrial (GI). A government maintenance yard is consistent

with this intent and comparable to other allowable uses in the district. Staff is proposing to amend Table 5.1.8 accordingly and correct minor typos in the “government maintenance yard” definition.

Comprehensive Sustainability Plan goals:

- Land Use and Development Goal 1:
Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
- Strategy:
Revise zoning and development regulations in accordance with the Future Land Use Plan and Future Land Use Map and water and sewer needs. Condense land use classifications.

Financial impacts:

None.

Staff recommendation and comments:

Staff recommends approval of the text amendment as written.

Planning Board Recommendation:

After the Joint Public Hearing on January 18, 2024, the Planning Board unanimously recommended approval of the proposed text amendment (8-0). An excerpt from the draft minutes for the Joint Public Hearing is included below:

Item 6D. Text amendment to various UDO sections on government maintenance yards (staff-initiated)

Boyle explained that town staff were recently surprised to discover that government maintenance yards were required to seek a special use permit in the light industrial district, unlike comparable uses in the district. The amendment would allow the use by right instead of requiring a special use permit. She explained the amendment doesn’t exempt a government maintenance yard from getting applicable development permits, such as for building or land disturbance. Campbell clarified the amendment would not apply to the state’s DOT, but only to the town and Orange County. Hughes asked if the change would apply to county school transportation yards. Campbell said most likely.

After the public hearing closed, Boyle explained the board was not required to make recommendations that evening but could recommend any amendments it was ready to recommend.

Motion: Schultz moved to recommend approval of the text amendments in sections 6 A, C, D, and E on the agenda as written. Schmidt seconded.

Vote: 8-0. Motion passed.

Action requested:

Approve attached amendments, consistency statement, and ordinance; approve with conditions/modifications; or table/continue the item.

5.1 USE TABLE

5.1.8 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS

| | P = Permitted by Right | | | SUP = Permitted with a Special Use Permit | | | | PA = Permitted as accessory use | | | |
|-----------------------------|------------------------|----|-----|---|----|-----|-----|---------------------------------|-----|----------|----|
| | LO | NB | OI | CC | GC | HIC | ARU | BP | EDD | LI | GI |
| Flex Space | | | | | | P | P | P | P | P | P |
| Food Preparation Business | | | | | P | P | P | | P | P | P |
| Funeral Home | P | | P | P | P | P | | | P | | |
| Gallery/Museum | P | P | P | P | P | P | P | | | | |
| Government Maintenance Yard | | | SUP | | | | | | SUP | SUP P | |

9.2 DEFINITIONS

Government Maintenance Yard

A facility owned and operated by a unit of government to park, storage store, repair, and stage service vehicles and repair equipment, ~~includes including~~ but not limited to transit vehicles, solid waste and street repair vehicles, and utility system and park vehicles.

HILLSBOROUGH BOARD OF COMMISSIONERS
Consistency Statement per Section 160D-604(d)

Text Amendment Request from: Staff - Planning and Economic Development Division
February 12, 2024

The Town of Hillsborough Board of Commissioners has received and reviewed the application from Town Planning and Economic Development Division staff to amend the Town of Hillsborough Unified Development Ordinance as follows:

Amend UDO §5.1.8 (Use Table for Non-Residential Districts) and §9.2 (Definitions) to allow government maintenance yards by right in the Light Industrial (LI) district, making the permitting requirements for government maintenance yards consistent with comparable uses in the district.

The Hillsborough Board of Commissioners has determined the proposed action **is/is not** consistent with the Town of Hillsborough’s Comprehensive Sustainability Plan (CSP) for the following reason(s):

1. The amendments are consistent with the *Land Use and Development* chapter goal to “ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater capacity.”

Strategy: Revise zoning and development regulations in accordance with the Future Land Use Plan and Future Land Use Map and water and sewer needs. Condense land use classifications.

The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 12th day of February in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Hillsborough Unified Development Ordinance

Table 5.1.8 and Section 9.2

The Hillsborough Board of Commissioners ordains the following amendments:

Section 1. The amendment to the “Government Maintenance Yard” category in Table 5.1.8 *Use Table for Non-Residential Districts* as follows:

| 5.1.8 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS | | | | | | | | | | | | | | | |
|--|---|----|-----|----|----|-----|-----|----|-----|----|---------------------------------|--|-----|------|------|
| P = Permitted by Right | SUP = Permitted with a Special Use Permit | | | | | | | | | | PA = Permitted as accessory use | | | | |
| | LO | NB | OI | CC | GC | HIC | ARU | BP | EDD | LI | GI | | ESU | NBSU | SDSU |
| Government Maintenance Yard | | | SUP | | | | | | SUP | P | | | | | |

Section 2. The amendment to Section 9.2 *Definitions* as follows:

| | |
|-----------------------------|---|
| Government Maintenance Yard | A facility owned and operated by a unit of government to park, store, repair, and stage service vehicles and repair equipment, including but not limited to transit vehicles, solid waste and street repair vehicles, and utility system and park vehicles. |
|-----------------------------|---|

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. 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 12th day of February in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

| | |
|-------------------------|--|
| Meeting Date: | Feb. 12, 2024 |
| Department: | Planning and Economic Development Division |
| Agenda Section: | Consent |
| Public hearing: | Yes |
| Date of public hearing: | Jan. 18, 2024 |

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II
Shannan Campbell, Planning and Economic Development Manager

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance (UDO) text amendment (staff-initiated):

- Section 6.5.11.3 South Churton Non-Residential Buffer - Requirements
- Section 6.7.11.2 Parking and Circulation, Site Layout
- Sections 6.13.3.1 – 6.13.3.3 Off-Street Parking Provisions
- Sections 6.13.9.1 – 6.13.9.2 Off-Street Parking Design Requirements

Attachments:

1. UDO sections listed above, amended as proposed
2. Consistency statement
3. Ordinance amending the UDO

Summary:

This amendment is intended to clarify and consolidate off-street parking regulations. It removes portions from Sections 6.5.11 *South Churton Non-Residential Buffer* and 6.7.11 *Parking and Circulation, Site Layout*. Clarified language is then consolidated with Section 6.13.9 *Off-Street Parking Design Requirements*.

Section 6.13 *Parking, Loading, and Circulation* applies to all developments (except one- and two-family detached houses). All new non-residential and multi-family developments will be subject to off-street parking requirements under this section. The proposed amendment also includes some “housekeeping” items, including:

- Clarified rounding conventions for parking space requirements;
- General reformatting and grammatical corrections; and
- Corrections to the parking reduction/addition provision, so that smaller projects can benefit from the section as well.

Comprehensive Sustainability Plan goals:

- Transportation and Connectivity Goal 1:
Develop and maintain a safe, efficient, and sustainable multimodal transportation system (including bicycle, pedestrian, and transit options) that offers alternatives to single-occupancy vehicle trips and promotes health and access to area jobs, destinations, and services.
- Strategy:
Adopt regulations that contribute to meeting identified transportation and connectivity needs in town.

Financial impacts:

None.

Staff recommendation and comments:

Staff recommends approval of the text amendment as written.

Planning Board recommendation:

After the Joint Public Hearing on January 18, 2024, the Planning Board unanimously recommended approval of the proposed text amendment (8-0). An excerpt from the draft minutes for the Joint Public Hearing is included below:

Item 6E. Text amendment to various UDO sections on off-street parking (staff-initiated)

Boyle explained that this amendment was intended to consolidate and clarify by putting all references to off-street parking in the UDO in one section. It applies to everything except 1- and 2-family units and keeps the current allowance of one row of parking and one drive aisle in front of the primary structure, with a maximum width of 44 feet. Additional parking must be behind or to the side of primary building. It also corrects an issue with the parking reduction and additions formula that didn't work for less intensive land uses.

Schmidt asked if the language about rounding would fit better in the administrative section of the UDO. Boyle said she considered doing that but did not want to pull more sections into the amendment, especially since the town would be rewriting its UDO soon.

Hughes asked how the amendment would factor into the UDO rewrite and how it relates to the recent proposal from Holy Family Church for additional parking. Campbell said the amendment doesn't affect the current minimum parking formula, adding that the change extends the standards to redeveloped as well as new properties. Campbell said she expected the town to revisit parking issues in the upcoming revision of the UDO.

After the public hearing closed, Boyle explained the board was not required to make recommendations that evening but could recommend any amendments it was ready to recommend.

Motion: Schultz moved to recommend approval of the text amendments in sections 6 A, C, D, and E on the agenda as written. Schmidt seconded.

Vote: 8-0. Motion passed.

Action requested:

Approve attached amendments, consistency statement, and ordinance; approve with conditions/modifications; or table/continue the item.

6.5 BUFFERS

6.5.11 SOUTH CHURTON NON-RESIDENTIAL BUFFER

6.5.11.3 Requirements

6.5.11.3.a The South Churton buffer area shall be measured from the property edge of the South Churton Street right of way. The 1999 Feasibility Study for the widening of this facility required 100 feet of right of way for the improved South Churton Street. Any property undergoing development or significant redevelopment will need to dedicate any right of way not already secured for this project before certificates of occupancy will be issued for the property's requested improvements.

6.5.11.3.b The buffer shall be at least 30 feet wide and shall be improved with trees and landscaping consistent with Section 6.5.11.4 below.

~~**6.5.11.3.c** Immediately adjacent to the buffer, a property owner may install a paved drive aisle up to 24 feet wide OR a paved drive aisle and one row of perpendicular parking along the building frontage. The total pavement width adjacent to the buffer may not exceed 44 feet.~~

~~**6.5.11.3.d**~~ **6.5.11.3.c** New structures shall be setback at least 30 feet, but not more than 100 feet, from the edge of the right of way.

6.7 DESIGN REQUIREMENTS FOR NEW NON-RESIDENTIAL AND MULTI-FAMILY BUILDINGS

6.7.11 PARKING AND CIRCULATION, SITE LAYOUT

6.7.11.1 Applicability

This section applies to all buildings unless at least one tenant space within a building is 30,000 sf or larger. A building size equal to or exceeding 30,000 sf but divided into smaller tenant spaces, the presence of multiple buildings, multiple primary buildings, or buildings oriented in different directions does not affect applicability. If multiple buildings are considered primary, the requirements will be applied to each building to the extent that such application does not create a clear violation of these requirements for the site overall.

~~**6.7.11.2** The preferred location for parking areas is behind a line projected from the building façade. However, if needed, one row of parking and a two-lane drive aisle for vehicular circulation may be located between the primary building and the right-of-way. Parking areas shall be placed to the side or rear and behind the front façade of the primary building(s).~~

~~**6.7.11.3**~~ **6.7.11.2** Primary buildings shall be placed along the right-of-way at the front of lot or immediately behind any allowed parking or circulation areas, sidewalks, and landscape areas.

~~**6.7.11.4**~~ **6.7.11.3** On corner lots, primary buildings shall be placed along the right-of-way at front or front corner of the lot or immediately behind any allowed parking or circulation areas, sidewalks, and landscape areas.

6.13 PARKING, LOADING, AND CIRCULATION

6.13.3 OFF-STREET PARKING PROVISIONS

6.13.3.1 General

~~Each of the following uses shall provide off-street parking spaces in accordance with the table below; except for properties located in CC District-Except~~ as detailed in Section 6.13.3.2, *Minimum Number of Parking Spaces Required in the CC District*, the required number of off-street parking spaces shall be calculated using Table 6.13.3.4, *Minimum Number of Parking Spaces Required*. When a calculation results in a fraction, fractions of less than 0.5 shall be rounded down and fractions of 0.5 or more shall be rounded up. This same rounding convention applies when calculating allowable reductions or additions as detailed in this section. The term "per employee" shall mean per employee at the time the maximum number of employees ~~are~~ is present.

6.13.3.2 Minimum Number of Parking Spaces Required in the CC District

Due to the presence of on street and off-street public parking and the overlapping and walkable nature of areas zoned Central Commercial, the requirement of parking applies by square feet of building within the entire Central Commercial district rather than use by use.

In 2010, the town prepared an inventory of downtown parking. Any off-street parking shown in that inventory (Parking Study, Phase 2) should be retained by the private property owner or replaced space for space if proposed to be built over.

~~For every 500 square feet of gross floor area within the CC district, one parking space shall be provided. In the CC district, parking shall be provided at a rate of one parking space per 500 square feet of gross floor area.~~ If a property owner proposes to build additional building area or renovate space not occupied during the 2010 inventory, the owner shall provide additional parking to reflect the demand generated by the addition of occupied square footage. ~~Parking demand of 0.7 parking space or more shall be rounded up.~~

6.13.3.3 Number of Parking Spaces Required outside the CC ~~district~~ District

The following Table establishes the formulas to be used to calculate the number of parking spaces required for a particular use. If no specific parking standard is established in this Table for a particular use, the permit issuing authority shall apply the most analogous standard. Some uses identified in this Table are not identified in the Table of Permitted Uses as specific uses. Nevertheless, parking standards for the most similar use shall apply.

6.13.3.3.a Allowable Parking Reductions and Additions

The number generated by applying the parking standard is the required number of parking spaces for a defined use, ~~constituting~~ This constitutes both a minimum and maximum. ~~Rounding conventions shall be employed when the standard requires a fractional parking space.~~ with the following exceptions:

- (a) Uses requiring ~~20 or fewer~~ 5-20 spaces after rounding are allowed to build up to ~~5% more or 5% fewer spaces if the addition or reduction does not represent a deviation of 50% or more from the standard.~~ 2 more or 2 fewer

spaces.

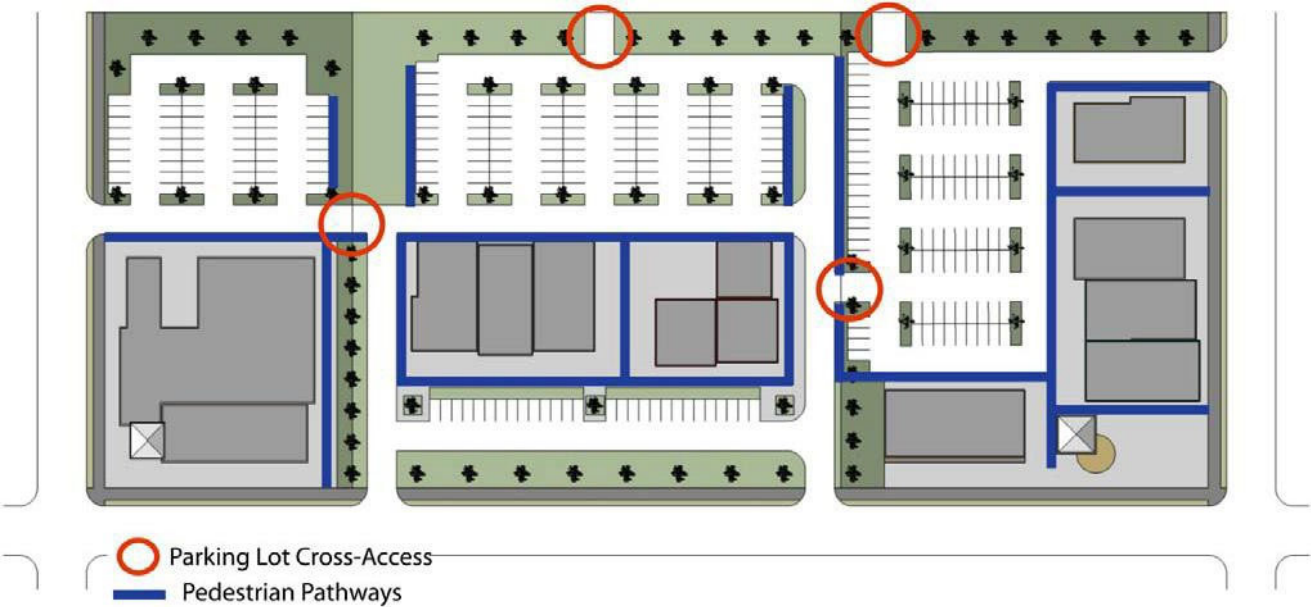
- (b) Uses requiring 21-99 spaces after rounding are allowed to build up to 5 more or 5 fewer spaces.
- (c) Uses requiring 100 spaces or more after rounding are allowed ~~flexibility~~ to build up to 10 more or 10 fewer spaces.

~~Example—a use that is required to have 10 spaces must build at least 5 and cannot build more than 15. A use requiring 25 spaces must build at least 20 but no more than 30.~~

6.13.9 OFF-STREET PARKING DESIGN REQUIREMENTS

- 6.13.9.1 ~~Except as permitted consistent with Section 6.5.10, South Churton Non-Residential Buffer, parking shall be placed at the side or rear of the lot and screened from view consistent with landscaping requirements and screening requirements in this section. One row of parking spaces and one drive aisle, which together shall not exceed 44 feet in width, may be located between the primary building(s) and the street right-of-way. All other off-street parking areas shall be located to the side or rear of the primary building(s) behind the front façade(s).~~
- 6.13.9.2 ~~Except as otherwise allowed under subsection 6.13.9.1, Visual- visual~~ impact of parking areas shall be reduced by locating the parking areas away from rights-of-way.
- 6.13.9.3 Surface parking shall not be located at street corners.
- 6.13.9.4 Parking areas shall be broken up into groups of no more than 14 contiguous spaces separated by landscaped areas. Parking areas shall be divided into a series of lots that are interconnected but separated by planted areas.
- 6.13.9.5 Adjacent parking lots shall be connected by cross access easements to provide shared parking areas whenever possible.
- 6.13.9.6 Off street parking shall not be located along any street frontage that also has on- street parking.
- 6.13.9.7 All off-street parking spaces, vehicle accommodation areas, and access areas shall be surfaced with an all-weather paving material, such as asphalt, and maintained in a safe, sanitary, and neat condition. The use of innovative and pervious surfaces for the use of parking is encouraged. Parking is not permitted on landscaped areas.
- 6.13.9.8 Off-street parking spaces shall be designed to prevent interference of parked vehicles with travel lanes, walkways, public property, or other private property by means of walls, curbs, wheel stops, or other appropriate means.
- 6.13.9.9 All parking areas shall be properly maintained by the owner of the property.

Figure 6-9: Off-Street Parking Design Requirements



6.13.9.10 See Section 6.10 for Landscaping (Parking Lot).

HILLSBOROUGH BOARD OF COMMISSIONERS
Consistency Statement per Section 160D-604(d)

Text Amendment Request from: Staff - Planning and Economic Development Division
February 12, 2024

The Town of Hillsborough Board of Commissioners has received and reviewed the application from Town Planning and Economic Development Division staff to amend the Town of Hillsborough Unified Development Ordinance as follows:

Amend UDO §6.5.11.3 (South Churton Non-Residential Buffer – Requirements); §6.7.11.2 (Parking and Circulation, Site Layout); §6.13.3.1 – 6.13.3.3 (Off-Street Parking Provisions); and §6.13.9.1 - 6.13.9.2 (Off-Street Parking Design Requirements) to clarify parking area requirements so that regulations are consistent across sections and to allow flexibility when needed, particularly for smaller projects requiring ten (10) or fewer parking spaces.

The Hillsborough Board of Commissioners has determined the proposed action **is/is not** consistent with the Town of Hillsborough’s Comprehensive Sustainability Plan (CSP) for the following reason(s):

1. The amendments are consistent with the *Transportation and Connectivity* chapter goal to “Develop and maintain a safe, efficient, and sustainable multimodal transportation system (including bicycle, pedestrian, and transit options) that offers alternatives to single-occupancy vehicle trips and promotes health and access to area jobs, destinations, and services.”

Strategy: Adopt regulations that contribute to meeting identified transportation and connectivity needs in town.

The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 12th day of February in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Hillsborough Unified Development Ordinance

Sections 6.5.11.3; 6.7.11.2; 6.13.3.1 – 6.13.3.3; and 6.13.9.1 – 6.13.9.2

The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to Section 6.5.11.3 *South Churton Non-Residential Buffer – Requirements*; Section 6.7.11.2 *Parking and Circulation, Site Layout*; Sections 6.13.3.1 – 6.13.3.3 *Off-Street Parking Provisions*; and Sections 6.13.9.1 – 6.13.9.2 *Off-Street Parking Design Requirements* as attached hereto.
- 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 12th day of February in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

6.5 BUFFERS

6.5.11 SOUTH CHURTON NON-RESIDENTIAL BUFFER

6.5.11.3 Requirements

- 6.5.11.3.a** The South Churton buffer area shall be measured from the property edge of the South Churton Street right of way. The 1999 Feasibility Study for the widening of this facility required 100 feet of right of way for the improved South Churton Street. Any property undergoing development or significant redevelopment will need to dedicate any right of way not already secured for this project before certificates of occupancy will be issued for the property's requested improvements.
- 6.5.11.3.b** The buffer shall be at least 30 feet wide and shall be improved with trees and landscaping consistent with Section 6.5.11.4 below.
- 6.5.11.3.c** New structures shall be setback at least 30 feet, but not more than 100 feet, from the edge of the right of way.

6.7 DESIGN REQUIREMENTS FOR NEW NON-RESIDENTIAL AND MULTI-FAMILY BUILDINGS

6.7.11 PARKING AND CIRCULATION, SITE LAYOUT

6.7.11.1 Applicability

This section applies to all buildings unless at least one tenant space within a building is 30,000 sf or larger. A building size equal to or exceeding 30,000 sf but divided into smaller tenant spaces, the presence of multiple buildings, multiple primary buildings, or buildings oriented in different directions does not affect applicability. If multiple buildings are considered primary, the requirements will be applied to each building to the extent that such application does not create a clear violation of these requirements for the site overall.

- 6.7.11.2** Primary buildings shall be placed along the right-of-way at the front of lot or immediately behind any allowed parking or circulation areas, sidewalks, and landscape areas.
- 6.7.11.3** On corner lots, primary buildings shall be placed along the right-of-way at front or front corner of the lot or immediately behind any allowed parking or circulation areas, sidewalks, and landscape areas.

6.13 PARKING, LOADING, AND CIRCULATION

6.13.3 OFF-STREET PARKING PROVISIONS

6.13.3.1 General

Except as detailed in Section 6.13.3.2, *Minimum Number of Parking Spaces Required in the CC District*, the required number of off-street parking spaces shall be calculated using Table 6.13.3.4, *Minimum Number of Parking Spaces Required*. When a calculation results in a fraction, fractions of less than 0.5 shall be rounded down and fractions of 0.5 or more shall be rounded up. This same rounding convention applies when calculating allowable reductions or additions as detailed in this section. The term "per employee" shall mean per employee at the time the maximum number of employees is present.

6.13.3.2 Minimum Number of Parking Spaces Required in the CC District

Due to the presence of on street and off-street public parking and the overlapping and walkable nature of areas zoned Central Commercial, the requirement of parking applies by square feet of building within the entire Central Commercial district rather than use by use.

In 2010, the town prepared an inventory of downtown parking. Any off-street parking shown in that inventory (Parking Study, Phase 2) should be retained by the private property owner or replaced space for space if proposed to be built over.

In the CC district, parking shall be provided at a rate of one parking space per 500 square feet of gross floor area. If a property owner proposes to build additional building area or renovate space not occupied during the 2010 inventory, the owner shall provide additional parking to reflect the demand generated by the addition of occupied square footage.

6.13.3.3 Number of Parking Spaces Required outside the CC District

The following Table establishes the formulas to be used to calculate the number of parking spaces required for a particular use. If no specific parking standard is established in this Table for a particular use, the permit issuing authority shall apply the most analogous standard. Some uses identified in this Table are not identified in the Table of Permitted Uses as specific uses. Nevertheless, parking standards for the most similar use shall apply.

6.13.3.3.a Allowable Parking Reductions and Additions

The number generated by applying the parking standard is the required number of parking spaces for a defined use. This constitutes both a minimum and maximum with the following exceptions:

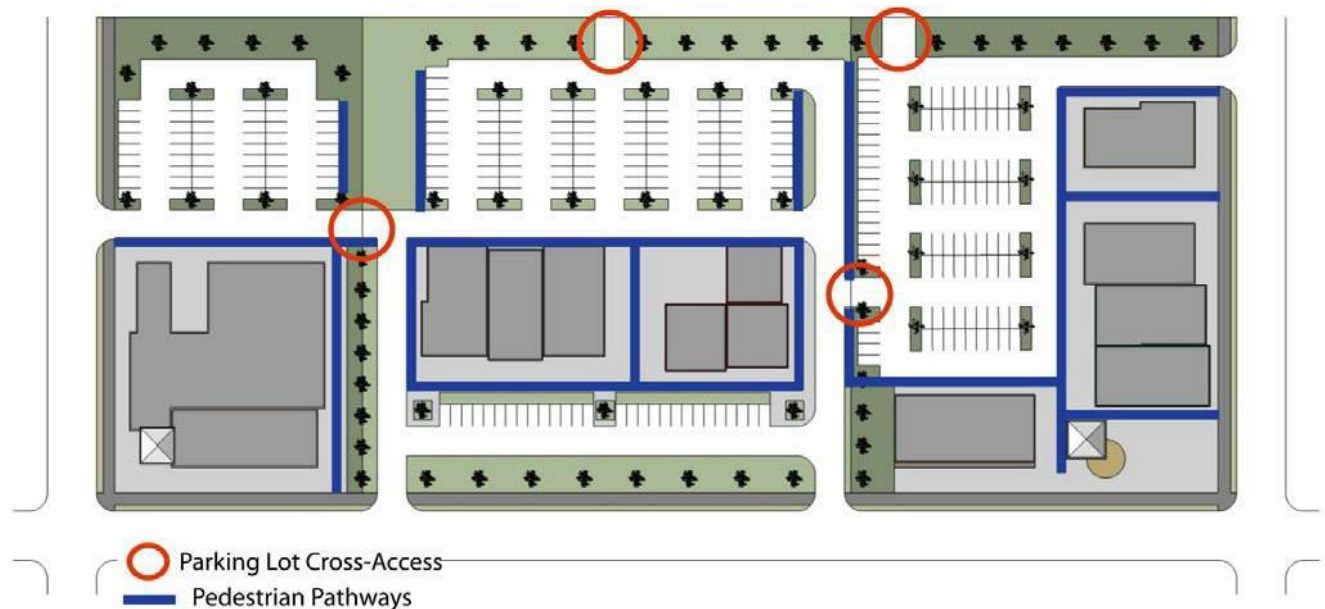
- (a) Uses requiring 5-20 spaces after rounding are allowed to build up to 2 more or 2 fewer spaces.
- (b) Uses requiring 21-99 spaces after rounding are allowed to build up to 5 more or 5 fewer spaces.
- (c) Uses requiring 100 spaces or more after rounding are allowed to build up to 10 more or 10 fewer spaces.

6.13.9 OFF-STREET PARKING DESIGN REQUIREMENTS

- 6.13.9.1** One row of parking spaces and one drive aisle, which together shall not exceed 44 feet in width, may be located between the primary building(s) and the street right-of-way. All other off-street parking areas shall be located to the side or rear of the primary building(s) behind the front façade(s).
- 6.13.9.2** Except as otherwise allowed under subsection 6.13.9.1, visual impact of parking areas shall be reduced by locating the parking areas away from rights-of-way.
- 6.13.9.3** Surface parking shall not be located at street corners.
- 6.13.9.4** Parking areas shall be broken up into groups of no more than 14 contiguous spaces separated by landscaped areas. Parking areas shall be divided into a series of lots that are interconnected but separated by planted areas.

- 6.13.9.5 Adjacent parking lots shall be connected by cross access easements to provide shared parking areas whenever possible.
- 6.13.9.6 Off street parking shall not be located along any street frontage that also has on- street parking.
- 6.13.9.7 All off-street parking spaces, vehicle accommodation areas, and access areas shall be surfaced with an all-weather paving material, such as asphalt, and maintained in a safe, sanitary, and neat condition. The use of innovative and pervious surfaces for the use of parking is encouraged. Parking is not permitted on landscaped areas.
- 6.13.9.8 Off-street parking spaces shall be designed to prevent interference of parked vehicles with travel lanes, walkways, public property, or other private property by means of walls, curbs, wheel stops, or other appropriate means.
- 6.13.9.9 All parking areas shall be properly maintained by the owner of the property.

Figure 6-9: Off-Street Parking Design Requirements



6.13.9.10 See Section 6.10 for Landscaping (Parking Lot).



Agenda Abstract

BOARD OF COMMISSIONERS

| | |
|-------------------------|--|
| Meeting Date: | Feb. 12, 2024 |
| Department: | Planning and Economic Development Division |
| Agenda Section: | Consent |
| Public hearing: | Yes |
| Date of public hearing: | Jan. 18, 2024 |

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II
Shannan Campbell, Planning and Economic Development Manager

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance (UDO) text amendment to Section 6.21.2 Streets – Applicability (staff-initiated)

Attachments:

1. UDO Section 6.21.2, as proposed to be amended
2. Consistency statement
3. Ordinance amending the UDO

Summary:

This amendment clarifies requirements for new and improved streets in the town's jurisdiction. It makes clear that improved streets are also subject to this section (not just new streets). Also, it makes clear that a new or improved street within town limits must comply with both the town's standard specifications and street manual.

Comprehensive Sustainability Plan goals:

- Transportation and Connectivity Goal 1:
Develop and maintain a safe, efficient, and sustainable multimodal transportation system (including bicycle, pedestrian, and transit options) that offers alternatives to single-occupancy vehicle trips and promotes health and access to area jobs, destinations, and services.
- Strategy:
Adopt regulations that contribute to meeting identified transportation and connectivity needs in town.

Financial impacts:

None.

Staff recommendation and comments:

Staff recommends approval of the text amendment as written.

Planning Board Recommendation:

After the Joint Public Hearing on January 18, 2024, the Planning Board unanimously recommended approval of the proposed text amendment (8-0). An excerpt from the draft minutes for the Joint Public Hearing is included on the next page.

Item 6C. Text amendment to UDO Section 6.21.2 Streets - Applicability (staff-initiated)

Boyle explained this amendment clarifies that the section applies not just to new streets but also improved streets. Bell asked if the difference between new and improved had ever been an issue. Campbell said no, the distinction is a standard one that isn't currently codified in the UDO. She said an improved street might be one whose layout is changed when a property is redeveloped. Hornik added that some private streets in the Waterstone development that were turned over to the town would be classified as improved. Campbell added that an improved road is one that has been more than resurfaced, for instance a gravel road that was converted into a public paved road. She noted the town's standards for public roads are somewhat more stringent than those of the NC Department of Transportation (DOT).

After the public hearing closed, Boyle explained the board was not required to make recommendations that evening but could recommend any amendments it was ready to recommend.

Motion: Schultz moved to recommend approval of the text amendments in sections 6 A, C, D, and E on the agenda as written. Schmidt seconded.

Vote: 8-0. Motion passed.

Action requested:

Approve attached amendments, consistency statement, and ordinance; approve with conditions/modifications; or table/continue the item.

6.21 STREETS

6.21.2 APPLICABILITY

New or improved streets will generally be dedicated to the town or NC Department of Transportation. New or improved streets within town limits must comply with the town's standard specifications and its adopted street manual, including the submission of a Traffic Impact Analysis, if required. Private streets are generally ~~only~~ permitted only in minor subdivisions and some developments where land ownership is not defined by the vehicle circulation system (e.g., apartment complexes, shopping centers, or office parks). Allowable private streets are also regulated by this section.

HILLSBOROUGH BOARD OF COMMISSIONERS
Consistency Statement per Section 160D-604(d)

Text Amendment Request from: Staff - Planning and Economic Development Division
February 12, 2024

The Town of Hillsborough Board of Commissioners has received and reviewed the application from Town Planning and Economic Development Division staff to amend the Town of Hillsborough Unified Development Ordinance as follows:

Amend UDO §6.21.2 (Streets - Applicability) to clarify that this section applies to both new and improved streets and to affirm that new or improved streets within town limits must comply with the standard specifications and adopted street manual for the town.

The Hillsborough Board of Commissioners has determined the proposed action **is/is not** consistent with the Town of Hillsborough’s Comprehensive Sustainability Plan (CSP) for the following reason(s):

1. The amendments are consistent with the *Transportation and Connectivity* chapter goal to “Develop and maintain a safe, efficient, and sustainable multimodal transportation system (including bicycle, pedestrian, and transit options) that offers alternatives to single-occupancy vehicle trips and promotes health and access to area jobs, destinations, and services.”

Strategy: Adopt regulations that contribute to meeting identified transportation and connectivity needs in town.

The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 12th day of February in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Hillsborough Unified Development Ordinance

Section 6.21.2

The Hillsborough Board of Commissioners ordains the following amendment:

Section 1. The amendment to Section 6.21.2 *Streets - Applicability* as follows:

6.21.2 APPLICABILITY

New or improved streets will generally be dedicated to the town or NC Department of Transportation. New or improved streets within town limits must comply with the town's standard specifications and its adopted street manual, including the submission of a Traffic Impact Analysis, if required. Private streets are generally permitted only in minor subdivisions and some developments where land ownership is not defined by the vehicle circulation system (*e.g.*, apartment complexes, shopping centers, or office parks). Allowable private streets are also regulated by this section.

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 12th day of February in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk



Agenda Abstract

BOARD OF COMMISSIONERS

| | |
|-------------------------|---------------------------------|
| Meeting Date: | Feb. 12, 2024 |
| Department: | Planning & Economic Development |
| Agenda Section: | Consent |
| Public hearing: | No |
| Date of public hearing: | N/A |

PRESENTER/INFORMATION CONTACT

Planning & Economic Development Manager Shannan Campbell

ITEM TO BE CONSIDERED

Subject: Amendment to the Water and Sewer Management, Planning, and Boundary Agreement

Attachments:

1. Hillsborough resolution for amendment
2. Town of Chapel Hill resolution (Nov. 15, 2023)
3. Petition from The Chamber for a Greater Chapel Hill/Carrboro to the Town of Chapel Hill requesting the amendment
4. OWASA Staff letter evaluating the potential boundary expansion impacts on OWASA's water and sewer systems

Summary:

The Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA) is an agreement signed in 2001 between Orange County, the Orange Water and Sewer Authority (OWASA), and the Towns of Chapel Hill, Carrboro, and Hillsborough. It was last amended in November 2020. The agreement provides a comprehensive county-wide system of utility service areas upon which signatory entities could rely when making decisions related to issues such as planning, land use, annexation, zoning, and growth management.

The Town of Chapel Hill received a request from the Chamber for a Greater Chapel Hill-Carrboro to modify the boundaries of OWASA's Primary Service Area within the town's planning jurisdiction at the June 14, 2023 council meeting (Attachment 3). At its Nov. 15, 2023 council meeting, the Town of Chapel Hill adopted a resolution to amend the WASMPBA (Attachment 2). All five signatories to the agreement must adopt resolutions amending the agreement before any proposed amendment is incorporated into the agreement. Materials for the Nov. 15, 2023 town council meeting are available for viewing at:

<https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6414722&GUID=5B798FC2-BED6-47A5-BB9F-24D77186A447> The staff report prepared by town staff includes links to additional materials.

The area proposed to be designated OWASA Primary Service Area totals approximately 357.56 acres (Note: this acreage figure differs from the town's resolution of 360.23 acres because the area the town considered contains 2.67 acres that is already designated as Primary Service Area). The area has been reviewed by OWASA staff and is technically feasible for provision of both water and sewer service (Attachment 4).

The area proposed for amendment is entirely within the Town of Chapel Hill's planning jurisdiction. A 236.28-acre area is within the town Extraterritorial Jurisdiction (ETJ) and a 121.28-acre portion is designated "Transition Area" in the Joint Planning Land Use Plan (plan and maps available here: <https://www.orangecountync.gov/3031/Long-Range-Comprehensive-Planning>).

Because the WASMPBA is a multi-jurisdiction interlocal agreement, not an adopted plan or ordinance, amendments to the WASMPBA have historically occurred prior to any subsequent amendment to a jurisdiction's plans or ordinances. Any necessary reviews related to subsequent development occur in accordance with the relevant jurisdiction's ordinances. The WASMPBA does not require any analyses or studies be conducted prior to amending the agreement.

Financial impacts:

None for Hillsborough.

Staff recommendation and comments:

Staff recommends adoption of the resolution. This expansion of OWASA's primary service boundary does not impact Hillsborough's planning jurisdiction, current or future development, or water and/or sewer systems.

Action requested:

Adopt resolution consenting to the expansion of OWASA's primary service boundary as shown in the attached map.



RESOLUTION

Amending the Chapel Hill, Hillsborough, Orange County and OWASA Water and Sewer Management, Planning, and Boundary Agreement

WHEREAS, in 2001, Carrboro, Chapel Hill, Hillsborough, Orange County, and OWASA adopted a Water and Sewer Management, Planning and Boundary Agreement (WASMPBA); and

WHEREAS, the agreement was last amended on Nov. 17, 202; and

WHEREAS, the Chamber for a Greater Chapel Hill-Carrboro submitted a petition to the Town of Chapel Hill on June 14, 2023, requesting that the town extend the water and sewer boundary along the US 15-501 South corridor to the Chatham County line; and

WHEREAS, OWASA's Primary Service Area (Urban Services Area) is where water and/or sewer service is now provided or might reasonably be provided in the future; and

WHEREAS, the area proposed for inclusion into OWASA's Primary Service Area is within the Town of Chapel Hill's planning jurisdiction and is currently designated as either Extraterritorial Jurisdiction (ETJ) or "Transition Area" on the Orange County - Chapel Hill - Carrboro Joint Planning Land Use Plan Map and Agreement; and

WHEREAS, both of these designations expect urban services, such as public water and sewer will be provided; and

WHEREAS, the area proposed for designation as OWASA Primary Service Area has been reviewed by OWASA and is technically feasible for the provision of both water and sewer service; and

WHEREAS, amendments to the agreement require the approval of all signatories to the agreement.

NOW, THEREFORE, be it resolved that the Hillsborough Board of Commissioners approves the amendments to Appendix A of the agreement to designate additional "Primary Service Area" in Chapel Hill's jurisdiction as shown on the map attached hereto.

Approved this 12th day of February of the year 2024.

Mark Bell, Mayor
Town of Hillsborough

Attestation:

Sarah Kimrey, Town Clerk

Resolution (Approving the Boundary Agreement Amendment)

A RESOLUTION APPROVING AN AMENDMENT TO APPENDIX A OF THE WATER AND SEWER MANAGEMENT, PLANNING AND BOUNDARY AGREEMENT (WASMPBA) TO DESIGNATE 360.23 ACRES IN THE SOUTHEAST CHAPEL HILL AREA AS "OWASA PRIMARY SERVICE AREA" (2023-11-15/R-5)

WHEREAS, in 2001, Carrboro, Chapel Hill, Hillsborough, Orange County, and the Orange County Water and Sewer Authority ("OWASA") adopted a Water and Sewer Management, Planning and Boundary Agreement ("Agreement"); and

WHEREAS, the Agreement was last amended on November 17, 2020; and

WHEREAS, the Chamber for a Greater Chapel Hill-Carrboro submitted a petition to the Town of Chapel Hill on June 14, 2023, requesting that the Town extend the water and sewer boundary along the US 15-501 South corridor to the Chatham County line; and

WHEREAS, the petition notes that the Chapel Hill-Carrboro area is experiencing significant pressure on the housing supply which is causing prices of housing to increase by up to 20 percent per year; and

WHEREAS, the petition also notes that approximately 43,000 workers commute into Chapel Hill daily; and

WHEREAS, OWASA's Primary Service Area (Urban Services Area) is where water and/or sewer service is now provided or might reasonably be provided in the future; and

WHEREAS, expanding the Primary Service Area to the Chatham County line will enable opportunities to expand housing diversity and bring more housing adjacent to a potential transit corridor; and

WHEREAS, the 139 lots or portions of lots of Proposed New Service Area as shown on the map attached hereto, constituting a total area of approximately 360.23 acres, has been reviewed by OWASA and is technically feasible for provision of both water and sewer service; and

WHEREAS, to ensure that this proposed service expansion aligns with our Climate Action plan and our goals of increasing middle housing (including but not limited to townhomes, triplexes, quadplexes, cottage courts) along with multi-modal infrastructure in this area, we request that our staff bring back additional steps or strategies the Town Council needs to take to guide growth in this area and achieve these results; and

WHEREAS, amendments to the Agreement require the approval of all signatories to the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves amending Appendix A of the Agreement to designate approximately 360.23 acres in the southeast Chapel Hill area as an addition to the "OWASA Primary Service Area", as shown on the map attached hereto.

BE IT FURTHER RESOLVED that the Council hereby requests that the governing boards of the Town of Carrboro, the Town of Hillsborough, Orange County, and OWASA consider approval of the amendment.

This the 15th day of November 2023.



The Chamber

For a Greater Chapel Hill-Carrboro

June 14, 2023

2023 Chamber Officers

Lori Doherty, Chair, Doherty Home Inspections
Dan Lehman, Vice Chair, UNC Health
Vakesia Graves, Immediate Past-Chair, Duke Energy
Craigton Blackwell, Chair of the Partnership, Coastal Credit Union
Sweta Adkin, Treasurer, Adkin CPA
Robert Saunders, General Counsel, Brooks Pierce Law Firm
Aaron Nelson, Secretary, The Chamber President & CEO

2023 Board of Directors

Elie Abou-Rjeileh, Olmaz Jewelers
Manish Atma, Atma Hotel Group
Jes Averhart, Jes & Co.
Donna Bell, Congruence Counseling
La-Tasha Best-Gaddy, Infinity Bridges
Tim Dalton, Truist
Greg Fitch, Fearrington Village
Rory Gillis, Triangle Media Partners
Dr. Nyah Hamlett, Chapel Hill-Carrboro City Schools
Betsy Harris, Vice Chair Government Affairs, Armacell
Mayor Pam Hemminger, Town of Chapel Hill
Kelly Holcombe, BCBS of NC
Joel Levy, Joel I Levy, CPA
Scott Maitland, Top of the Hill
Lydia Mason, Piedmont Health
Chris McClure, UNC-Chapel Hill
Poonam Nandani, Hendrick Southpoint Auto Mall
Tola Oguntoyinbo, Vice Chair Technology, ShineBig Feedback
Chris Peronto, Vice Chair Strategy, UNC Kenan-Flagler Business School
Jennifer Player, Habitat for Humanity
Eliazar Posada, Posada Strategy Consulting
Anna Richards, Orange County Government
Caroline Riggsbee, Pinnacle Financial Partners
Michael Rodriguez, Subway
Wes Rowe, Wintergreen Hospitality
Mayor Damon Seils, Town of Carrboro
Mark Sherburne, The Carolina Inn
Ryan Stewart, Trinsic Residential Group
Connolly Walker, Vice Chair Membership, Harris & Company Insurance

Chamber Staff

Aaron Nelson, President & CEO
Jensen Anderson, Director of Community Engagement | Assistant to the President
Rebecca Dickenson, VP for Membership
Seth Hoyle, Communications and Member Relations Coordinator
Brian Rowe, Chief Financial Officer
McKenzie Steagall, Director of Programs and Member Engagement
Aury St. Germain, Director of Communications and Business Development

Mayor Hemminger, Members of Chapel Hill Town Council, and Interim Manager Blue,

In support of Chapel Hill's objectives to increase housing affordability, consistent with the key tenants of Complete Community, and in furtherance of the affordable housing goals Big Bold Ideas, The Chamber formally petitions the Town of Chapel Hill to evaluate a limited extension of the current water and sewer boundaries by extending the 2001 boundary one mile south of the current line to include the US 15-501 corridor to the Chatham County line at a width ranging between one half mile on either side of US 15-501 at the northern portion and narrowing as it approaches the Chatham County line, designed to exclude Smith Level Road.

Please note that the land included in this proposed extension is within Chapel Hill's Extraterritorial Jurisdiction and outside of the Rural Buffer and that the boundaries set by the 2001 Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA) has been modified several times to respond to changing conditions.

In making this petition, we offer the following in support of your consideration of our request:

- Greater Chapel Hill-Carrboro is experiencing a significantly increased pressure on our limited local housing supply, with prices of for-sale and for-rent housing growing by as much as 20% per year in the last several years.
- The most recent Census commuting data shows more than 48,849 workers commuting into Orange County from outside every day (43,349 commuting into Chapel Hill).
- The area proposed for service extension is along a robust transportation corridor already served by local transit routes (NS and CCX) and within reach of the planned North-South Bus Rapid Transit.
- Expanding the OWASA service area will enable the development of multifamily housing, bringing housing more proximate to employment centers, and creating the population density needed to support transit and reduce commuter traffic.
- Extending water and sewer service along the corridor will guide future development to the 15-501 corridor and away from Smith Level Road.
- Expanding OWASA service will provide reliable water and sewer service, diminishing reliance on aging well and septic systems and offering improved fire protection.
- Without extension, undeveloped properties along the corridor, currently zoned low-density residential, will likely result in high-end single-family homes as opposed density.
- Extending water and sewer service to this area is well within OWASA capacities.

In partnership,

Aaron Nelson, President and CEO

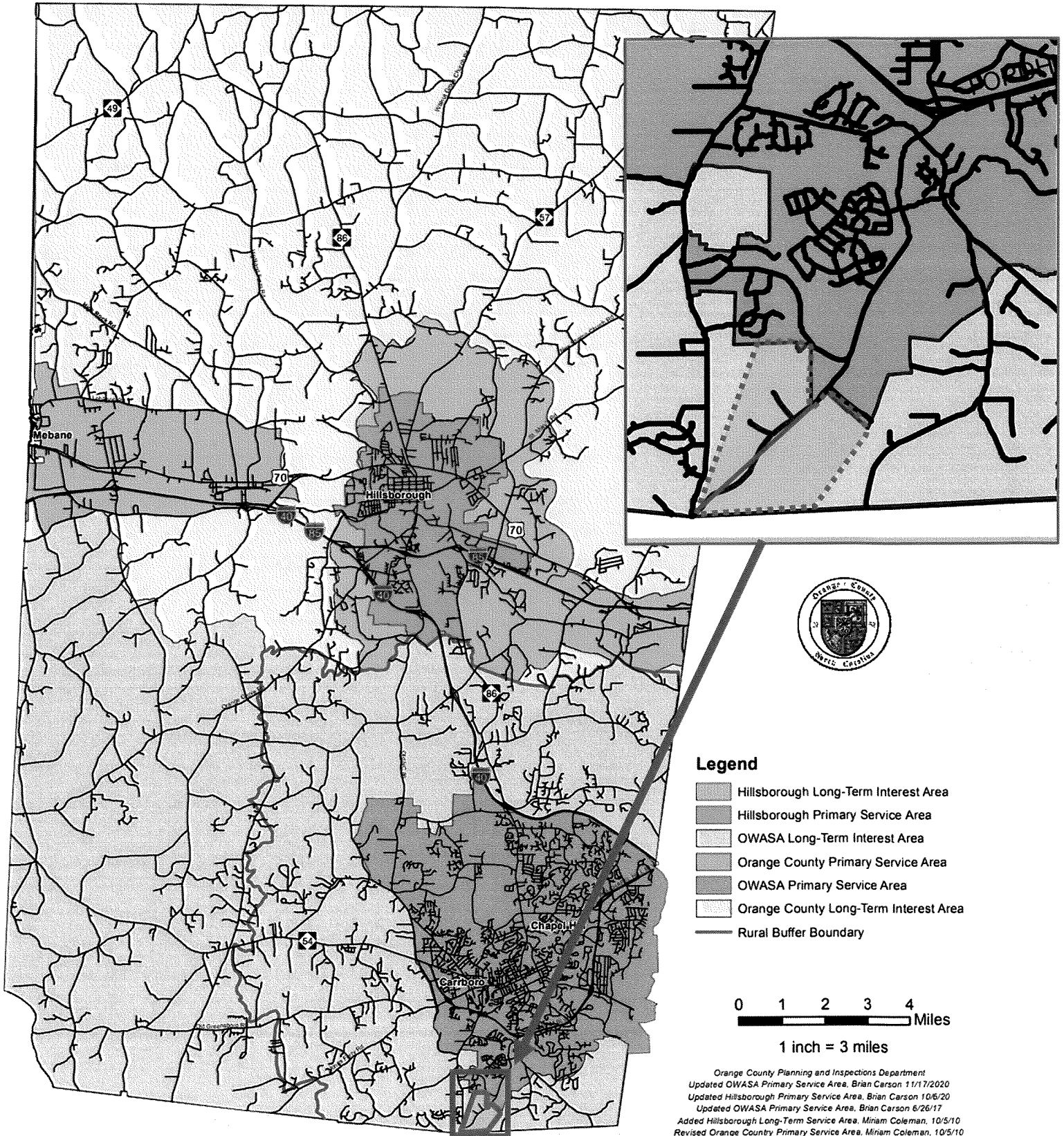
Thank You to Our 2023Community Champions!



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

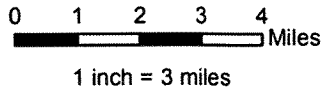
Appendix A

Water and Sewer Management Planning and Boundary Agreement



Legend

- Hillsborough Long-Term Interest Area
- Hillsborough Primary Service Area
- OWASA Long-Term Interest Area
- Orange County Primary Service Area
- OWASA Primary Service Area
- Orange County Long-Term Interest Area
- Rural Buffer Boundary



Orange County Planning and Inspections Department
 Updated OWASA Primary Service Area, Brian Carson 11/17/2020
 Updated Hillsborough Primary Service Area, Brian Carson 10/6/20
 Updated OWASA Primary Service Area, Brian Carson 6/26/17
 Added Hillsborough Long-Term Service Area, Miriam Coleman, 10/5/10
 Revised Orange County Primary Service Area, Miriam Coleman, 10/5/10
 Updated Hillsborough Primary Service Area, Miriam Coleman, 10/22/08
 Updated Streets, Miriam Coleman, 2002
 Revised Map to show retracted Chapel Hill Urban Service Boundary, Carrie Whitehill, 11/14/01



November 9, 2023

Ms. Judy Johnson, Assistant Planning Director
Town of Chapel Hill
405 Martin Luther King Jr Blvd.
Chapel Hill, NC 27514

SUBJECT: Impact of proposed water and sewer boundary expansion in Southern Orange County on OWASA Water Distribution and Wastewater Collection Systems

Dear Ms. Johnson,

In response to your inquiry, we are providing a summary of a preliminary analysis we conducted to determine the impacts to the water distribution system and sewer collection system as a result of potential expansion to the service area. The area of expansion used for analysis is shown below:

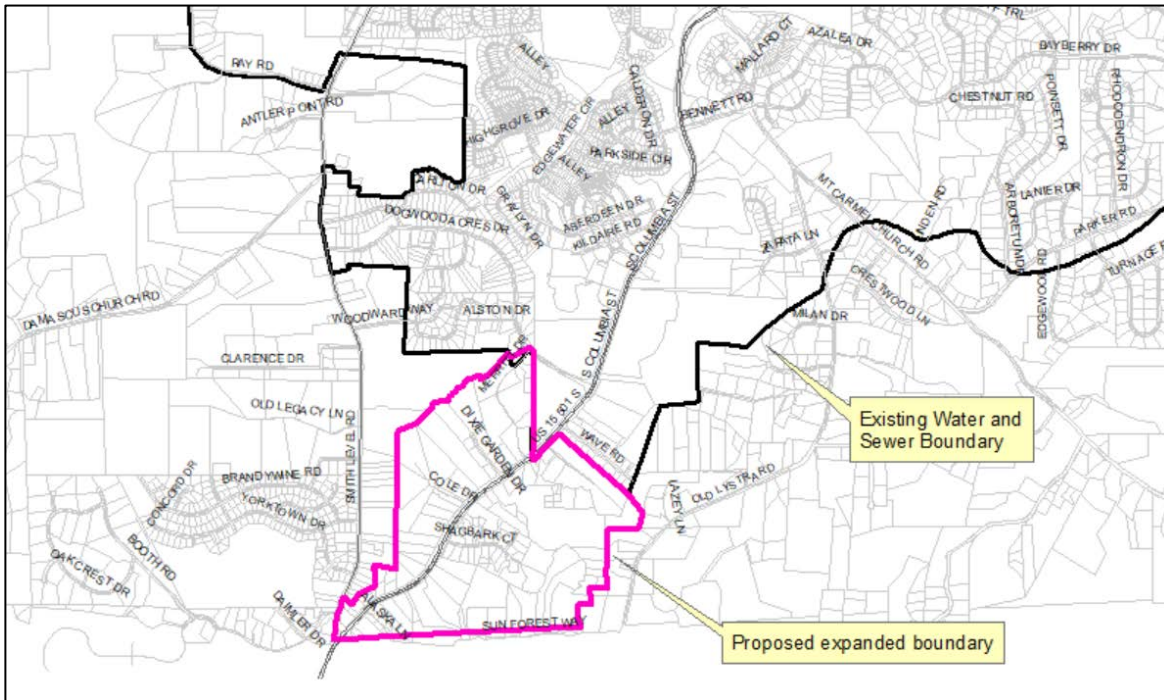


Figure 1 – Proposed Boundary Expansion for the analysis

Demand Projections

Based on conversations with Town of Chapel Hill planning staff, we conducted the analysis assuming buildout development densities would align with the “missing middle” housing and would result in three to six dwelling units per acre; we assumed no non-residential development would occur. We further

broke this assumption down based on whether a parcel was developed or not, and the acreage if it was developed. Our assumptions are further described in Table 1 below.

| Lot type | # Dwelling Units Low density scenario | # Dwelling Units High density scenario |
|--|--|---|
| Undeveloped | 3 per acre | 6 per acre |
| Developed, less than or equal to 2 acres | 2 total (1 new) | 2 total (1 new) |
| Developed, greater than 2 acres | 3 per acre | 6 per acre |
| Total number of dwelling units | 1170 | 2202 |

Table 1: Development Assumptions for Water Demand Projections

We did not evaluate the validity of these assumptions on a parcel-by-parcel basis but we did eliminate OWASA property from the analysis as well as another parcel designated as a utility right-of-way in the County’s parcel data. This resulted in a total of 1170 new dwelling units under the low density scenario and 2202 new dwelling units under the high density scenario. We assumed that each unit would use an average of 110 gallons of water per day (gpd) which aligns with average multi-family residential water use and median residential water use throughout the OWASA service area. Wastewater flow for a dwelling unit under an average dry weather condition was estimated at 88 gpd (aligning with multi-family residential use) plus 10 percent of the future flow increase to account for groundwater infiltration. The resulting water demands for the low density and high density scenarios were analyzed using our hydraulic models to determine their impact on the existing water distribution system and wastewater collection system capacity. The results are described in the following sections.

Water Distribution System

Freese and Nichols conducted the water distribution system analysis, which incorporated the additional demands under average day, maximum day and peak hour conditions and determined the resulting impacts on existing system capacity, pressure, fire flow and resilience.

Without the additional development, buildout projections of average day demands for the entire service area are 12.99 million gallons per day (MGD). Based on the assumptions listed in the prior section, additional demand from the expanded service area would equate to between 0.13 and 0.24 MGD for the low and high density scenarios, respectively. A desktop analysis of water storage requirements showed that adding the projected service area expansion had minimal impact on overall system storage requirements, with the high density scenario requiring an additional 0.20 MGD of storage within the 640 pressure zone that feeds this area, based on peak hour – average day demands. Available fire flow capacity in the area decreased on average by 7% with the high density demands.

Impact of proposed water and sewer boundary expansion in Southern Orange County on OWASA Water Distribution and Wastewater Collection Systems

November 9, 2023

Page 3

The existing water distribution system extends south along Smith Level Road to the intersection of Highway 15-501 and Smith Level Road. The neighborhood of Heritage Hills is served by OWASA's existing system in this area; however, the distribution system is not 'looped' back along Highway 15-501 (connected with two-directions of water supply). Freese and Nichols considered the implications of additional new development in this area both with and without additional system looping along Highway 15-501 to analyze the differential impacts on system resilience.

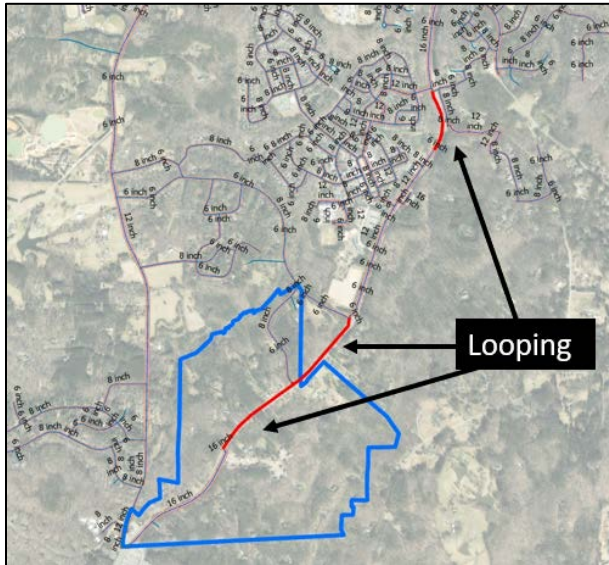


Figure 2 – Distribution System Additional Looping

Due to the decrease in available fire flow capacity noted above, additional looping was modeled to improve system resilience in this area assuming the high density scenario. Additional looping would consist of approximately 4800 lineal feet of additional 8-inch water main along Highway 15-501 to improve resilience to the area and restore fire flow availability under buildout conditions. Under the assumptions of the high density scenario, this looping is the only capital expenditure found to be necessary for the distribution system as a result of the additional demand at a buildout condition.

Sewer Collection System

CDM Smith conducted the gravity sewer analysis, adding the additional demands to the baseline buildout scenario, and determining impacts to collection system capacity under both dry weather and wet weather scenarios.

Based on the assumptions listed in the Demand Projections section above, the expanded service area would generate an additional 113,000 to 213,200 gpd of flow (low and high density scenarios, respectively). To convey this additional flow, two new 8" diameter sewer outfalls would be required to be extending along the east and west side of Highway 15-501 from OWASA's existing system for approximately 7,700 lineal feet (combined total). Additional footage within the development area is not included in this total.

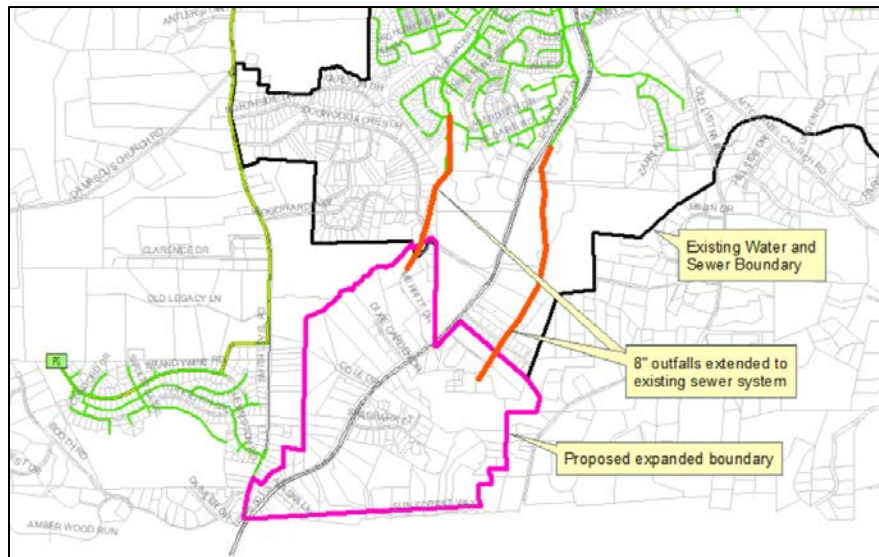


Figure 3 – Gravity Outfall Extensions

In addition to the new sewer extensions, there are some impacts to the receiving sewer interceptors north of the proposed expansion. Between 1,600 and 2,300 lineal feet (low density vs high density scenarios, respectively) of the Morgan Creek Interceptor would require upsizing from 24-inch to 30-inch. This interceptor is considered backbone sewer as described in the section below.

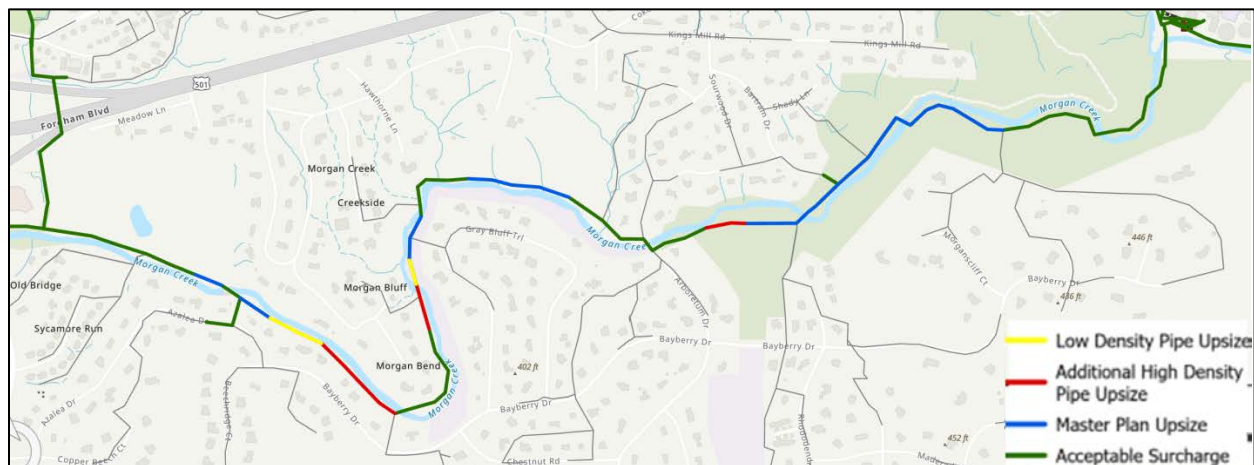


Figure 4 – Downstream Interceptor Upsizing

OWASA Cost Policies for Growth

OWASA was created with the requirement that it would ensure, to the extent possible, that the ultimate cost of any extension of water or sewer main would be borne by those primarily benefitting from such extension. OWASA uses two primary methods to ensure that “growth pays for growth” in its service area. One method is through adoption and enforcement of service extension policies. The second method is through *System Development Fees* that are charged to the owner of any property who

connects their property to OWASA utilities. The purpose of these fees is to recover a portion of OWASA’s Primary Capital Facilities necessary for providing water, sewer, and/or reclaimed water and, in effect, to “buy in” to the utility system.

The benefitting party pays for main extensions as needed to bring water, sewer, or reclaimed water to and throughout their property. The extension of service may consist of constructing water, sewer, and/or reclaimed water mains, service lines, pump stations, and other appurtenances necessary to serve a property. In addition, to support future orderly development, they are required to provide easement within their property for main extension to unserved properties. For developed but unserved areas, residents may request an assessment project, where OWASA manages and builds the desired infrastructure and recovers all costs needed to serve the benefitting properties through assessment.

When the mains need to be sized larger than required for the property in order to support the needs of future development, there may be a cost differential, or excess capacity cost, between the size of pipe required by OWASA and the base size of the pipe required to serve the property. For sewer mains, this cost is borne by the developer but may be partially or fully recovered through an Excess Capacity Credit Agreement. With this agreement, OWASA recovers additional 4% of the System Development Fees from each new customer benefitting from the upsized main and returns them to the developer annually for ten years. There is therefore no direct cost of the main extension to current customers. For upsizing of water mains, OWASA pays the excess capacity cost through a betterment agreement with the developer. Because of the looped and interconnected nature of water mains, there are not distinct future beneficiaries of the upsized main to whom the cost is attributable: as the entire distribution system is strengthened, the excess capacity cost is paid by OWASA ratepayers.

System Development Fees ensure that new development pays its share of OWASA’s Primary Capital Facilities, for which OWASA is financially responsible. Those facilities benefit all or large portions of OWASA’s service area and customer base, and include OWASA’s lands, buildings, reservoirs, and treatment facilities; raw water storage and transmission; treated water pumping; ground and elevated storage tanks; interconnections with Durham, Hillsborough, and Chatham County; “backbone” water, sewer, and reclaimed water mains (generally those that are 12 inches or larger in diameter); and sewer pumping stations and force mains collecting flows from multiple interceptors or those deemed necessary and permanent by past formal action of the OWASA Board. By paying these fees, the property becomes an equal partner in the existing OWASA infrastructure and holdings, and shares equally in any excess capacity costs borne by customers.

Summary

The recommended adjustments to the water distribution and wastewater collection systems to serve the modeled demands under a high density buildout condition are summarized below.

| Type | Cost | Purpose |
|---|------------------|---------------------------------------|
| Water Main Reinforcing Loop (4800 feet) | 1.5 to 3 million | Restore available fire flow capacity |
| Sewer Main Extension (7700 feet) | 2 to 3 million | Extend from existing system |
| Sewer Interceptor (2300 feet) | 3 to 5 million | Provide necessary downstream capacity |

Impact of proposed water and sewer boundary expansion in Southern Orange County on OWASA Water
Distribution and Wastewater Collection Systems

November 9, 2023

Page 6

As described in the Cost Policies for Growth section above, the extension of sewer main to the existing system would be completed by the benefitting party (developer). The other projects would be included within OWASA's Capital Improvements Program and would need to be completed sometime before ultimate buildout occurs. Should the proposed expansion of the water and sewer boundary become a reality, we expect that the timing, cost, and scope of projects would be further clarified through our periodic master planning efforts for the distribution and collection systems.

Sincerely,



Vishnu Gangadharan, P.E.

Director of Engineering and Planning

Copy: Todd Taylor
Ruth Rouse
Coleman Olinger
Jessica Godreau



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Public Works
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Dustin Hill, Public Works Manager

ITEM TO BE CONSIDERED

Subject: Acceptance of Sidewalk at Aldi

Attachments:

1. Easement Plat Map
2. Concrete information and receipts

Summary:

Staff is requesting approval to assume ownership of a 411 linear foot section of concrete sidewalk along the Hwy 86 side of the Aldi property located at 2010 NC Hwy 86 South. The inspections were completed by Public Works staff.

Financial impacts:

The town will assume ownership of the sidewalk and responsibility for future maintenance and repairs after the one-year warranty period.

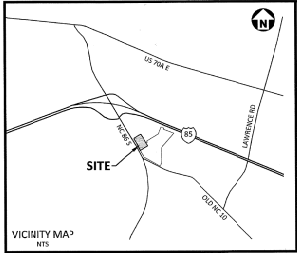
Staff recommendation and comments:

Public Works Manager Dustin Hill recommends assuming ownership of the sidewalk located along the Hwy 86 side of the Aldi property at 2010 NC Hwy 86 South.

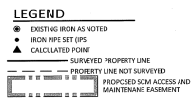
Action requested:

To assume ownership of sidewalk at 2010 NC Hwy 86 South (Aldi property).

5
JAN



- GENERAL NOTES**
- THIS IS A SURVEY OF EXISTING PARCELS OF LAND, THIS AN EASEMENT PLAT.
 - BEARINGS ARE RELATIVE TO NC GRID NORTH MAG 82 (2011).
 - PROPERTY LOCATED IN HILLSBOROUGH CITY LIMITS.
 - FLOOD NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN "ZONE X" AS DETERMINED BY FEMA'S FEMA MAP NO. 371091730A, DATED FEBRUARY 2, 2007.
 - REFERENCE: PLAT BOOK 113, PAGE 44; PLAT BOOK 113, PAGE 52-59, 124, PG 145; PARCEL NUMBERS 347925146 AND 387370052.
 - WATER LINE EASEMENTS SAID TO BE ABANDONED ON PG 117, PG 154, DOCUMENT FOR ABANDONMENT HAS NOT BEEN FOUND OR PROVIDED.
 - FORCE MAIN SHOWN HEREIN IS TRACED FROM A UTILITY PLAN DESIGNED BY CES GROUP ENGINEERS, LLC (NOT OF PUBLIC RECORD). NO FORCE MAINS OR FORCE MAINS FOUND OR TRACED FROM THE LIFT STATION BY FIELD VIEW OR PRIVATE UTILITY LOCATIONAL (CANNOT BE CONFIRMED WHETHER OR NOT THE FORCE MAIN IS LOCATED WITHIN THE SANITARY SEWER EASEMENT).



OWNER'S CERTIFICATION (LOCAL DEVELOPMENT LLC)

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE JURISDICTION OF THE TOWN OF HILLSBOROUGH, THAT DESCRIBED TO PUBLIC USE AREAS SHOWN ON THE PLAT AS STREETS, ALLEYS, WALLS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN AND RESTORE TO THE ORDER OF DEDICATION AS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY.

DATE: 1/5/24
OWNER: [Signature]

NORTH CAROLINA COUNTY OF FORSYTH, NOTARY PUBLIC OF FORSYTH COUNTY, NORTH CAROLINA, HEREBY CERTIFY THAT THE DUE EXECUTION OF THE FOREGOING CERTIFICATE WAS DULY ACKNOWLEDGED BEFORE ME THIS DAY BY GEORGE V. DUNN, FOR THE PURPOSE THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS 5th DAY OF JANUARY, 2024.

Notary Public, North Carolina
Forsyth County, NC Commission Expires 2/12/25

FEBRUARY 5, 2028
MY COMMISSION EXPIRES

OWNER'S CERTIFICATION (Paldouras Enterprises LLC)

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE JURISDICTION OF THE TOWN OF HILLSBOROUGH, THAT DESCRIBED TO PUBLIC USE AREAS SHOWN ON THE PLAT AS STREETS, ALLEYS, WALLS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN AND RESTORE TO THE ORDER OF DEDICATION AS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY.

DATE: 1/15/24
OWNER: [Signature]

NORTH CAROLINA COUNTY OF ORANGE, NOTARY PUBLIC OF ORANGE COUNTY, NORTH CAROLINA, HEREBY CERTIFY THAT THE DUE EXECUTION OF THE FOREGOING CERTIFICATE WAS DULY ACKNOWLEDGED BEFORE ME THIS DAY BY NICHOLAS D. PALDOURAS, FOR THE PURPOSE THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS 5th DAY OF FEBRUARY, 2024.

Notary Public, North Carolina
Forsyth County, NC Commission Expires 2/12/25

FEBRUARY 5, 2028
MY COMMISSION EXPIRES

I, CHRISTOPHER C. GLOSSON, DO HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- CLASS OF SURVEY: CLASS A
- PROPORTIONAL ACCURACY: ± 0.10"
- TYPE OF INSTRUMENTS AND PROCEDURES USED: (DATE OF SURVEY: 05-18-2023)
- ORIENTATION: MAGNETIC (2023)
- SPREADSHEET/CONTROL USED: DUBH
- INSTRUMENTS: GEORUDA
- BOUNDARY GRID FACTORS: 0.9999587
- POINTS METERS CONVERTED TO US SURVEY FEET

I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE: S.S. 47-30 (RELIEF) THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF PARTS OR PARTS OF A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SURVEYOR.

DATE: 1/5/2024
PLANNING DIRECTOR OF ORANGE COUNTY

I, CHRISTOPHER C. GLOSSON, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION RECORDS IN BOOK AND PAGE SHOWING THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE SHOWING THAT THE BOUNDARIES AS CALCULATED BY 3.000000 AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH S. 47-30-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS

DATE: 01/05/2023
DATE OF CERTIFICATION

ORANGE COUNTY LAND RECORDS, GS



STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, [Signature], REVIEW OFFICER OF ORANGE COUNTY, CERTIFY THAT THE DATA ON THIS PLAT MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING FOR WHICH THE REVIEW OFFICER HAS RESPONSIBILITY AS PROVIDED BY LAW.

DATE OF CERTIFICATION: 01/05/2023

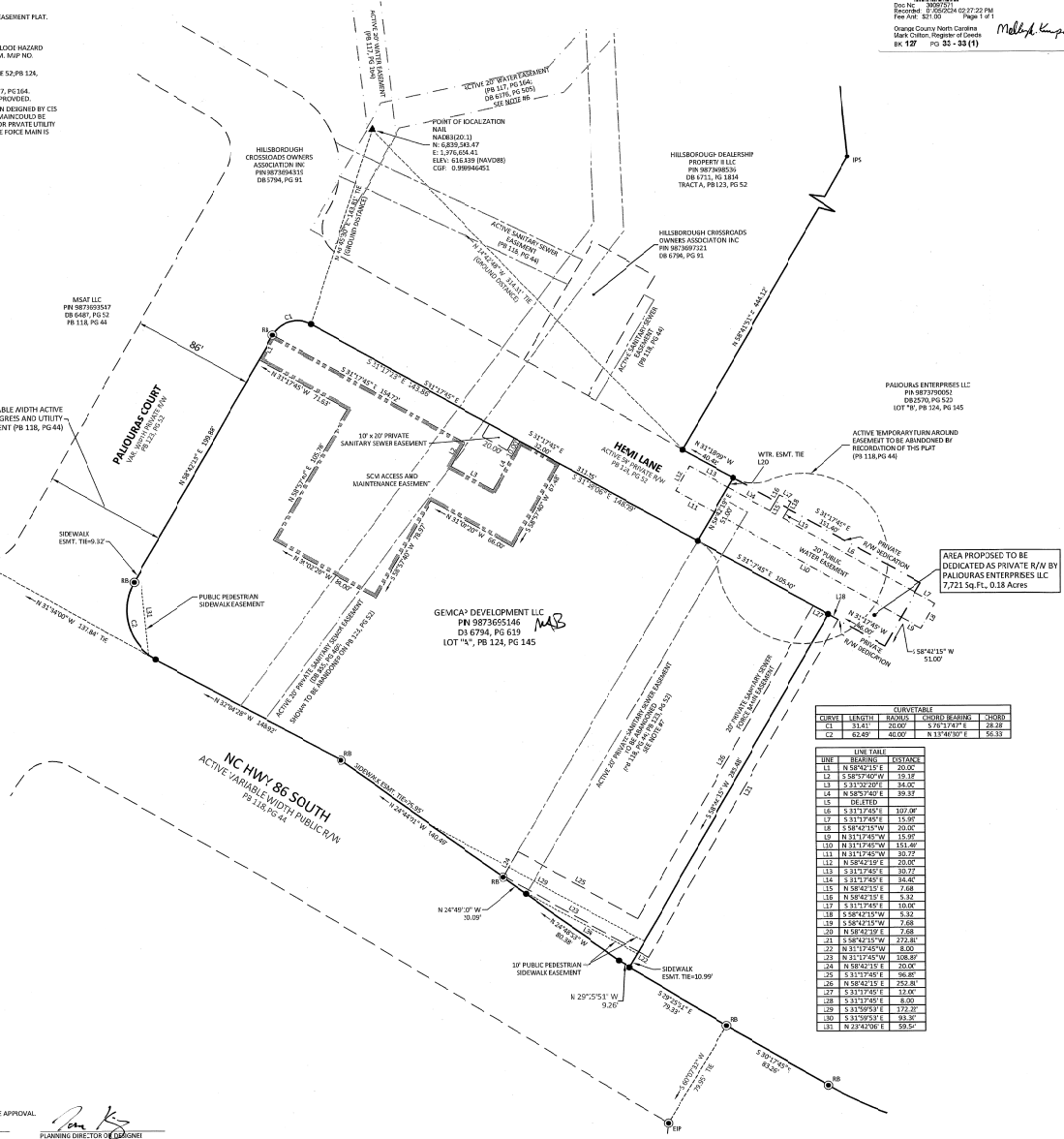
Doc No: 2023/21
Book No: 17-0524
Page 1 of 1
File Ref: 52.100
Orange County North Carolina
Mark Dillon, Register of Deeds
01-17 PG 52-53 (1)



McADAMS
The John R. McAdams Company, Inc.
2100 South Tryon Street
Suite 400
Charlotte, NC 28203
phone 704.527.0800
fax 919.361.2269
license number: 0-2093
www.mcadams.com

OWNER
GEMCAP DEVELOPMENT
418 NORTH MARS-HALL STREET
SUITE 201
WINSTON-SALEM, NC 27101

ALDI'S HILLSBOROUGH
2010 NC HWY 86 SOUTH
TOWN OF HILLSBOROUGH, HILLSBOROUGH TOWNSHIP
ORANGE COUNTY, NORTH CAROLINA

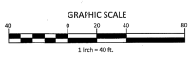


CURVE TABLE

| CURVE | LENGTH | RADIUS | CHORD BEARING | CHORD |
|-------|--------|--------|----------------|-------|
| C1 | 31.41 | 70.00 | S 70°12'00" E | 29.28 |
| C2 | 62.82 | 40.00 | R 113°40'50" E | 56.31 |

LINE TABLE

| LINE | BEARING | FOOTAGE |
|------|---------------|---------|
| L1 | N 58°42'15" W | 20.00 |
| L2 | S 58°17'40" W | 19.12 |
| L3 | S 31°37'20" E | 34.62 |
| L4 | N 58°17'40" E | 39.87 |
| L5 | BE 0.00 | 0.00 |
| L6 | S 31°17'40" E | 107.00 |
| L7 | S 31°37'40" E | 15.80 |
| L8 | S 58°42'15" W | 20.00 |
| L9 | N 31°17'40" W | 15.50 |
| L10 | N 31°17'40" W | 151.00 |
| L11 | N 31°17'40" W | 30.27 |
| L12 | N 58°42'15" E | 20.00 |
| L13 | S 31°17'40" E | 30.27 |
| L14 | S 31°17'40" E | 18.40 |
| L15 | N 58°42'15" E | 7.68 |
| L16 | N 58°17'40" E | 8.31 |
| L17 | S 31°17'40" E | 10.00 |
| L18 | S 58°42'15" W | 5.30 |
| L19 | S 58°42'15" W | 7.68 |
| L20 | N 58°42'10" E | 7.68 |
| L21 | S 58°42'15" W | 272.00 |
| L22 | N 31°17'40" W | 8.00 |
| L23 | N 31°17'40" W | 108.00 |
| L24 | N 58°42'15" E | 20.00 |
| L25 | S 31°17'40" E | 36.00 |
| L26 | N 58°42'15" E | 252.00 |
| L27 | S 31°17'40" E | 12.00 |
| L28 | S 31°17'40" E | 8.00 |
| L29 | S 31°30'30" E | 172.20 |
| L30 | S 31°30'30" E | 18.20 |
| L31 | N 23°42'00" E | 59.50 |



REVISIONS
NO. DATE

PLAN INFORMATION

PROJECT NO: GMP 2021-110425
FILENAME: 2021110425-F3
CHECKED BY: CCG
DRAWN BY: JC
SCALE: 1"=40'
DATE: 01.04.2024

EASEMENT AND PRIV. RIGHT-OF-WAY PLAT

1-1



Concrete Submittal

Date: 01/12/2024

To: Kevin Vandy
WATKINS SITE DEVELOPMENT INC.

Regarding: 541//ALDI - HILLSBOROUGH BYPASS
Customer Contact: kvandy@watkinssitedevelopment.com

The mixes listed below are submitted for approval on the above referenced project:

| Mix | Use | Slump | Air | W/CM |
|---------------------------|----------|--------------------------------|-------------|------|
| 3046c BB3046c 3000 PSI | Sidewalk | 4" +/- 1" 5" +/- 1" w/ MRWR | 5% +/- 1.5% | 0.46 |

When placing orders for this project, please order by product mix code number and application described above.

It is strongly recommended that a pre-placement conference be held to identify areas of responsibility for all parties. Customer should provide concrete mixer trucks with wash down area.

Carolina Sunrock's concrete mixes are designed in accordance with ASTM C 94 "Standard Specification for Ready-Mixed Concrete" and/or ACI 211.1 and/or ACI 301. Our concrete strength guarantee requires that all field and laboratory tests fully comply with all applicable ASTM and/or ACI standards. Designed mix cementitious content, is stated as a minimum, and Carolina Sunrock LLC reserves the right to increase cementitious content. Chemical admixtures are added in accordance with the manufacturer's recommendations. Carolina Sunrock LLC reserves the right to adjust these dosages to meet the changes in jobsite demands. All samples and testing of samples for acceptance shall be conducted at the point of discharge from the concrete delivery truck. Additionally, all tests must be performed by an ACI Certified Technician.

We do not guarantee strength or performance of concrete which has had water added on the jobsite at the purchaser's request (subject to limitations of ACI 301), or has been subjected to improper placement, consolidation, initial and final curing, or protection after delivery to the purchaser. Customer assumes total responsibility for concrete placement, finishing, initial and final curing, placement of joints at proper spacing, and any aesthetic concerns/issues (such as cracks, discoloration, etc.) that may arise in the plastic and hardened state. Should the Customer choose not to purchase temperature control measures, the Customer shall assume all liability for rejected concrete due to non-compliant concrete temperatures.

As stated in ACI 301-10 (ACI 301-16) 1.6.3.1.c, ACI 318-11 5.6.1 (ACI 318-26 12.1.1.e), ASTM C94 and project specifications, all test results shall be provided to Carolina Sunrock LLC at the address and/or e-mail address below.



Please provide Carolina Sunrock LLC with an approved copy or a copy with the notes for correction of this submittal, at your earliest convenience.

Thank you for your business and cooperation in this matter.

A handwritten signature in black ink, appearing to read "TKOPEC".

Timothy Kopec
Manager Concrete Quality Control
8620 Barefoot Industrial Rd
Raleigh, NC 27617
Office: 919-861-1860
Cell: 919-369-4789
Email: tkopec@thesunrockgroup.com

The information transmitted is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this submittal in error please contact the sender and destroy this document

Concrete Mix Submittal

Submittal Information

Submittal Name 541//ALDI - HILLSBOROUGH
BYPASS_RMC
Date Submitted 01/12/2024
Customer WATKINS SITE DEVELOPMENT INC.
Project Name 541//ALDI - HILLSBOROUGH BYPASS
Contract ID 541
Use Sidewalk

Mix Information

Mix ID 3046c
Mix Name BB3046c 3000 PSI
Compressive Strength (f'c) 3000 psi @ 28 Days
Aggregate Nominal Size 3/4" (19mm)
Air Entrained

Mix Properties

| | | | | |
|--|-------------------------|------------|---------------------------|--------|
| Slump 4" +/- 1" 5" +/- 1" w/ MRWR | Sack Content 5.9 | 94 lb/sack | Total Mass 4173 | lb |
| Air 5% +/- 1.5% | Total Water 30.4 | gal | Total Volume 27.00 | ft3 |
| W/CM Ratio 0.46 | Water/Sack 5.2 | gal | Unit Weight 154.6 | lb/ft3 |

| Group | Material Description | Supplier | Specific Gravity | Mass lb | Volume ft3 |
|-----------|---|------------------------------|------------------|---------|------------|
| Cement | Portland Type I/II - ASTM C150 Giant Harleyville, SC GCEMENT | Giant | 3.15 | 422 | 2.147 |
| Additive | Fly Ash - ASTM C618 HF Lee Goldsboro NC Fly Ash | SEFA HF Lee | 2.25 | 129 | 0.919 |
| Aggregate | Coarse Aggregate - ASTM C33 Butner, NC 67 | Carolina Sunrock | 2.974 | 1950 | 10.508 |
| | Fine Aggregate - ASTM C33 Butner, NC SAND | Carolina Sunrock | 2.95 | 1416 | 7.690 |
| Water | Potable Water - ASTM C1602 City Water, City Water Potable Water | | 1 | 254 | 4.071 |
| Admixture | Air Entrainer - ASTM C260 GCP Applied Technologies Inc DarexII Range: 1-4 fl oz/100 lb CM | GCP Applied Technologies Inc | 1 | 0.718 | 0.01151 |
| | Water Reducer - ASTM C494/ C494M GCP Applied Technologies Inc Zyla 640 Range: 3-7 fl oz/100 lb CM | GCP Applied Technologies Inc | 1 | 2.154 | 0.03453 |
| Air | Air | | | | 1.620 |

Submittal Notes kvandy@watkinssitedevelopment.com

Contact Timothy Kopec
Phone 919-861-1860
Email tkopec@thesunrockgroup.com

Concrete Mix Evaluation Report

ACI 318 Required Average Strength

Mix ID 3046c
 Mix Name BB3046c 3000 PSI
 Design Strength (f'c) 3000 psi @ 28 Days
 Required Strength (f'cr) 3510 psi @ 28 Days

Number Of Tests 18
 Average Strength 3746 psi
 St Dev 340 psi
 St Dev (Modified) 377 psi

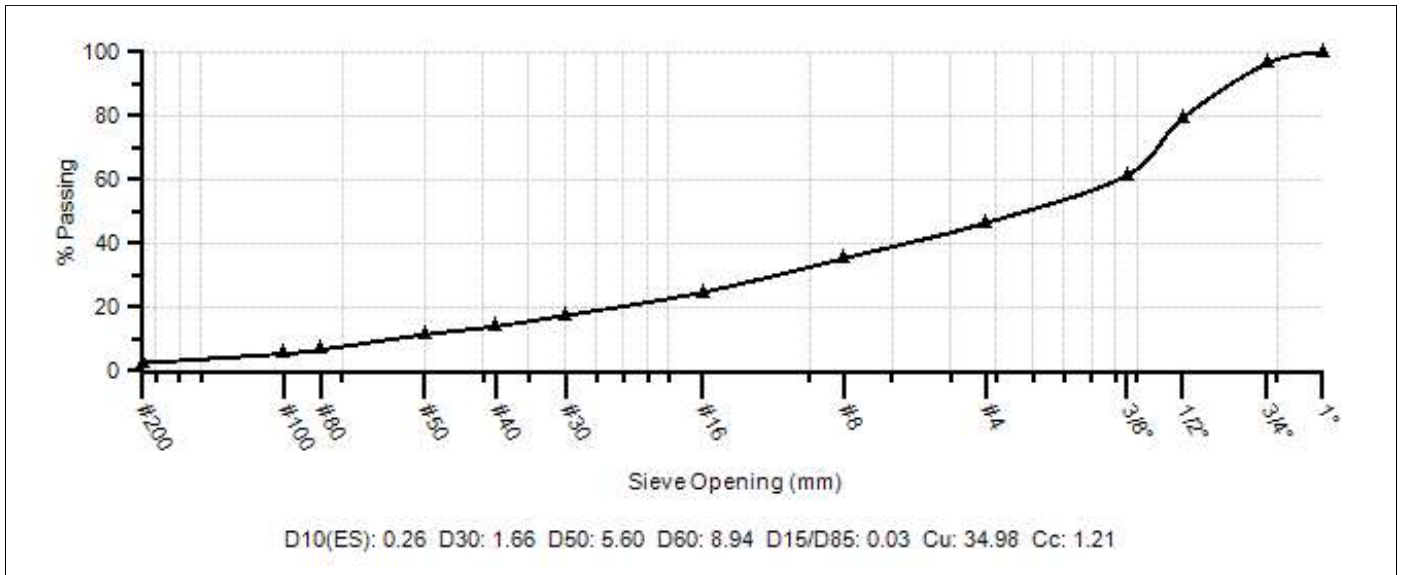
| Test Date | Mix | Lab | Temp (Concrete) (°F) | Slump (in) | Air Content (%) | Unit Weight (lb/ft3) | Comp Strength (7-Day) (psi) | Acceptance Strength (28-Day) (psi) | Moving Average (psi) |
|------------|-------|-----|----------------------------|---------------|-----------------------|----------------------------|--------------------------------------|---|----------------------------|
| 07/12/2023 | 3046c | | 85 | 5.8 | 6.6 | 148.64 | 2500 | 3300 | |
| 07/13/2023 | 3046c | | 79 | 5 | 4.5 | 156.97 | 2680 | 3510 | |
| 07/14/2023 | 3046c | | 80 | 5 | 5.9 | 151.4 | 3070 | 3920 | 3577 |
| 07/14/2023 | 3046c | | 80 | 4.5 | 5 | | 2520 | 3410 | 3613 |
| 08/03/2023 | 3046c | | 81 | 5 | 5.9 | 151.5 | 3050 | 3990 | 3773 |
| 08/10/2023 | 3046c | | 82 | 4.8 | 5 | 152.68 | 3100 | 4330 | 3910 |
| 08/16/2023 | 3046c | | 84 | 4.8 | 6.8 | 148.5 | 2680 | 3660 | 3993 |
| 08/18/2023 | 3046c | | 83 | 5.2 | 4.8 | 153.18 | 2630 | 3690 | 3893 |
| 08/30/2023 | 3046c | | 80 | 4.5 | 5.7 | 154.36 | 3180 | 3840 | 3730 |
| 09/11/2023 | 3046c | | 84 | 6 | 6.9 | 147.32 | 2200 | 3040 | 3523 |
| 09/13/2023 | 3046c | | 80 | 4 | 4.5 | | 2980 | 4060 | 3647 |
| 09/19/2023 | 3046c | | 84 | 4 | 4.6 | 155.76 | 3060 | 4090 | 3730 |
| 09/20/2023 | 3046c | | 78 | 4.2 | 5.5 | 150.8 | 2880 | 3800 | 3983 |
| 09/20/2023 | 3046c | | 84 | 4.8 | 5.2 | 150.94 | 2740 | 3950 | 3947 |
| 11/02/2023 | 3046c | | 73 | 5.2 | 5.9 | 151.7 | 2860 | 3820 | 3857 |
| 11/03/2023 | 3046c | | 78 | 4 | 5.6 | 153.44 | 3240 | 4110 | 3960 |
| 11/08/2023 | 3046c | | 75 | | 6.3 | 156.14 | 2800 | 3660 | 3863 |
| 12/27/2023 | 3046c | | 65 | 4.8 | 7.3 | 150.34 | 2150 | 3250 | 3673 |

Combined Aggregate Blend Report

Mix ID 3046c
Mix Name BB3046c 3000 PSI
Design Strength (f'c) 3000 psi @ 28 Days
Specification

Nominal Max Size 3/4" (19mm)
Aggregate Volume 18.2
Coarse Aggregate % 57.7
Fine Aggregate % 42.3

| | | % Passing Gradations | | |
|----------------|------|----------------------|------|------|
| Aggregate Type | | Coarse | Fine | |
| % Contribution | | 58 | 42 | |
| Sieve/Test | Spec | Result | 67 | SAND |
| 1" (25mm) | | 100.0 | 100 | 100 |
| 3/4" (19mm) | | 96.5 | 94 | 100 |
| 1/2" (12.5mm) | | 79.2 | 64 | 100 |
| 3/8" (9.5mm) | | 61.3 | 33 | 100 |
| #4 (4.75mm) | | 46.5 | 8 | 99 |
| #8 (2.36mm) | | 35.4 | 2 | 81 |
| #16 (1.18mm) | | 24.7 | 2 | 56 |
| #30 (.6mm) | | 17.5 | 2 | 39 |
| #40 (.425mm) | | 14.1 | 2 | 31 |
| #50 (.3mm) | | 11.5 | 2 | 25 |
| #80 (.18mm) | | 6.8 | 1 | 14 |
| #100 (.15mm) | | 5.5 | 1 | 11 |
| #200 (75µm) | | 2.58 | 1.3 | 4.3 |
| Pan | | 0.00 | 0.0 | 0.0 |





January 5, 2024

CAROLINA SUNROCK

To Whom It May Concern:

We certify Giant Cement Type I-II Portland meets the requirements of ASTM C-150 for Type I and Type II cement. This includes the requirements for low-alkali cement and AASHTO M-85 Portland cement. It is approved for use by the Department of Transportation for NC, SC, VA, and GA.

Sincerely,

Yonn Barrick
VP of Sales and Marketing

STATE OF SOUTH CAROLINA

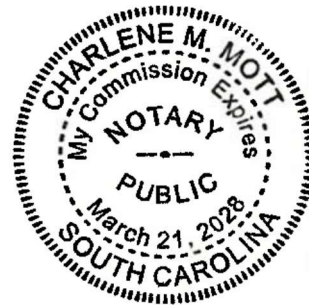
COUNTY OF DORCHESTER

Sworn to and subscribed before me

This 5th day of January, 2024

NOTARY PUBLIC OF SOUTH CAROLINA

My Commission Expires 3/22/2028





GIANT CEMENT COMPANY

654 Judge Street
 Harleyville, South Carolina 29448
 Contact: Hermanus Potgieter
 803.496.5033

Type I-II

Date: November 1- 30, 2023

This cement is certified to meet the requirements of ASTM C-150 for Type I and II and AASHTO M-85 for Type I and II.

The following information is based on average test data during the test period. The data is typical of cement shipped by Giant; individual shipments may vary.

LABORATORY ANALYSES

| CHEMICAL ANALYSIS (C-114) | |
|---|--------|
| Silicon Dioxide(SiO ₂) | 20.4 % |
| Aluminum Oxide(Al ₂ O ₃) | 4.8 % |
| Ferric Oxide(Fe ₂ O ₃) | 3.4 % |
| Calcium Oxide(CaO) | 63.9 % |
| Magnesium Oxide(MgO) | 1.3 % |
| Sulfur Trioxide(SO ₃) | 2.7 % |
| Ignition Loss | 1.5 % |
| Insoluble Residue | 0.26 % |
| Alkalies(Na ₂ O eqv.) | 0.51 % |
| POTENTIAL COMPOUNDS | |
| C3S | 61 % |
| C2S | 13 % |
| C3A | 7 % |
| C4AF | 10 % |

| PHYSICAL ANALYSIS | | |
|------------------------------|-----------------|--------------------------------|
| FINENESS | | |
| (C-430) | 325 Mesh | 95.6 %Passing 4.4 %Retained |
| (C-204) | Blaine | 3947 cm ² /g |
| SETTING TIME(Vicat) (C-191) | | |
| | Initial | 110 minutes |
| | Final | 227 minutes |
| Air content | 9 % | (C-185) |
| Auto. Exp. | 0.08 % | (C-151) |
| Exp.in water | #DIV/0! | (C-1038) |
| COMPRESSIVE STRENGTH (C-109) | | |
| | | MPa PSI |
| | 1 Day | 15.5 2249 |
| | 3 Days | 26.1 3781 |
| | 7 Days | 32.1 4653 |
| | October 28 Days | 43.7 6334 |

This data may have been reported on previous mill certificates.

Manufactured in Harleyville, South Carolina
 USA

Hermanus Potgieter
 Quality Control Manager





January 3, 2024

Attention: SEFA Customer

Re: 2024 Certification

The SEFA Group certifies through this letter that the fly ash from the HF Lee Station thermal beneficiation facility located 1594 Blackjack Church Road, Goldsboro, NC complies with the requirements set forth in ASTM C 618, Class F, when sampled and tested in accordance with ASTM C 311. Unless you receive written notification regarding a change in status from The SEFA Group, this certification will apply to any and all phases on construction projects.

Fly ash is a 100% recycled material, made in the USA. It is the by-product of burning pulverized coal in an electrical generating station. The Environmental Protection Agency (EPA) under Section 6002 (e) of the Resource Conservation and Recovery Act (RCRA) of 1976 targeted a number of recovered materials, including fly ash. The EPA recognizes that fly ash can be used in concrete to lessen the solid waste problem and that fly ash has technical advantages in cementitious materials. Fly ash is considered a Post- Industrial, Pre-Consumer recycled product.

The SEFA Group offers full field service with the purchases of our product. Our technical representatives are available to aid you with field-testing and quality control.

Thank you for your interest in our product. If you need further assistance, please call our administrative office at (888) 339-7332.

Sincerely,

A handwritten signature in blue ink that reads "Bert Nunn". The signature is written in a cursive style and is placed over a light yellow rectangular background.

Bert Nunn
Vice President, Sales

Client: Mr. Ross Gorman
SEFA
217 Cedar Road
Lexington, SC 29073

Date: December 8, 2023
TEC Services I.D.: TEC 06-0509
Lab No.: 23-1808-HF

| REPORT OF FLY ASH TESTS | | | | | |
|---|--|---|---------------|--|--|
| Client ID: <u>HF093023</u> | | Date Sampled: <u>September 30, 2023</u> | | | |
| Manufacturer: <u>HF Lee</u> | | Date Received: <u>October 9, 2023</u> | | | |
| Material Type: <u>Harvested Coal Ash from a Commingled Source</u> | | | | | |
| Chemical Analysis | | | Results (wt%) | Specification (Class F) | |
| | | | | ASTM C618-23e1 | AASHTO M295-21 |
| Silicon Dioxide (SiO ₂) | | | 56.3 | ---- | ---- |
| Aluminum Oxide (Al ₂ O ₃) | | | 28.2 | --- | ---- |
| Iron Oxide (Fe ₂ O ₃) | | | 7.83 | ---- | ---- |
| Sum of Silicon Dioxide, Iron Oxide & Aluminum Oxide (SiO ₂ +Al ₂ O ₃ +Fe ₂ O ₃) | | | 92.3 | 50.0 % min. | 50.0 % min. |
| Calcium Oxide (CaO) | | | 0.9 | 18.0 % max. | 18.0 % max. |
| Magnesium Oxide (MgO) | | | 1.1 | ---- | ---- |
| Sodium Oxide (Na ₂ O) | | | 0.39 | ---- | ---- |
| Potassium Oxide (K ₂ O) | | | 2.64 | --- | ---- |
| "Sodium Oxide Equivalent (Na ₂ O+0.658K ₂ O)" | | | 2.13 | ---- | ---- |
| Sulfur Trioxide (SO ₃) | | | 0.04 | 5.0 % max. | 5.0 % max. |
| Loss on Ignition | | | 0.9 | 6.0 % max. | 5.0 % max. |
| Moisture Content | | | 0.0 | 3.0 % max. | 3.0 % max. |
| Total Chlorides | | | 0.011 | ---- | ---- |
| Available Alkalies | | | | | |
| Sodium Oxide (Na ₂ O) as Available Alkalies | | | 0.09 | ---- | ---- |
| Potassium Oxide (K ₂ O) as Available Alkalies | | | 0.75 | ---- | ---- |
| Available Alkalies as "Sodium Oxide Equivalent (Na ₂ O+0.658K ₂ O)" | | | 0.59 | ---- | 1.5 % max.* |
| Physical Analysis | | | | | |
| Fineness (Amount Retained on #100 Sieve) | | | 3.1% | 10 % max. | ---- |
| Fineness (Amount Retained on #325 Sieve) | | | 24.3% | 34 % max. | 34 % max. |
| Strength Activity Index (Using Lehigh Leeds Alabama Portland Cement) | | | | | |
| At 7 Days: | | | | | |
| Control Average, psi: 5040 | | Test Average, psi: 4050 | 80% | 75 % min. [†] (of control) | 75 % min. [†] (of control) |
| At 28 Days: | | | | | |
| Control Average, psi: 6280 | | Test Average, psi: 5030 | 80% | 75 % min. [†] (of control) | 75 % min. [†] (of control) |
| Water Requirements (Test H ₂ O/Control H ₂ O) | | | | | |
| Control, mls: 242 | | Test, mls: 236 | 98% | 105% max. [†] (of control) | 105% max. [†] (of control) |
| Autoclave Expansion: | | | -0.04% | ---- | ± 0.8 % max. |
| Uniformity Requirements | | | Variation | | |
| Specific Gravity: 2.33 | | Average: 2.30 | 1.4% | 5 % max. from average | 5 % max. from average |
| % Retained #325 Sieve: 24.3 | | Average: 20.6 | 3.7% | 5 % max. from average | 5 % max. from average |

† Meeting the 7 day or 28 day strength activity index will indicate specification compliance

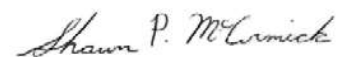
* Optional

The results of our testing indicate that this sample complies with both ASTM C618-23e1 and AASHTO M295-21 specifications for Class F pozzolans.

Respectfully Submitted,
SGS TEC Services



Dean Roosa
Project Manager



Shawn McCormick
Laboratory Principal

Vasyl "Basil" Shymonyak, P.E.

Director Quality Control

8620 Barefoot Industrial Rd. Raleigh, NC 27617

SUPPLIER'S CERTIFICATION

1/4/2024

67 Stone

This is to certify that the # 67 crushed stone shipped from Carolina Sunrock LLC located in Butner Quarry @ Butner, North Carolina (NCDOT Plant ID # CA 178) meets or exceeds the following specifications:

NCDOT Standard Specifications for Roads and Structures
Section 1005, General Requirements for Aggregate
Section 1012, Aggregate for Asphalt Pavements and Surface Treatments
Section 1014, Aggregate for Portland Cement Concrete

AASHTO Standard Specifications for Transportation Materials
M 43-88 Sizes of Aggregate for Road and Bridge Construction

AASHTO Standard Specifications for Transportation Materials
M 80-87, Coarse Aggregate for Portland Cement Concrete

ASTM D 448-98 Standard Specification for Sizes of
Aggregates for Road and Bridge Construction

ASTM D 692-00 Standard Specification for Coarse Aggregate
for Bituminous Paving Mixtures

ASTM C 33 Standard Specification for Concrete Aggregates
Coarse Aggregate #67

Carolina Sunrock LLC

By:



Vasyl "Basil" Shymonyak, P.E.
Director Quality Control

vshymonyak@thesunrockgroup.com

Phone: 919.868.5659

Fax: 919.688.1936

www.thesunrockgroup.com

ASPHALT CONCRETE AGGREGATES

Vasyl "Basil" Shymonyak, P.E.
Director Quality Control

8620 Barefoot Industrial Rd. Raleigh, NC 27617

SUPPLIER'S CERTIFICATION

1/4/2024

2MS Sand (Concrete Sand)

This is to certify that the 2MS Sand shipped from Carolina Sunrock LLC located in Butner Quarry, @Butner North Carolina (NCDOT Plant ID # FA 171) meets or exceeds the following specifications:

NCDOT Standard Specifications for Roads and Structures
Section 1005, General Requirements for Aggregate

NCDOT Standard Specifications for Roads and Structures
Section 1014, Aggregate for Portland Cement Concrete

AASHTO Standard Specifications for Transportation Materials
M 6, Fine Aggregate for Portland Cement Concrete

ASTM C 33 Standard Specification for Concrete Aggregates
Fine Aggregate

ASTM C 404 Standard Specification for Aggregates
For Masonry Grout

Carolina Sunrock LLC



By:

Vasyl "Basil" Shymonyak, P.E.
Director Quality Control

vsymonyak@thesunrockgroup.com

Phone: 919.868.5659

Fax: 919.688.1936

www.thesunrockgroup.com

ASPHALT CONCRETE AGGREGATES



GCP Inc.
2325 Lakeview Pkwy
Suite 450
Alpharetta, GA 30009

SCC Customer Service:
1-877- 423-6491

gcpat.com

Tim Kopec
Carolina Sunrock LLC
200 Horizon Dr. Ste 100
Raleigh, North Carolina 27617
Project Name: General Production

January 03, 2024

This is to certify that **Darex® II AEA**, a **Air Entraining Agent**, as manufactured and supplied by GCP Applied Technologies Inc., is formulated to comply with the Specifications for Chemical Admixtures for Concrete, ASTM: **C260**, AASHTO: **M154**.

Darex® II AEA does not contain calcium chloride or chloride containing compounds as a functional ingredient. Chloride ions may be present in trace amounts contributed from the process water used in manufacturing.

Yours sincerely

A handwritten signature in black ink, appearing to read "Robert J. Hoopes".

Robert J. Hoopes

Product Development Engineer

GCP Applied Technologies

DAREX[®] II AEA

Air-entraining admixture

ASTM C260

Product Description

Darex[®] II AEA is an air-entraining admixture which generates a highly stable air void system for increased protection against damage from freezing and thawing, severe weathering, or de-icer chemicals. Darex II AEA is a complex mixture of organic acid salts in an aqueous solution specifically formulated for use as an air-entraining admixture for concrete and is manufactured under rigid control which provides uniform, predictable performance. It is supplied ready to-use and does not require pre-mixing with water. Darex II AEA is a dark brown liquid. One gallon weighs 8.7 lbs (1.04 kg/L). Darex II AEA complies to ASTM C260 *Standard Specifications for Air-Entraining Admixtures for Concrete*.

Uses

Darex II AEA is used in ready-mix and concrete products plants to improve air entrainment stability. It is particularly effective in maintaining air content during longer haul times. Darex II AEA performs well in conventional concrete and is effective in plasticizing mixes and with slag, lightweight, or manufactured aggregates which tend to produce harsh concrete.

Darex II AEA entrains air effectively with microsilica concrete and with fly ash concrete.

Performance

Darex II AEA disperses and generates millions of discrete semi-microscopic bubbles throughout the concrete composite. Once thoroughly mixed, the concrete contains a stable network of bubbles which act much like ball bearings increasing mobility, or plasticity, of the concrete. This adds workability to the mix and permits a reduction of water with no loss of slump. Placeability is improved. Bleeding, segregation and green shrinkage are minimized.

Through the purposeful entrainment of air, Darex II AEA markedly increases the durability of concrete to all exposures.

Product Advantages

- Air stability makes it particularly useful for longer transit times
- Produces excellent air void systems in concretes that are traditionally difficult to air entrain

Addition Rates

There is no standard addition rate for Darex II AEA. The amount to be used will depend upon the amount of air required under job conditions, usually in the range of 4% to 7%. Typical factors which might influence the amount of air entrained are temperature, cement, sand gradation and use of extra fine materials such as fly ash. Typical Darex II AEA addition rates generally range from 1/2 to 5 fl oz/100 lbs (30 to 320 mL/100 kg) of cement.

The air-entraining efficiency of Darex II AEA becomes even greater when used with water-reducing and set-retarding agents. This may allow a reduction of up to 2/3 in the amount of Darex II AEA required for the specified air content.

Concrete Mix Adjustment

Entrained air results in increased yields with a consequent decrease in the cement content of the placed concrete. This condition calls for a mix adjustment, usually accomplished by reducing the fine aggregate content. This is in addition to the reduction in water content brought about by the increase in plasticity.

Compatibility with Other Admixtures and Batch Sequencing

Darex II AEA is compatible with most GCP admixtures as long as they are added separately to the concrete mix. In general, it is recommended that Darex II AEA be added to the concrete mix near the beginning of the batch sequence for optimum performance, preferably by "dribbling" on the sand. Different sequencing may be used if local testing shows better performance. Please see GCP Technical Bulletin TB-0110, *Admixture Dispenser Discharge Line Location and Sequencing for Concrete Batching Operations* for further recommendations. Darex II AEA should not be added directly to heated water.

Pretesting of the concrete mix should be performed before use, as conditions and materials change in order to assure compatibility, and to optimize dosage rates, addition times in the batch sequencing and concrete performance. Please consult your GCP Applied Technologies representative for guidance.

Packaging & Handling

Darex II AEA is available in bulk, delivered by metered tank trucks, totes and drums.

Darex II AEA will freeze at about 30 °F (-1 °C), but its air-entraining properties are completely restored by thawing and thorough mechanical agitation.

Dispensing Equipment

A complete line of accurate dispensing equipment is available. These dispensers can be located to discharge into the water line, the mixer, or on the sand.

Specifications

Concrete shall be air entrained concrete, containing 4% to 8% entrained air. The air contents in the concrete shall be determined by the pressure method (ASTM Designation C231), gravimetric method (ASTM Designation C138) or volumetric method (ASTM Designation C173). The air-entraining admixture shall be Darex II AEA as manufactured by GCP Applied Technologies, or equal. The air-entraining admixture shall be added at the concrete mixer or batching plant at approximately ½ to 5 fl oz/100 lbs (30 to 320 mL/100 kg) of cement, or in such quantities as to give the specified air contents.

gcpat.com | North America Customer Service: 1-877-4AD-MIX1 (1-877-423-6491)

We hope the information here will be helpful. It is based on data and knowledge considered to be true and accurate, and is offered for consideration, investigation and verification by the user, but we do not warrant the results to be obtained. Please read all statements, recommendations, and suggestions in conjunction with our conditions of sale, which apply to all goods supplied by us. No statement, recommendation, or suggestion is intended for any use that would infringe any patent, copyright, or other third party right.

Darex is a trademark, which may be registered in the United States and/or other countries, of GCP Applied Technologies Inc. This trademark list has been compiled using available published information as of the publication date and may not accurately reflect current trademark ownership or status.

© Copyright 2016 GCP Applied Technologies Inc. All rights reserved.

GCP Applied Technologies Inc., 62 Whittemore Avenue, Cambridge, MA 02140 USA.

In Canada, 294 Clements Road, West, Ajax, Ontario, Canada L1S 3C6.

GCP0083

AIR-3-1216



gcp applied technologies

186



GCP Inc.
2325 Lakeview Pkwy
Suite 450
Alpharetta, GA 30009

SCC Customer Service:
1-877- 423-6491

gcpat.com

Tim Kopec
Carolina Sunrock LLC
200 Horizon Dr. Ste 100
Raleigh, North Carolina 27617
Project Name: General Production

January 03, 2024

This is to certify that **ZYLA® 640**, a **Water Reducer**, as manufactured and supplied by GCP Applied Technologies Inc., is formulated to comply with the Specifications for Chemical Admixtures for Concrete, ASTM: **C494, Type A, D**, AASHTO: **M194, Type A, D**.

ZYLA® 640 does not contain calcium chloride or chloride containing compounds as a functional ingredient. Chloride ions may be present in trace amounts contributed from the process water used in manufacturing.

Yours sincerely

Robert J. Hoopes

Product Development Engineer

GCP Applied Technologies

ZYLA[®] 640

Water-reducing admixture

ASTM C494 Type A and D

Product Description

ZYLA[®] 640 water-reducing admixture is a proprietary formulation incorporating polycarboxylate and highly purified specialty organic chemicals. ZYLA 640 promotes more complete hydration of Portland cement and has minimal effect on concrete air entrainment.

The ZYLA product line of water reducers is specially formulated to have a synergistic effect with polycarboxylate-based mid-range and high-range water reducers that improve flat-work finishability. This product contains no intentionally added chloride and as such is essentially chloride free. It is manufactured under rigid controls that provide uniform, predictable performance. ZYLA 640 is supplied as a light brown, low viscosity liquid, and is ready-to-use as received. ZYLA 640 is supplied as a light brown, low viscosity liquid, and is ready-to-use as received. One gallon weighs approximately 9.1 lbs (1.1 kg/L).

Uses

ZYLA 640 is used to produce concrete mixes with lower water content (typically 3% to 10% reduction), greater plasticity and higher compressive strengths. ZYLA 640 is suitable for normal weight and light weight concrete in ready-mix, precast and prestressed applications.

Finishability

The unique chemistry of ZYLA 640 positively impacts the finishability of concrete by providing a creamier and more homogenous texture, with more uniform and increased bleed rate relative to

traditional lignin-based water reducers, although less than ZYLA 610. The influence of ZYLA 640 on the finishability of lean mixes has been particularly noticeable. Floating and troweling, by machine or hand, imparts a smooth, close tolerance surface.

Addition Rates

The addition rate range of 3 to 5 fl oz/100 lbs (195 to 325 mL/100 kg) of cement or cementitious is typical for most applications. However, addition rates of 2 to 7 fl oz/100 lbs (130 to 455 mL/100 kg) of cement or cementitious may be used if local testing shows acceptable performance. Pretesting is required to determine the appropriate addition rate for desired performance. The optimum addition rate depends on the other concrete mixture components, job conditions, and desired performance characteristics.

Compatibility with Other Admixtures and Batch Sequencing

ZYLA 640 is compatible with most GCP admixtures as long as they are added separately to the concrete mix, usually through the water holding tank discharge line. However, ZYLA 640 is not recommended for use in concrete containing naphthalene-based admixtures including Daracem 19 and Daracem 100, and melamine-based admixtures including Daracem 65. In general, it is recommended that ZYLA 640 be added to the concrete mix near the end of the batch sequence for optimum performance. Different sequencing may be used if local testing shows better performance. Please see GCP Technical Bulletin TB-0110, *Admixture Dispenser Discharge Line Location and Sequencing for Concrete Batching Operations* for further recommendations.

Product Advantages

- No impact on concrete air content
- Better control of water reduction and setting times as compared to traditional lignin-based water reducers
- Synergistic performance of polycarboxylate-based mid-range and high-range water reducers, which includes water reduction and concrete strength and air control
- In the hardened state, improves the compressive and flexural strengths at all ages of concrete versus traditional lignin-based water reducers

Pretesting of the concrete mix should be performed before use, as conditions and materials change in order to assure compatibility, and to optimize dosage rates, addition times in the batch sequencing and concrete performance. For concrete that requires air entrainment, the use of an ASTM C260 air-entraining agent (such as Daravair or Darex product lines) is recommended to provide suitable air void parameters for freeze-thaw resistance. Please consult your GCP Applied Technologies representative for guidance.

Packaging & Handling

ZYLA 640 is available in bulk, delivered by metered tank trucks, in totes, and in drums.

ZYLA 640 will freeze at about 28°F (-2°C), but will be completely uniform after thawing and thorough agitation.

Dispensing Equipment

A complete line of accurate, automatic dispensing equipment is available. ZYLA 640 may be introduced to the mix through the water holding tank discharge line. The ZYLA product line is formulated to be free of sediment.

Specifications

Concrete shall be designed in accordance with *Standard Recommended Practice for Selecting Proportions for Concrete*, ACI 211.

The water-reducing admixture shall be ZYLA 640, as manufactured by GCP Applied Technologies, or equal. The admixture shall not contain calcium chloride as a functional ingredient. ZYLA 640 will not promote corrosion of reinforcing steel embedded in concrete. It shall be used in strict accordance with the manufacturers' recommendations. The admixture shall comply with ASTM Designation C494, Type A and D water-reducing admixtures. Certification of compliance shall be made available on request.

The admixture shall be delivered as a ready-to-use liquid product and shall require no mixing at the batching plant or job site.

gcpat.com | North America Customer Service: 1-877-4AD-MIX1 (1-877-423-6491)

We hope the information here will be helpful. It is based on data and knowledge considered to be true and accurate, and is offered for consideration, investigation and verification by the user, but we do not warrant the results to be obtained. Please read all statements, recommendations, and suggestions in conjunction with our conditions of sale, which apply to all goods supplied by us. No statement, recommendation, or suggestion is intended for any use that would infringe any patent, copyright, or other third party right.

ZYLA, Daracem, Daravair and Darex are trademarks, which may be registered in the United States and/or other countries, of GCP Applied Technologies Inc. This trademark list has been compiled using available published information as of the publication date and may not accurately reflect current trademark ownership or status.

© Copyright 2016 GCP Applied Technologies Inc. All rights reserved.

GCP Applied Technologies Inc., 62 Whittemore Avenue, Cambridge, MA 02140 USA.

In Canada, 294 Clements Road, West, Ajax, Ontario, Canada L1S 3C6.

GCP0083

ZYLA-640-1016



gcp applied technologies

189



GCP Inc.
2325 Lakeview Pkwy
Suite 450
Alpharetta, GA 30009

SCC Customer Service:
1-877- 423-6491

gcpat.com

Tim Kopec
Carolina Sunrock LLC
200 Horizon Dr. Ste 100
Raleigh, North Carolina 27617
Project Name: General Production

January 03, 2024

This is to certify that **ADVA® 140(M)**, a **High Range Water Reducer**, as manufactured and supplied by GCP Applied Technologies Inc., is formulated to comply with the Specifications for Chemical Admixtures for Concrete, ASTM: **C494 Type A, F and ASTM C1017**, AASHTO: **M194, Type A, F**.

ADVA® 140(M) does not contain calcium chloride or chloride containing compounds as a functional ingredient. Chloride ions may be present in trace amounts contributed from the process water used in manufacturing.

Yours sincerely

Robert J. Hoopes

Product Development Engineer

GCP Applied Technologies

ADVA® 140M

High-range water-reducing admixture
 ASTM C494 Type A and F and ASTM C1017 Type I

Product Description

ADVA® 140M is a high-range water-reducing admixture based on polycarboxylate technology specifically formulated to meet the needs of the concrete industry. ADVA 140M meets the requirements of ASTM C494 as a Type A and F, and ASTM C1017 Type I. One gallon weighs approximately 8.8 lbs (1.1 kg/L) and does not contain intentionally added chloride. It is a low viscosity liquid that has been formulated by the manufacturer for use as received.

Uses

ADVA® 140M has been used successfully in a wide variety of concrete applications for high-slump, low water-to-cementitious ratio concrete requiring a high-range water reducer to flatwork in residential applications requiring a mid-range water reducer. ADVA 140M produces concrete with excellent workability characteristics for high slump and moderate slump concrete.

ADVA 140M is ideal for use in any concrete where it is desired to keep the water/cementitious ratio to a minimum and still achieve the high strength and degree of workability necessary to provide easy placement and consolidation. ADVA 140M will also fluidize concrete making it ideal for tremie concreting or other applications where high slumps are desired.

Addition Rates

Addition rates of ADVA 140M can vary with type of materials and application. The addition rate can range between 2 oz/cwt and 20 oz/cwt (130 mL/100 kg and 1300 mL/100 kg) of cement.

Typical addition rates are:

- High-range water reducer—9 to 16 oz/cwt (590 to 1040 mL/100 kg)
- Mid-range water reducer—5 to 9 oz/cwt (325 to 590 mL/100 kg)

Optimal addition rates will depend on other concrete mixture components, job conditions, and desired performance characteristics. At a given water/cementitious ratio, the slump required for placement can be controlled by varying the addition rate. Should job site conditions require using more than recommended addition rates, please consult your GCP Applied Technologies representative.

Product Advantages

- Can be used as a high-range water reducer as well as a mid-range water reducer providing production flexibility
- Consistent air entrainment
- Consistent performance across cement chemistries
- Provides a superior combination of long slump life with near neutral set time
- Concrete finishes easily without stickiness, tearing or spotty set characteristics



Compatibility with Other Admixtures and Batch Sequencing

ADVA 140M is compatible with most GCP admixtures as long as they are added separately to the concrete mix. However, ADVA products are not recommended for use in concrete containing naphthalene-based admixtures including Daracem® 19 and Daracem 100, and melamine-based admixtures including Daracem 65. In general, it is recommended that ADVA 140M be added to the concrete mix near the end of the batch sequence for optimum performance. Different sequencing may be used if local testing shows better performance. Please see GCP Technical Bulletin TB-0110, *Admixture Dispenser Discharge Line Location and Sequencing for Concrete Batching Operations* for further recommendations.

Pretesting of the concrete mix should be performed before use and as conditions and materials change in order to assure compatibility with other admixtures, and to optimize dosage rates, addition times in the batch sequencing and concrete performance. For concrete that requires air entrainment, the use of an ASTM C260 air-entraining agent (such as Daravair® or Darex® product lines) is recommended to provide suitable air void parameters for freeze-thaw resistance. Please consult your GCP Applied Technologies representative for guidance.

Packaging & Handling

ADVA 140M is available in bulk, delivered by metered tank trucks, totes and drums. It will begin to freeze at approximately 32°F (0°C), but will return to full strength after thawing and thorough agitation.

In storage, and for proper dispensing, ADVA 140M should not experience prolonged exposure below 32°F (0°C) nor above 132°F (55°C).

Dispensing Equipment

A complete line of accurate, automatic dispensing equipment is available.

| ADVA 140M ASTM C494 Type F High-Range Water Reducer Test Data | | | | |
|---|------------|-----------|---------|-----------|
| | U.S. Units | | Metric | |
| | Control | ADVA 140M | Control | ADVA 140M |
| Cement (pcy) (kg/m ³) | 517 | 517 | 307 | 307 |
| Coarse aggregate (pcy) (kg/m ³) | 1944 | 1944 | 1153 | 1153 |
| Fine aggregate (pcy) (kg/m ³) | 1144 | 1214 | 679 | 720 |
| Water (pcy) (kg/m ³) | 235 | 201 | 139 | 119 |
| w/cm | 0.455 | 0.389 | 0.455 | 0.389 |
| Slump (inches) (mm) | 3.75 | 3.75 | 95 | 95 |
| Plastic air (%) | 5.5 | 5.5 | 5.5 | 5.5 |
| Compressive strength | | | | |
| 1 day (psi) (MPa) | 1860 | 2750 | 12.8 | 19.0 |
| 7 day (psi) (MPa) | 4520 | 5850 | 31.2 | 40.3 |
| 28 day (psi) (MPa) | 5440 | 6640 | 37.5 | 45.8 |
| Initial set time (hr:min) | 4:02 | 4:18 | 4:02 | 4:18 |
| Length change 28 day (%) | -0.031 | -0.024 | -0.031 | -0.024 |
| Freeze-thaw resistance (RDME %) | 92 | 96 | 92 | 96a |

gcpat.com | North America Customer Service: 1-877-4AD-MIX1 (1-877-423-6491)

We hope the information here will be helpful. It is based on data and knowledge considered to be true and accurate, and is offered for consideration, investigation and verification by the user, but we do not warrant the results to be obtained. Please read all statements, recommendations, and suggestions in conjunction with our conditions of sale, which apply to all goods supplied by us. No statement, recommendation, or suggestion is intended for any use that would infringe any patent, copyright, or other third party right.

ADVA, Daracem, Daravair and Darex are trademarks, which may be registered in the United States and/or other countries, of GCP Applied Technologies Inc. This trademark list has been compiled using available published information as of the publication date and may not accurately reflect current trademark ownership or status.

© Copyright 2016 GCP Applied Technologies Inc. All rights reserved.

GCP Applied Technologies Inc., 62 Whittemore Avenue, Cambridge, MA 02140 USA.

In Canada, 294 Clements Road, West, Ajax, Ontario, Canada L1S 3C6.

GCP0083

DC-61-1116



gcp applied technologies



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Utilities
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Environmental Engineering Supervisor Bryant Green, PE

ITEM TO BE CONSIDERED

Subject: Acceptance of Water Utilities at Aldi

Attachments:

None

Summary:

The Aldi grocery store site is located on NC Hwy 86 south of the intersection of NC Hwy 86 and I-85 and is part of a larger commercial development previously approved as the Paliouras Property. The site for the Aldi grocery store was developed by GEMCAP Development. GEMCAP was required to extend a public waterline in Hemi Lane across the Aldi Property's frontage as part of the developer's agreement with the town. GEMCAP Development has dedicated the now constructed water line to the town for acceptance (the sewer on the site remains privately owned). GEMCAP met all the requirements for the town staff to recommend that the board accept the water infrastructure in Hemi Lane for town ownership.

Financial impacts:

The value of the assets to become under town ownership is \$70,879.00 (180 linear feet of 8" water main, 2 services and 1 hydrant). The town will cover operation and maintenance in its operations budget and incorporate such into annual rate setting.

Staff recommendation and comments:

The developer has presented a two-year warranty security in the amount of 25% of the total opinion of value.

Action requested:

Accept this infrastructure into the town system for operation and maintenance.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Utilities
Agenda Section: Consent
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Environmental Engineering Supervisor Bryant Green, PE

ITEM TO BE CONSIDERED

Subject: Acceptance of Water Utilities at Chrysler, Dodge, Jeep, and Ram (CDJR) Dealership

Attachments:

None

Summary:

The CDJR dealership was constructed behind the Sheetz on NC Hwy 86 and I-85. The town's existing waterline was relocated by the developer to allow the CDJR dealership to be built in its current location, which resulted in an additional 205 feet of 12-inch waterline being added to the town's system. The developer also constructed 60 feet of new 6-inch water main and one additional fire hydrant to provide service and fire protection to the new dealership; acceptance of this new infrastructure is also proposed. The sewer system on the parcel will remain private, only acceptance of the water lines is proposed. The CDJR dealership met all the requirements for the town staff to recommend that the board accept the additional water infrastructure adjacent to the dealership and in Hemi Lane for town ownership.

Financial impacts:

The value of the assets to become under town ownership is \$269,559. The town will cover operation and maintenance in its operations budget and incorporate such into annual rate setting.

Staff recommendation and comments:

The developer has presented a two-year warranty security in the amount of 25% of the total opinion of value.

Action requested:

Accept this infrastructure into the town system for operation and maintenance.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
 Department: Town Clerk
 Agenda Section: Regular
 Public hearing: No
 Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Town Clerk Sarah Kimrey

ITEM TO BE CONSIDERED

Subject: Retention schedule for meeting audio and video recordings follow-up discussion

Attachments:

None.

Summary:

Effective Oct. 1, 2021, the board adopted the 2021 General Records Schedule for Local Government Agencies. The schedule allows government agencies to destroy audio and video recordings of public body meetings after the approval of official written minutes.

| | |
|--|--|
| <p>PUBLIC BODIES: AUDIO AND VIDEO RECORDINGS OF MEETINGS</p> <p>SEE ALSO: Public Bodies: Minutes (below).</p> | <p>Destroy in office after approval of official written minutes.</p> <p><i>NOTE: If these serve as the official minutes, as allowed by G.S. 143-318.10(e), their retention should be permanent. These disposition instructions apply to recordings produced solely for the purpose of generating official written minutes.</i></p> |
|--|--|

Historically, it has been the town’s practice to retain meeting audio and/or video recordings for up to three years. The town attorney advised staff to draft a written policy if recordings are to be kept past the adopted General Records Schedule. This topic was brought to the board at its Aug. 14, 2023, meeting for direction; staff was asked to further explore various policy options, methods of retention, and potential budget implications for a mature retention policy.

Current Process:

Board of Commissioners meeting video recordings are posted to the town’s YouTube channel and on the town’s Municode Meetings Portal embedded on the town’s website for meetings from August 2022 to present. These videos are available for public inspection without staff assistance. Audio recordings dating back to January 2020 and video recordings dating back to April 2020 are currently being stored on the town’s server.

Appointed Boards meeting audio recordings are stored on the town’s server and in a private Microsoft SharePoint account (for contract minutes preparation purposes). These recordings would require staff assistance for public inspection.

Storage option and storage costs:

Microsoft currently offers a somewhat cost-effective storage option for these types of files, Azure Blob Storage. This is a cloud-based platform that was created for storage of archived data that does not need to be accessed often. Below are our size and cost estimates for retaining audio and video recordings indefinitely that do not need high availability over time for (1 year/5 years/10 years):

Year 1 – 50 GB = \$180 per year

Year 5 – 250 GB = \$360 per year

Year 10 – 500 GB = \$720 per year

Please note these numbers are based on what we know of the file size of video and audio files today and for storing only. Additional fees are charged for downloading files based on file size. These numbers also assume the size the files remain approximately the same for the next 10 years (which is highly unlikely due to technological advancements), and that Microsoft continues to offer this storage service at the same cost for 10 years (again, highly unlikely).

Maintenance:

It is important to note that these files will need to be converted to a usable format over time. As technology advances, file formats evolve and become obsolete. Thus, these files will require intervention to continue to be viewed in the future. An example of this would be the MP3 file, which is being replaced by AAC, FLAC, WAV, and JPEG file formats. Eventually all MP3 files will need to be converted to the newer file formats to avoid being unusable. A concern with retaining data indefinitely involves degradation of the data. Technology will advance over time and the longer we store data, the harder it is to retain it at a usable quality.

Neighboring local government processes:

- Orange County: no written policy; audio recordings are destroyed after approval of written minutes; video recordings are not destroyed and are available on website dating back to 2010.
- Carrboro: no written policy; video recordings are not destroyed and are available on website dating back to 2013.
- Chapel Hill: no written policy; video recordings are not destroyed and are available on website dating back to 2006.

Financial impacts:

Minimal, as estimated above; IT vendor maintenance fees and/or staff time.

Staff recommendation and comments:

The longer these records are stored, the longer they are open to public inspection. Staff do not recommend storing recordings beyond three years. Doing so may result in additional staff time/vendor charges to perform file maintenance, and file downloading fees to fulfill public records requests.

Action requested:

Direction; staff will draft a policy to bring back for board approval at a future meeting.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Police
Agenda Section: Regular Agenda
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Police Chief Duane Hampton

ITEM TO BE CONSIDERED

Subject: Police Department Update – 2023 Crime Trends and Summary

Attachments:

None

Summary:

Chief Hampton will present information to update the board on crime trends and police activity in 2023.

Financial impacts:

None

Staff recommendation and comments:

None

Action requested:

None



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: Administrative Services
Agenda Section: Regular
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Town Manager Eric Peterson

ITEM TO BE CONSIDERED

Subject: Hot topics for work session Feb. 26, 2024

Attachments:

None.

Summary:

Possible topics for the Feb. 26 work session include:

- Legislative priority meeting with Senator Graig Meyer and Representative Renee Price
- Downtown parking updates

Financial impacts:

None.

Staff recommendation and comments:

None.

Action requested:

None.



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: Feb. 12, 2024
Department: All
Agenda Section: Regular
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Department Heads

ITEM TO BE CONSIDERED

Subject: Staff (written reports in agenda packet)

Attachments:

Monthly departmental reports

Summary:

N/A

Financial impacts:

N/A

Staff recommendation and comments:

None.

Action requested:

Accept reports.



Administrative Services Report

January 2024

Budget

- Budget requests were submitted January 19th.
- Budget review meetings start February 6th.

Communications

- Participating in Career Expo planning and promotion.
- Started working with Ridgewalk greenway consultant on communications plan and survey.
- Started working with mayor regarding climate challenge plans.
- Approved final design for new town website.

Fleet Maintenance

- No updates.

Human Resources/Town Clerk

- Employee service milestone awards
- Employee swag/hot chocolate social
- Biweekly payrolls

| RECRUITMENT AND SELECTION | |
|---------------------------|-------------------------|
| Position | Status |
| Police Officer | Continuous recruitment. |
| Safety & Risk Manager | Closes 2/25. |
| Stormwater Technician | Start date: 2/12. |
| Utility Systems Mechanic | Open until filled. |

Information Technology

- Updated incident response plan for information services. Plan is in review stage with our security program, InfoSec. Mock test dates to be scheduled in the next few months.
- Audio improvements for the Annex Board Meeting Room have been completed.
- Working with CityWorks, Cartegraph, Brightly, and CivicPlus to get asset management/workflow demos scheduled. Planning to get the demos scheduled during the month of February.
- Assisting police department with CJIS security training and background check policy for employees, contractors, and vendors.
- Working with SRFax to implement an efax service for the Town Hall campus. Efax service will be expanded to all departments over the next few months.
-

Safety and Risk Management

- Inspections — Gold Park, Turnip Patch Park, Murray Street Park, Hillsborough Heights Park, Cates Creek Park, Utilities Department Meeting, Utilities Department visit.

- Meetings – HR Team Meeting and Division Meeting.
- Random drug screens — 1st quarter drug screens, random FMCA drug screens and random breathalyzer tests underway (Trial - Contracting collections).
- Trainings – nine “Hands on Trainings” performed using live fire extinguishers.
- Safety equipment — Stocked/distributed/ordered safety gear generally and distributed updated safety wear and supplies.
- Other — Worked on employee training schedule, workers compensation claims, property and liability claims and general duties pertaining to the Highway 86 building, collected fire extinguisher monthly check sheets. Prepared/repared training equipment for January fire extinguisher training event.

Hillsborough Police Department



Quarterly Transparency Report

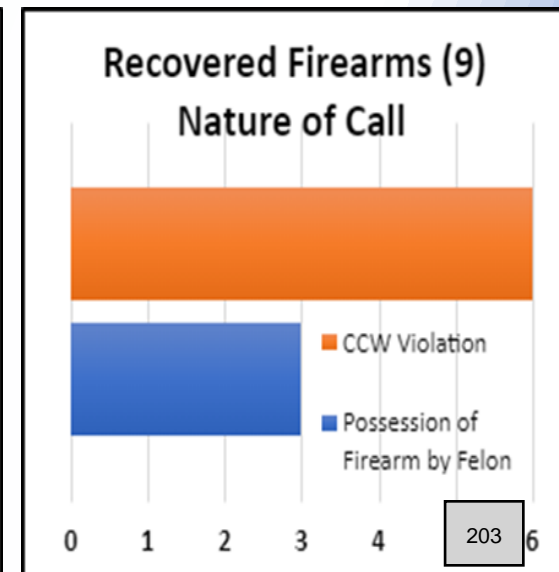
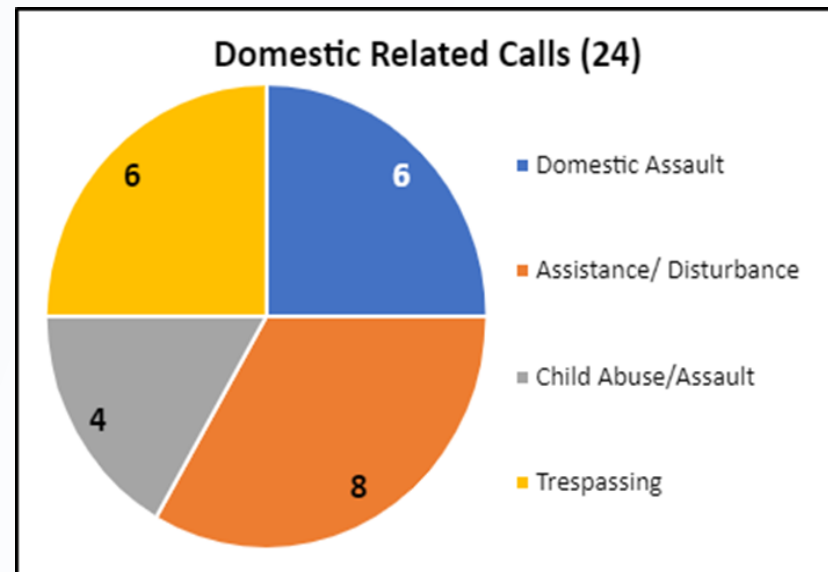
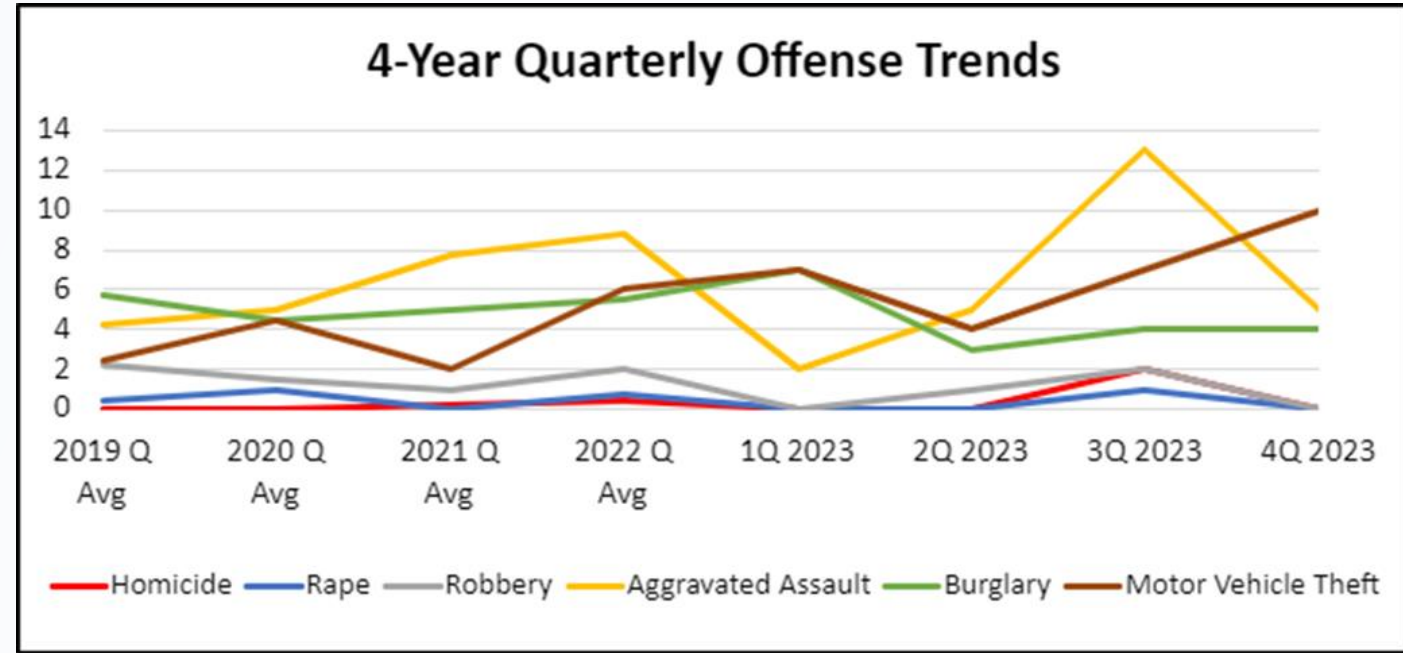
October-December 2023

This report summarizes quarterly activity and data in the following areas:

- Reported Incidents and Crimes
- Arrest Data
- Internal Accountability
- Use of Force
- Mental Health Response
- Marijuana and Paraphernalia Enforcement
- Traffic Enforcement Focuses
- Traffic Stop Data
- Search Data
- Department Training
- Community Engagement
- Employee Accomplishments and Recognitions

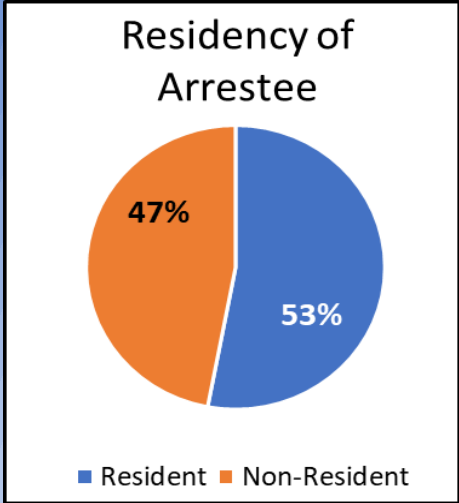
Reported Incidents

| UCR Part 1 Reported Crimes | Jan-Mar | Apr-Jun | Jul-Sep | Oct-Dec | YTD |
|-------------------------------------|------------|-----------|------------|------------|------------|
| Homicide | 0 | 0 | 2 | 0 | 2 |
| Rape | 0 | 0 | 1 | 0 | 1 |
| Robbery | 0 | 1 | 2 | 0 | 3 |
| Aggravated Assault | 2 | 5 | 13 | 5 | 25 |
| Part 1 Violent Crimes Total | 2 | 6 | 18 | 5 | 31 |
| Burglary | 7 | 3 | 4 | 4 | 18 |
| Larceny/Theft | 88 | 87 | 116 | 101 | 392 |
| Motor Vehicle Theft | 7 | 4 | 7 | 10 | 28 |
| Part 1 Property Crimes Total | 102 | 94 | 127 | 115 | 438 |
| Other Offenses Reported | Jan-Mar | Apr-Jun | Jul-Sep | Oct-Dec | YTD |
| Drug Offenses | 13 | 15 | 15 | 15 | 58 |
| Simple Assault | 24 | 24 | 20 | 31 | 99 |
| Forgery/Counterfeit | 0 | 3 | 1 | 2 | 4 |
| Fraud | 20 | 6 | 6 | 12 | 44 |
| Embezzlement | 3 | 2 | 2 | 4 | 11 |
| Stolen Property | 3 | 0 | 3 | 0 | 6 |
| Vandalism | 20 | 9 | 12 | 14 | 55 |
| Prostitution | 0 | 0 | 0 | 0 | 0 |
| Other Sex Offenses | 1 | 10 | 1 | 0 | 12 |
| Gambling | 0 | 0 | 0 | 0 | 0 |
| Offense against family/child | 0 | 1 | 1 | 0 | 2 |
| DWI | 4 | 4 | 8 | 6 | 22 |
| Alcohol Violations | 0 | 0 | 0 | 1 | 1 |
| Disorderly Conduct | 1 | 0 | 2 | 0 | 3 |



Arrest Summary

HPD Officers made a total of 88 Criminal Arrests of individuals during this quarter, with a total of 137 separate charges.



| Current Quarter Arrests | | | | | |
|-------------------------|-----------|----------|-----------|----------|-----------|
| | B | H | W | O/U | TOTAL |
| Custodial Arrest | 11 | 0 | 14 | 2 | 27 |
| Citation/Summons | 18 | 1 | 13 | 1 | 33 |
| Warrant Service | 16 | 2 | 10 | 0 | 28 |
| Total Arrests | 45 | 3 | 37 | 3 | 88 |
| Residency Breakdown | | | | | |
| Resident | 24 | 1 | 20 | 1 | 46 |
| Non-Resident | 21 | 2 | 17 | 2 | 42 |

OCPAD

| | |
|-------------------------------------|---|
| Orange County Pre-Arrest Diversions | 3 |
| 3 Larceny Incidents | |

| TOTAL OF ALL CHARGES | 137 |
|---------------------------------|-----|
| WARRANT SERVICE | 26 |
| LARCENY-SHOPLIFTING/CONCEAL | 12 |
| DRIVING WHILE IMPAIRED | 11 |
| LARCENY-MISDEMEANOR | 11 |
| RESIST DELAY OBSTRUCT | 9 |
| DRUG VIOLATION | 7 |
| ALL OTHER OFFENCES | 5 |
| CARRYING A CONCEALED WEAPON | 4 |
| SELL/GIVE TO UNDERAGE PERSONS | 4 |
| ASSAULT ON A LEO/GOVT OFFICIAL | 3 |
| ASSAULT-SIMPLE | 3 |
| CHILD ABUSE/NEGLECT-NON VIOLENT | 3 |
| INJURY TO PERSONAL PROPERTY | 3 |
| LARCENY BY EMPLOYEE | 3 |
| LARCENY-FELONY | 3 |
| POSSESS DRUG PARAPHERNALIA | 3 |
| POSSESS MARIJUANA | 3 |
| TRESPASSING-2ND DEGREE | 3 |
| B&E TO A VEHICLE | 2 |
| COMMUNICATING THREAT | 2 |
| DWLR | 2 |
| POSSESSION OF FIREARM BY FELON | 2 |
| ALL OTHER DRUG VIOLATIONS | 1 |
| ASSAULT ON A FEMALE | 1 |
| ASSAULT WITH DEADLY WEAPON | 1 |
| DRUNK AND DISRUPTIVE | 1 |
| HIT AND RUN | 1 |
| IDENTITY THEFT | 1 |
| LARCENY OF A FIREARM | 1 |
| LARCENY-ALL OTHER | 1 |
| LARCENY-SWITCHING PRICE TAG | 1 |
| OPEN CONTAINER WHILE DRIVING | 1 |
| POSSESSION OF STOLEN VEHICLE | 1 |
| SPEEDING TO ELUDE ARREST | 1 |
| TRAFFIC OFFENCE NOT DWI | 1 |

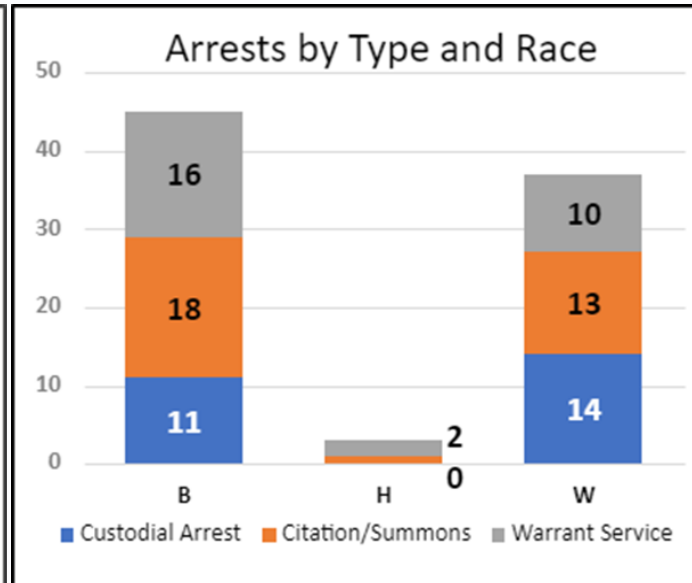
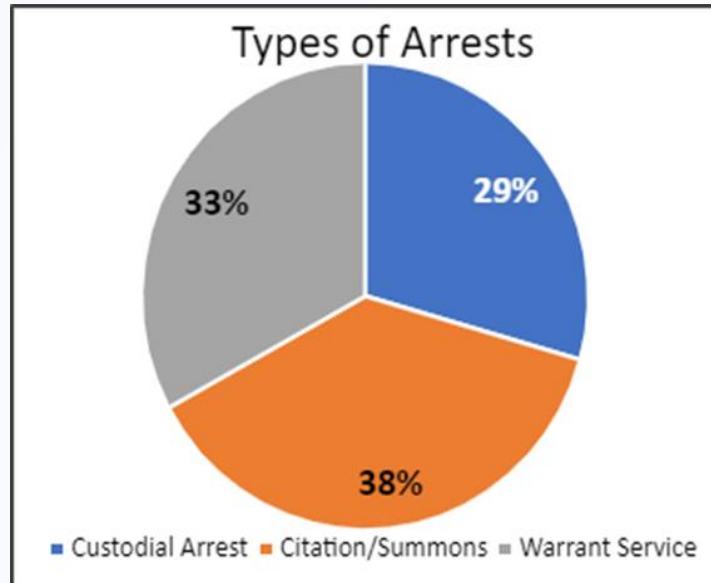
Definitions:

Custodial Arrests are typically on-view crimes for which an officer makes a physical arrest and takes the subject before a magistrate.

Warrant Service means an officer made a physical arrest for a previously existing warrant or order for arrest.

Citation/Summons means the offender was issued a citation or served a summons and was not taken into custody.

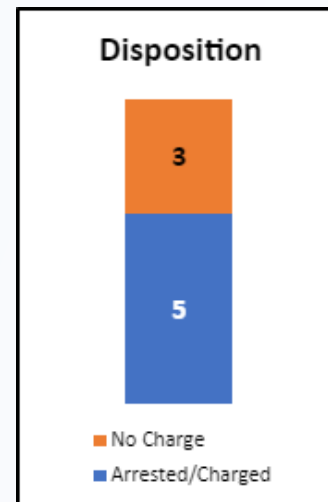
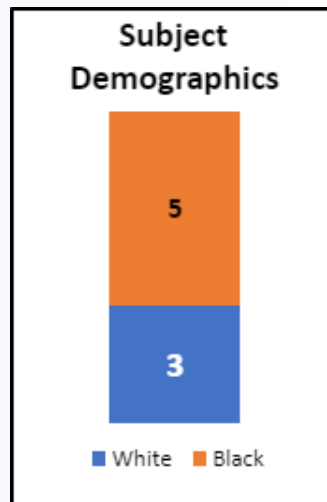
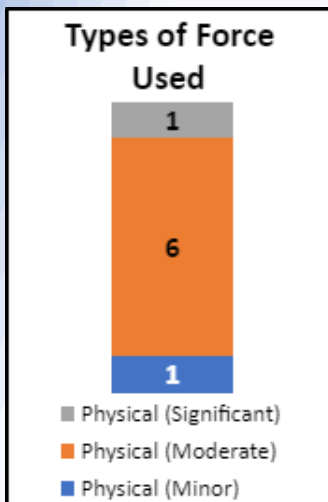
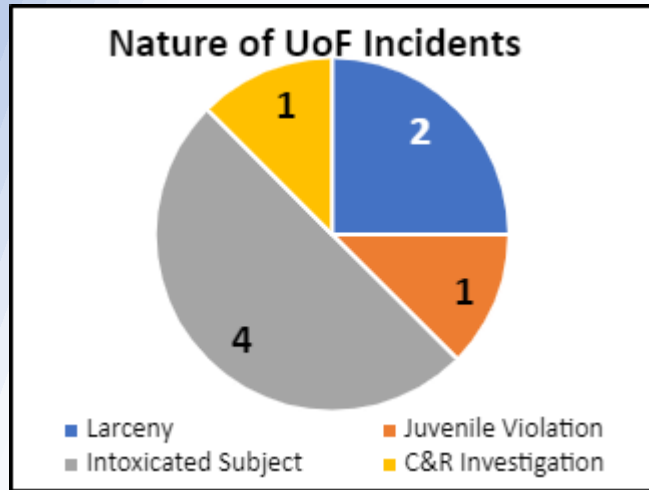
Section 8, Item C.



Use of Force

HPD's review of 14 force-related incidents this quarter found that force of some type was used in 8 of the incidents and involved 8 subjects and 18 officers.

Summary of Use of Force Incidents



- An intoxicated subject at a disturbance call refused to listen to officers' commands. They had to restrain him by holding him in place so EMS could check him out. (*Physical – moderate*)
- Officers had to physically carry an intoxicated subject off the concrete to the grass when he was having a seizure. (*Physical – moderate*)
- A subject assaulted an officer during a careless and reckless vehicle investigation. Officers grabbed the subject and held him in place as they applied handcuffs. (*Physical – moderate*)
- Officers had to grab a subject's arms as he refused to be transported to the police station. They then had to guide the subject toward the police vehicle as the subject pushed back against officers. (*Physical – moderate*)
- A larceny suspect had a taser pointed at them after they refused to drop a knife. Once the knife was away, the officer had to take the subject to the ground due to them refusing commands. (*Physical – significant*)
- An intoxicated subject had to be restrained when he threatened to assault an officer. The subject's legs were picked up and put into the patrol car when they refused to get in. (*Physical – minor*)
- A larceny suspect had to be held down on the ground while having a seizure for their safety. (*Physical – moderate*)
- During a DWI investigation, officers had to pull an intoxicated subject into a patrol car to be transported for processing. (*Physical – moderate*)

Internal Accountability

Details on Displays of Force

- After being advised that a suspect had a knife on them, an officer displayed their duty weapon when the suspect failed to follow commands to take their hands out of their pockets.
- Officers responded to a report of individual running around with guns. Officers arrived on scene and had their weapons displayed until they were able to secure the scene.
- While attempting to serve a domestic assault warrant, an officer found the suspect hiding in a closet. The officer drew their duty weapon and ordered the suspect out until they were secured in handcuffs.
- Officers drew their duty weapons on a suspect in a vehicle who kept violently driving their vehicle forward and in reverse near the officers. The suspect then took off in the vehicle and was pursued by neighboring jurisdictions.
- Officers responded to the scene of a subject being assaulted by a knife. An officer displayed their duty weapon until the suspect was placed in handcuffs.
- Officers located a vehicle that had fled the scene of a traffic stop. The responding officer displayed their duty weapon until they were able to determine the scene was safe.

14 Use of Force Reviews

- 8 Uses of Force
 - 1 Physical (minor)
 - 6 Physical (moderate)
 - 1 Physical (significant)
- 6 Displays of Force
 - 5 Firearm Displays
 - 1 Taser Display

% of Arrests w/ Use of Force

| | 4Q | % |
|----------------|-----|----|
| Total Arrests | 88 | 7% |
| Arrests w/ UoF | 6 | |
| | YTD | % |
| Total Arrests | 327 | 4% |
| Arrests w/ UoF | 14 | |

Internal Accountability Reviews

| | |
|-------------------------|-----------|
| Use of Force Reviews | 14 |
| Complaints | 2 |
| Pursuit/Refuse to Stop | 4 |
| Internal/Admin | 1 |
| PEWS | 3 |
| Safety/Accident | 1 |
| TOTAL IA REVIEWS | 25 |

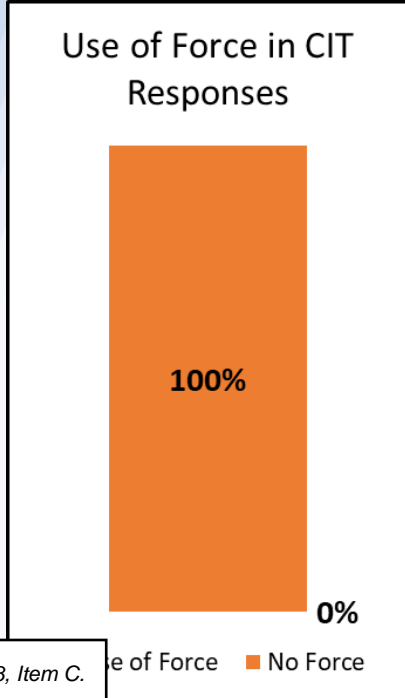
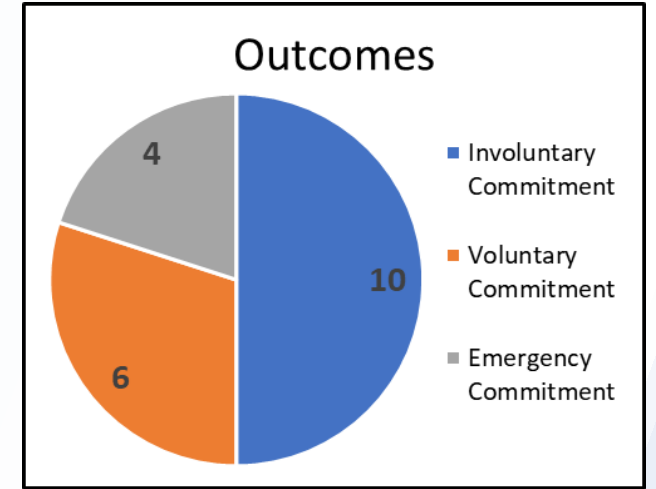
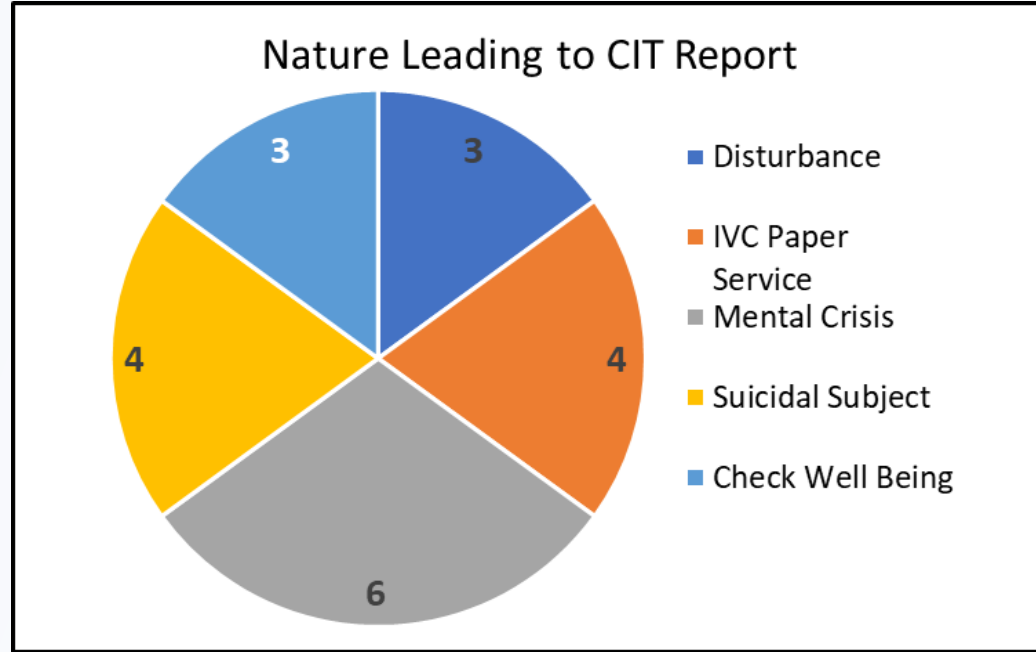
Summary of Complaints

- A citizen complained an officer was distracted while driving and almost hit them. (Not Sustained)
- A citizen complained an officer was rude to them over a Section 8, Item C. ot. (Sustained)

Mental Health/Crisis Response Calls

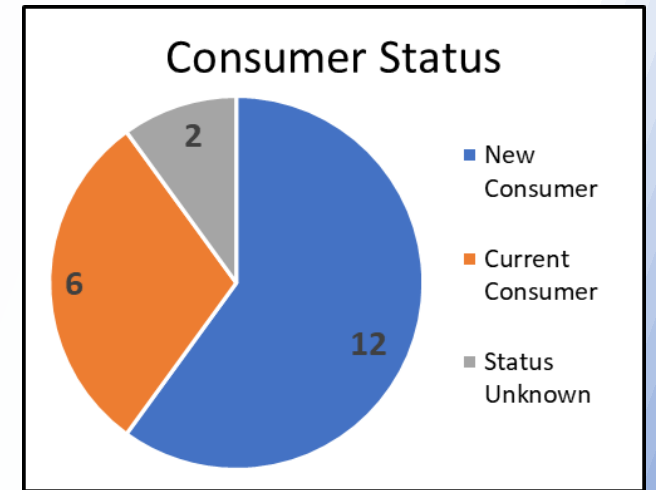
This section presents information on HPD responses to subjects having mental health issues or in crisis. The term “consumers” is used to describe these individuals. Data presented is based on reports in HPD’s records system.

| Current Quarter | |
|---|-----------|
| <u>CIT Reports</u> | 20 |
| <u>Responses with Use of Force</u> | 0 |
| <u>Responses with Juvenile Consumer</u> | 4 |



Details of Use of Force Situations:

- *There were no Use of Force Situations during mental health or crisis response calls this quarter.*

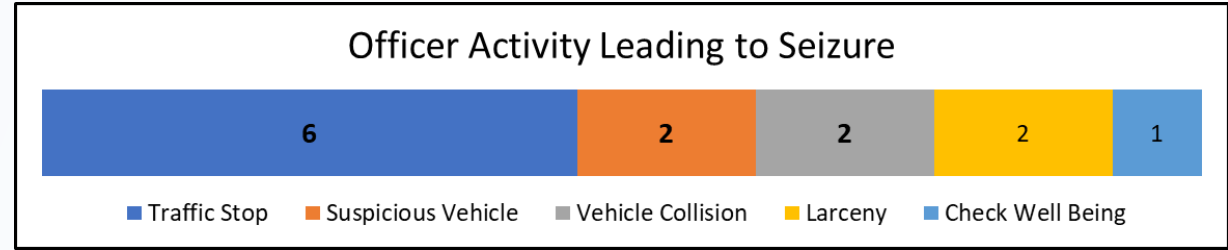


Marijuana (Schedule VI) Seizures

This section presents information on seizures of marijuana (MJ) and marijuana-related paraphernalia (P).
Drugs and paraphernalia not related to marijuana are not included.

| Current Quarter | |
|--|----|
| Individuals with MJ/P Seized | 13 |
| Disposition | |
| No Resulting MJ/P Charge | 9 |
| Referred to OCPAD | 0 |
| Charged with MJ/P Only | 1 |
| Charged MJ/P w/ other criminal charges | 3 |

| Demographics | | | |
|--------------|---|---|---|
| B | W | H | O |
| 7 | 6 | 0 | 0 |
| Disposition | | | |
| 5 | 4 | 0 | 0 |
| 0 | 0 | 0 | 0 |
| 0 | 1 | 0 | 0 |
| 2 | 1 | 0 | 0 |

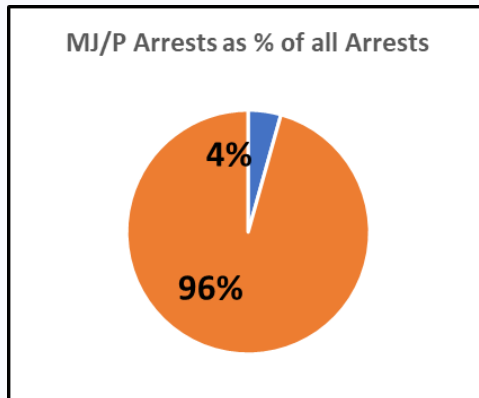
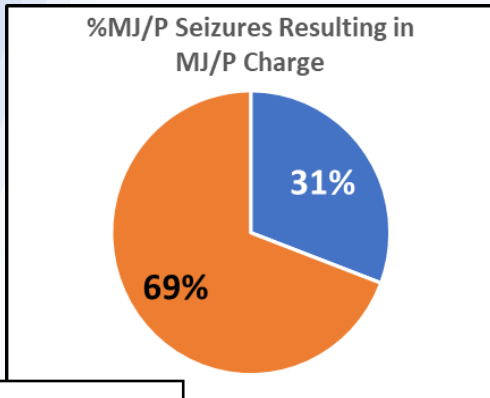


| MJ/P Arrests as % of total arrests | |
|------------------------------------|----|
| MJ/P Seizures | 13 |
| Arrests with MJ/P Charges | 4 |
| All Other Criminal Arrests | 88 |

| % MJ/P Seizure w/ arrest | MJ/P Arrests as % of all Arrests |
|--------------------------|----------------------------------|
| 31% | 4% |

Detail on cases Charged (4):

- Man charged with Felony Amount of Marijuana.
- Marijuana was charged along with other charges in three arrests:
 - Man charged with possessing marijuana in relation to being charged with Driving While Impaired.
 - Man charged with possession of marijuana, felony flee to elude, and child endangerment
 - Man charged with possession of marijuana, Driving While Impaired, Open Container, and Carrying a Concealed Weapon.



Traffic Enforcement Efforts

The Hillsborough Police Department spends time focusing on traffic issues that are received directly from our citizens and as part of the statewide Governor’s Highway Safety Program. HPD also incorporates locations where there have been accident trends as focus areas for enforcement efforts.

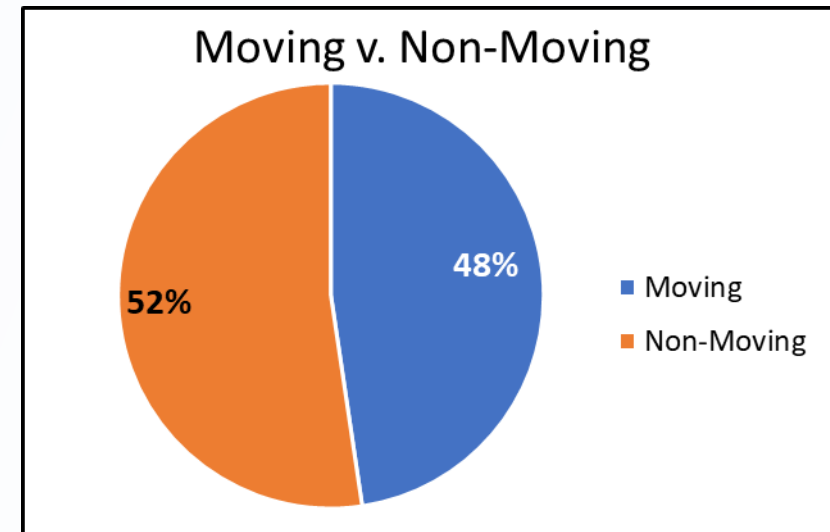
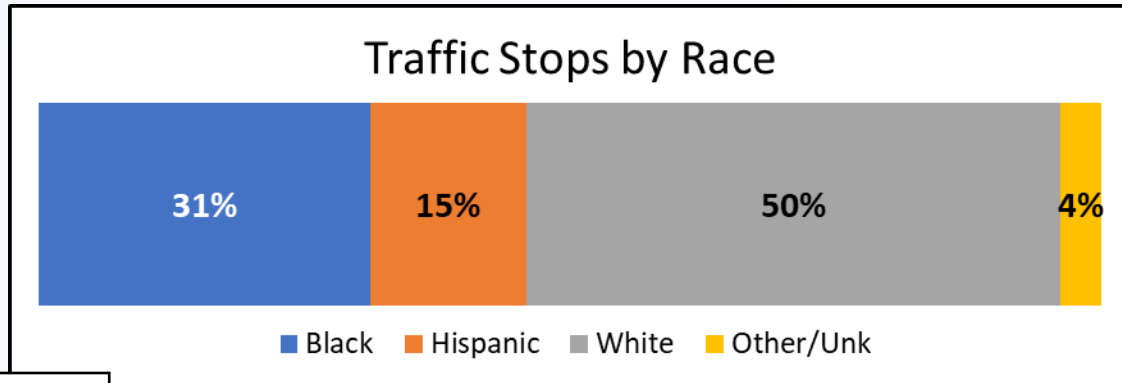
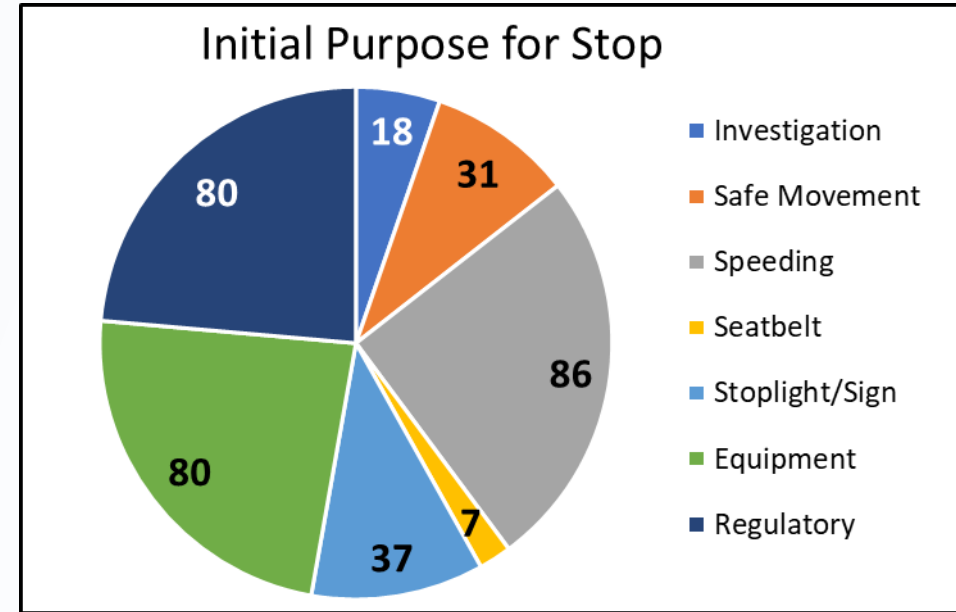
| Local Complaints and Focus Areas | | | |
|----------------------------------|---------------------|-----------------------|------------------------------------|
| Location | Complaint | Time Spent | Actions |
| Becketts Ridge | Speeding/Stop Signs | 1 hr, 5 min | 2 Stops, 1 VW, 1 WW |
| Cornwallis Hills Community | Stop Signs | 1 hr | 1 Stops, 1 VW |
| Fairview Community | Speeding/Stop Signs | 50 min | No Action |
| Nash & Eno | Stops Signs | 2 hrs, 34 min | No Action |
| Lakeshore Dr. | Speeding | 2 hrs, 45 min | 6 Stops, 4 Cit, 2 WW |
| West Hill Ave. | Speeding | 6 hrs | 2 Stops, 1 VW, 1 WW |
| Forrest Ridge Community | Speeding/Stop Signs | 1 hrs, 33 min | No Action |
| Collins Ridge (Gold Hill Way) | Stop Signs | 2 hrs | 2 Stops, 2 WW |
| TOTALS | | 17 hrs, 51 min | 13 Stops, 4 Cit, 6 WW, 3 VW |

| Governor’s Highway Safety Program Participation | |
|---|--|
| Campaigns | |
| Operation Firecracker | 34 traffic violation charges (1 DWI), 2 criminal charges |
| Speeding Wrecks Lives | 13 traffic violations, 3 criminal charges |
| Booze it and Loose it | 10 traffic violations |
| Non-Campaigns (Hillsborough Specific) | |
| Daytime Enforcement | 12 hours, 8 Operations |
| Nighttime Enforcement | 6 hours, 3 operations |

Cit=Citation
 WW=Written Warning
 VW=Verbal warning

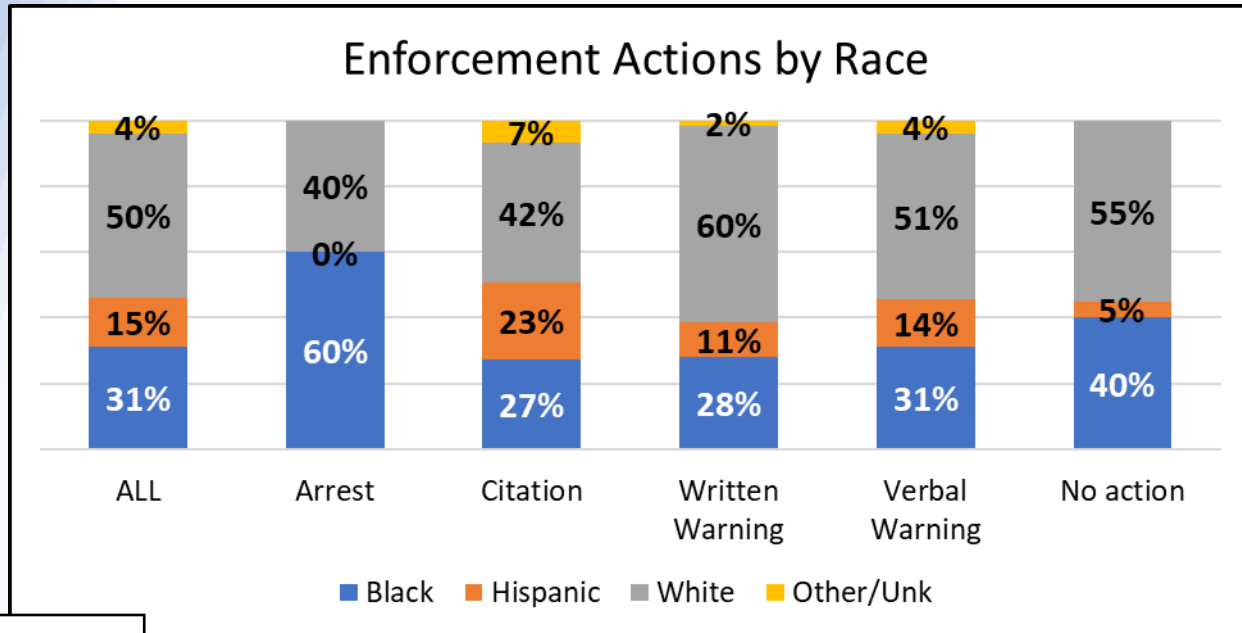
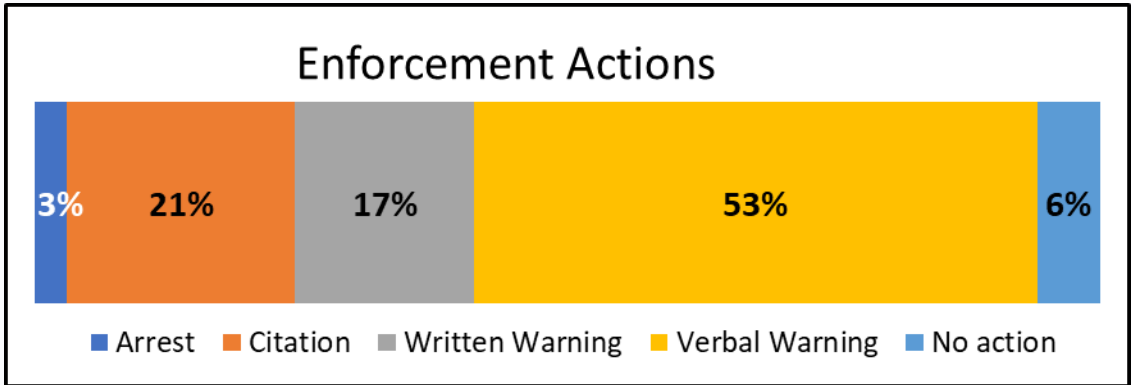
Traffic Stop Data (General)

| Current Quarter | Traffic Stops and Initial Reason | | | | |
|----------------------------|----------------------------------|------------|-----------|------------|-----------|
| | Total | Black | Hispanic | White | Other/Unk |
| Total Traffic Stops | 340 | 106 | 50 | 171 | 13 |
| DWI | 1 | 0 | 0 | 1 | 0 |
| Investigation | 18 | 6 | 1 | 11 | 0 |
| Safe Movement | 31 | 14 | 5 | 11 | 1 |
| Speeding | 86 | 19 | 14 | 47 | 6 |
| Seatbelt | 7 | 3 | 1 | 3 | 0 |
| Stoplight/Sign | 37 | 8 | 7 | 20 | 2 |
| Equipment | 80 | 24 | 15 | 38 | 3 |
| Regulatory | 80 | 32 | 7 | 40 | 1 |

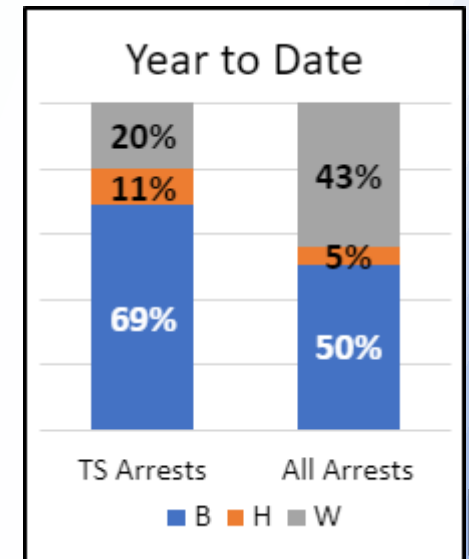
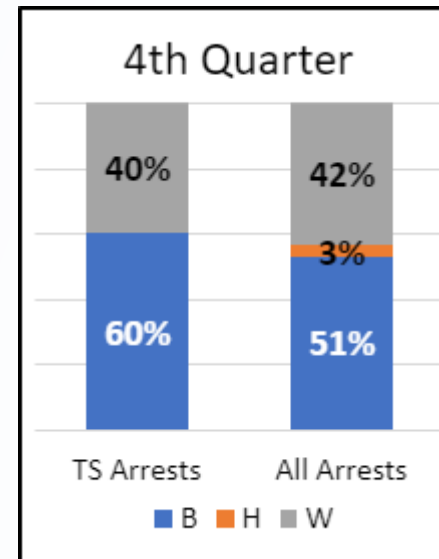


Traffic Stop Data (Enforcement)

| Current Quarter | Enforcement | | | | |
|------------------------|-------------|------------|-----------|------------|-----------|
| | Total | Black | Hispanic | White | Other/Unk |
| All Enforcement | 340 | 106 | 50 | 171 | 13 |
| Arrest | 10 | 6 | 0 | 4 | 0 |
| Citation | 73 | 20 | 17 | 31 | 5 |
| Written Warning | 57 | 16 | 6 | 34 | 1 |
| Verbal Warning | 180 | 56 | 26 | 91 | 7 |
| No action | 20 | 8 | 1 | 11 | 0 |

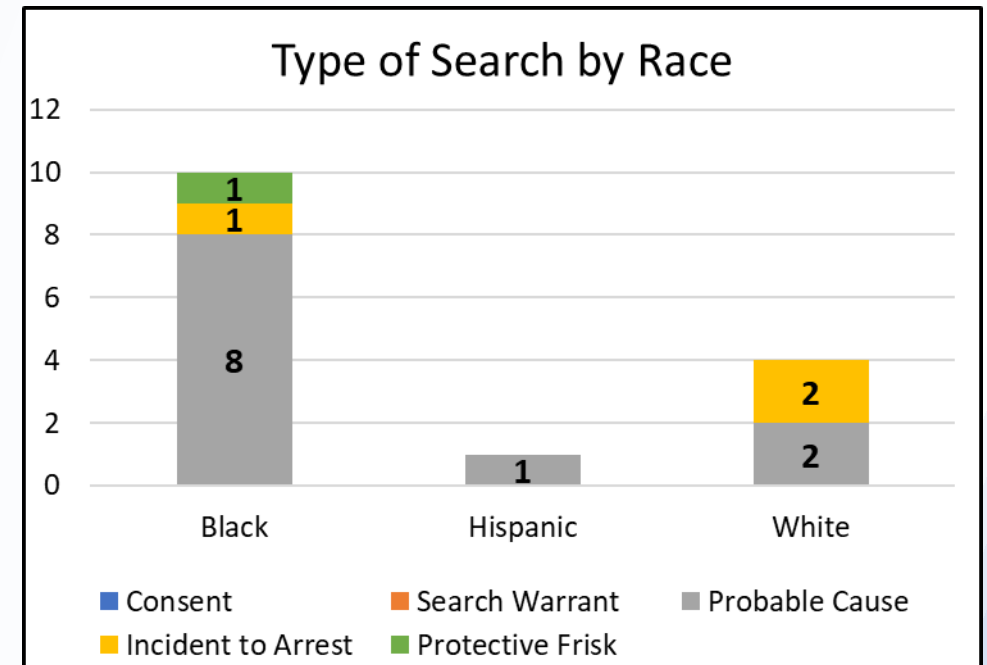


Traffic Stop Arrests Compared to All Arrests

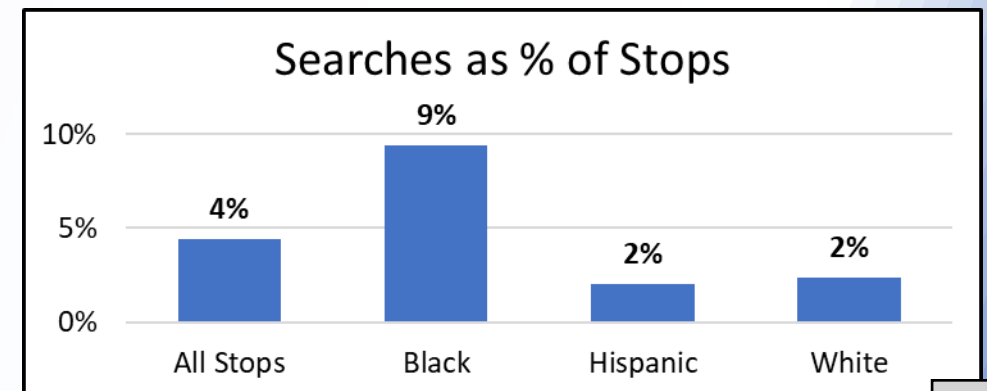


Search Data

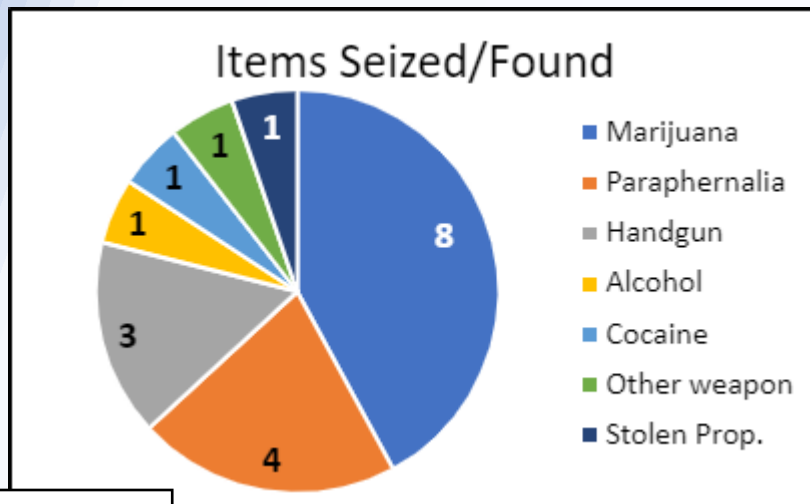
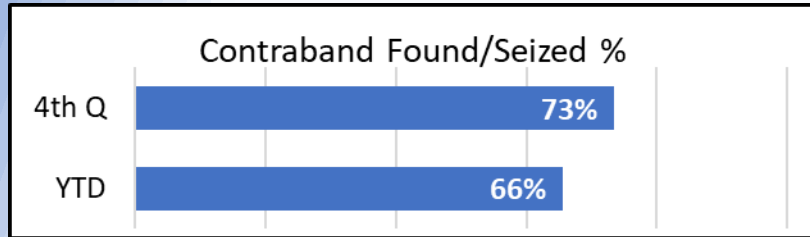
| Current Quarter | Search Data – Search Types | | | | |
|----------------------------|----------------------------|------------|-----------|------------|-----------|
| | Total | Black | Hispanic | White | Other/Unk |
| Total Traffic Stops | 340 | 106 | 50 | 171 | 13 |
| Total Searches | 15 | 10 | 1 | 4 | 0 |
| Consent | 0 | 0 | 0 | 0 | 0 |
| Search Warrant | 0 | 0 | 0 | 0 | 0 |
| Probable Cause | 11 | 8 | 1 | 2 | 0 |
| Incident to Arrest | 3 | 1 | 0 | 2 | 0 |
| Protective Frisk | 1 | 1 | 0 | 0 | 0 |



| Current Quarter | Search Data – Basis/Reason for Search | | | | |
|-------------------------------|---------------------------------------|-----------|----------|----------|-----------|
| | Total | Black | Hispanic | White | Other/Unk |
| Total Searches | 15 | 10 | 2 | 3 | 0 |
| Erratic/Suspicious Behavior | 0 | 0 | 0 | 0 | 0 |
| Observed suspected Contraband | 8 | 6 | 1 | 1 | 0 |
| Other Official Information | 3 | 2 | 1 | 0 | 0 |
| Suspicious Movements/Actions | 0 | 0 | 0 | 0 | 0 |
| Informant Tip | 0 | 0 | 0 | 0 | 0 |
| Multiple Basis Noted | 4 | 2 | 0 | 2 | 0 |



| Contraband Found? | | | | |
|-----------------------|-----------|-----------|----------|------------|
| | | Yes | No | Hit% |
| Total Searches | 15 | 11 | 4 | 73% |
| Consent | 0 | 0 | 0 | na |
| Search Warrant | 0 | 0 | 0 | na |
| Probable Cause | 11 | 9 | 2 | 82% |
| Incident to Arrest | 3 | 1 | 2 | 33% |
| Protective Frisk | 1 | 1 | 0 | 100% |



Section 8, Item C.

Search Data (continued)

Search Details

- 3 searches was done after (incident to) an arrest.
- 1 search was done as a protective frisk after passenger fled from stop.
- 11 searches were based on Probable Cause
 - 3 were due to officer smelling marijuana and driver admitting to having it or having recently used it.
 - 2 were due to officer smelling marijuana and driver admitting to having it in vehicle.
 - 2 were the result of the vehicle initially fleeing officers then stopping and there being odor of marijuana.
 - 2 were larceny suspect who were stopped and officer observed stolen property in car or evidence of drug activity.
 - 1 the officer smelled marijuana and the driver admitted to having drugs and handgun in car.
 - 1 search as done after officer saw an open container in the vehicle.

Of the 15 incidents with searches, 10 (67%) involved an arrest or criminal charge. Of those 10, only 7 involved charges connected with contraband found during the search. The other 3 arrests/charges were not connected with the search, or the search was done as a result of the arrest.

Department Training

Elective Trainings Completed

- Gray/Gilliland - CIT (40 hours)
- Gregory/West – Supervisor Response for Death/Homicide (8 hours)
- Jones – Connected Vehicle Investigations (16 hours)
- Morales – Warrantless Searches (16 hours)
- Morales – Death and Violent Crime Scenes (8 hours)
- Spragins – Training Coordinator (1 hour)
- West – Suicide Investigations Procedures (16 hours)
- St. Pierre – 1st Line Supervision (40 hours)
- West – Credible Leadership Module 2 (100 hours)
- Chestnut – SFST Instructor Refresher (8 hours)
- Alvarez – Radar (40 hours)
- Alvarez/Burnette/Phuong/Soltys – INTOX (35 hours)
- Blackwell/Chelenza/Gregory – INTOX Recert (7 hours)
- Gregory – Taser Instructor Recert (8 hours)
- Gray/Jones – Patrol Rifle Armorer School (16 hours)
- Darden – Child Death Investigations (16 hours)
- Foster/Gregory – FBI Basic Supervisor Liability (24 hours)
- Felts - NC Homicide Conference (32 hours)
- Evans/Phuong - DEPO (24 hours)
- Foster/Duran – Crime Prevention Specialist (16 hours)

Mandatory Training

- Naloxone and LUCAS Machine Training (1 hour, 24 employees)
- Taser 7 Training (8 hours, 10 employees)
- MIST Combat Course (1 hour, 30 employees)
- Patrol Rifle Qualification (5 hours, 15 employees)
- NCLM Module 1 (8 hours, 1 employee)
- NCLM Module 1 Recertification (1 hour, 2 employees)

| Training Hours | 1 st Q | 2 nd Q | 3 rd Q | 4 th Q | YTD |
|--|-------------------|-------------------|-------------------|-------------------|-------|
| Mandatory | 402 | 388 | 602 | 405 | 1,797 |
| Non-Mandatory | 640 | 871 | 756 | 718 | 2,985 |
| Goal: >40 hrs/employee of non-mandated training annually | | | | | |
| Avg hrs/employee | 21.3 | 29 | 25.2 | 23.9 | 99.4 |

Highlight: Training Division

HPD's Training Division is still holding weekly training for all members of the agency. This quarter officers were given a refresher on Naloxone use and how to assist EMS with the new LUCAS machine.

| Type | Hours | Attendance |
|----------------------------------|-------|------------|
| Gracie Survival Tactics Training | 1.5 | 9 |
| VR Training | 3 | 2 |

- FEMA 860 (3 hours, 1 employee)
- FEMA 100 (1 hour, 1 employee)
- FEMA 200 (1 hour, 1 employee)
- FEMA 800 (1 hour, 1 employee)
- NCLM Anti-Bias Policing (2 hours, 30 employees)
- NCLM Supervisor Training Online (10 hours, 12 employees)

Community Engagement

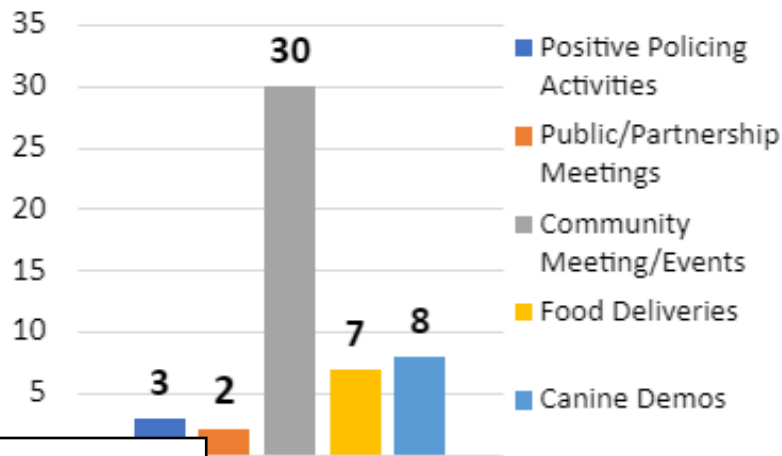
Definitions

- Positive Policing Activity – Services and actions by officers that go beyond the typical definition of policing. This can include acts of kindness and service, helping with problems, and providing meals or support to community members.
- Public/Partnership Meetings – Meetings with an agenda focused on community issues that intersect with policing such as Board of Commissioners or Project Safe Kids meetings.
- Community Meetings/Events – Community-based activities organized by the department or the community where officers attend, collaborate and/or coordinate, such as community watch meetings or events like Fairview Live.
- Food Deliveries – Assisting with food delivery to Hillsborough residents with mobility challenges such as Meals on Wheels and Passmore Center food box deliveries.
- Canine Demos – Educational demonstrations put on by HPD canine teams.

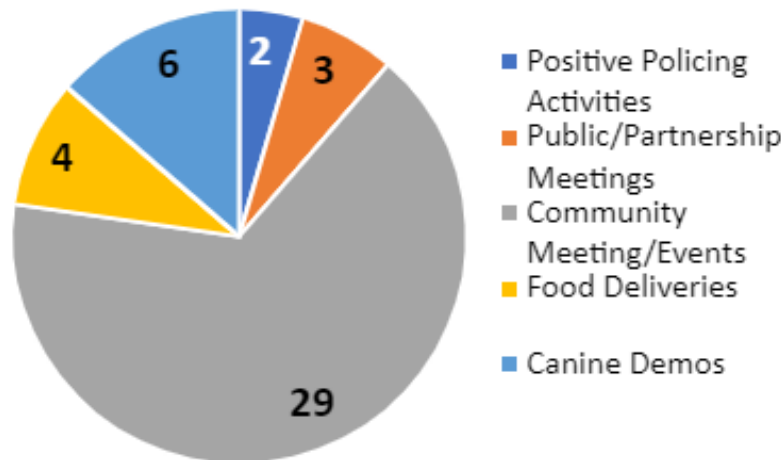
| Community Engagement Activities | | |
|---------------------------------|-----------|---------------|
| Activity | # | hours |
| Positive Policing Activities | 2 | 1.3 |
| Public/Partnership Meetings | 3 | 4.5 |
| Community Meeting/Events | 29 | 345.5 |
| Food Deliveries | 4 | 11 |
| Canine Demos | 6 | 27.25 |
| TOTALS | 44 | 389.55 |

| Total Staff Participating in Community Engagement Activities this Quarter | Number | % of staff |
|---|--------|------------|
| | 30 | 100% |

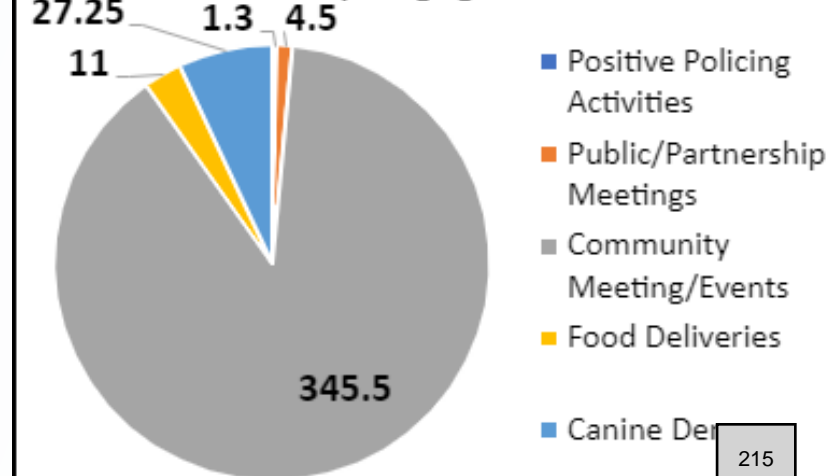
Staff Involved in Activities



Community Engagement Activities



Community Engagement Hours



Community Events/Activities

- Crafts with a Cop (10/3)
- National Walk to School Day (10/4)
- Home Depot Safety Event (10/7)
- Sportsplex First Responder Event (10/9)
- Governor's Highway Safety Event (10/12)
- School Field Trips to the Police Department (10/13, 10/20, 11/17)
- Hillsborough Elementary Fall Festival (10/14)
- Gateway Village Fall Festival (10/19)
- Hillsborough Police Department Halloween Event (10/27)
- Chapel Hill Halloween Event (10/28)
- Fairview Community Oktoberfest (10/28)
- Prescription Medication Drop Event (10/28)
- SECU Appreciation Day (11/3)
- Coffee with a Cop Event (11/14)
- Adopt with a Cop/Collaboration w/ O.C. Animal Services (12/8, 12/15, 12/22)
- Car Show/Toy Drive (12/9)
- Pathways Elementary First Responders Trust Program (12/12)
- Holiday Shop with a Cop (12/13)
- HPD Winter Wonderland Toy Giveaway (12/18)
- Meal Deliveries (10/6, 12/1, 12/21, 12/29)
- Canine Demonstrations (10/9, 10/13, 10/18, 11/14, 11/17, 11/28)

Positive Policing Activities

- An elderly subject needed help getting his stolen prescription replaced. He was assisted in getting a copy of a report and we helped get it faxed to the appropriate agency to save him the extra steps.
- On Christmas Eve, officers delivered meals to homeless citizens and those in

Community Engagement



Employee Accomplishments/Awards

Officer of the Year



Sergeant Scott Foster

Sergeant Foster received our annual Officer of the Year award. This award was selected by all his peers due to his outstanding performance and contributions to the community and our department.

Annual Community Engagement Award



Officer Madison Soltys

Officer Soltys received our annual community engagement award for her commitment to engaging and serving our community members as well as the connections and relationships she has built in her first year with our department.

Other Accomplishments/Awards:

- Investigator Gray and HPD Social Worker Savannah Gilliland completed Orange County's CIT program.
- Sergeant Senter graduated from the West Point Leadership Program hosted by Methodist University.



- Sergeant Corbett retired in October of 2023 after serving with the department for 20 years.
- Lieutenant Trimmer retired in December of 2023 after serving with the department for 17 years.



Public Works Report: January 2024

Work Orders

12 completed within two days.

Public Spaces

58 staff hours

Stormwater Maintenance

310 linear feet, 100 staff hours.

Inspections

1 Driveway Permits, 25 sidewalk inspections

Special Events

Removed Holiday Decorations – 16 staff hours, Installed and removed Banners for MLK Holiday – 9 staff hours, Storm event January 9th – 30 staff hours.

Training

2 staff attended the Fire Extinguisher Training

Cemetery

Marked locations for 3 headstones and marked for 4 graves.

Asphalt Repairs

6 Potholes

Leaf Collection

10 Loads



TOWN OF
HILLSBOROUGH

Utilities Department Status Report for Feb. 2024 (covering Jan. 2024)

| PROJECT/CATEGORY | STATUS |
|--------------------------------|---|
| WTP | <p>The raw water pumps recently started struggling to provide enough flow. Both have to be run to deliver where one should be fully capable. We learned from the repair vendor that the motors are in bad shape and pump parts/valves need to be rebuilt/replaced to restore capacity. Having to work off contingency funds for this not so inexpensive work. The pumps are almost 20 years old.</p> <p>Staff learned about the raw water pumping station variable frequency drive system, which was recently worked on last summer, when it failed in a recent storm and needed to be reset. The feed is from two different circuits which need to be reset before the unit can be reset, and there is a delay feature of 5 minutes.</p> |
| WWTP | <p>Hazen and Sawyer was selected to perform Wastewater Plant Master Planning after an RFQ effort. This project will focus on what to do with the existing WWTP regarding handling nutrients and future capacity and what other options exist to treat wastewater.</p> |
| West Fork of the Eno Reservoir | <p>The reservoir is almost spilling! A few more good rains... Already wave action is going into the piano key weirs. Phase II normal pool is 53 feet.</p> |
| Developments/Other | <p>The Collins Ridge developer has paid all of its \$115,000 proffer.</p> <p>RTLTP project has begun after a precon meeting. Freese & Nichols is observing the project for us. We are also supporting the developer in a variance from NCDOT to not fill the casing pipe beneath I-40 carrying the new sewer which would make it very hard for us to repair if failed.</p> <p>CDJR is open. Aldi is opening. Both will be brought to BOC for acceptance along with remaining phases in Forest Ridge after additional documentation is provided by the developer.</p> <p>East Village at Meadowlands is under review. There are concerns with water pressure for this project that the engineer will need to address.</p> <p>Nash Place is under review however the engineer is not addressing town comments for the town to assume ownership. Their option is to keep it private or revise the design to town standards for future looping. Bob Hornik is assisting in communications.</p> <p>A main break occurred on the water main feeding the RESCO parcel. The break was within the casing pipe that goes beneath the railroad. With this issue, the railroad requires certain additional steps for repair. This repair is beyond crew capabilities and a contractor was hired under an emergency procurement.</p> |

| | |
|--|---|
| | <p>Costs could escalate already above the estimated \$50,000+. Staff is communicating with RESCO and has offered to provide water for employees.</p> <p>The rate model billing data has been provided to Raftelis. The data included a massive export of water (over 400,000 rows) and sewer billing (over 250,000 rows) of consumption and billed data by month by account from the past five years. The data needed to be scrubbed to provide the correct account class and rate code for the model set up. While a lot of work, the spreadsheet will be useful for other tasks, such as quickly evaluating average monthly consumption for various types of facilities. It has already been useful for finding a few account errors that are/have been corrected.</p> <p>Numerous other smaller matters we are dealing with every day – too numerous and cumbersome to list. We are working very hard.</p> |
| Fiber Installs | <p>Brightspeed is the third fiber vendor to want to install in town. They have claimed exemption from needing an agreement with the town. On 1/29, there were 20 boring crews in town! Locate tickets are about 1300 a month where before this work, an average of 350 tickets per month were received. Spectrum has also inquired. Tyler and Bryant along with Joel and Lacy's team are keeping on top of things best they can. We are using locators from McKim and Creed as well. Hydrant tampering subsided in Dec., but a few calls were received in Jan.</p> |
| Staffing | <p>Ethan Oles started with the town on 1/29 taking Al Robertson's position. Ethan worked for the town in the past and recently was at OWASA. Curtis Watkins obtained his B Surface Certification. Brent Anderson and Graham Dodson obtained their Collection 1 certifications. Joey Smith obtained his grade 2 biological wastewater certification. A new locator, Connor Pettiford, began with the town recently. One mechanic position is open.</p> |
| Funding | <p>BRIC grant kickoff with the state contact was January 17. A kickoff with ICF to assist with grant management on both BRIC and other grants also occurred. Water System Master Planning through our AIA grant is underway, and a contract is being routed to begin our Hassell St/US70A Preliminary Engineering grant.</p> |
| Water and Sewer Advisory Committee (WSAC) Activities | <p>Two out of town vacancies are open. The next meeting is in February. Jenn Sykes will continue as chair and Daniel Rawlins will be Vice Chair. The joint WSAC/BOC meeting scheduled for February 1 is cancelled due to lack of topic, but the regular WSAC meeting will be held.</p> |