

Agenda

Board of Commissioners Work Session

7 p.m. Oct. 26, 2020

[Town of Hillsborough YouTube channel](#)

Due to current public health concerns, the Board of Commissioners is conducting this work session remotely using Zoom. The public can view and listen to the meeting via live streaming video on the town's YouTube channel.

Compliance with the American with Disabilities Act interpreter services and/or special sound equipment is available on request. If you are disabled and need assistance with reasonable accommodations, call the Town Clerk's Office at 919-296-9443.

Please use the bookmark feature to navigate and view the item attachments.

- 1. Opening of the work session**
- 2. Agenda changes and approval**
- 3. Public Hearing:**
 - Potential Community Development Block Grant – Coronavirus Application
- 4. Presentation:**
 - 2020 Economic Development and Tourism Update
- 5. Items for decision — consent agenda**
 - A. Miscellaneous budget amendments and transfers
 - B. Orange County Article 46 Collaborative Outreach Funds MOU
 - C. Interlocal Agreement with Orange County for Fire Inspection Support
- 6. In-depth discussion and topics**
 - A. Noise Ordinance Discussion Follow Up
 - B. Police Staffing Update and Options Discussion
 - C. Update on Action Items from June 8 Resolution Condemning the Killing of George Floyd
- 7. Other business**
- 8. Committee updates and reports**
- 9. Adjournment**

Interim Town Clerk and Human Resources Technician Sarah Kimrey
101 E. Orange St., PO Box 429, Hillsborough, NC 27278
919-296-9443 | sarah.kimrey@hillsboroughnc.gov
www.hillsboroughnc.gov | @HillsboroughGov

Public Comment Instructions

For items not on the agenda, agenda items and public hearings

Public Comment — Written

Members of the public may provide written public comment by submitting it via the Board of Commissioners [contact form](#) by noon the day of the meeting. Public hearing comments may be submitted for 24 hours following a public hearing. Members of the Board of Commissioners, town manager, assistant town manager/planning director and town clerk will receive all comments submitted.

When submitting the comment, include the following:

- Date of the meeting
- Agenda item you wish to comment on (Example: 5.C)
- Your name, address, email and phone number

Public Comment — Verbal

Members of the public can indicate they wish to speak during the meeting by contacting the town clerk using the town clerk [contact form](#) no later than noon the day of the meeting.

When submitting the request to speak, include the following:

- Date of the meeting
- Agenda item you wish to speak on (Example: 5.C)
- Your name, address, email and phone number (The phone number must be the number you plan to call in from if participating by phone.)

Prior to the meeting, speakers will be emailed a Zoom participant link to be able to make comments during the live meeting. Speakers may use a computer (with camera and/or microphone) or phone to make comments. Speakers using a phone for comments must use the provided PIN/password number.

The public speaker's audio and video will be muted until the board gets to the respective agenda item. Individuals who have pre-registered will then be brought into the public portion of the meeting one at a time.

If a member of the public encounters any concerns prior to the meeting related to speaking, please contact Interim Town Clerk and Human Resources Technician Sarah Kimrey at 919-296-9443.

TOWN OF HILLSBOROUGH

Board of Commissioners

Agenda Abstract Form

Meeting Date: Oct. 26, 2020
 Department: Planning
 Public Hearing: Yes No
 Date of Public Hearing: _____

For Clerk's Use Only
 AGENDA ITEM #

	3	
<i>Consent Agenda</i>	<i>Regular Agenda</i>	<i>Closed Session</i>

PRESENTER/INFORMATION CONTACT: Margaret A. Hauth, Planning Director/Assistant Town Manager

ITEM TO BE CONSIDERED

Subject:

Potential Community Development Block Grant – Coronavirus Application

Attachment(s):

1. Community Development Block Grant – Coronavirus program summary
2. Emergency Housing Assistance program summary and snapshot

Brief Summary:

The U.S. Department of Housing and Community Development has awarded Community Development Block Grant - Coronavirus funds to the state of North Carolina. The state is accepting applications from non-entitlement areas to expend these funds to support the town's response to the impacts of the virus. A public hearing is required prior to the town drafting the application and another one prior to submittal.

Action Requested:

Conduct public hearing – a second public hearing will be conducted prior to application and the board will need to adopt a resolution to go with the application.

ISSUE OVERVIEW

Background Information & Issue Summary:

The maximum grant amount is \$900,000. Both Orange County and Carrboro are applying for the maximum amount. Chapel Hill is an entitlement area and is not eligible for these funds. Hillsborough is considering applying for \$600,000, using the history of need by town residents through the Emergency Housing Assistance program as a guide for the amount. The town will contract with Orange County to administer these funds on the town's behalf, consistent with the current program guidelines.

Orange County administers the Emergency Housing Assistance program as a homeless prevention and eviction diversion program countywide for residents with impacts from the virus. The program was initiated earlier this year and has spent nearly \$1.7 million to support county households. The majority of assisted households have been at or below 50% of the median income. The eviction cases have been reduced by half when comparing July and August of this year with last year. Our neighboring jurisdictions are seeing eviction increases. The majority of funds spent so far have been CARES funds and other federal sources awarded to the county and municipalities.

The county is shifting to the recently announced HOPE funding source as the CARES and other funds have been exhausted. This will trigger changes in how folks apply for assistance, but the county will still be directly involved in administering the funds.

The snapshot slide included provides data through September. The number of unique households applying has declined, but households are returning for additional assistance. The current funds are available through December 30. The CDBG-CV funds can be used for 30 months and will fill an important looming gap in this program.

The program allows for up to 10% of the funds on the administration of the program. This would make \$540,000 available for assistance and cap administration support at \$60,000.

The town will also accept written comments on this potential application through 8:00 p.m. on Nov. 10, 2020 to comply with state requirements for handling remote hearings during the pandemic. The second hearing on the completed application is expected on Nov. 9, 2020.

Financial Impacts:

The town will be responsible for the reporting and compliance of this program with federal guidelines.

Staff Recommendations/Comments:

Erika Brandt, Housing & Community Development Manager for the County will be available during the hearing.

INTRODUCTION

NC Commerce's Rural Economic Development Division (REDD) will administer the **Community Development Block Grant Coronavirus (CDBG-CV)** funds awarded to the State by the U. S. Department of Housing and Urban Development (HUD) to support North Carolina's COVID-19 response efforts. This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. Initially, REDD makes available approximately \$27.5 million through awarding grants to non-entitlement communities (i.e., incorporated municipalities under 50,000 and counties under 200,000 in population).

The **North Carolina CDBG-CV** Program is designed to help a non-entitlement municipality or county to prepare, prevent, or respond to the health and economic impacts of COVID-19. The activities must be most critical to their locality and primarily for their low- and moderate-income residents. Beginning September 1, 2020, REDD will award CDBG-CV funds on a first-come, first-served basis with a focus on local needs identified by the community in collaboration with state and local health officials. Applicants may view current COVID-19 metrics on the North Carolina Department of Health and Human Services website at <https://covid19.ncdhhs.gov/> .

AREAS OF FOCUS FOR CORONAVIRUS RESPONSE

As noted by Governor Roy Cooper, "efforts to support families, small business, and economic recovery remain critical" during the COVID-19 pandemic. In support of these public health and economic recovery goals, **North Carolina CDBG-CV** Program projects must incorporate at least one of the following as an area of focus:

- Support families and communities through telehealth support and other public services.**
- Protect the most vulnerable and high-risk populations.**
- Assist small businesses with economic recovery.**
- Address testing, tracing, and trends.**

FUNDING PRIORITIES BY ELIGIBLE ACTIVITY

The State has established the following funding priorities by eligible activity:

- **Public Service:** The priority in this category is subsistence payments to prevent evictions and utility disconnections. Food distribution, testing and diagnosis, and employment training for health care workers on the frontlines are also prioritized.
- **Public Facilities:** The priority in this category is broadband services and enhancing internet access that supports increased connectivity to schools, jobs, and healthcare. This category also includes building rehabilitation or improvements to support activities such as repurposing buildings into patient treatment centers.
- **Economic Development:** The priority in this category is to provide financial assistance to businesses with 100 or fewer employees, including microenterprises with five or fewer employees. The focus is to support businesses that manufacture medical supplies, and to help small businesses impacted by COVID-19 create and retain jobs.



Emergency Housing Assistance (EHA)

The Emergency Housing Assistance fund was created under the Risk Mitigation and Housing Displacement Fund to help Orange County residents with low incomes secure and maintain stable housing. Assistance is available to households in Orange County that (1) earn no more than 60% of the area median income (AMI), (2) have an urgent need for housing assistance, and (3) do not have adequate savings to cover the cost of their housing need.

The most current income limits for Orange County are:

- 1-person household: \$38,220
- 2-person household: \$43,680
- 3-person household: \$49,140
- 4-person household: \$54,540
- 5-person household: \$58,920
- 6-person household: \$63,084
- 7-person household: \$67,680
- 8-person household: \$72,000

Eligible Costs

Emergency Housing Assistance may pay for security deposits, utility connections and arrears, rental payments and arrears, and, in certain emergency situations and upon OCHCD approval, other urgent housing-related costs (e.g., moving costs), especially for hard-to-house individuals and families, such as large families with children, seniors, people with disabilities, veterans, and people with justice system involvement. Emergency Housing Assistance may not duplicate any assistance provided by any other program.

Maximum Assistance

The total amount of assistance provided to any household may not exceed \$6,500. Rent and utility payments may only cover arrears and/or payments for the current month or next upcoming month; assistance will not be granted for months further in the future. For example, if an applicant applies on June 15, assistance may be granted to cover any arrears for past rent owed, rent owed in the current month (June), rent to be owed in the upcoming month (July), but not for rent owed in future months (August or beyond). However, applicants may request assistance again in future months, if needed, up to the \$4,000 maximum.

How to Apply for EHA

Option 1: Online Application Portal

1. Go to our online application portal: <https://portal.neighborlysoftware.com/ORANGECOUNTYNC/Participant/>
2. Create an account, confirm it using the link that will be sent to your email, and sign into your account.



3. Under "Start a New Application", select Emergency Housing Assistance, and create an application. Along with submitting the application, you will be required to provide:
 - a. Documentation verifying total gross household income
 - b. Documentation verifying total household savings/assets/cash
 - c. Copy of the lease or other documentation from the landlord showing the amount of funds needed (as applicable)
 - d. Statement or invoice from utility provider (as applicable)
4. Be sure to click "Complete & Continue" after each section of the application is complete. You can also click "Save" to come back and complete a section later.
5. Submit your application through the portal once all sections are complete.

Option 2: Apply by Email

1. Complete an Emergency Housing Assistance application (which can be downloaded from the "Documents" section) and provide:
 - a. Documentation verifying total gross household income*
 - b. Documentation verifying total household savings/assets/cash*
 - c. Copy of the lease or other documentation from the landlord showing the amount of funds needed (as applicable)
 - d. Statement or invoice from utility provider (as applicable)
2. Submit your application and attachments by email to HousingHelp@orangecountync.gov

* See the EHA Application for a checklist of the acceptable source documentation

Documents

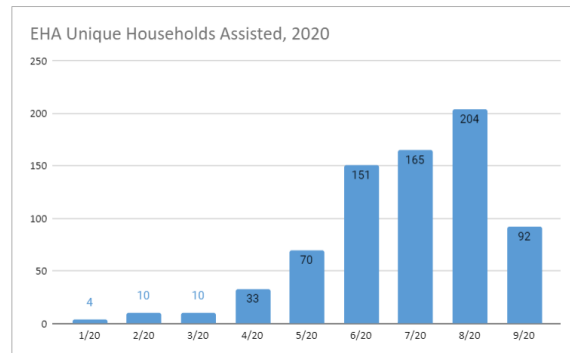
- [EHA Application \(English\)](#)
- [Solicitud para Asistencia de Vivienda de Emergencia \(Español\)](#)
- [EHA and Housing Helpline Flyer](#)
- [Folleto del Programa de Asistencia de Vivienda de Emergencia y la Línea de Ayuda de Vivienda \(Español\)](#)
- [EHA and Housing Helpline Progress Report](#)
- [Risk Mitigation and Housing Displacement Fund Policies](#)

Questions?

Contact the Housing Helpline at HousingHelp@orangecountync.gov or 919-245-2655

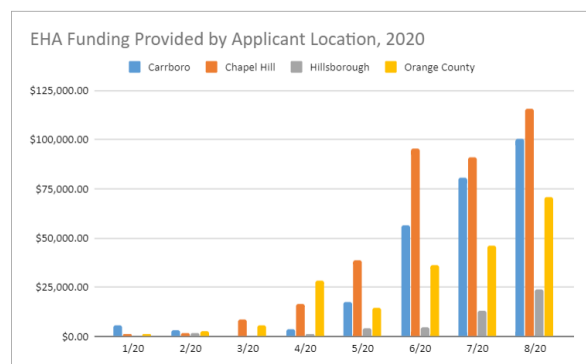
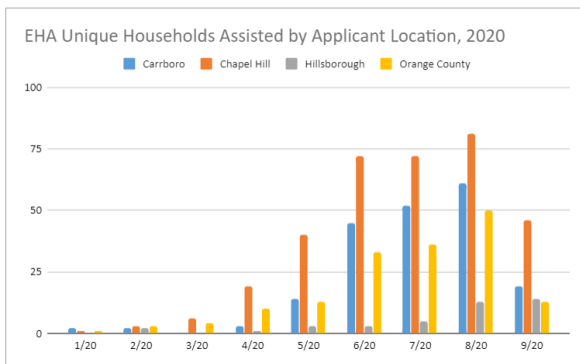
EMERGENCY HOUSING ASSISTANCE

- EHA was originally created by the BOCC in late 2017 as part of the pilot Risk Mitigation and Housing Displacement Fund
- Provide emergency financial assistance for housing-related costs to help low-income households secure and/or maintain stable housing
- Eligible expenses include rent/utility payments and arrears, security deposits, etc.
- Since March, EHA has drastically scaled up and streamlined in response to increased need from COVID-19



4

EMERGENCY HOUSING ASSISTANCE



5

TOWN OF HILLSBOROUGH

Board of Commissioners

Agenda Abstract Form

Meeting Date: Oct. 26, 2020

Department: Planning/Econ Dev.

Public Hearing: Yes No

Date of Public Hearing: _____

For Clerk's Use Only
AGENDA ITEM #

	4	
<i>Consent Agenda</i>	<i>Regular Agenda</i>	<i>Closed Session</i>

PRESENTER/INFORMATION CONTACT: Shannan Campbell, Economic Development Planner

ITEM TO BE CONSIDERED

Subject:

2020 Economic Development and Tourism Update

Attachment(s):

1. Adobe .PDF of the report for review

Brief Summary:

The economic development planner will provide a quick update on the impacts of COVID-19 to the local economy and tourism program and plans for recovery and future economic resiliency.

Action Requested:

None

ISSUE OVERVIEW

Background Information & Issue Summary:

None

Financial Impacts:

None

Staff Recommendations/Comments:

None

Tourism & Economic Development Update

October 2020




1

Economic Development

What's been going on since March?

- Creation of an Economic Development Crisis Response Collaborative group
- Town of Hillsborough joined the Chamber for a Greater Chapel Hill/Carrboro (business builder level)
- Hillsborough joined with Orange County partners working on a county-wide economic recovery plan
- Surveyed our local businesses to gauge needs and how we can support them
- Expanded availability and flexibility of sidewalk dining and signage in anticipation of re-openings

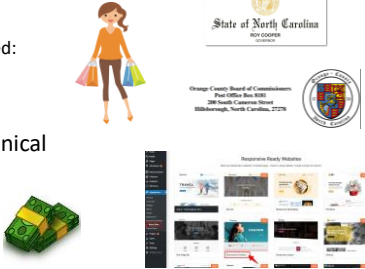


2

Economic Development

Business Needs Identified:

- Customers
- Communication
- Consultation/Technical Assistance
- Capital



3

Economic Development

Current Economic Recovery Strategies:

- **Market our town and businesses as safe, reliable places to spend time and money.** Encourage buying local and remind residents and visitors that if you do not 'use a business, we could lose a business'
- **Help our businesses adapt** to changing regulations and operations, to health and safety standards and mandates, and to changes in the market demand and community wants and needs.
- **Create and identify opportunities** for prospective and current businesses to grow and partner through entrepreneurship, new approaches, sustainability, and relationship building.

4

Economic Development

Bright Spots:

- Nomad restaurant opened (for to-go and indoor dining)
- Napoli restaurant opened (for to-go)
- ReInvintaged retail opened
- Critter Swamp Tattoo Parlor opened
- Colonial Inn to open in early November

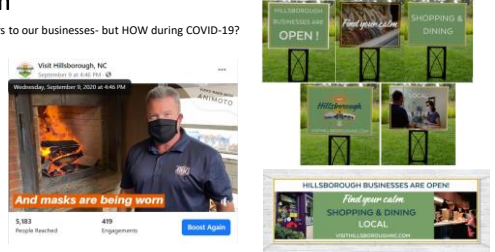


5

Tourism

Drive customers to our businesses- but HOW during COVID-19?

- Signage
- Videos



All with the messaging that you can 'Find your calm' in Hillsborough and that the priority of our businesses and attractions is the customers' safety.

6

Tourism

Drive customers to our businesses- but HOW during COVID-19?

- Radio Ads
- Print Ads



All with the messaging that you can 'Find your calm' in Hillsborough and that the priority of our businesses and attractions is the customers' safety.

7

Tourism

FY20 Highlights- Tourism Board

- Sponsorship of the 2019 Hillsborough Outlandish Outlander Festival @ Ayr Mount
 - Sponsorship of the 2019 Hillsborough Holiday Candlelight Tour
 - Sponsorship of the Orange Community Players production of Mary Poppins
- On hold: Joint Town BioDock Signage Project
Two (2) Map Kiosks at Calvin Street & Visitors Center

FY20 Highlights- Tourism Development Authority

- Billy Strayhorn Mural at Volume Records & Beer
 - New rack card designed highlighting 'Places to Stay' in Hillsborough for overnights
 - Sponsorship of 2019 River Park Concert
 - Sponsorship of 2019 Sundays in Hillsborough Fall Concert Series
 - WHUP Station and Underwriting Sponsorship (yields Tourism ads approx. 900 times per year on the station)
- On hold: Mobile Stage Project



8

TOWN OF HILLSBOROUGH

Board of Commissioners

Agenda Abstract Form

Meeting Date: Oct. 26, 2020
Department: Administration - Budget
Public Hearing: Yes No
Date of Public Hearing: _____

For Clerk's Use Only
AGENDA ITEM #

5.A		
<i>Consent Agenda</i>	<i>Regular Agenda</i>	<i>Closed Session</i>

PRESENTER/INFORMATION CONTACT: Emily Bradford, Budget Director

ITEM TO BE CONSIDERED

Subject:

Miscellaneous budget amendments and transfers

Attachment(s):

1. Description and explanation for budget amendments and transfers

Brief Summary:

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

Action Requested:

Consider approving budget amendments and transfers.

ISSUE OVERVIEW

Background Information & Issue Summary:

N/A

Financial Impacts:

As indicated by each budget amendment.

Staff Recommendations/Comments:

To approve the attached list of budget amendments.

FY 2020-2021

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 10/26/2020 TO 10/26/2020

	<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 vehicle vault PO not brought for	20245	10/26/2020	EBRADFORI	250,000.00	-6,524.00	184,954.00
	To cover longer ads due to covid	20249	10/26/2020	EBRADFORI	250,000.00	-1,500.00	183,454.00
GF-Disaster	10-10-4000-5300-335 SUPPLIES - DISASTER To move non-reimb Covid exp to dept	20262	10/26/2020	EBRADFORI	44,365.00	-12,035.00	27,330.00
Governing Body	10-10-4100-5300-041 ATTORNEY FEES To move non-reimb Covid exp to dept	20270	10/26/2020	EBRADFORI	125,000.00	6,955.00	131,955.00
Admin.	10-10-4200-5300-110 PHONE/INTERNET/CODE RED To move non-reimb Covid exp to dept	20263	10/26/2020	EBRADFORI	6,720.00	1,773.00	8,493.00
Accounting	10-10-4400-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20269	10/26/2020	EBRADFORI	840.00	921.00	1,761.00
Planning	10-10-4900-5300-120 ADVERTISING To cover longer ads due to covid	20248	10/26/2020	EBRADFORI	1,500.00	1,500.00	3,000.00
Public Space	10-10-6300-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20264	10/26/2020	EBRADFORI	1,320.00	386.00	1,706.00
Safety & Risk Mgmt	10-10-6600-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20271	10/26/2020	EBRADFORI	840.00	307.00	1,147.00
Info Services	10-10-6610-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20267	10/26/2020	EBRADFORI	84,500.00	614.00	93,112.73
Police - Admin.	10-20-5100-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20265	10/26/2020	EBRADFORI	1,680.00	386.00	2,066.00
Police - Patrol	10-20-5110-5300-330 DEPARTMENTAL SUPPLIES To cover vehicle vault PO not brought for	20244	10/26/2020	EBRADFORI	15,500.00	6,524.00	23,001.16
Fire Marshal	10-20-5300-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20266	10/26/2020	EBRADFORI	7,638.00	386.00	8,024.00
Fire Protection	10-30-5550-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20268	10/26/2020	EBRADFORI	840.00	307.00	1,147.00
WSF-Disaster	30-80-4000-5300-335 SUPPLIES - DISASTER To move non-reimb Covid exp to dept	20275	10/26/2020	EBRADFORI	29,421.00	-9,165.00	20,256.00
Admin. of Enterprise	30-80-7200-5300-041 ATTORNEY FEES To move non-reimb Covid exp to dept	20281	10/26/2020	EBRADFORI	17,000.00	7,245.00	24,245.00
Utilities Admin.	30-80-7220-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20276	10/26/2020	EBRADFORI	2,977.00	693.00	3,670.00
Billing & Collections	30-80-7240-5300-111 TELEPHONE-METER READING To move non-reimb Covid exp to dept	20282	10/26/2020	EBRADFORI	5,445.00	307.00	6,579.00
WTP	30-80-8120-5300-110 TELEPHONE / INTERNET To move non-reimb Covid exp to dept	20279	10/26/2020	EBRADFORI	2,160.00	307.00	2,467.00
Water Distribution	30-80-8140-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20277	10/26/2020	EBRADFORI	9,180.00	153.00	9,333.00
WW Collection	30-80-8200-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20278	10/26/2020	EBRADFORI	5,904.00	153.00	6,057.00
WWTP	30-80-8220-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20280	10/26/2020	EBRADFORI	2,880.00	307.00	3,187.00

FY 2020-2021

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 10/26/2020 TO 10/26/2020

	<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>
WWTP	30-80-8220-5300-320 CHEMICALS To cover increased software support	20247	10/26/2020	EBRADFORI	67,090.00	-100.00	66,990.00
WWTP	30-80-8220-5300-458 DATA PROCESSING SERVICES To cover increased software support	20246	10/26/2020	EBRADFORI	588.00	100.00	688.00
Stormwater	35-30-4000-5300-335 SUPPLIES - DISASTER To move non-reimb Covid exp to dept	20273	10/26/2020	EBRADFORI	1,656.00	-597.00	1,059.00
Stormwater	35-30-5900-5300-041 ATTORNEY FEES To move non-reimb Covid exp to dept	20274	10/26/2020	EBRADFORI	14,500.00	290.00	14,790.00
Stormwater	35-30-5900-5300-110 TELEPHONE/INTERNET To move non-reimb Covid exp to dept	20272	10/26/2020	EBRADFORI	2,200.00	307.00	2,507.00
Water CRF	75-75-3870-3870-156 TRANS FR W/S US BUS 70 WTR PHASE I To record water SDF	20251	10/26/2020	EBRADFORI	299,741.50	15,456.00	347,397.50
	To record water SDF	20255	10/26/2020	EBRADFORI	299,741.50	112,056.00	459,453.50
	To record water SDF	20261	10/26/2020	EBRADFORI	299,741.50	7,728.00	467,181.50
Water CRF	75-75-6900-5970-928 TRAN TO UTL CAP IMP-US 70 PHASE I To record water SDF	20250	10/26/2020	EBRADFORI	299,741.50	15,456.00	347,397.50
	To record water SDF	20254	10/26/2020	EBRADFORI	299,741.50	112,056.00	459,453.50
	To record water SDF	20260	10/26/2020	EBRADFORI	299,741.50	7,728.00	467,181.50
Sewer CRF	76-76-3870-3870-155 TRAN FR W/S CRF - COLLECT SYS REHAB To record sewer SDF	20253	10/26/2020	EBRADFORI	1,008,106.50	9,729.00	1,041,617.50
	To record sewer SDF	20257	10/26/2020	EBRADFORI	1,008,106.50	94,047.00	1,135,664.50
	To record sewer SDF	20258	10/26/2020	EBRADFORI	1,008,106.50	6,486.00	1,142,150.50
Sewer CRF	76-76-6900-5970-927 TRAN TO UTIL CAP IMP FD - COLL SYS To record sewer SDF	20252	10/26/2020	EBRADFORI	1,008,106.50	9,729.00	1,041,617.50
	To record sewer SDF	20256	10/26/2020	EBRADFORI	1,008,106.50	94,047.00	1,135,664.50
	To record sewer SDF	20259	10/26/2020	EBRADFORI	1,008,106.50	6,486.00	1,142,150.50
						<u>491,004.00</u>	

FY 2020-2021

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 10/27/2020 TO 10/27/2020

<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>
Billing & Collections 30-80-7240-5300-570 MISCELLANEOUS To cover PCI compliance assessment	20283	10/27/2020	EBRADFORI	1,000.00	1,000.00	1,173.00
WSF- Contingency 30-80-9990-5300-000 CONTINGENCY To cover PCI compliance assessment	20284	10/27/2020	EBRADFORI	300,000.00	-1,000.00	242,788.00
					<u>0.00</u>	

TOWN OF HILLSBOROUGH

Board of Commissioners

Agenda Abstract Form

Meeting Date: Oct. 26, 2020

Department: Planning/Econ Dev

Public Hearing: Yes No

Date of Public Hearing: _____

For Clerk's Use Only
AGENDA ITEM #

5.B		
<i>Consent Agenda</i>	<i>Regular Agenda</i>	<i>Closed Session</i>

PRESENTER/INFORMATION CONTACT: Shannan Campbell, Economic Development Planner

ITEM TO BE CONSIDERED

Subject:

Orange County Article 46 Collaborative Outreach Funds MOU

Attachment(s):

1. Orange County FY21 draft MOU for funds

Brief Summary:

Orange County would like to partner with the Town of Hillsborough to offer funding for a collaborative economic development project of Hillsborough's choosing. Orange County Economic Development is also offering this funding opportunity to the other municipalities in Orange County and the funding amount is based on population. Orange County Economic Development has indicated that the funds can be used how the town desires, but a request/approval must be made to Orange County. Use of the funds must be directly tied to an economic development project, preferably that has some kind of measurable outcome, however long-range investments that may result in outcomes down the road will also be considered.

Town of Hillsborough has a MOU signed for funds from FY20 that were not spent in the amount of \$5,072.56. These funds can be requested along with FY21 funds in the amount of \$ 4,976.17 for a total of \$10,048.73 available for a collaborative outreach economic development project.

Action Requested:

Approve, approve with conditions, or decline the MOU.

ISSUE OVERVIEW

Background Information & Issue Summary:

In the November 2011 election, Orange County voters approved the Article 46 One-Quarter Cent (1/4 cent) County Sales and Use Tax, which became effective on April 1, 2012. The Sales and Use Tax is estimated to generate approximately \$2.5 million, annually which is collected and retained by Orange County Government. Half of this fund is dedicated to Orange County Schools and the other half is used for economic development projects.

Fifty percent (50%) of the funding is allocated equitably between the county's two school systems, based on the Average Daily Membership (ADM) of each school system, for the dedicated purpose of funding capital projects, including but not limited to, facility improvements at older schools and the procurement of technology.

Fifty percent (50%) of the funding is allocated to Orange County Economic Development initiatives, including funding infrastructure improvements needed to recruit new businesses and expand existing businesses; funding for business

loans and grants to grow businesses in Orange County; targeted business recruitment, retention, and expansion efforts; and community branding and marketing.

Financial Impacts:

None

Staff Recommendations/Comments:

Staff recommends entering into the MOU with Orange County Economic Development for the ability to request the funds.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
ORANGE COUNTY AND THE TOWN OF HILLSBOROUGH**

**Funding for Joint Economic Development Programs
Article 46 Collaborative Outreach**

WHEREAS, North Carolina law authorizes counties to enter into agreements with third parties to provide services under mutually agreed upon terms and conditions; and

WHEREAS, the Town of Hillsborough (“Town“) wishes to provide services or engage in economic development activities as designated herein, and Orange County (“County”) and its residents and businesses would benefit from those services or activities.

NOW THEREFORE, the County and Town agree, through this Memorandum of Understanding (“MOU”), to the following terms and conditions:

1. The Town may request Collaborative Outreach funding from Article 46 for fiscal year 2020-2021 up to the amount of **Four Thousand Nine Hundred Seventy Six Dollars and Seventeen Cents (\$4,976.17)**. The services or activities that qualify under this funding category shall consist of and be limited to economic development programs that aid in job creation, drive economic growth, support existing businesses, recruit new businesses, and in the promotion of other activities such as innovation and entrepreneurial growth, agri-tourism and agriculture in Orange County. No other services or activities are authorized by this MOU. The funding amount will be calculated annually based on a formula that adds the total population of Chapel Hill, Carrboro, Hillsborough and the portion of Mebane located within Orange County, and allocates each towns’ percentage of the total population to the total amount of Collaborative Outreach funding budgeted in a given year (\$60,000.00 for FY 2020-21). Collaborative Outreach funds that are not requested by the Town within the given fiscal year will automatically roll over to the next year and be available for the Town to request at a later date.
2. The Town, if it elects to make a request to the County to access these funds, shall do so in writing and shall include in the request details pertaining to the amount of funding sought, a description of the services or activities the funding would support, the expected outcomes, any additional partners in the services or activities, and what resources the Town is providing to the services or activities. The Town shall also express any additional role they expect the County to play as it relates to the identified services or activities, and to acknowledge use of the Collaborative Outreach funding as a joint partnership between the Town and the County.
3. That by entering into this MOU, the County assumes no liability for, and the Town fully releases County from liability for damages to its property or injury to its employees, agents,

or officials caused by the acts or failures to act of its employees, agents, or officials related to the activities authorized herein. Additionally, to the extent authorized by law, the Town shall indemnify and hold harmless County, its officials, employees, and agents from any damage of any type or destruction of real or personal property and for bodily injury or death to any persons resulting from the negligent acts or failures to act of the Town or its agents, contractors, employees, or officials in any way related to the services or activities authorized herein.

3. The County shall not be obligated to provide work, supplies, staffing, or other items or things to the Town for the performance of its services or activities, unless otherwise outlined in the request as referenced under point 2. No partnership, joint venture, or other relationship is formed by entry into this MOU.
4. This MOU shall be effective from July 1, 2020 through and including June 30, 2021. The Town shall provide the County with a written report prior to the June 30, 2021 MOU expiration, indicating the results of the expected outcomes including any new economic development gains in jobs added or revenues received as a result of the actual services or activities supported by these funds. The MOU may be renewed annually upon mutual written agreement of both parties, and, subject to the availability of Article 46 funds earmarked by the Board of County Commissioners specifically for the Collaborative Outreach.

Wherefore the Parties hereto have set their hands and seals this ____ day of _____, 20____.

Orange County Manager

Town of Hillsborough

TOWN OF HILLSBOROUGH

Board of Commissioners

Agenda Abstract Form

Meeting Date: Oct. 26, 2020
 Department: Planning
 Public Hearing: Yes No
 Date of Public Hearing: _____

For Clerk's Use Only
 AGENDA ITEM #

5.C		
<i>Consent Agenda</i>	<i>Regular Agenda</i>	<i>Closed Session</i>

PRESENTER/INFORMATION CONTACT: Margaret A. Hauth, Planning Director/Assistant Town Manager

ITEM TO BE CONSIDERED

Subject:

Interlocal Agreement with Orange County for Fire Inspection Support

Attachment(s):

1. Draft agreement

Brief Summary:

Municipalities in North Carolina are required to perform fire safety inspections in local businesses. With Jerry Wagner's retirement, the town needs help to ensure our program is complete. The draft agreement is preliminary. We are asking you to authorize the manager to sign an agreement that is substantially similar to this. A change requiring financial support to provide these services would be brought back to the board for approval. The agreement is through June 30, 2021, unless ended earlier.

Action Requested:

Authorize the manager to sign an agreement with the county for fire inspection support through June 30, 2021

ISSUE OVERVIEW

Background Information & Issue Summary:

There are three levels of certification for inspectors as the risks associated with some uses are much greater than others. David L. Cates started as a part time fire inspector in November. He has his Level One certification and can inspect the vast majority of town businesses. He is actively working on Level Two and hopes to take the exam by the end of the calendar year. The town has previously contracted with Orange County to support our fire inspection program. This draft agreement is based on previous agreements and allows the county to retain all revenues for inspections and permits they complete on our behalf.

Financial Impacts:

None at this time.

Staff Recommendations/Comments:

Staff is also working with the county to investigate a full-scale contract for this service in the future. This contract would require financial support. We are also investigating whether we can retain these services in house at a lower cost. This will be a discussion in the up-coming budget.

**NORTH CAROLINA
ORANGE COUNTY**

This AGREEMENT, made and entered into this the ____ day of _____, 2020, by and between Orange County (hereinafter referred to as "County") and the Town of Hillsborough (hereinafter referred to as "Town"), to provide for periodic fire safety inspections of facilities within Town's jurisdiction as mandated by the State of North Carolina pursuant to the authority contained in Article 128 of Chapter 153A and Article 20 of Chapter 160A of the North Carolina General Statutes.

WHEREAS, the Town has assumed the duties of performing fire inspections through its Fire Inspector of the Level One facilities within the jurisdiction of the Town and requires assistance and training for Level Two and Three fire safety inspections.

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

1. County will carry out, or cause to be carried out, within Town's jurisdiction the minimum schedule of inspections required to be performed by local governments pursuant to Section 107, Volume V of the North Carolina Fire Prevention Code, for Level Three subject facilities. The Town's Level One certified inspector shall perform inspections for Level One facilities only.
2. The Town Fire Inspector has completed training for Level Two activities and will take the Level Two exam by the end of calendar 2020. Once the Town Fire Inspector has received a full Level Two certificate, County support for Level Two activities shall cease and the Town Fire Inspector will perform Level Two responsibilities.
3. The County will provide mentoring and supervision to assist the Town Fire Inspector to prepare for and attain State certification for Level Three fire inspections. This assistance will continue until such time that all Level Three facilities have been inspected, or the town has a Level Three certified inspector on staff, or an agreement for all fire inspection services is in place with Orange County. The Town Fire Inspector will not participate in any Level Three fire inspections independent of the County.
4. The Town will share its list and schedule that identifies buildings, structures, and premises which are of priority for inspections within Town's jurisdiction.
5. The County Fire Marshal will submit to the Town Fire Inspector, within five working days of the end of each month a copy of each fire safety inspection performed within Town's jurisdiction during the previous month.
6. The County Fire Marshal will charge and collect fees for inspections and related services performed under this agreement in accordance with the current fee schedule adopted by the Board of County Commissioners as compensation for assistance to the Town.

7. County will inspect all public school facilities within County's and Town's jurisdictions and all facilities owned by the County.

8. The County will perform plans review in conjunction with the Orange County Planning Department, and the Town Fire Inspector will participate in all levels of plans review and corresponding inspections where a Certificate of Occupancy is issued. This shall include review of any changes made to plans after the issuance of a building permit and the issuance of a Certificate of Occupancy. A minimum of Level Two certification is required for Level One and Level Two Plans Review; and a Level Three certification is required for Level Three Plans Review.

9. The Town will maintain in full force and effect all adopted ordinances, codes, regulations in force as of the date of this agreement, unless or until this agreement expires, is terminated, or a decision is made by the Town to fully out-source fire inspection services within the town's jurisdiction.

10. The Town has assumed responsibility and liability for inspections and enforcement in accordance with the North Carolina Fire Prevention Code for all Level One and facilities inspected by the Town's staff. When the town's inspector is certified at Level Two, the town will likewise assume responsibility and liability for inspection and enforcement for Level Two facilities. The County will accept full responsibility and liability for inspections and enforcement in accordance with the North Carolina Fire Prevention Code for all Level Two and Level Three facilities until such time as the town accepts responsibility or this agreement expires or is terminated.

11. Nothing in this agreement shall prevent appropriate Town agencies or personnel from assisting in the enforcement of the North Carolina Fire Prevention Code and in detecting and reporting such violations as they deem necessary.

12. This agreement will be in effect through the period ending June 30, 2021. It may be revised and/or renewed beyond that date, if mutually agreed upon in writing by both the County and the Town. This agreement may be terminated by either party by giving 90 (ninety) days written notice.

IN WITNESS WHEREOF, the undersigned do hereby cause this agreement to be executed
this _____ day, 2020.

TOWN OF HILLSBOROUGH

Board of Commissioners

Agenda Abstract Form

Meeting Date: Oct. 26, 2020
Department: Police
Public Hearing: Yes No
Date of Public Hearing: _____

For Clerk's Use Only
AGENDA ITEM #

	6.A	
<i>Consent Agenda</i>	<i>Regular Agenda</i>	<i>Closed Session</i>

PRESENTER/INFORMATION CONTACT: Police Chief Duane Hampton

ITEM TO BE CONSIDERED

Subject:

Noise Ordinance Discussion Follow Up

Attachment(s):

1. Draft of Proposed Ordinance Language

Brief Summary:

Earlier this year there was significant discussion around noise issues related to 137 W. Margaret Ln. Before any final decisions could be made, COVID hit and significantly impacted businesses and no further movement on this item continued. Now that some of the restrictions have been lessened, we are bringing this item back to the board in the hopes of getting final direction so changes to the ordinance can be formally drafted for approval.

Action Requested:

Consider the proposed changes and give final direction so ordinance changes can be drafted for board approval.

ISSUE OVERVIEW

Background Information & Issue Summary:

Noise issues between residents and the business at 137 W. Margaret Ln. have been an ongoing source of complaints and tensions. Several years ago, we made changes to the noise ordinance to try to address the issues, but those changes have not solved the problem as we hoped, and complaints continue.

As a result of the discussion and feedback from the board during the meetings late last year and earlier this year, we are proposing new changes to the ordinance that we hope will improve the situation while at the same time simplifying enforcement when there are violations.

Financial Impacts:

None

Staff Recommendations/Comments:

Consider the proposed changes and give final direction so ordinance changes can be drafted for board approval.

DRAFT of Noise Ordinance Changes

Changes Highlighted in **Yellow**

ARTICLE I. - NOISE

Sec. 5-1. - Loud, raucous and disturbing noise.

- (a) *[Prohibited.]* No person may authorize or cause to be emitted from any property or source under his control any loud, raucous and disturbing noise.
- (b) *[Defined.]* For the purposes of this article, loud, raucous and disturbing noise is defined to be any sound which because of its volume level, duration or character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the Town of Hillsborough. The term loud, raucous and disturbing noise shall be limited to noises heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof.

(Prior Code, § 5-1; Ord. No. 2007.04.09-9.D, §§ 1, 2, 4-9-2007)

Sec. 5-2. - Prohibited noise.

The following are declared to be illustrations of noises prohibited under this article, and are hereby declared to be unlawful, but this list shall not be exclusive:

- (1) The blowing of a horn on any motor vehicle except when the horn is used as a warning device.
- (2) The operation of any motor vehicle without a muffler or with a muffler that is so defective, designed, altered or maintained in such disrepair that the vehicle emits an unreasonably loud noise.
- (3) The operation of a motor vehicle so as to create unreasonably loud noise through the screeching of tires or racing of engines, or the operation of a motor vehicle that is so out of repair, so loaded, or in such a manner as to create loud grating, grinding, rattling or other noise.
- (4) The operation of a motor vehicle off the boundaries of a public street between the hours of 8:00 p.m. and 7:00 a.m. for racing or other sporting purposes that creates unreasonably loud noise.
- (5) The operation or authorization to use or operate any musical instrument, radio receiving set, television, phonograph, tape recorder or similar electronic device for the production or reproduction of sound so as to disturb the comfort, quiet or repose of persons in any place of residence or so as to create unreasonably loud noise disturbing to persons located on public property.
- (6) The creation of unreasonably loud noise so as to interfere substantially with the operation of any church, school, theater, library or other similar place of assembly, or the creation of unreasonably loud noise on Sundays on any street or highway adjacent to any church.

- (7) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by the creation of noise of any performance, show, sale, display, advertisement of merchandise, or other commercial venture.
- (8) The keeping, harboring or authorization to keep or harbor on any premises, whether owned, leased or otherwise occupied or controlled, of any animal which by habitual or frequent howling, yelping, barking, squawking, meowing, crying or other noise which unreasonably disturbs the quiet, comfort or repose of any person.
- (9) The operation of any commercial grade noise-creating blower, power fan, internal combustion engine or other machinery, the operation of which causes unreasonably loud noise, unless all steps reasonably practicable are taken to muffle or deaden the noise emitted therefrom so that the same shall not unreasonably disturb the rest and quiet of persons on adjacent premises or within the vicinity thereof.
- (10) The use of any bell, siren, or whistle upon any vehicle other than police, fire, or other emergency vehicle.
- (11) The playing or operation of any radio, cassette tape player, compact disk player, or any other sound-producing instrument, device, or apparatus installed and located in a motor vehicle when the speaker volume is elevated to such an extent that the sound is clearly audible more than 50 feet from the vehicle. The provisions of this subsection shall apply regardless of whether the vehicle is traveling upon the streets or highways or public vehicular areas of the city, parked on public or private property, or stopped in traffic. That a person is the operator or possessor of a motor vehicle shall make them the responsible party for the purposes of this subsection.

(Prior Code, § 5-2; Ord. of 4-10-2000; Ord. No. 2007.04.09-9.D, §§ 3, 4, 4-9-2007)

Sec. 5-3. - Exempted noises.

The following noises are not prohibited under this article:

- (1) Construction operations from 7:00 a.m. to 8:00 p.m. on weekdays, 8:00 a.m. to 7:00 p.m. on Saturdays and holidays, and 12:00 noon to 6:00 p.m. on Sundays, for which building permits have been issued; or construction operations not requiring permits, provided that all equipment is operated in accordance with the manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in properly operating condition. Notwithstanding the foregoing, a developer, builder, or contractor performing work to install, improve, maintain, or remove public infrastructure or performing work that is otherwise in the public interest shall be permitted to perform work outside of the hours of operation established in this subsection, provided that the developer, builder, or contractor delivers 14 days' written notice to the town manager prior to commencement of work, and receives written approval from the town manager prior to commencement of work. Such approval shall not be unreasonably withheld.
- (2) Emergency warning devices of safety signals.
- (3) Noises resulting from lawn care equipment and agricultural field equipment used between 7:00 a.m. and 8:00 p.m.
- (4) Noises resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency.

- (5) Noises associated with parades, fairs, circuses and other similar public entertainment events sponsored or authorized by the town.
- (6) Noise from trains and associated rolling stock, when operated in proper repair and manner.
- (7) Emergency work necessary to protect life or property.
- (8) Church bells, and bells from the courthouse clock.
- (9) Noise resulting from parades, exhibitions, lawful picketing, or other public demonstrations protected by the United States Constitution or federal law, or for which a local permit has been granted by the town.

(Prior Code, § 5-3; Ord. of 4-10-2000; Ord. of 4-12-2004; Ord. No. 2007.04.09-9.D, § 5, 4-9-2007; Ord. No. 20180611-10.E, § 1, 6-11-2018)

Sec. 5-4. - Special provisions for amplified sound.

(a) Terminology.

- (1) *Amplified sound.* Any sound or noise, including the human voice, which is increased in volume or intensity by means of electrical power. Examples of amplified sound include bands and entertainment, radios and stereo equipment, loudspeakers, etc.
- (2) *A-weighted sound level.* Sound level in decibels determined by the "A" weighting scale. A-Weighting is a frequency response adjustment of a sound level meter that conditions the output signal to approximate human response.
- (3) *Decibel (dB).* Unit for measuring the relative loudness of sounds equal approximately to the smallest degree of difference of loudness ordinarily detectable by the human ear whose range include approximately 130 decibels on a scale beginning with one as the faintest audible sound.
- (4) *Measurement period.* A five-minute period in which sound measurements are taken every ten seconds.
- (5) *Sound level.* The weighted sound pressure level (measured in decibels) obtained by the use of a sound level meter and frequency weighted network.
- (6) *Sound level meter.* An instrument for measuring sound levels that includes an omnidirectional microphone, an amplifier, an output meter and frequency weighting networks for the measurement of sound. Sound level meters must be certified to meet or exceed the current standards of the American National Standards Institute (ANSI).

(b) Limits. It shall be unlawful for any person to cause or allow the emission of sound from any source or sources which, when measured in accordance with section (d) below exceeds 65 db(A) for more than 20 percent of any measurement period during the following times:

- (1) Sunday—Thursday 7:00 a.m. to 11:00 p.m.
- (2) Friday—Saturday 7:00 a.m. to midnight.

(c) Amplified Sound Cutoff. It shall be unlawful for any person to cause or allow the emission of sound from any source or sources which can be heard from any residential property outside of the times listed in section (b).

- (d) *Measurement guidelines.* A sound measurement shall be taken and sound levels determined using the following procedures:
- (1) The sound meter must be serviced, calibrated and operated as recommended by the manufacturer and in accordance with procedure maintained by the police department. Persons using the sound level meter shall be trained in sound level measurement and the operation of the sound meter being used.
 - (2) Sound readings will be taken using the "A-weighting" scale in slow response.
 - (3) The sound readings shall be taken from the nearest property line of the occupied residential property situated closest to the source of the sound being measured.
 - (4) When possible, the sound level meter should be positioned at least ten feet from any walls or structures, and approximately four feet above the ground.
 - (5) No person, other than the operator and a recorder shall be within ten feet of the sound level meter while a reading is being taken.
 - (6) Sound level measurements will be taken for an entire measurement period recording one reading every ten seconds for a period of five minutes.
 - (7) Any readings that are impacted by obvious external sounds not emanating from the source location being measured, such as loud vehicular traffic, will be disregarded.
- (d) It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound measurements.
- (e) *Special events permitting exception for amplified sound events.* Locations may seek a special events permit that will allow for extended hours for the daytime dB(A) limits described in item (b) above. Special events permits will be subject to the following provisions:
- (1) A location may only be granted four special events permits requesting this exemption per calendar year.
 - (2) The special events permit exemption **may allow** amplified sound at the 65 dB(A) level until 1:00 a.m.
 - (3) Locations that are issued a special events exemption will be required to notify residents residing within a 500-foot radius from their location, in writing no more than ten days and no fewer than five days in advance of the special event, that a permit has been issued.
 - (4) Locations that violate the provisions of a special events permit, or have violated the general provisions of this section will not be issued a special events permit for a six-month period.

([Ord. No. 20150427-9](#), § 1, 4-27-2015)

(f) *Civil Penalty.* Any violation of this section shall be a civil penalty as follows:

(1) First violation during 12-month period - \$50

(2) Second violation during 12-month period - \$100

(3) Third violation during 12-month period - \$250

(4) Fourth and subsequent violations during 12-month period \$500

- (5) Any violation that continues after a person has been notified that such violation exists and that he is subject to the penalties specified in this section shall constitute a separate offense.
- (6) If the source of the amplified sound is a business, then the person in control or the owner of the business may be issued the civil penalty.
- (7) This section may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.
- (8) The town may enforce this chapter by any one or any combination of the foregoing remedies.
- (g) *Appeal.* Any person who is assessed a civil penalty may appeal directly to the Chief of Police in writing within 10 days. They may appeal the decision of the Chief of Police directly to the town Board.

Sec. 5-5. - Burden of persuasion for noise exemptions.

In any proceeding pursuant to this Article I, if an exemption stated in section 5-3 would limit or eliminate a liability, the person who would benefit from the application of the exemption shall have the burden of persuasion that the exemption applies and that the terms of the exemption have been met.

(Prior Code, § 5-5)

Sec. 5-13. - Penalties and remedies.

- (a) A violation of any of the provisions of this chapter, except section 5-2(2), (3) or (4) and section 5-4, shall constitute a misdemeanor, punishable as provided in G.S. 14-4.
- (b) A violation of section 5-2(2), (3) or (4) shall constitute an infraction punishable as provided in G.S. 14-4.
- (c) A violation of section 5-4 is punishable by civil penalty as described in that section.
- (d) A violation of any of the provisions of this chapter other than section 5-4 shall also subject the offender to a civil penalty of \$50.00. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.
- (e) The town may seek to enforce this chapter through any appropriate equitable action.

(f) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(g) The town may seek to enforce this chapter by using any one or a combination of the foregoing remedies.

(Prior Code, § 5-3; Ord. of 4-10-2000)

DISCUSSION/CLARIFICATION POINTS:

- Amplified Ordinance Provisions:
 - Do we want to increase the allowable dB limit before the absolute cutoff? 70db(A)?
 - Measuring location – are we ok with property line or do we want it to be based on the structure?
- Special Events Process:
 - Are we Ok with this?
 - Allow until 1 am Sun-Th as well as Fri-Sat?
 - Should we define times and dB in code or just make that part of special events process?
- Appeals:
 - Is this how we want it handled?
 - Does it have to be defined in Code?
 - Other Options?
- Civil Penalties:
 - Are we Ok with structure?
- Our intent is to make this complaint based. We have to get a complaint, and the officer has to witness the violation for enforcement. (except special events – those we would monitor).
 - Do we allow enforcement if there are two separate complaints even if officer does not hear it? (Our recommendation is no).
- Anything else?
 - Is there anything else in our noise ordinance, not related to amplified sound, that we want to while we are doing this?

TOWN OF HILLSBOROUGH

Board of Commissioners

Agenda Abstract Form

Meeting Date: Oct. 26, 2020
Department: Police
Public Hearing: Yes No
Date of Public Hearing: _____

For Clerk's Use Only
AGENDA ITEM #

	6.B	
<i>Consent Agenda</i>	<i>Regular Agenda</i>	<i>Closed Session</i>

PRESENTER/INFORMATION CONTACT: Police Chief Duane Hampton

ITEM TO BE CONSIDERED

Subject:

Police Staffing Update and Options Discussion

Attachment(s):

None

Brief Summary:

Chief Hampton will present an update to the board on police staffing, discuss some of the issues the department is facing, and propose changes for the board to consider.

Action Requested:

Consider information and provide direction.

ISSUE OVERVIEW

Background Information & Issue Summary:

Police staffing was a constant challenge for agencies prior to the death of George Floyd and the perceived climate of negativity towards law enforcement has developed. Finding good quality and diverse candidates is much harder now. Competition for the best candidates is fierce and agencies are constantly competing for the same small pool of talent.

As HPD has faced this challenge, we have been getting feedback on why folks may be leaving and exploring options to increase our competitiveness. As part of the discussion we will present some various options that could be considered or explored further.

Financial Impacts:

Financial impacts will vary based on the direction of the board. Some items will have little to no financial impact, while others could be substantial.

Staff Recommendations/Comments:

TOWN OF HILLSBOROUGH

Board of Commissioners

Agenda Abstract Form

Meeting Date: Oct. 26, 2020
Department: Administration
Public Hearing: Yes No
Date of Public Hearing: _____

For Clerk's Use Only
AGENDA ITEM #

	6.C	
Consent Agenda	Regular Agenda	Closed Session

PRESENTER/INFORMATION CONTACT: Eric Peterson, Town Manager

ITEM TO BE CONSIDERED

Subject:

Update on Action Items from June 8 Resolution Condemning the Killing of George Floyd

Attachment(s):

1. June 8, 2020 Town Board Resolution
2. Update on progress regarding the five actionable items in the resolution

Brief Summary:

On June 8 the town board adopted a resolution condemning the killing of Mr. George Floyd on May 25, 2020 while being detained by a Minneapolis police officer. The Hillsborough Board of Commissioners resolved to take eight actions, five of those directives required further steps from town staff. The attached update provides specific information regarding steps, preparation, and action that's taken place and in process for each of those five items.

Action Requested:

Discuss, ask questions, request additional information, and provide direction.

ISSUE OVERVIEW

Background Information & Issue Summary:

None

Financial Impacts:

N/A

Staff Recommendations/Comments:

N/A

RESOLUTION

Denouncing Killing of George Floyd and Outlining Next Steps for Dismantling Systemic Racism in Town Government and Establishing Community Accountability for Police Department

WHEREAS, on May 25, 2020, George Floyd, a black man alleged to have a counterfeit \$20 bill in his possession was dragged from his car by a Minneapolis police officer, handcuffed, placed face down on the street with the officer's knee on his neck as he called out "I can't breathe" and then also cried out for his mother as his neck and back sustained pressure over 8 minutes and 46 seconds, the last 2 minutes and 53 seconds of which he was unresponsive and oxygen was cut off to his brain as he slowly asphyxiated; and

WHEREAS, in the days since his senseless and cruel death, protests and demonstrations against police violence and the widespread systemic racism experienced by black people in every facet of American life have taken place across the United States, in large cities and small towns, including the Town of Hillsborough; and

WHEREAS, the Town of Hillsborough was founded in 1754, was the site in 1788 for North Carolina's first Constitutional Convention when North Carolina delegates refused to ratify a U.S. constitution without a bill of rights, and takes special pride in our long history in which this state agreed to ratify the U.S. Constitution only after that Bill of Rights was added in which Article 1 iterates the rights to free speech, free press and assembly; and

WHEREAS, law enforcement have been documented acting with undue aggression and violence on protestors and members of the press in images and videos in localities across the country during the current demonstrations; and

WHEREAS, the long history of Hillsborough includes moments of pride and moments of shame, including the colonization of indigenous land and the practice of enslaving black people; and part of that history and legacy is land loss, which in turn results in lack of accumulated generational wealth and is exacerbated in this time by gentrification, which has a disproportionate impact upon our historically black neighborhoods and streets; and

WHEREAS, Thomas Ruffin, Hillsborough lawyer, North Carolina Supreme Court Justice, and owner of people as property, authored the decision in *State v. Mann* that "the power of the master must be absolute"; and that decision played a profound role in the abuse of enslaved people in Hillsborough and the generational trauma of their descendants; and

WHEREAS, the legacy of de jure segregation in housing, public and private buildings, schools, and more still leaves behind de facto segregation in our community; and despite long ago changes in law, there remains little change in outcome, with black people faring disproportionately worse in income, homeownership, unemployment, incarceration, college attainment, and health outcomes, with the health disparities especially illuminated during the COVID-19 pandemic; and

WHEREAS, our society and government are imbued with systemic racism that has gone

Resolution #20200608

unrepaired in the 50 plus years since the civil rights movement.

NOW, we, the Hillsborough Board of Commissioners resolve to do the following:

1. Publicly denounce the killing of George Floyd in Minneapolis, Minnesota; of Breonna Taylor in Louisville, Kentucky, who was killed shortly before him when officers wrongly barged into her apartment; and a painful list of innocent black people killed doing ordinary things, such as playing in a park, walking down the street, or reaching for their license at a traffic stop.
2. Publicly emphasize the right of the people to assemble in protest, including protest of their government, and emphasize the importance of a free press.
3. Direct the town manager to identify additional funding for the Fiscal Year 2020-21 budget cycle for an organizational assessment of diversity, equity, and inclusion; for strategic planning; and for training services so the Town of Hillsborough can continue to engage in dismantling structural racism within our own organization in a methodical, targeted fashion.
4. Prioritize the inclusion of residents and business owners of color for the upcoming Comprehensive and Sustainability Plan review to prioritize the inclusion of residents and business owners of color who have not been proportionally represented in previous town-wide planning initiatives and for that plan to consider all tools available at the town level to mitigate gentrification in historically minority neighborhoods and to build stronger ties among the many neighborhoods and peoples that make our community so loved.
5. Commend the Hillsborough Police Department for its emphasis on de-escalation, community policing, anti-bias training, and implementation of best practices to reduce police violence, but direct that there is still work to be done regarding accountability and to ensure that the lived experiences of Hillsborough's indigenous people and people of color are heard.
6. Direct the town manager and chief of police to propose multiple opportunities for public input from residents to share experiences, incidents, and examples of interactions with Hillsborough police to inform our understanding of the role of race in local law enforcement.
7. Direct the town manager and chief of police to continue to reflect on the Town of Hillsborough's role in eliminating systemic racism and to propose meaningful options to engage the board and Hillsborough residents in reviewing our policies, procedures, limitations, and opportunities to ensure Hillsborough is owning its responsibility to combat racism.
8. Direct the town manager and chief of police to present options to the board for implementation of a community policing review board to provide a tool for accountability to the community at a date to be determined.

Approved this 8th day of June 2020.



Jenn Weaver, Mayor
Town of Hillsborough

Resolution – Denouncing Killing of George Floyd and Outlining Next Steps

Action Item Updates – October 26, 2020

Resolution items 1, 2, and 5 were public statements by the town board and not actionable items. The five action items listed below from the resolution include updates in each bullet afterwards.

3. Direct the town manager to identify additional funding for the Fiscal Year 2020-21 budget cycle for an organizational assessment of diversity, equity, and inclusion; for strategic planning; and for training services so the Town of Hillsborough can continue to engage in dismantling structural racism within our own organization in a methodical, targeted fashion.
 - \$10,000 was added to the FY21 budget in June to support this action. Additional funding may be needed in this fiscal year and future years for training and to implement recommended practices.
 - The Town of Hillsborough officially became a GARE member in August. The acting HR director is leading the town's internal training and implementation initiative and the assistant to the town manager/deputy budget director is leading the external efforts.
 - The town is participating in the development of the Countywide Racial Equity Plan in a collaborative effort amongst Orange County's local governments (Carrboro, Chapel Hill, Hillsborough, and Orange County).
 - The Orange County COVID-19 Long Term Recovery Plan includes Town of Hillsborough representatives on all key committees. This plan is being viewed through an equity lens.

4. Prioritize the inclusion of residents and business owners of color for the upcoming Comprehensive and Sustainability Plan review to prioritize the inclusion of residents and business owners of color who have not been proportionally represented in previous town-wide planning initiatives and for that plan to consider all tools available at the town level to mitigate gentrification in historically minority neighborhoods and to build stronger ties among the many neighborhoods and peoples that make our community so loved.
 - The planning department is taking steps to prioritize equity and inclusion principles through a variety of methods. The items listed below are some of the training and resources being used to prepare and increase awareness among staff as they design the Comprehensive and Sustainability Plan development process.
 - i. Public Space Manager:
 1. Attended the Southeast Sustainability Director's Panel in mid-October.
 2. Working with UNC students on a racial equity project to identify public outreach and engagement methods preferred by minorities and underrepresented groups to incorporate into the Comprehensive Planning process.
 3. Attending the [2020 Facing Race Conference](#) presented by Race Forward November 10 – 12: *The online conference offers access to information, tools, and resources on racial equity including a session on inclusive democracy, discussing equitable institutional policies and practices, inside/outside strategies and governing for racial equity.*
 - ii. The planning department will incorporate principles, direction, and the six proven strategies adopted by the Government Alliance on Race & Equity (GARE).
 - iii. The planning department has reviewed the City of Durham's [Community Engagement Blueprint](#).

6. Direct the town manager and chief of police to propose multiple opportunities for public input from residents to share experiences, incidents, and examples of interactions with Hillsborough police to inform our understanding of the role of race in local law enforcement.
 - Numerous direct communications with citizens on an individual basis about their concerns.
 - Responded to the NAACP Transformation Agenda information request and participated in several follow up meetings about this information with them.

- Participating in the Orange County Committee on Race, Policing, the Justice System and Community Investment – a group made up of Law Enforcement and Community Leaders whose purpose is to listen to the community and its concerns and look at how to improve our practices and policies, to discuss initiatives already in place and ones we could develop that support community needs and law enforcement deflection and finally, to address increasing support, retention and diversity in our agencies.

This committee will be limited to law enforcement chiefs and six other representatives from Orange County to include a member of the faith community, the Public Defender’s Office, the two local NAACP branches, an impacted individual and the Criminal Justice Resource Department Director. Our work would start immediately, and we would meet regularly with a facilitator’s guidance. Our first goal would be to make recommendations to share with the Governor’s Task Force for Racial Equity in Criminal Justice, which will issue their initial report on December 1, 2020.

- Attended virtual event “Hearing Impacted Voices: A Moderated Panel Discussion on Inequality, Policing and Injustice” hosted by The Orange County Local Reentry Council, in partnership with the Towns of Carrboro, Chapel Hill and Hillsborough.
- Initiated a virtual summit with apartment complex managers to discuss concerns. Working to set some virtual meetings for residents as well.

7. Direct the town manager and chief of police to continue to reflect on the Town of Hillsborough’s role in eliminating systemic racism and to propose meaningful options to engage the board and Hillsborough residents in reviewing our policies, procedures, limitations, and opportunities to ensure Hillsborough is owning its responsibility to combat racism.

- Police Department:
 - Conducted several department-wide meetings to discuss issues and concerns.
 - Conducting a review of the police department’s policies and procedures. Several policies have been revised, but some of the more critical ones are pending, awaiting feedback from the Mayor’s Task force.
 - Several members have attended a 24-hour Implicit Bias and Impartial Policing training offered virtually and have had 2 members take an additional 16-hour train-the-trainer course to develop training we can use department-wide.
 - Working on a project to analyze data we have access to in order to better understand the information and trends we may be seeing and try to identify areas for opportunities. We are also examining issues with the data and looking at ways to improve data collection. Also working to find ways to present more of the data publicly, but this is planned as a discussion item with the Mayor’s Task Force.
- Town-wide:
 - The town’s participation in GARE, participating in the development of the Countywide Racial Equity Plan, and developing and implementing the town’s own racial equity plan are all key steps in working towards incorporating GARE’s six strategies into town operations, hiring practices, policy and decision-making, service delivery, infrastructure/capital funding, budget priorities, and other key actions from the Town of Hillsborough. A core team that consists of the interim human resources director, assistant to the town manager/deputy budget director, public information officer, public space manager and police department management analyst will represent Hillsborough in the countywide plan development.
 - For the town-specific efforts on racial equity, one of the first steps will be to form a racial equity core team with town staff from various departments. The plan is to finalize the core team in early 2021. The committee’s main focus will be to develop a Town of Hillsborough Racial Equity Plan that aligns with the countywide plan.
 - Town Manager has attended at least six racial equity seminars over the past few months, including four of the TJCOG’s equity series covering local government, community livability for all, community engagement, and policing).

8. Direct the town manager and chief of police to present options to the board for implementation of a community policing review board to provide a tool for accountability to the community at a date to be determined. Approved this 8th day of June 2020.

- This has been transferred to the Mayor’s Task force.