

## TOWN OF HILLSBOROUGH

Draft Minutes  
Joint Public Hearing  
Hillsborough Board of Commissioners and Planning Board  
7 p.m. Feb. 15, 2018  
Town Barn, 101 E. Orange St.

Present: Board of Commissioners — Mayor Tom Stevens and commissioners Mark Bell, Kathleen Ferguson, Evelyn Lloyd, Brian Lowen, and Jenn Weaver  
Planning Board — Chair Dan Barker, James Czar, Chris Johnston, Doug Peterson, Alyse Polly, Jeff Scott, Jenn Sykes and Chris Wehrman  
Staff: Assistant Town Manager/Planning Director Margaret Hawth and Town Attorney Bob Hornik

**ITEM #1: Consideration of additions or changes to the agenda**

Mayor Tom Stevens opened the meeting at 7:02 p.m. He welcomed everyone and explained the sign-in process. He reminded the audience that no decisions would be made this evening. He explained that once the public hearing is closed, the Planning Board considers the matters and makes recommendations to the Board of Commissioners, which then decides the matter.

Stevens reminded speakers to hold comments to two or three minutes, to not be repetitive, and to be respectful.

**ITEM #2: Open the public hearing**

Stevens turned the gavel over to Planning Board Chair Dan Barker. Barker opened the public hearing.

**ITEM #3: Future Land Use Plan amendment and rezoning request from Orange County impacting 21 acres at 1020 U.S. 70 West (with access to West Hill Avenue North).**

Planning Director Margaret Hawth reviewed there are three parcels under contract that Orange County wishes to develop as a county campus. Hawth reviewed that the Future Land Use Map is something the town adopts as a guiding principle which helps the town determine what land uses the town wants on certain properties. State law requires that when the board adopts a rezoning that it is noted whether the rezoning is consistent with the comprehensive plan and the Future Land Use Plan. When an application is filed that does not match the use in the Future Land Use Plan, town staff advises the applicants that they also need to file an application for an amendment to the Future Land Use Plan, which is why there are two parts to this item. This area is designated in the Future Land Use Plan as rural living. The request is to change that designation to suburban office. The land is currently zoned agricultural/residential, and the request is to rezone it as economic development district. Hawth said a property owner sent a letter noting she is in support of the requests and cannot attend the meeting, under advice from her doctor.

Hawth said if the public hearing is closed this evening, the Planning Board will receive the item at its March 15 meeting. The Hillsborough Board of Commissioners will decide March 26 so a decision can be made before Commissioner Brian Lowen's resignation takes effect.

Hauth indicated on a map where the urban services boundary is located. These three parcels are within the boundary that the town could annex and to which the town could provide water and sewer services. Hauth said that while annexation is not on the table tonight, she wanted to explain a little more about annexation. For the properties on the north side of U.S. 70, town water and sewer services and annexation are not possible. The parcels between the proposed property and the green line are inside the service boundary. It is possible to request annexation and services there.

Hauth explained annexation in North Carolina. One process occurs when an owner requests it. In her 26 years with the town, there has been one involuntary annexation. The other process is involuntary. The state has made it very lengthy and difficult for local governments to involuntarily annex a property. Hauth said there were a lot of questions about annexation and water and sewer services at the meeting the county held a few weeks ago about this item. The county may seek annexation. The town can do a satellite voluntary annexation. That would be for the county to benefit from the lower in-town water rates. Hauth asked if board members had questions. There was none.

Jeff Thompson, director of asset management for Orange County, addressed the board. He said he represents the property owner and would introduce the county's vision for this property. The county is currently examining the property, doing due diligence. The county has looked at several properties around Hillsborough for a campus operation that will relieve stress on facilities and achieve operational efficiencies. This property and its location does that. The Orange County Board of Commissioners adopted space utilization goals, which involve colocation and consolidated centralized facilities. This is for ease of use for citizens and for efficiency in maintenance.

Thompson said the plan is for this site to consolidate the environmental and agricultural services (currently housed in a building that was built in 1960 as an A&P store on Revere Road), park operations base (currently located on Millhouse Road), and the detention center (built in 1925, expanded in the 1980s and 1990s and not able to fully comply with state regulations).

Thompson said the 15,000-square-foot environment/ag center would be located close to U.S. 70, the detention center would be located in the northwest corner and would be 40,000 to 47,000 square feet, and the park operations would be located in the southeast corner and would largely be a landscaping and supply operation. The buildings would be single story. The proximity to the justice facility and interstates is very important.

He introduced Tony Whitaker, who is serving as the principal site engineer for the project, and Orange County Sheriff Charles Blackwood, who is to speak to jail operations.

Planning Board Member Chris Wehrman asked where the current facility is located. Blackwood answered East Margaret lane across from the justice facility. Wehrman asked what the occupant load is. Blackwood answered 129. The new jail would be designed for 144 detainees. Commissioner Mark Bell asked how long the jail has been in its current location. Blackwood answered since 1925. Bell asked where it was located before that. Blackwood answered he thinks it was located near its current location in what is now the magistrate's office.

Planning Board Member James Czar asked whether all of the jail's clients who have court dates are housed in the current facility now. Blackwood answered there is only one jail in the county. Czar asked how the jail's clients arrive at the justice facility for court hearings. Blackwood answered they have to be driven across the street. Czar said a jail located near a courthouse with a tunnel would be ideal.

Blackwood answered a tunnel would cost an extra \$1 million or \$2 million. A walkway of some sort could work. He said there is little difference to driving across the street or driving three blocks.

Planning Board Member Jenn Sykes asked whether the plan is to transport inmates using a bus or cars from the new location. Blackwood answered that his staff mostly uses unmarked patrol cars and sometimes a jail van. Some inmates are driven to the courthouse in Chapel Hill and, for mental health hearings, the courthouse at UNC Hospitals. Blackwood said cars and vans are used for transportation, not buses.

Planning Board Member Doug Peterson asked for the maximum number of nights someone could be in the jail. Blackwood answered the county is participating in the Misdemeanor Confinement Program right now that could keep someone for a year instead of sending someone to a state prison facility, but that is rare. The average stays for a misdemeanor was 31 days in 2014 and is currently 52 days. For felonies, the average number of days is 47. Peterson asked how many people are kept in a cell and would that change at the new facility? Blackwood said right now the jail has single occupancy. There is ability for dual occupancy. The new facility would also be single occupancy.

Planning Board Member Chris Johnston asked if the county had also conducted a feasibility study for Margaret Lane. Thompson answered affirmatively. He said it was determined to be extremely expensive to house the inmates elsewhere during a two-year building process. Also, relocating in the same area was discouraged by town staff. Czar said Orange County has land near the justice facility and the jail could be built vertically. Thompson said we looked at that and were discouraged by town staff.

Planning Board Member Jeff Scott asked whether the county has finished looking at civil issues, runoff, at the proposed site. Thompson listed all the studies being conducted and said those working on the project are still working through those studies.

Stevens asked about traffic going into the jail. Blackwood said his staff had recently conducted a brief count during a weekend and only five people came into the magistrate's office to speak to the magistrate. From the local police departments, there were eight visits to the magistrate's office over the weekend.

Blackwood said other sites were considered, including across from the McDonalds on South Churton Street, at the location of Major Business Forms north of Hillsborough, at the location of the existing facility, and the parking lot adjacent to the Justice Facility. Traffic would be difficult if the jail was located near the prison on South Churton Street. Transportation to the Justice Facility would be easier from Major Business Forms. The location in the parking lot would be highly desirable; a fenced walkway could be built connecting the jail and justice facility. Each of these sites had its own advantages and drawbacks.

Czar said I think you are going to hear there is a lot of concern about the operation of the jail. Can you tell me how the new jail would operate? Would the clients of the jail have outside exposure? Would neighbors be seeing concertina wire? Blackwood answered there would be concertina wire to provide an area for keeping people should the jail have to be evacuated, but people would not generally be walking around that yard. He referenced new jails in Bladen and Chatham counties as examples.

Commissioner Jenn Weaver asked Blackwood to talk about the nighttime traffic. Have there been complaints from the few residents who live near the current facility? Blackwood reiterated the weekend data that he had recently collected. He noted Hog Day is taking place, and his staff only has to open the

barricade one or two times. Last Fridays happens, children play and people get married outside the jail, and nothing has happened. That's not to say nothing could happen.

Peterson asked about lighting, specifically if it would be normal facility lighting. Thompson answered yes.

Weaver said one of the reasons for having a new facility is to have more humane conditions for the people being held. She asked him to describe how that would change the exterior appearance of the building. She asked him to describe any buffer between the prison facility and this southern edge, where there is an adjoining mobile home park and neighborhood. Thompson answered there are buffer requirements that have to be met and Orange County plans to enhance that.

Whitaker said regarding the question about the detention center and southern property line, the detention center would be pushed farther north to avoid a low-lying area that collects runoff. He anticipates at least a couple hundred feet of buffer.

Blackwood said as far as aesthetic appearance, Chatham County's new detention center looks like a doctor's office or office building to him. It will be nicer for the inmates and the people who work within the facility.

Barker asked what the requirement for buffers would be. Hauth said the minimum would be 60 feet and opaque landscaping. Barker asked for an example that would meet that. Hauth answered overlapping trees, fencing and trees. Barker asked whether a buffer would be required on all sides. Hauth answered nearly all the surrounding properties are zoned agricultural residential, so this property owner would be required to provide a C-type buffer. Barker said so there would be a need to add trees at least on the north side and maybe not on the south side. Hauth answered maybe not on the south side. More than 60 feet is there now, and the county is likely to keep it.

Czar asked Thompson to describe the functions of parks operations. Would it be mulch piles and maintenance vehicles? Thompson answered there would be a 2,500-square-foot dispatch office, a 10,000-square-foot metal building where equipment is stored, and piles of mulch and sand.

Ferguson asked about the events center component. Thompson said the agricultural center would have an events center component that would include a teaching kitchen and hold 125 people. Ferguson asked if the teaching kitchen could be accessible to the public. Thompson answered yes. Ferguson said the Fairview neighborhood has wanted a community kitchen and she is interested in whether this could be accessible to those residents.

Johnston said the presenters have mentioned they were discouraged by town staff from staying in the current location or building in the parking lot adjacent to the Orange County Justice Facility. What are the reasons? Hauth answered that downtown is in the Historic District. Meeting the design guidelines and going through the Certificate of Appropriateness application process adds time and expense. Also, while it looks like there is a lot of space to build a jail on county property, there is a lot of space encumbered by geothermal wells that can't be built on, and there's a flood plain and preservation areas along Stillhouse Creek. The land that is available is the parking lot. By the time you draw the building and figure out how you would get into it, it is very difficult to get that design to meet the Historic District Commission's design guidelines. A raised, covered walkway and the height of the building would be difficult for the commission to approve. It was difficult to get through that process for the addition to the jail and the Justice Facility. Paired with finding an alternate location for detainees for a year, that made it an undesirable solution.

Czar noted that the county was working with two architects at one time for this location. Thompson said the county had engaged Mosely Architecture, which did extensive study on both sites.

Czar said Moseley Architecture seemed to think it could work out a solution downtown. Thompson said it would be expensive and difficult. The length of time to build it is extended, and there would be disturbance to the existing facilities around it. Czar said it doesn't look difficult to go 50,000 square feet in that parking lot.

Thompson said building vertically adds to the cost exponentially. There's a reason why the proposed facility is one level. It would have to be the same height as the Justice Facility, a massive structure. And there would be the problem of how to replace the parking on that site.

Sykes asked what the cost issue is of a multi-story jail. Thompson said it is more a cost of the operation because it requires more staff to keep an eye on all the detainees.

Sykes wondered about designating this with economic development zoning, when the county will not generate revenue.

Ferguson said during the work on the U.S. 70/Cornelius Street Corridor Plan, there was an idea of county or town relocation there not because land is taxable but as an investment in the rest of the 70 corridor. There is a desire for an event center in that part of town which will spur quite a bit of economic activity. That study was conducted 10 years ago. She was on that committee as a resident.

Thompson said there is opportunity for redevelopment of the current site of the agricultural center.

Sykes said she was wondering if the county would do something with that, put it on the market or offer it to the town. Thompson answered all of those are options.

Thompson added that regarding the earlier question about lighting, the Unified Development Ordinance requires that light be kept within a property's boundaries.

The board then took comments from the audience.

Billy Holloway addressed the board. He lives adjacent to this property, which nearly surrounds him on the west side. He has cows and animals. If they come do this, it will disturb my animals, he said. The lighting will mess up the animal's cycles. There's a rock vein, so there will have to be dynamite to break up the rock vein before building. He depends on his well to water his cows, and he is concerned the blasting will affect his well. This land has always been agricultural. There are people all around with kids playing outside. He is hearing about the agricultural center for public use for the first time this evening. He is concerned that traffic will also bring light, which will interfere with the animal's cycles. And he's concerned about people touching his electric fence and suing him, so he would want a border.

Mark O'Neal, with Pickett-Sprouse Real Estate, addressed the board. He is assisting the property owners with selling to Orange County. He read a letter from property owner Betsy Tilley, who could not attend for medical reasons, and asked for it to be entered into the public record. Her letter stated the site is bordered by a lot of trees. There are already a dozen bright lights from the Department of Motor Vehicles area.

Michelle O'Neal addressed the board. She stated she was presenting on behalf of the landowners living around these parcels who are opposed to the county's proposed plans. She asked how this fits with the town's economic plan. She asked how this this can be called an economic development district. She said this public hearing does not count as public involvement and asked for the town to conduct an

appropriate planning process independent of the county. The county has a vested interest. She said neighbors want to know what the traffic patterns would be and the economic and environmental impact. The county does not have borrowing capacity and will have to raise taxes just to pay the first installment of the school bonds, she said. She said most of the parcels are involved in agriculture. There is a small mobile home community that is visible from the site of the future detention center. She said key concerns include predators being attracted to the area by the lighting and an increase in the presence of criminal elements. O'Neal said in October 2016, an inmate charged with first-degree murder escaped and was at large for two hours. Also, neighbors are concerned about inmates being released after having served their time without transportation out of the area. O'Neal shared a slide with information on the negative impacts of artificial lighting on farm animals.

Randy Copeland addressed the board. He lives on Mt. Willing Road in Efland and is here on behalf of his mother and aunt, who own the parcels under contract. He said the 21 acres has been mostly unused for 20 years. He and siblings weren't raised on the property. The neighboring property with livestock is family. His mother needs the money to live out the rest of her life. It was a tough decision to sell. Only when we thought that this option would have the least impact on family, did we move forward.

Jennifer Hall addressed the board. She lives at Hall Hill Farm and is a third-generation beekeeper. The farm has been keeping bees for over 100 years. Neighbors have been careful about chemical use that would affect her bees. She is concerned about losing 21 acres of bee habitat. She wonders how many visitors the jail has on the weekends. She said neighbors are very concerned about their wells. She has a vista view of this area. She said she and neighbors have a legitimate concern about blasting. She is asking the board not to rezone this. She questioned the economic development district zoning for the proposed facilities. She said the county has three other economic development districts. We are just hearing about this. She noted that community organizer Bonnie Hauser had written a letter to the county commissioners, and the group had gathered 1,000 signatures for a petition using change.org. She asked Hillsborough to slow down, back up, and do some studies.

Sherrie Kinnison addressed the board. She is the sister of Randy Copeland and encouraged the board to rezone the land. She lives in Alamance County but operated a business in Hillsborough for 21 years. She chose Alamance County because taxes are about half what they are in Orange County. However, taxes are more here because Orange County regulates more, so the proposal will have better buffers and will be a well-operated facility, she said. She is confident that Orange County will operate as well as they can. It is hard to break up the family farm, but this land has not been in farming for years. Individual land owners do have the right to put land for sale, she said. Many of her cousins have livestock, but they are small farmers and it is supplemental income, she said.

Nita Hall Trembley addressed the board. She lives across U.S. 70. She has lived there since she was 5. She agrees with Michelle O'Neal and Jennifer Hall. Whether we make our living on this farm or not, this is my inheritance, she said. With the project of the jail, her grandchildren are scared. She doesn't want them to see razor wire. Also, U.S. 70 traffic is dangerous. A year ago, her mother was in a collision trying to pull out of a driveway. There is less resistance to where the jail is now. We don't want to be rezoned as something other than agricultural.

Dot Hall addressed the board. She lives across the road. Her husband quarried stone for Duke University. She would not like a prison across the road. She had no idea the property would be sold. Her husband worked this land with his father. She agrees with Michelle O'Neal and Jennifer Hall. We love our children and we don't want criminals across the road, she said.

Robert Trembley addressed the board. He shares the sentiments of his family and urged the board to reconsider the proposal. He can't believe this is the most cost-effective choice for Hillsborough and the county. He asked both to consider transportation costs for 100 years. He asked Blackwood for transportation costs. Blackwood said he didn't have any with him.

Laura Silvestri addressed the board. She owns property on Forrest Avenue and attended the neighborhood meeting about this project the previous week. She is a real estate agent who sells residential property. Her husband is a builder. They build and restore homes in the northwest quadrant of Hillsborough. She thinks this would be a tremendous waste of economic development. She said in a few more years, this is going to be prime property. She and her husband are building on North Nash Street. She shared that she and her husband have a child who broke the law and he is in prison. They have experience visiting him and the people hanging around the outside of the prison, bumming a cigarette, talking about how they can't believe their buddy got caught. It will draw that element, she said.

David Hall addressed the board. He has livestock adjacent to this property, and he owns property two parcels away from this one. He agrees with his family who are opposed to the rezoning. You say it's not feasible to build by the courthouse, but you built Weaver Street Market, the parking garage, and the library, he said.

Lisa Hall addressed the board. She said no trees are between her adjacent property and this property. She had horses on this property that's for sale until four years ago. She said the proposed development will affect her horses. She has horses that can't handle a lot of stress. She has a well. This is our inherited land. This is how we grew up. This is what we know.

Claudia Hall addressed the board. She said she is obviously on the side opposed to the jail. U.S. 70 already has traffic. She asked the board to reconsider the downtown area, which would also cut transportation costs.

Gail Riley addressed the board. She owns the trailer park on West Hillsborough Avenue. We urge that this not be done, she said. Trailers are considered low-income housing. Her 86-year-old mother is still living on Orange Heights Loop, where Riley grew up. There are five or six widows on Orange Heights Loop who raised families there. She thinks the community owes them better than putting the jail in their back yards. There is a lady with a house that is used as Section 8 Housing with three generations living under one roof. Down the street, there is a Latino family with three kids who play outside who shouldn't have to see a jail. It is rural residential because that is the way of life here, she said. She also pointed out that the new jail would not greatly increase the number of jail spaces. She doesn't think this is the right location for it.

William Riley addressed the board. He also owns the mobile home park. Since the county stated earlier that the northern part of the site is higher than the southern, he is concerned about the runoff. He is concerned about the tree barrier. We're talking about dead pines there, he said. In the winter, I can stand at the back and see to U.S. 70. They need to put a barrier there if they're going to build there. Also, he did not hear tonight about the road from West Hillsborough Avenue that would connect through to 70. Would that road be lit? That road would start directly where his property ends. He is the fourth generation who owns property in this area. He believes the county needs a new jail. He suggested moving it closer to Chapel Hill and Carrboro.

Dennis Justice said he agrees with Gail Riley.

Mike Holloway said he feels like he's among peers. How many people would want a commercial district business neighboring their property? Would want buses in and out? Traffic dispersing from the buses in and out? An accumulation of criminals neighboring their property? A sheriff's office neighboring? Additional lighting and traffic neighboring? He grew up on property along U.S. 70 there. He remembers trucks gearing down for the weight scales and now hears highway patrol cars rocket out of the DMV parking lot. Now the Sheriff's Office wants to move. I think our neighborhood has had enough of an inconvenience, he said.

Elizabeth Gardener said she was born here, too. She practiced law and criminal defense in Florida and believes Orange County needs a new jail. She lives on Jones Avenue in a house her parents built in 1954. Her family won't talk at a public hearing because they feel uncomfortable speaking publicly. She understands no one wants a jail. Is it economically smart to build a jail with only that much more capacity if we're going to spend this much money? In Palm Beach County, where she practiced law, the law enforcement used alternatives like satellite feed to eliminate traffic accidents and a sally port for pulling in. She owns a business in Chapel Hill. There's a lot of stuff that doesn't get done because of the shortage of police. Officers are busy driving to Hillsborough. She wonders about the cost effectiveness for Chapel Hill and Carrboro of transporting to Hillsborough. She hasn't heard anything about that. She said right now houses are selling like hotcakes. Bringing in the jail will reduce the price of homes in her area.

Barker thanked everyone for speaking and asked Hauth to speak to the process.

Hauth said the board can choose to close the hearing this evening. If the board chooses to close, the Planning Board will discuss this item March 15 and the Hillsborough Board of Commissioners will make a decision March 26. She reviewed that the reason speakers didn't swear in is that this is general purpose rezoning. Members of both boards need to look at the entire list that would fall under this proposed zoning. The owner could sell it to someone else. There is not an opportunity to put a condition of any type on this rezoning request. If it is approved, then there would be no further public hearings. Applicants would have to meet the standards in the ordinance. Staff cannot grant waivers. If any condition could not be met, it would have to go through the public hearing process to get access to a waiver.

Barker asked board members whether anyone had questions for staff.

Ferguson said hearing concerns of property value impacts, has there been impact on downtown properties or Beckett's Ridge or Cornwallis Hills? Hauth said not that's been brought to our attention. Ferguson asked about information regarding how many days it takes to sell a house in those areas. Hauth said we don't have that information.

Barker asked Town Attorney Bob Hornik if that information needs to come from expert testimony. Hornik said there are no specific legal standards for a legislative rezoning decision. Barker said a few people have spoken to that as part of tonight's public hearing.

Ferguson would want the turnaround cycle of properties in downtown, Beckett's Ridge, Cornwallis Hills, and Waterstone because of their proximities to the current jail and the state prison locations. Stevens said I don't think there is data like that. Ferguson said I don't want intuition.

Barker asked Hauth if someone were to compile that data and send it to staff could it be forwarded to the board members. Hauth said any information she received on or before March 7 could go in the packets.

Hornik reminded everybody that unlike a conditional use permit or special use permit where impact on property values is a legal standard, for legislative, it is not a legal standard. He is not saying it's not relevant information.

Bell said he had looked up more information about the jail. Since 1768, the jail has been at its current location or nearby. He said the town's population is going to double over the next 20 or 30 years; a location downtown is going to be difficult to sustain.

Sykes asked what portion of the site might contain a park-and-ride lot. Thompson said there has been some talk of park-and-ride, but there are no plans.

Stevens asked about the connector road. Thompson said we're in early schematics. Stevens said having a public road is a much bigger issue. Barker said that would appear at the site planning stage, which is not part of this process. Thompson noted a driveway through the site with a barricade on the West Hill Ave side is a possibility, but not a public road.

Barker asked Thompson to address Gardener's suggestions of satellite court hearings and a sally port. Thompson answered the county has a sally port and the new facility will have one. The jail offers satellite visitation. We don't see exponential traffic loads. Regarding rock mitigation, we have Geotech studies, and for a single-story facility, we're not planning to dig deeper than needed for utilities. We have to protect the wells.

Stevens said there was a question about bees. Would the agricultural center have gardens planted? Thompson answered there would be agricultural demonstration gardens. Stevens asked if they are likely to be organic. Thompson said yes. Ferguson asked how much of the land would be for the gardens. Whitaker said we are in early stages of design. I'm going to have to be vague for that purpose. He estimated an acre or more of formal and properly managed garden areas. He thinks there will be a lot of green space for bee habitat.

Czar asked how much of the site would be disturbed. It's 21 acres. Whitaker answered he would be surprised if the total impervious area was more than 40 or 45 percent.

Ferguson asked if 4-H would use the agricultural center. Thompson answered yes. Ferguson asked with livestock? Thompson said yes.

Wehrman said, talk about future expansions. Thompson said it is an expandable design.

Scott asked if the county has done studies splitting the agricultural center from the detention center. Thompson answered the county is going the other way, looking at more efficiency in collocating.

Planning Board Member Alyse Polly asked Thompson to review the other sites and why the county decided on this one. Thompson answered in 2010, the county got feedback from the state that the jail was obsolete. The county thought it had an agreement with the state to locate the new jail next to the prison on 5.8 acres. However, the state chose not to allow the county to use the leased land as collateral for the building loan. We then went to the downtown sites, the current facility and parking lot. Simultaneous to that, in March of last year, the Orange County Board of Commissioners asked staff to look for a site for the agricultural center. Thompson asked Mark O'Neal to find sites along U.S. 70, and the county chose these parcels because of their features.

Polly asked where within Orange County most arrests are happening. Thompson said keep in mind a detention center that is far from the court facility is not practical. The farther apart, the more expensive it

becomes. Blackwood said historically, the courts are in the county seat. Nobody in this room can honestly say they want this next to their house, including me. Blackwood said he is captain of the process. He doesn't get to pick the sites but rather focuses on the operational functions. To speak directly to the location, it is my preference operationally that we be in close proximity to the courthouse, he said. It's also my preference to move out of Hillsborough. Unfortunately, the families who talked tonight are impacted more than us. I get that.

Barker said so there is interest in seeing data on the areas with the most arrests. He is interested in transportation.

Johnston asked if this falls through, what's the county's fallback plan? Is there a second site? A distant second? Thompson said what I've told you is what we've studied. We don't have a second at this point.

Commissioner Evelyn Lloyd said she has gone on ride-alongs with the police and she has filled prescriptions for the jail and been to the magistrate's office. She knows it's time to find a new site for the jail. She said you've got the federal inmates, too, which you didn't bring up. About how many federal do you have versus local?

Blackwood said we will house federal inmates until the county tells me we no longer want to do that. We brought up the price per day to the second highest in the state. There are 30 federal to 70 local.

Ferguson said going back to the blasting, what is the likelihood that there will be blasting? To what extent? And where was the quarry? Hauth answered off West Hillsborough Avenue, closer to the railroad tracks. A Hall family member said some of the quarry was on his property.

Whitaker said the geotech survey has shown rock at shallow depths and deeper depths and he is thinking about how to avoid rock vertically and horizontally and to specify methods for a contractor. It could be blasting, ripping, or jackhammering. All those methods have pros and cons. The good news is it's on the spectrum that some can be ripped. If we have to blast, there will be specific limitations on the blasting intensity.

Ferguson said where I'm from, bedrock is at the surface and there was always blasting. How far away would it be felt? Whitaker answered the rock is predrilled, the blasting material is inserted, dirt or mats can be put on top, and it ends up being a series of dull thuds. It can be heard if listening for it, but it's not necessarily disruptive. The vibration level is the main thing you are concerned about.

Mike Holloway asked if it impacts footings and foundations. Thompson said they would be trying to avoid that. Czar said before blasting they would have to take pictures of the existing structures and check that the blasting isn't impacting them.

Whitaker said there is pre-blasting video that is taken of neighboring properties to use as a reference.

A member of the audience asked whether the county could create a soundproof buffer before this starts to protect the animals. Hauth said a soundproof buffer doesn't exist.

Thompson said he has established a dialogue with Billy Holloway and Jennifer Hall.

Hornik said because it is a legislative process, Hillsborough cannot impose conditions. Hillsborough would expect the county to do what it could to minimize the impact.

Lisa Hall said when there was blasting for a sewer line, she had to relocate a stallion to a different space. If this project were approved, she would have to relocate a horse and it would be costly.

Hall Trembley asked if the county would expand beyond 45 percent of the land. Stevens said the only question that we are answering is whether this is an appropriate zoning not whether they could expand.

Hall Trembley asked whether the property could be used as residential property if it is rezoned. Hauth answered no but someone could always apply to change the zoning back. If the sale falls through, the town could just decide to zone it back to what it was.

Motion: Sykes moved to close the public hearing. Czar seconded.

Vote: Unanimous

**ITEM #4: Future Land Use Plan amendment to add 84 acres (portions of 16 parcels) south of I-40 into the Urban Growth Boundary and designate the future land use as suburban office to be consistent with the Water and Sewer Management and Planning Boundary Agreement and Central Orange Coordinated Planning Agreement with Orange County. These parcels are outside the town's zoning jurisdiction**

Hauth reviewed that the Hillsborough Board of Commissioners voted a few months ago to extend the water/sewer boundary to these acres. The town and county placed a condition on the agreement that town and county needed to agree on the future land use for that area. The town is proposing the suburban office designation. These parcels are not currently in the town's zoning jurisdiction. The county has delayed its process of re-designating its future land use so the town could have this discussion first. The latest information from the county is Orange County would not rezone the property now but keep the zoning as rural residential. If the town and county don't agree on a future land use designation, then the boundary won't move.

Barker asked if anyone wanted to speak to this. No one did. Barker asked for any further questions. There was none.

Motion: Weaver moved to close the public hearing on this item. Ferguson seconded.

Vote: Unanimous

**ITEM #5: Rezoning request from Habitat for Humanity of Orange County to rezone 1.61 acres on Odie Street from residential-20 to residential-10 to match the surrounding zoning. OC PINs 9865-51-4040 and 9865-51-6149**

Hauth reviewed that Habitat for Humanity of Orange County has acquired a piece of property and is in the process of acquiring another. The nonprofit is working on redevelopment of Odie Street to build new houses for clients.

Sykes asked how many more affordable houses can be built with the rezoning. Hauth said two or three for each of those two parcels. Instead of 17, 24 or 25 could be built, taking advantage of other geometry.

Czar checked that the desire is to change lot lines and rezone. Hauth answered affirmatively. Barker confirmed there was no one in the audience to speak to this.

Motion: Ferguson moved to close the public hearing on this item. Sykes seconded.

Vote: Unanimous

**ITEM #6: Rezoning request from the Town of Hillsborough to remove the zoning boundary that crosses a parcel and zone the entire 14.39 parcel at 890 N.C .86 North as light industrial. OC PIN 9865-83-1888**

Hauth said the town is requesting to rezone this property so all the parcels are zoned light industrial. It would help with further development of the motor pool site. That area of town is designated for industrial in the Future Land Use Plan, so this is consistent.

Barker asked about green coloring on the map. Hauth answered that Duke Energy has plans for a future substation and that there is a home to the south. Barker asked for questions or concerns. There was none.

Motion: Ferguson moved to close the public hearing on this item. Sykes seconded.

Vote: Unanimous

**ITEM #7: Unified Development Ordinance text amendment to remove the use and definition for “low impact school” and add amend Section 5.2.45 to add spacing requirement of 2,000 feet for schools located within the economic development district.**

Hauth reviewed that many years ago, when Pinewoods wanted to locate on Millstone Drive, the town added a “low impact school” designation in the economic development district and limited to it to 100 students. Pinewoods wishes to expand. This amendment would eliminate the designation but add a requirement that schools within the economic development district must observe a spacing requirement. The Planning Board was not sure of the distances. If the amendment stipulates 2,000 feet, it’s unlikely that another school could locate on Millstone Drive.

Johnston asked about the range of years for the school. Cory Foy, chair of the board of directors for the school, answered the school has classes that serve children from 18 months through 8<sup>th</sup> grade. There is not room to expand to high school in the current space. There is enough room to add a single adolescent classroom. If the school did expand to high school, it would probably be capped at 10 kids. Johnston asked if the different ages count as different schools. Hauth said no, it’s one school.

Barker called for questions or concerns. There was none.

Motion: Ferguson moved to close the public hearing on this item. Sykes seconded.

Vote: Unanimous

**ITEM #8: Unified Development Ordinance text amendment to Section 6.18.6.1 to refer to the town code requirement for clear pedestrian passage in the location of sandwich board signs**

Hauth said with improvements made to downtown sidewalks, staff made modifications to the town code regarding keeping a clear path for the public. These modifications are in conflict with where sandwich boards were supposed to locate. This amendment will align the language.

Motion: Lowen moved to close the public hearing. Lloyd seconded.

Vote: Unanimous

**ITEM #9: Adjourn**

Motion: Lowen moved to adjourn at 9:50 p.m. Sykes seconded.

Vote: Unanimous

Respectfully submitted,

Margaret A. Hauth  
Secretary